

Committee:	Development Control			
Date of Meeting:	30 September 2020			
Subject:	10. 20/00908/FUL - Opto Village, 1-2 Spring Place and 4-16 Dumfries Street; 10a. 20/00909/FUL 21-25 Chapel Street; and 10b. 20/00910/FUL London Park House, 146-158 Park Street. This section of the report relates to 20/00908/FUL: Change of use from student residential (Sui Generis) to student residential and co-living with business/conferencing space (Sui Generis), together with ancillary facilities.			
Address:	10. Opto Village, Nos 1-2 Spring Place and 4-16 Dumfries Street, Luton; 10a. Nos 21-25 Chapel Street, Luton and 10b. 146-158 Park Street, Luton			
Applicant:	London Luton New Street Student Accommodation Ltd.			
Report Author:	Head of Development Management			
Contact Officer:	Graham Dore			
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety	<input checked="" type="checkbox"/>
	Equalities	<input checked="" type="checkbox"/>	Environment	<input checked="" type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input checked="" type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>
Wards Affected:	South			

Purpose

1. To advise Members of a current application for planning permission and to seek their decision.

Recommendations

2. It is recommended to the Committee:
 - (i) That the reasons for approval set out in this report are agreed;
 - (ii) That planning permission is granted, subject to the conditions set out below;
 - (iii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
 - (iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications):

Conditions ('Appendix 1')

- (01) Period of Consent;**
- (02) Implementation Strategy;**
- (03) Approved Plans and Documents;**
- (04) OMS;**
- (05) Occupancy Schedule; and**
- (06) Travel Plan.**

Background

The Site

3. The application site predominantly comprises a large provision of student accommodation located between Dumfries Street and New Street. In recent years, the student market has somewhat contracted and the take-up of rooms has declined. This has resulted in the unauthorised use of parts of the site as short-let guest accommodation.

Site History

4. The existing complex could be readily described as having been considered in three phases, cumulatively covering the vast majority of the land between Dumfries Street and New Street. Some Members may recall that the first application was submitted in 2014 (ref: 14/00078/FUL), with a second later that year (ref: 14/00945/FUL). The final section was granted planning permission in December 2016 (ref: 16/01253/FUL). Other site history, with the exception of minor variations to the approved schemes, is predominated by discharge of conditions applications.
5. As noted above, parts of the site have been tandemly utilised as short-let guest accommodation. The application constitutes a resubmission of a withdrawn application that sought to achieve retrospective planning permission for that activity (ref: 20/00438/COU).

The Proposal

6. Co-living is a relatively new and rapidly growing approach to residential accommodation. It comprises a partially shared form of living, ordinarily on a large scale and with many similarities to student accommodation in terms of the communities that it builds and the facilities that are provided. The key difference relates to the focus of the accommodation, with the emphasis taken away from education and study and shifted towards professional advancement and growth. When executed correctly, it offers an affordable and dynamic form of living environment that offers predominantly young people attainable independence and opportunity.
7. From none at all, there has been a considerable increase in interest for co-living accommodation in the past two years within Luton. Members may recall the application at St. Nicholas House last year, for which permission was granted. Other examples, predominantly in London, have resulted in exciting living environments that generate their own communities. The proposal before Members seeks to develop the idea further, identifying an opportunity unique to Luton to encourage the development of young people who wish to affordably come to/remain in Luton and develop both themselves and their ideas professionally through the exploitation of both Council initiatives and the existing partnerships of the Applicant.

8. The application seeks full planning permission for the change of use of the existing building to permit the use of all 560 bedrooms as both student accommodation and co-living accommodation, to account for swings in demand and to avoid the situation that has arisen by where unauthorised uses have been introduced to back-fill a lack of uptake as the student accommodation market has contracted. Rather than a traditional change of use, the scheme could be better described as a change in occupant status from student to resident. The flexibility of the two harmonious uses is necessary to allow for change in demand over the course of any given year.
9. There are no material external alterations to the existing building.

