



Unique Reference: 20038785

Written Representation

Friends of Wigmore Park (FoWP) strongly oppose the DCO submitted by Luton Rising/Luton Borough Council (LBC).

Background

FoWP has 3121 members mainly from the local communities of Wigmore, Stopsley and the former Crawley Ward, which is now incorporated into a new ward called Vauxhall. All members of FoWP are committed to saving Wigmore Valley Park from airport expansion, or any form of development, by agreeing to the aims of the group, as laid out by our membership question and adopted constitution. This has to be agreed before membership can commence.

FoWP, jointly with Stop Luton Airport Expansion (SLAE) is a member of the London Luton Airport Consultative Committee and the Passenger Services Sub Committee where we represent passengers' interests. While both FoWP and SLAE are sister organisations they both have different chairs and different constitutions and should be regarded as separate organisations with a different membership base.

Luton Rising/Luton Borough Council

https://m.luton.gov.uk/Page/Show/Council_government_and_democracy/Local-democracy/voting-and-elections/previous-elections/local-and-by-election-results/local-election-results/local-election-results-2023/Pages/default.aspx

URL checked and working 21:46 19th August 2023

After the May 2023 local elections, Luton Borough Council's ruling party, which is promoting this application, does not have a single councillor from the affected wards of Wigmore, Stopsley or Vauxhall and as such we reject any notion that the ruling party has the interests of the three wards in this application. If the adjoining wards of Round Green and South Luton are included, who are also affected by these plans, then the ruling party has a single seat out of 11 contested in the elections. The Farley ward, which is partially inside the noise contour lines, did not hold elections.

It should further be noted that the Chair of Luton Rising, who is a vocal supporter of airport expansion was moved from Luton South, which is under the flight path, to a safe seat at Farley that was not contested.

Only one councillor director of Luton Rising has declared an interest in a property within the noise contour lines of the airport. We have failed to establish whether the councillor lives there or rents out the property.

Director board meetings are held in secret with no publicly available minutes. Even the dates of the meetings are withheld.

The principal opposition group on the Council, who have publicly stated that they oppose Wigmore Park being used for airport expansion and the loss of any public parks, won all the seats bar one out of the five wards.

The application

Due to the sheer number of pages and reports submitted by the applicant and the short timescales allowed to digest the information, we believe that opposition groups are at a distinct disadvantage making the whole process uneven, but we accept this is what the government has allowed.

In the case of FoWP, we refer to a very limited amount of submitted documents for the above reasons in our written submission, but we have read enough to see errors, blatant embellishments, a lack of clarity, false information and contradictions, as clearly different people have written different reports.

Sift process and consultations

https://lutonrising.org.uk/wp-content/uploads/2021/11/ltn_sift1_report.pdf

URL checked and working 21:47 19th August 2023

1.2 Overview of the sift process

1.2.4 We currently see this as a three stage process as follows:

- Sift 1 - the purpose of the first sift, carried out during the autumn/winter of 2017 was to undertake an initial appraisal of the long list of options to produce a short list of preferred options to recommend to the LLAL Board. Options were considered against a set of high level, qualitative criteria and either recommended for further consideration and design development, or discontinued to avoid abortive work. This stage has been completed and is the subject of this report.
- Sift 2 - a further round of appraisal was undertaken in the early spring of 2018 for full details of which please see the Sift 2 report.

- Sift 3 – following non-statutory consultation and consideration of stakeholder and community feedback, alongside additional technical work, it is proposed that a third round of the sift process will be undertaken to identify the preferred option to take forward in the DCO application.

The consultations

AS-048 [TR020001-000928-6.01]-Consultation Report Revision-1

6.14 Analysis of feedback

6.14.1 In accordance with Section 49 of the Act, the duty to take account of responses, after the consultation had closed all feedback received was analysed. The approach for analysing feedback received in the 2022 statutory consultation was the same as that for the 2019 statutory consultation as described in Section 4.14 with the following differences:

In 4.14 with the following differences:

- a. no feedback was received via telephone in 2022 so this did not need to be transcribed into the master database; and
- b. responses from Prescribed Consultees and local authorities were all copied into the 'due regard' tables verbatim rather than firstly being coded by the external company.

The 6.14.1 statement is incorrect. Only written feedback was analysed and not all feedback. Despite there being 14 consultation events, of which FoWP visited many, we noted that no one was taking notes from Luton Rising or the project team. It was a case of justifying their proposals rather than listening and noting verbal feedback from those that did not wish or could not fill out forms.

The document fails to mention that at public consultation events the public were banned from taking photographs of the presentation posters despite it being difficult for members of the public to retain what they had seen and read. This was important for those without internet access and who did not wish, or were not offered, documents to take away.



10 SCHEME CHANGES IN RESPONSE TO 2018 NON-STATUTORY CONSULTATION

10.2.5 In response to further technical work and these concerns, the Applicant reduced the proposed passenger numbers from 36 – 38 to 32 mppa.

