

APPLICATION NO: 12/01218/FUL
PROPOSAL: DEMOLITION OF EXISTING GARAGES AND ERECTION OF 6 TWO BEDROOM FLATS AND 2 ONE BEDROOM FLATS WITH ASSOCIATED CAR PARKING AND LANDSCAPING.
LOCATION: THRICKNELLS CLOSE GARAGE BLOCK, THRICKNELLS CLOSE.
APPLICANT: MR. H. BAXTER, LUTON COMMUNITY HOUSING LTD.
WARDS AFFECTED: NORTHWELL

RECOMMENDATION

APPROVE

1. Subject to the following conditions:

- (01) The development hereby permitted shall be begun not later than the expiration of three years 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) No works or development shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been approved in writing by the Local Planning Authority, and all grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with those details and at those times. Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan.

- (03) All planting included in the scheme submitted in compliance with Condition No. 2 of this permission and approved by the Local Planning Authority shall be carried out by a date not later than the end of the full planting season immediately following the completion of that development. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan.

- (04) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, for its permitted use. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan.

- (05) Samples of the materials to be used in the construction of the external appearance of the development hereby permitted shall be submitted to and approved by the Local Planning Authority before the development is commenced.**

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and H2 of the Luton Local Plan.

- (06) Before the development hereby permitted is commenced, the developer will complete a desktop study to establish whether the site is potentially contaminated. The desktop study shall be submitted to the Local Planning Authority for consideration in consultation with the Environment Agency and the Council's Environmental Health Service and no development shall take place**

on the site until the Local Planning Authority has formally discharged this condition.

Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.

- (07) Pursuant to the satisfactory discharge of condition 6 and, if the desktop study required by that condition has so indicated, an intrusive soil investigation shall be undertaken to assess the degree and nature of any contamination present, and to determine its potential for pollution of the water environment and risk to other receptors via a qualitative risk assessment. The method and extent of the investigation shall be agreed with the Local Planning Authority in consultation with the Environment Agency and the Council's Environmental Health Service beforehand and the investigation shall be undertaken prior to the commencement of the development.

Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.

- (08) Subject to the result of the studies required by conditions 6 and 7, if required a remediation strategy setting out a timetable of works and the proposed means of dealing with any contamination on site, including provisions for monitoring any specified actions and validating the outcomes, shall then be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency and the Council's Environmental Health Service before the development commences. The development shall then proceed in strict accordance with the approved remediation strategy.

Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.

- (09) Following completion of remediation works if required, the developer should submit a Verification Report to the Local Planning Authority for approval. The Verification Report should provide confirmation that all measures outlined in the approved

Remediation Strategy have been completed including where appropriate validation testing.

Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.

- (10) If during development contamination not previously identified is found to be present at the site, no further development shall be carried out. An investigation and risk assessment should be undertaken and where remediation is necessary a Remediation Strategy must be submitted and approved by the Local Planning Authority.

Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions and the proposed use, and to prevent pollution risk to receptors. To accord with the objectives of Policies LP1 and ENV14 of the Luton Local Plan.

- (11) The windows in the northern elevation of the development hereby permitted shall be of a fixed type except at top vent level and glazed with obscure glass for so long as the development hereby permitted remains in existence.

Reason: To protect the amenities of neighbouring properties. To accord with the objectives of Policies LP1 of the Luton Local Plan.

- (12) 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 numbers 01, 02, 03, 04 and 05.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9, ENV10 ENV14, H2, MF1, IMP1, T3 and T13 of the Luton Local Plan.

- (13) A management plan, including management responsibilities and maintenance schedules, for all internal and external shared/common areas of the development shall be submitted to and approved by the Local Planning Authority prior to the first occupation of the development hereby approved. The management plan shall be carried out in full as approved.

Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan.

REPORT

INTRODUCTION

2. Single storey derelict garage block surrounded by green space located at the entrance to Thricknells Close. Wauluds Bank Drive marks the western boundary, Little Wood Croft abuts the sites' southern boundary and Thricknells Close highway is to the east. To the north is residential accommodation. There is a significant and steep fall in land level from Wauluds Bank Drive to the garage block. There is also a tree located by the junction of Wauluds Bank Drive and Little Wood Croft.
3. The surrounding area is primarily residential with a mixture of dwellings, townhouses and flat units. Most buildings do not extend higher than three storeys.
4. The application seeks permission for the erection of a two/three storey building to contain eight flat units consisting of six, two bedroom flats and two, one bedroom flats. The proposed works also involve parking, a cycle store, bin store, boundary treatment and landscaping. All the units will be affordable rent accommodation.