Committee:	Development Control		
Date of Meeting:	30 September 2020		
Subject:	20/00909/FUL: Change of use from student residential (Sui Generis) to student residential and co-living (Sui Generis).		
Address:	21-25 Chapel Street, Luton		
Applicant:	London Luton Student Halls Co Park Street Ltd.		
Report Author:	Head of Development Management		
Contact Officer:	Graham Dore		
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety <input checked="" type="checkbox"/>
	Equalities	<input checked="" type="checkbox"/>	Environment <input checked="" type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations <input checked="" type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other <input checked="" type="checkbox"/>
Wards Affected:	South		

Purpose

- 10.** To advise Members of a current application for planning permission and to seek their decision.

Recommendations

- 11.** It is recommended to the Committee:

- (i) That the reasons for approval set out in this report are agreed;
- (ii) That planning permission is granted, subject to the conditions set out below;
- (iii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications):

Conditions ('Appendix 2')

- (01) *Period of Consent;*
- (02) *Implementation Strategy;*
- (03) *Approved Plans and Documents;*
- (04) *OMS;*
- (05) *Occupancy Schedule; and*
- (06) *Travel Plan.*

Background

The Site

12. The application site comprises a predominantly six storey building providing for of student accommodation and located on the south-eastern side of Chapel Street, in close proximity to its intersection with Victoria Street. In recent years, the student market has somewhat contracted and the take-up of rooms has declined.

Site History

13. The building was granted planning permission in 2014 (ref: 14/00005/FUL).
14. Parts of the site have been tandemly utilised as short-let guest accommodation. The application constitutes a resubmission of a withdrawn application that sought to achieve retrospective planning permission for that activity (ref: 20/00436/COU).

The Proposal

15. Co-living is a relatively new and rapidly growing approach to residential accommodation. It comprises a partially shared form of living, ordinarily on a large scale and with many similarities to student accommodation in terms of the communities that it builds and the facilities that are provided. The key difference relates to the focus of the accommodation, with the emphasis taken away from education and study and shifted towards professional advancement and growth. When executed correctly, it offers an affordable and dynamic form of living environment that offers predominantly young people attainable independence and opportunity.
16. From none at all, there has been a considerable increase in interest for co-living accommodation in the past two years within Luton. Members may recall the application at St. Nicholas House last year, for which permission was granted. Other examples, predominantly in London, have resulted in exciting living environments that generate their own communities. The proposal before Members seeks to develop the idea further, identifying an opportunity unique to Luton to encourage the development of young people who wish to affordably come to/remain in Luton and develop both themselves and their ideas professionally through the exploitation of both Council initiatives and the existing partnerships of the Applicant.
17. The application seeks full planning permission for the change of use of the existing building to permit the use of all 87 bedrooms as both student accommodation and co-living accommodation, to account for swings in demand and to avoid the situation that has arisen by where unauthorised uses have been introduced to back-fill a lack of uptake as the student accommodation market has contracted. Rather than a traditional change of use, the scheme could be better described as a change in occupant status from student to resident. The flexibility of the two harmonious uses is necessary to allow for change in demand over the course of any given year.
18. There are no material external alterations to the existing building.

Committee:	Development Control		
Date of Meeting:	30 September 2020		
Subject:	20/00910/FUL: Change of use from student residential (Sui Generis) to student residential and co-living (Sui Generis), together with ancillary facilities.		
Address:	London Park House, 146-158 Park Street, Luton		
Applicant:	London Luton Student Halls Co Park Street Ltd.		
Report Author:	Head of Development Management		
Contact Officer:	Graham Dore		
Implications:	Legal	<input checked="" type="checkbox"/>	Community Safety <input checked="" type="checkbox"/>
	Equalities	<input checked="" type="checkbox"/>	Environment <input checked="" type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations <input checked="" type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other <input checked="" type="checkbox"/>
Wards Affected:	South		

Purpose

19. To advise Members of a current application for planning permission and to seek their decision.

Recommendations

20. It is recommended to the Committee:

- (i) That the reasons for approval set out in this report are agreed;
- (ii) That planning permission is granted, subject to the conditions set out below;
- (iii) That delegated authority is granted to the Head of Development Management to make minor alterations to the conditions following any Committee resolution to grant permission (should any be required);
- (iv) That following any grant of permission that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking either minor material amendments (Section 73 applications):

Conditions ('Appendix 3')

- (01) *Period of Consent;*
- (02) *Implementation Strategy;*
- (03) *Approved Plans and Documents;*
- (04) *OMS;*
- (05) *Occupancy Schedule; and*
- (06) *Travel Plan.*

Background

The Site

21. The application site comprises a three/four storey building providing for of student accommodation and located on the south-western side of Park Street, directly adjacent to its intersection with Bailey Street. In recent years, the student market has somewhat contracted and the take-up of rooms has declined.