We were informed in a tip off, that the real reason for the reduction was not public concerns but that the applicant had discovered that they would be liable for M1 upgrades that extended beyond Junction 10 if the application was above 32 mppa. By putting in an application for 32 mppa Luton Rising or the airport operator could then put in a separate application, at a future date, for an additional 4 to 6 mppa that would be decided by Luton Borough Council, who ultimately own the airport. This requires further investigation by the inspectors by questioning the applicant.

Wigmore Valley Park

10.2.12 Responses from the 2018 non-statutory consultation suggested that further consideration should be given to retaining more of Wigmore Valley Park.

10.2.13 As a result, the Applicant explored an option that entirely avoided the park. However, it was concluded that this would not be viable due to this option requiring substantial development in the Green Belt and compulsory acquisition of third party land. Further information on the sifting process can be found in the Design and Access Statement [TR020001/APP/7.03].

AS-049 [TR020001-000987-7.03] Design-and-Access-Statement-Volume-I-Revision-1

4.3 Sift 2 (winter/spring 2018)

4.3.2 Option 2, which represents a new terminal building and all associated infrastructure south of the existing runway, was discontinued due to the entirety of land required to deliver all buildings and infrastructure being within the Green Belt

APP-174 [TR020001-000619-6.02] Consultation Report Appendix A Non-Statutory Consultation Materials and Feedback Report

Non-Statutory Consultation Feedback Report February 2019

Question 4B pdf page 48

We think that development to the north side of the runway is the most appropriate solution for making best use of the existing runway at London Luton Airport. Our proposal is therefore to focus on options to the north of the runway and discontinue the south option at this stage. Do you agree? Please tick one box.

As stated in **AS-048** 10.2.13 and again in **AS-049** 4.3.2 this option had already been rejected in Sift 2 yet the public were being asked to express an opinion in Sift 3.

Also, work had already started on the DART to serve the north of the airport.

The DART is a key component in the application for airport expansion but was not required for an 18 million passenger capped airport. This cap was reached and in fact exceeded in 2019 when *Civil Aviation Authority (CAA) figures showed Luton reaching 18.2million passengers some four years before the DART opened. (*The Civil Aviation Authority are a public corporation, established by Parliament in 1972 as an independent specialist aviation regulator.)

<https://www.caa.co.uk/Documents/Download/3951/e925ed1f-e4b5-4d12-ad1c-e95e0b5b3307/1330>

URL checked and working 21:50 19th August 2023

The then existing alternative Thameslink-funded shuttle bus provided a 24/7 zero cost solution for passengers to travel between the airport terminal and Luton Airport Parkway while the DART cost Luton Rising £309m after several revised cost increases and 18 months of delays. The DART was only required for access to a second terminal and inter-terminal transfer.

The DART was approved by Luton Borough Council in June 2017 with construction work starting in April 2018. The location and route and the DART Central Terminal Station were carefully planned so that the track could be easily extended to a second terminal on Wigmore Valley Park.

https://www.luton.gov.uk/Council_government_and_democracy/Lists/LutonDocuments/PDF/Corporate%20Finance/Accounts/Revised-statement-of-accounts-2018-19.pdf

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**Achievements in Luton
April – June 2018**

A ground-breaking ceremony at the site of the Luton DART marked the official start of the works on the state-of-the-art £225m fast transit system. The DART will link London Luton Airport with Luton Airport Parkway station in just under 4 minutes.

Work was started on the DART despite public consultations on the Sift process having not commenced, which contained an option for a terminal south of the runway.

We also consider the consultation questions to be loaded in favour of the applicant as there was no option to reject airport expansion unless the public added a separate comment.

The following is an example of a question asked:

To allow us to understand your priorities with regard to the potential benefits of the expansion proposal, how important are the following to you? Please rank the following in order from 1 to 7, where 1 is the least important and 7 is the most important to you. Please tick one box per row and one box per column.

Ability to attract new jobs and economic growth into the area.

Ability to support key local services through Luton Council.

Ability to support important charitable and voluntary organisation services through the LLAL Community Fund in areas impacted by airport operations.

Locally-convenient air travel to a greater range of destinations.

Ability to support growth of the UK economy.

Ability to contribute to meeting the increasing national demand for air travel

Ability to maintain competitive charges for airlines and customers

Summary of objection and key points

Only written feedback was analysed and not all feedback.

In the 2019 non-statutory consultations people were consulted on an option that had already been rejected as part of Sift 2 in 2018 where it was identified that option 1a was the preferred option.

The principle reasons for a reduction from 36-38 to 32mppa had nothing to do with public concerns but the cost of upgrading the M1 beyond junction 10 if a figure above 32m was submitted.

Options 1a, 1b and 1c all involved building a terminal on Wigmore Park using the same proposed access roads, which would be served by the DART that was already under construction.

The Sift process leading to the consultations offered no genuine alternative locations or road access routes.

Breach of the Local Plan adopted 2017

APP-203 [TR020001-000816-7.02] Transport Assessment - Part 1 of 4 (Chapters 1-4)

4.14 Luton Borough Council Local Plan 2011-2031 (adopted November 2017) (Ref 4.19)

4.14.1 The current Local Plan includes two policies related to the airport. Policy LLP6 - London Luton Airport Strategic Allocation states in Clause D (in relation to access to Century Park):

Details of the proposed access, which shall be via the extension of New Airport Way (which connects the airport to M1 J10A) and shall link Percival Way through to Century Park, such access shall be designed so as to ensure that no use is made of Eaton Green Road to provide access to Century Park or the Airport, except for public transport, cyclists, pedestrians and in case of emergency.