LUTON LOCAL PLAN ALLOCATION

5. Marsh Farm Residential Area.

POLICY IMPLICATIONS

6. LP1, ENV9, ENV10 ENV14, H2, MF1, IMP1, T3 and T13.

PREVIOUS HISTORY

7. No recent planning application history but pre-application advice was written on 30th April 2010. The advice stated that residential development is likely to accord with national and local policy but no comprehensive advice could be given due to the limited details provided at that time.

TECHNICAL CONSULTATIONS

8. Affinity Water – No response received.
9. Children & Learning - There is increasing pressure on primary school places across and new housing developments which may reasonably be expected to yield school age children. This development falls into the catchment area of

Waulud Primary School. Two neighbouring schools have or are in the process of expanding to cope with increasing demand. It is reasonable for this development to make a contribution to education which would support one of the projects at a local school.

10. The large cohorts currently in the primary sector will start to impact on the secondary sector over the next few years. The Council is working to ensure that school places will be available and it is fair that new developments, which are exacerbating the problem, should make a contribution towards the provision of additional places. A contribution of £34,666 is therefore requested.
11. Environmental Protection – The proposed use would be vulnerable to the presence of contamination and therefore an appropriate Phase 1 report, or desktop study, will need to be submitted. If the Phase 1 report indicates contamination is or may be present, a Phase 2 intrusive soil investigation should be undertaken and submitted prior to the commencement of the development.
12. If during development contamination not previously identified is found, an investigation and risk assessment should be undertaken and where remediation is necessary a Remediation Strategy must be submitted and approved by the Local Planning Authority. Following completion of remediation works, the developer should submit a Verification Report to the Local Planning Authority for approval.
13. Fixed Assets - Investigated the financial position of the developer, Luton Community Housing (LCH) and review of the spreadsheet showing a cash flow of all their receipts and costs. Confirms that the development would be loss-making for LCH for many years, until inflationary increases in rents bring the cash flow back into equilibrium (after 30 years allowing for inflation at 2.5% per annum in rents) It must be doubtful whether LCH would proceed with the scheme if a Section 106 contribution at the requested level was sought from them in this case.
14. Highway Authority – No major highway implications. However a large part of the site is an adopted public highway. While the Highway Authority has no objection to the necessary areas of highway being stopped up, the applicant's are themselves required to pursue the stopping up under the Town and Country Planning Act 1990.
15. Triangular pedestrian visibility splays of 1.8 metres by 1.8 metres with no obstruction greater than 0.6 metres in height must be provided on either side of any new access.
16. Libraries – No response received.
17. Museum- No response received.

18. Parks – No response received.
19. Police – No response received.
20. Street Numbering – No response received.
21. Thames Water - There are public sewers crossing or close to the site. To protect public sewers and to ensure that Thames Water can gain access for repair and maintenance, Thames Water approval should be sought where a building, extension or underpinning work would be over the line or be within 3 metres of a public sewer.
22. Waste Management - The level of Section 106 contribution requested having regard to the adopted Supplementary Planning Document on Planning Obligations is £600.00.

NEIGHBOUR CONSULTATIONS

23. Thirty-nine neighbours notified and a Site Notice has been issued. At the time of writing no representations have been received.

MATERIAL PLANNING CONSIDERATIONS

24. The material planning considerations relate to policy, viability, street scene impact, effect on adjoining occupiers and uses, design, standard of living accommodation and the provision of car parking and traffic.

POLICY

25. Policy H2 sets out the Local Plan's approach for new residential development. It states residential development on sites not allocated for housing should be permitted if the site is on previously developed or underused land, it would not result in the loss of use for which there is a local need, there would be no adverse effect on the environment or it will result in an environmental gain and there is good access to local facilities and transport. The accommodation must also meet the design and layout requirements set out in Appendices 2 and 3 of the Local Plan.
26. The application site is derelict vacant garage block currently therefore the site can be considered as being a previously developed and underused site. Since the garage block is not in use it can be drawn that there is no need or demand in this location. As such given the garages dilapidated state the sites' redevelopment would be considered to be an environmental improvement visually on the immediate and surrounding environment. The site is within walking distance of local facilities in Marsh Farm and is also situated on a bus route (on Wauluds Bank Drive), therefore it is within a sustainable location.