Site History

22. The building was granted planning permission in 2011 (ref: 11/01407/FUL) and opened in 2014.
23. Parts of the site have been tandemly utilised as short-let guest accommodation. The application constitutes a resubmission of a withdrawn application that sought to achieve retrospective planning permission for that activity (ref: 20/00437/COU).

The Proposal

24. Co-living is a relatively new and rapidly growing approach to residential accommodation. It comprises a partially shared form of living, ordinarily on a large scale and with many similarities to student accommodation in terms of the communities that it builds and the facilities that are provided. The key difference relates to the focus of the accommodation, with the emphasis taken away from education and study and shifted towards professional advancement and growth. When executed correctly, it offers an affordable and dynamic form of living environment that offers predominantly young people attainable independence and opportunity.
25. From none at all, there has been a considerable increase in interest for co-living accommodation in the past two years within Luton. Members may recall the application at St. Nicholas House last year, for which permission was granted. Other examples, predominantly in London, have resulted in exciting living environments that generate their own communities. The proposal before Members seeks to develop the idea further, identifying an opportunity unique to Luton to encourage the development of young people who wish to affordably come to/remain in Luton and develop both themselves and their ideas professionally through the exploitation of both Council initiatives and the existing partnerships of the Applicant.
26. The application seeks full planning permission for the change of use of the existing building to permit the use of all 147 bedrooms as both student accommodation and co-living accommodation, to account for swings in demand and to avoid the situation that has arisen by where unauthorised uses have been introduced to back-fill a lack of uptake as the student accommodation market has contracted. Rather than a traditional change of use, the scheme could be better described as a change in occupant status from student to resident. The flexibility of the two harmonious uses is necessary to allow for change in demand over the course of any given year.
27. There are no material external alterations to the existing building.

Policy Implications

National Planning Policy Framework (NPPF, or the Framework)

28. The revised National Planning Policy Framework (NPPF, or the Framework) was published in June 2019 and replaces the previous NPPF (2012). It provides guidance as to how the government's planning policies are expected to be applied. The core principle of the revised Framework is a "presumption in favour of sustainable development". However, this does not change the statutory status of the development plan as the starting point for decision making. Planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.
29. Paragraph 38 of the Framework advises that local planning authorities should approach decision making in a positive and creative way and should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Discussions have taken place with the applicant following the requirement for the application to be determined by the Development Management Committee.

Planning Policy Guidance (PPG)

30. The guidance was published in March 2014 and has been maintained in support of NPPF policy.

Luton Local Plan 2011-2031

31. London Park House, 146-158 Park Street benefits from a housing allocation. The other two application sites do not have from any specific allocation within the Luton Local Plan 2011-2031. Relevant policies are, therefore, as follows:
 - *Policy LLP1 (Presumption in Favour of Sustainable Development)*: sets out a sustainable development strategy for the Borough;
 - *Policy LLP2 (Spatial Development Strategy)*: sets out the spatial development strategy;
 - *Policy LLP13 (Economic Strategy)*: establishes the economic strategy for Luton;
 - *Policy LLP15 (Housing Provision)*: as regards the development, relates to the provision of housing within the Borough;
 - *Policy LLP17A (Student Accommodation)*: sets out the Council's approach towards student accommodation;
 - *Policy LLP25 (High Quality Design)*: seeks to have development enhance the character of an area, respond positively to the local context, minimise adverse amenity implications, optimise a site, achieve adopted standards and create attractive and safe spaces;
 - *Policy LLP31 (Sustainable Transport Strategy)*: sets out the sustainable transport strategy and stipulates that development will be permitted where it minimises the need to travel, reduces congestion and provides sustainable transport choices;

- *Policy LLP32 (Parking)*: considers the parking requirements of development, stipulating expected provisions and highlighting the sustainability of Town Centre-proximate locations; and
- *Policy LLP37 (Climate Change, Carbon and Waste Reduction and Sustainable Energy)*: considers the climate change implications of development.

Consultation Responses

Technical Consultation

32. The application was notified to many technical consultees and no significant issues have been raised towards the development. Where appropriate and reasonable, these have been incorporated into the conditions as set out at 'Appendices 1, 2 and 3' and summarised above. The technical consultees, together with the responses received, are captured at 'Appendix 4' of this report.

Statutory Public Consultation: Opto Village, 1-2 Spring Place and 4-16 Dumfries Street

33. The application was notified to 47 properties, a site notice posted and a press notice issued. To date, one representation has been received. The issues raised are captured at 'Appendix 5' of this report.

Statutory Public Consultation: 21-25 Chapel Street

34. The application was notified to 28 properties, a site notice posted and a press notice issued. To date, one representation has been received. The issues raised are captured at 'Appendix 5' of this report.

Statutory Public Consultation: London Park House, 146-158 Park Street

35. The application was notified to 22 properties, a site notice posted and a press notice issued. To date, one representation has been received. The issues raised are captured at 'Appendix 5' of this report.

Planning Assessment

The Introduction of Co-Living Accommodation

36. The developments propose a hybrid combination of highly compatible 'stepped/follow-on' residential uses. Relating to both student accommodation and an emerging type of alternative affordable and sustainable housing, both Policies LLP15 and LLP17A are relevant to this application.
37. With regard to the loss of the 'pure' nature of the existing use, it is held evident that the loss of a solely student accommodation facility in this traditional sense is appropriate. The Council is aware of the significant contraction that has occurred in the market in recent years through the investigation of unauthorised uses, the increased vacancy of existing halls of residence and the spike in the number of applications seeking alternative uses. Together with the retention in part of this existing use, the loss of solely student accommodation is, therefore, considered to be acceptable.
38. All instances of former student accommodation coming forward for some form of redevelopment/recycling have resulted in different outcomes, with some being appropriate for demolition and redevelopment, others conversion and/or seeking a temporary consent for an intermediate period. In the instance of the application sites,

the buildings comprises new and significantly proportioned developments that are not appropriate for redevelopment so short into their life. They, therefore, fall to be considered as either a change of use or some form of temporary consent. The Council has significant concerns in relation to the latter, with the issue being that their remains considerable uncertainty surrounding the future demand of student accommodation within the Borough and that any form of temporary permission will require continuous visitation and review.

39. The schemes before Members have, therefore, sought to identify a use that can exist harmoniously with student accommodation on a flexible basis. The economic benefits of co-living in these locations are considered fully within the subsequent section of this report, and this is closely related to the sympathetic relationship that would be shared between the two uses. The submissions makes clear that the priority cliental would be existing occupiers of the student accommodation who have graduated. The introduction of a co-living use permits these individuals to remain in these familiar locations amongst their existing social network and look towards developing themselves as young professionals.
40. In identifying co-living as a viable alternate use, significant consideration has been granted to the appropriateness of various uses. As new buildings, it is not feasible to introduce traditional market housing at the sites. They were designed and built as and *are* student accommodation. Notwithstanding this, traditional market housing (flats) comes with many other tangible considerations, such as a significantly increased provision of parking. The question of having market accommodation and student accommodation within the same building is also an additional safeguarding concern. The use of the site as short-let guest accommodation is an unsustainable solution that would require continuous additional consideration and, given the cumulative proportions of the buildings, would significantly implicate the existing guest market within the Borough.
41. The failure to identify alternative uses for the buildings would not have resulted in the issue disappearing, serving only to perpetuate considerable vacancy. For that the reason, Officers have worked closely with the Applicant to bring forward schemes that would sustainably resolve the existing situation and bring a swift cessation to the prevailing unauthorised uses. It is noted above how student accommodation, readily transitioning to co-living accommodation based upon changing demand, is considered to be highly compatible. In finally addressing the built constraints in this regard, the appropriateness of the tandem uses is considered to be best-exemplified physically by the lack of need to implement any significant internal alterations to accommodate the change in any of the three sites. For the purposes of the character and functionality of the surrounding areas, this results in their being no material harm having been identified.
42. Overall, it is considered that the proposals comprise a readily-workable and sustainable solution that would both quickly cease the existing issues surrounding the unauthorised use of the sites and greatly assist in alleviating the pressures surrounding student accommodation within the Borough. No conflict is, therefore, reported in relation to Policies LLP15 or LLP17A of the Luton Local Plan 2011-2031.