27. Policy MF1 states that consent will be granted for developments that provide residential units which complement the function and character of the area and provides infrastructure and open space provision that allows the area to function effectively and efficiently. It is considered that the development as proposed meets these objectives
28. Policy IMP1 is concerned with financial contributions provided by developments and is read in conjunction with the Supplementary Planning Document on Planning Obligations (SPD) adopted in November 2007. In accordance with the provisions of the SPD a total of £35,266 was requested to contribute towards education (£34,666) and Waste Management (£600) needs.

VIABILITY

29. When assessing a request against the adopted SPD, it is clear that it contains some flexibility in its approach and that it has the capacity to accommodate variations in the level of contribution required. With regards to cases such as this one, where the developer is claiming that the economics associated with the proposal are such that they cannot provide the requirements, the document states that it is down to the Council to make the decision on whether development is unacceptable in terms of its impact both on the site and the surrounding area. However the document does allow for development to progress without the benefit of financial contributions if, for example, there are other benefits associated with the development which can be obtained.
30. The fundamental benefit that would be accrued from the development of this site is the opportunity for the delivery of much needed affordable rented dwellings to add to the town's existing housing stock and this has been strongly supported in discussions with the Council's Housing Policy Officers. The principal issue that needs to be addressed is the extent to which the benefits accruing there from are sufficient to justify the setting aside the need to make the required financial contributions in this instance.
31. Members will be aware that the SPD was introduced in order to counter potential deficits in existing infrastructure across the town caused by new developments. The Council Services who would stand to lose funding for infrastructure improvements would be Children and Learning and Waste Management and it has to be acknowledged that there is a significant shortfall of finance available to meet the current requirements to improve and expand the existing schools for all levels.
32. The applicant has provided a financial viability appraisal in support of his application and this stated that the scheme will become unviable if the developers are required to pay the contributions required by the SPD. A spreadsheet setting out the developments costs' has been submitted and the Council's Fixed Assets team have reviewed this information and have confirmed the development is unlikely to be able to be constructed if the required contributions are made. They have confirmed that all of the

assumptions concerning the costs of development, costs of financing and the affordable rents which they will achieve appear to be realistic. The assumptions concerning bad debts are modest and the financial position would be worse if a higher level of bad debts is realistically assumed. This is after allowing for the transfer of the site to them at nominal cost only and after allowing for the Council's capital contribution to the scheme amounting to £160,000 from the Commuted Sums received in respect of the provision of affordable housing.

33. It is acknowledged that not seeking the required contributions from this development will result in the strain on local education and waste management provision however, this scheme will provide for 8 much needed affordable rented residential units. As stated above the development is supported by the Councils Housing team who have made a financial contribution from the commuted fund scheme. Clearly the scheme does offer benefits in terms of provision of affordable rented accommodation and improving the physical environment of this site. As such it is considered that there is sufficient justification for setting aside the need to make the required financial contributions in this instance.

STREET SCENE IMPLICATIONS

34. The surrounding area consists of dwellings, townhouses and small flat blocks of similar/uniform design. Although the proposed development will be different to the existing, fairly uniform built form, it is traditional in terms of its scale and form and will not have a detrimental impact on the appearance of the wider area. The variation in design will provide relief from the more uniform three storey flat immediately adjacent. There are similar instances of infill development within the locality with the development at Wauluds House, approved in 2009, which contrasts from the general design in the area.
35. The area around the junction of Little Wood Croft and Wauluds Bank Drive is very spacious with open spaces and low buildings either side of the junction. The development as proposed at two to three stories and enclosed by fencing and hedging will inevitably erode some of that sense of spaciousness. However the development has been designed so that the element nearest to the entrance is reduced in height to allow some sense of space to remain and in conjunction with the general openness of the area, the visual harm of loss of open space will be mitigated. The proposed development will also sit on the sites lower land level and will be set back from Wauluds Bank Drive which will further reduce its visual impact.