Inclusive Growth

43. The three application sites support more than the provision of student and alternative residential accommodation, proposing to establish a business hub at Opto House/Spring Place for the utilisation of residents, but also to support existing businesses and residents within Luton.

44. The proposals seek to offer residents the opportunity to develop ideas into start-up businesses and it is anticipated that a large proportion of take-up of accommodation in a co-living arrangement would be through recent graduates looking to stay in Luton to build upon their local experiences and exploit the many opportunities on offer. The Applicant benefits from a prevailing relationship with the University of Bedfordshire and the schemes represent a commitment to the enhancement of this existing partnership. Ties to the University represent just one of a number of relationships and partnerships that would be open to future residents of the sites to enjoy and a key tenet of the proposal relates to the introduction of young people to an accessible network of businesses and professionals who can offer support, as well as experience and opportunity.
45. The LPA has introduced the Applicant to the Council's Economic Development Service to explore opportunities of partnership working and to rationalise these into existing and emerging Council strategies for training, development and inclusive growth; providing opportunity where it would not otherwise have existed. Through these discussions, a 'Collaboration Document' has been jointly prepared and submitted in support of the planning application. The document identifies the Applicant as initially partnering with the following Council initiatives to encourage the growth of business and entrepreneurial pathways:
- 'Passport to Employment';
 - 'Construction Skills Hub'; and
 - 'Luton Youth Council'.

Further identified as relevant are:

- South East Midlands Local Economic Partnership (SEMLEP);
 - 'Luton 2040' vision; and
 - 'Luton Council Careers Hub'.
46. Through the introduction and continuous growth of these programmes, partnerships and unexploited opportunities, the cumulative effort could result in Luton retaining young talent that would otherwise be lost following graduation. Beyond young people, the schemes also seek to establish additional affordable business and conferencing space at Opto House/Spring Place and London Park House for the use of existing businesses within Luton, thereby supporting other avenues for growth, training and employment. Together, it is considered that the developments comprise a unique opportunity to bring forward considerable economic benefit and inclusive growth.
47. Policy LLP13 establishes the Council's Economic Strategy, however, additional to this is the Council's 'Luton 2040' vision. First and foremost remains the recovery from the economic implications of the Coronavirus Pandemic, however, the strategy establishes principles to which the proposal is considered to be well-aligned. These are identified as follows:
- *private sector businesses, employment and training providers will work together to protect jobs and help people access employment and skills support needed to get back into work;*

- *the impact of COVID-19 presents a clear opportunity to reform our local economy to be more inclusive and sustainable so all of our residents, as well as our environment benefit from economic growth in future;*
- *we will bring forward the work of our inclusive economy strategy with the aim of growing our economy to provide more high-value and well-paid jobs;*
- *we will focus on growth in key sectors, including the airport and green businesses;*
- *we will work together to help more of our residents to access the opportunities created in our transformed economy; and*
- *employer's and training providers will work in partnership with the council to give people the skills and support to access good jobs and to meet the needs of emerging sectors in our economy.*

Renewal and Revitalisation

48. Prior to the Pandemic, there was significant concern relating to the future of Luton Town Centre, where high street retail is suffering and alternative opportunities are required. The current circumstances have only served to heighten these pervasive issues. One key way in which sites not situated within identified centres can support this process of revitalisation is to seek to introduce dynamic forms of development that provide for sustainable service-reliant uses that offer a continuous injection of spend. The proposals would result in the maximisation of the use of the sites and provide a reliably intensive form of accommodation whose residents would be reliant upon the services offered by the adjacent town centre.
49. For the reasons provided within the preceding paragraphs, it is considered that the developments provide an excellent opportunity to both support the existing economy within Luton and introduce an unprecedented growth stream to support and capture future economic development and opportunity.

Climate Change

50. Policies LLP1, LLP25 and LLP37 all recognise the significance of climate change and the desperate need to ensure that new development delivers upon its obligation to protect the environment for future generations. This principle is fundamental to the core thread of sustainability that runs through Sections 2, 12 and 14 of the NPPF.
51. The schemes solely relate to a change of use of an existing buildings and so there is no tangible opportunity to retroactively achieve climate change mitigation enhancements. That is not to suggest, however, that the developments do not support the Council's agenda in pursuance of having declared a climate change emergency. The resultant sites would provide for sustainable forms of accommodation that place reliance upon Luton Town Centre and sustainable modal choice rather than the private vehicle. In this regard, the scheme comprises a sustainable form of development with an operational model that recognises the importance of 'the local'.

Site Security

52. The existing developments are furnished with comprehensive site security arrangement. To mitigate for additional implications associated with the variance in the use of the sites, additional measures have been outlined in support of the applications within the submitted 'Occupation and Management Strategies' (OMS).

53. The submission for each is comprehensive and accounts for CCTV, 24/7 on-site security and access arrangements, together with concierge and emergency contact and well-being services. The documents also directly address the additional use of non-residential parts of the buildings by non-residents in Opto House/Spring Place, proposing a guest sign-in system and making use of all existing security processes and systems.
54. Whilst the schemes have attracted an objection from Bedfordshire Police, the submitted details account for all reasonable steps that could be taken. The predominant concern relates to the victimisation of students, however, through proper implementation of the above-summarised strategies, it is considered that the scheme properly and responsibly accounts for all conceivable eventualities related to the sites and implies a strong commitment towards resident support and duty of care.

Property Safety and Management

55. In addition to matters of site security, the above-mentioned OMSs also comprise comprehensive property management documents that build upon the existing use of the buildings to provide a robust approach to the operation of the respective developments. Whilst addressing inward implications of development (cleaning, refuse management, etc.), the OMSs also provide for external care and contact through the implementation of a 'Community Liaison' process targeted at swiftly identifying and resolving any detrimental impacts related to the operation of the uses.
56. The adopted approaches are considered to be thorough and well-founded in practice and experience and, therefore, acceptable. A condition to ensure that the sites operate only in strict accordance with the details contained within the OMS is recommended.
57. Bedfordshire Fire and Rescue have provided comments in relation to Opto House/Spring Place and note the requirement to provide for hydrants and sprinkler systems within that property. It is noted, however, that the development exists and approved systems are already in place. The supporting information for each application makes clear that these are regularly reviewed and tested. These details are secured by condition along with the rest of those documents.

Living Environment for Future Occupiers

58. Significant weight is attributed to the quality of the living environment that is to be provided to future occupiers of any development and this requirement is brought forward through the relevant criteria of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031, together with Sections 2 and 12 of the NPPF.
59. The existing developments are designed to accommodate students during their time of study and the co-living aspect of the proposal is here interpreted as a continuation of that form of residence. All three developments provide quality living accommodation and ancillary facilities, such as gyms, are well-served by communal external spaces manifested as terraces and gardens. Being directly adjacent to the town centre and thereby benefitting from access to all of its services, it is considered that the development is well-suited to the uses that are now proposed.
60. By reason of the foregoing, it is considered that the resultant living environments for existing and future occupiers would be acceptable, in accordance with Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 and the objectives of Section 12 of the Framework.

Amenities of Adjoining Occupiers

61. The change of uses do not include any material external alterations and, therefore, no light or visual implications traditionally associated with development are anticipated at any of the three sites. The consideration of the schemes in relation to adjoining occupiers is, therefore, principally related to other ambient considerations, such as noise and disturbance.
62. To that, it is first noted that the proposals would not result in the significant intensification of activity taking place at the site. The number of rooms would not be increased and, though the accommodation offer would be varied, the predominant target population would be similar and the operation of the development, in terms of comings and goings, near-identical.
63. The appropriateness of the location of the developments is settled by virtue of their existing nature and the point of issue is, therefore, whether the change in occupation of the sites represent a material change that would adversely impact upon the living environments of surrounding properties. In this regard, it is noted that no objection to the schemes concerning neighbour impacts has been received by the Council.
64. Together with the successful implementation of the submitted management plans, which have been assessed within a previous section of this report and shall be monitored through the lifetime of the scheme, it is considered that the developments would not result in material harm to either any adjoining occupiers or the wider areas.