IMPACT ON ADJOINING OCCUPIERS

36. Nos. 3, 7, 9, 13 and 15 Thricknells Close are located within a three storey block of flats adjacent to the application site. The flank elevation of the building contains two habitable room windows on each floor that face the development. Although the proposed development will be visible from these windows and it will have some impact on the level of light accessing them,

there will be a distance of between 9 and 12 metre spacing between the windows and proposed development. The offset relationship and that the windows will have an interrupted view to the west and for the flats nearest the road frontage the south-west, the impact in terms of loss of light and view is considered acceptable. The only exception is to a ground floor window within the flats that will be 1.8 metres distance from the rear elevation of the proposed cycle store. Given this limited distance and orientation light and view will be restrict from the south/southeast. However, due to the openness to the west and northwest, the impact on this window is considered acceptable.

37. Within the flank elevation facing the adjoining flats there is a small secondary window in each of the bedrooms these will be fitted with obscure glazing and high level restricted openings thereby removing any opportunity for overlooking and resultant loss of privacy.
38. The rear elevation windows of the existing building are set a considerable distance, approximately 5.5 metres, from the flank elevation which together with the orientation of the rear elevation and proposed flat block reduces the impact of the development on this elevation of this building. The cycle and bin stores will be very close to the boundary wall that encloses the flank of the existing flats' amenity area. The boundary wall is approximately 1.8m high and will screen the majority of the bin and cycle stores leaving just the roof (approximately 1 metre) unscreened.
39. Having regard to the location and characteristics of the development in relation to any other property, the proposed development will not significantly detrimentally affect any other property.

DESIGN AND LIVING STANDARD

40. As noted above the proposed flat block design does differ from the general design in the locality. The staggered appearance provides some interest to the building and the reduced height at the southern end of the block reduces the impact of the build form on the entrance to Thricknells Close thereby retaining some of the sense of openness.
41. In terms of the living accommodation provided, the flats are of a sufficient size with all rooms having a suitable outlook and access to light. Both the one bedroom flats bedrooms will share some of its internal wall with the kitchen of another flat. Although this is not ideal, given the limited amount of the wall that is shared, and that a double skinned wall is shown it is considered acceptable. The scheme as proposed is considered to deliver accommodation of an acceptable standard.
42. The existing Cherry Tree at the site will be removed but a planting scheme to include five trees and various sized shrubs will be provided throughout the site. There will also be grassed areas around the proposed buildings. The site plan indicates what species will form the hedge around the perimeter but

not any of the other sections of hedge. In the absence of any comments from Parks, overall the amenity space provided and landscaping appear to supplement the development well although additional information may be needed in regard to species of the areas of hedging/shrubs that do not form the main perimeter as well as condition regarding times of planting and maintenance.

43. Environment Protection have raised concern over potential contamination and have request that studies are undertaken and, if necessary, a Remediation Strategy put in place. Having regard to the sensitive nature of the development, residential, a condition is recommended that such studies are undertaken and submitted to the Council.
44. Thames Water concerns have been forwarded to the agent and have also been addressed in the Design and Access statement. Since this issue falls within a licensing regime outside the planning remit informatives on this matter only are advised.

PARKING AND TRAFFIC

45. The development will result in the loss of the thirteen garages that were originally allocated to various properties in the area. However, as noted above, the garage block is vacant and fenced off and does not appear to have been used for a while. Furthermore, when visited, albeit during the day, there was not a significant degree of on-street parking and there were spaces available in the parking bays opposite the site. The loss of these garage units does not appear to have a significant impact on this area.
46. Eight parking spaces and a disabled parking space, in addition to the cycle store and close proximity to the local bus stop, will be sufficient to support the anticipated parking demand from the proposed development. This view appears to be shared by the Highway Authority who has raised no material parking or traffic concerns.
47. The Highway Authority has noted that the applicants/agents will need to gain a Stopping Up Order and consult with the Highway Authority over the extent of the resultant adopted highway. It has also been noted that vision splay requirements, which the Highway Authority state should be retained/imposed, which may require some alteration to the current layout but since this does not appear a certain no amendments have been sought.

CONCLUSION

48. The development as proposed will afford the opportunity to provide 8 much needed affordable rented accommodation. As set out within the main body of the report a viability appraisal has been submitted and Asset Management has confirmed that the scheme is not viable even without the required financial contributions required under the SPD. Clearly the adopted SPD does recognise that there maybe instances where the wavering of the financial

contributions can be justified. It is considered that on balance this proposal meets that criteria and as such it is recommended that planning permission be granted subject to the conditions set out in the report.