Parking and Highway Implications

65. It is the similarity found between student and co-living accommodation that is crux of the proposal and, therefore, it is not considered that the change in use would result in any material implications for parking or the surrounding highway network. To that, it is noted that the Local Highways Authority has accepted the findings of the submitted transport statements and has raised no objection to the developments. No conflict with Policies LLP1, LLP31 or LLP32 has, therefore, been identified.

Concluding Remarks

66. An important consideration is that the proposals would bring to a swift conclusion the unauthorised use of the sites as short-let guest accommodation. Officers have, however, worked closely with the Applicant to identify solutions that not only bring a close to the untenable existing situation, but one that enhances the use of the sites and closely aligns the development to the ideals of affordability, growth and opportunity established by the 'Luton 2040' Vision.
67. For this, together with those reasons as set out within the preceding sections of this report, it is considered that the proposals comprise an acceptable and sustainable form of development that would result in significant benefit. On that basis, conditional approval of the application is recommended.

Appendices

- Appendix 1: Conditions and Reasons (ref: 20/00908/FUL)
- Appendix 2: Conditions and Reasons (ref: 20/00909/FUL)
- Appendix 3: Conditions and Reasons (ref: 20/00910/FUL)
- Appendix 4: Technical Consultation Responses
- Appendix 5: Public Consultation Responses

List of Background Papers – Local Government Act 1972, Section 100D

- 68. Luton Local Plan 2011-2031
- 69. National Planning Policy Framework (*NPPF, or the Framework*)
- 70. National Planning Practice Guidance (*NPPG*)
- 71. 'Luton 2040' Vision

Determination of Planning Applications

- 72. The Council is required in all cases where the Development Plan is relevant, to determine planning applications in accordance with policies in the Development Plan unless material considerations indicate otherwise.

Human Rights Act 1998

- 73. The determination of the application which is the subject of this report is considered to involve the following human rights:
 - 1. Article 8: Right to respect for private and family life; and
 - 2. Article 1 of the First Protocol: Protection of Property.
- 74. The report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the Convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and balances the needs of the Applicant with the protection of the rights and freedoms of others in the public interest.

Section 17: Crime and Disorder Act 1998

- 75. In reaching the recommendations set out in this report, due regard has been given to the duty imposed upon the Council under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area.

Equality Act 2010

- 76. In reaching the recommendation set out in this report, proper consideration has to be given to the duty imposed on the Council under the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by that Act; to advance equality of opportunity and to foster good relations between persons who share relevant protected characteristics and persons who do not share it. The protected characteristics under the Act are a person's age, sex, gender assignment, sexual orientation, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief. In this case, no disproportionate effect on people with protected characteristics has been identified.

Conditions and Reasons (20/00908/FUL)

- (01) *The development hereby permitted shall be begun not later than the expiration of six months beginning with the date of this permission.*

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

- (02) *The development hereby permitted shall proceed only in strict accordance with the submitted 'Implementation Strategy' (ref: **DC01**). Within one month of the commencement of the use hereby permitted, confirmation of the successful implementation of the agreed strategy shall be submitted in writing to the Local Planning Authority for approval.*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (03) *The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan and document numbers: **DC01, DC02, DC03, DC04, DC05, DC06, 140 REV M, 141 REV N, 142 REV N, 143 REV N, 144 REV Q, 145 REV N, 147 REV R, 150 REV M, 151 REV J, 152 REV J, 153 REV J, 154 REV J, 155 REV J, 156 REV N, 210 REV D, 211 REV D, 212 REV E, 213 REV E, 215 REV E, 216 REV D, 217 REV F, 218 REV F, 219 REV D, 220 REV C, 221 REV F, 222 REV D, 224 REV E, 225 REV D, 226 REV D and LP REV E.***

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (04) *The development hereby permitted shall be operated only in strict accordance with the submitted 'Occupancy and Management Strategy' (ref: **DC03**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers.

- (05) *The development hereby permitted shall be occupied only in strict accordance with the submitted 'Occupancy Schedule' (ref: **DC02**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers.

- (06) *The development hereby permitted shall be operated only in strict accordance with the submitted 'Travel Plan' (ref: **DC04**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and in the interests of sustainability.

Conditions and Reasons (20/00909/FUL)

- (01) *The development hereby permitted shall be begun not later than the expiration of six months beginning with the date of this permission.*

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

- (02) *The development hereby permitted shall proceed only in strict accordance with the submitted 'Implementation Strategy' (ref: **DC02**). Within one month of the commencement of the use hereby permitted, confirmation of the successful implementation of the agreed strategy shall be submitted in writing to the Local Planning Authority for approval.*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (03) *The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan and document numbers: **DC01, DC02, DC03, DC04, DC05, DC07, 200 REV B, 210 REV N, 211 REV Q, 212 REV M, 213 REV L, 214 REV M, 215 REV M, 216 REV O and 22 REV P.***

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (07) *The development hereby permitted shall be operated only in strict accordance with the submitted 'Occupancy and Management Strategy' (ref: **DC05**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers.

- (04) *The development hereby permitted shall be occupied only in strict accordance with the submitted 'Occupancy Schedule' (ref: **DC03**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers.

- (05) *The development hereby permitted shall be operated only in strict accordance with the submitted 'Travel Plan' (ref: **DC04**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and in the interests of sustainability.

Conditions and Reasons (20/00910/FUL)

- (01) *The development hereby permitted shall be begun not later than the expiration of six months beginning with the date of this permission.*

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

- (02) *The development hereby permitted shall proceed only in strict accordance with the submitted 'Implementation Strategy' (ref: **DC01**). Within one month of the commencement of the use hereby permitted, confirmation of the successful implementation of the agreed strategy shall be submitted in writing to the Local Planning Authority for approval.*

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (03) *The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan and document numbers: **DC01, DC02, DC03, DC04, DC05, LP, 200 REV D, 210 REV E, 211 REV P, 212 REV H, 213 REV H, 214 REV G, 230 REV A, 231 REV A and 232 REV A.***

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.

- (08) *The development hereby permitted shall be operated only in strict accordance with the submitted 'Occupancy and Management Strategy' (ref: **DC02**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers.

- (04) *The development hereby permitted shall be occupied only in strict accordance with the submitted 'Occupancy Schedule' (ref: **DC04**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and to provide a safe and acceptable living environment to future occupiers.

- (05) *The development hereby permitted shall be operated only in strict accordance with the submitted 'Travel Plan' (ref: **DC03**).*

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of the surrounding area and in the interests of sustainability.

Technical Consultation Responses

- **Bedfordshire Police:** Concern raised in relation to the victimisation of students.
- **LBC Highways:** Findings of the submitted transport statement are accepted. No objections.
- **LBC Environmental Protection:** No comments received. Any comments shall be reported at the Meeting.
- **Bedfordshire Fire and Rescue:** Objects in relation to provision of hydrants and sprinkler systems at Opto House/Spring Place, Dumfries/New Street.
- **LBC Waste Management:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Housing:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Economic Development:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Libraries:** No comments received. Any comments shall be reported at the Meeting.
- **LBC Museums:** Contributions of £5,000 requested for each development for further restoration of buildings within the Hat District to provide additional skills and cultural space. *(Note: contributions are not applicable to these planning applications by reason of the mixed/hybrid nature of the proposals).*
- **LBC Parks:** No comments received. Any comments shall be reported at the Meeting.

Public Consultation Responses

- **Issue: Enforcement of the proposed uses.**
 - *Officer Consideration: The applications propose 'sui generis' uses that are readily identifiable and, therefore, any breach of planning control will be apparent.*
- **Issue: Bookings for short-let accommodation remain advertised online.**
 - *Officer Consideration: The Applicant has confirmed that the contracts for short-let accommodation have been terminated. In any event, the schemes would result in the cessation of the unauthorised uses.*
- **Issue: Enforcement action not taken.**
 - *Officer Consideration: Not material to these planning applications.*
- **Issue: Scepticism of the implementation.**
 - *Officer Consideration: Aspersions surrounding applicants is not a material planning consideration.*