The inclusion of this statement into the last two Luton Local Plans was made as it was recognised that an access road from Eaton Green Road on to a developed Wigmore Park or for airport access would act as a magnet for any vehicular traffic heading to or from the East of England. It was recognised that this would result in unacceptable amounts of traffic using residential roads where there are no A or B classified roads.

AS-074 [TR020001/APP/5.01APFP] Regulation: 5(2)(a) Revision 1

Work No. 3b - Terminal 2

4.7.14 A new passenger terminal building (T2) would be provided, comprising a main building and two piers which would interface with the aircraft parking stands, and aprons, to the south. T2 would be accessed from the north, either by rail (Luton DART) or public/private road vehicles via a Drop off Zone. A plaza would be provided immediately north to provide a pedestrian friendly point of entry to the terminal and meet security standards. It is anticipated that T2 would be delivered over assessment phases Phase 2a and 2b

4.7.14 states that access from the north for T2 would be through residential housing estates via Eaton Green Road, which breaches the Luton Local Plan.

In mitigation the applicant has identified locations in the small residential area of Wigmore where they propose to install seven sets of traffic lights, plus an additional three sets, for new junctions where at the moment the residential areas of Wigmore has no traffic lights.

**APP-200 [TR020001-000820-7.02] Transport Assessment Appendices - Part 1 of 3
(Appendices A-E)**

PDF page 11

This page shows a plan of the highway mitigation locations in Luton but looking at Wigmore, only five locations are identified.

Detailed plans show seven sets of mitigation traffic light installations in Wigmore at the junctions of:

Lalleford Road/Eaton Green Road (page 27)
Crawley Green Road/Wigmore Lane (page 29)
Raynham Way/Wigmore Lane/Twyford Drive (page 29)
Wigmore Lane/ASDA (page 30)
Wigmore Lane/Wigmore House/Eaton Green Road (page 30)
Eaton Green Road/Frank Lester Way (page 31)
Crawley Green Road/Lalleford Road (page 35)

Additional new junction traffic lights within Wigmore and close to residential areas are at:

Eaton Green Road Link/Airport Access Road (page 39)
Keeble Close/Eaton Green Road/Eaton Green Link Road (page 30)
Frank Lester Way/Airport Access Road (page 51)

The proposed additional airport access route via an Eaton Green Road link directly passes Queen Elizabeth School (formerly known as Ashcroft School) and Wigmore Primary School. The section outside ASDA and Wigmore House is planned to be widened to four lanes.

This application does not acknowledge or make reference to car satellite navigation systems.

Car navigation systems both integral and standalone that are licenced, owned or built by Garmin, Tom Tom, Apple, Microsoft and Google Maps have been individually tested by inputting Keeble Close as a destination or the Luton Tidy Tip, if available and accurately located, with a starting or ending point of Hitchin via the A505. The A505 is the road that takes traffic to the A1M for north east bound traffic or East Anglia and is subject to upgrading in this application to increase capacity at various points.

Keeble Close is opposite the proposed Eaton Green Link Road while the Tidy Tip will be parallel to the link road. All navigation systems used the shortest and quickest route via Ashcroft Road and Wigmore Lane while ignoring Vauxhall Way before joining with the official mitigated route at the junction of Wigmore Lane and Crawley Green Road.

This alternative route, preferred by all navigation systems, routes traffic via a non-mitigated route that passes Someries Primary School.

Appendix A. Google Maps route from Eaton Green Road Tidy Tip to Hitchin via A505

Appendix B. Microsoft Maps route from Keeble Close to Hitchin via A505.

Without this breach of the Local Plan, traffic would follow the A505 via Vauxhall Way, which is planned to become a dual carriageway so avoiding residential areas to get to the airport.

The mitigation proposals have been made to allow a substantial increase in road traffic to the detriment of local communities through residential areas for airport access that would not be needed if the Local Plan was followed.

AS-078 [TR020001-000668-5.01] Environmental Statement Chapter 13 Health and Community Revision 1

13.8 Embedded and good practice mitigation measures

13.8.1 This section describes the embedded and good practice mitigation for health and community that has been incorporated into the Proposed Development design or assumed to be in place before undertaking the assessment. A definition of these classifications of mitigation and how they are considered in the EIA is provided in Chapter 5 Approach to the Assessment of this ES [TR020001/APP/5.01].

13.8.2 All embedded and good practice mitigation measures identified by other topics have been taken into account in this assessment. Embedded and good practice mitigation measures of particular relevance to the health and community assessment are contained in the following chapters of this ES: Chapter 7 Air Quality, Chapter 11 Economics and Employment, Chapter 14 Landscape and Visual, Chapter 16 Noise and Vibration, Chapter 18 Traffic and Transportation of this ES [TR020001/APP/5.01], and Appendix 5.2 Light Obtrusion Assessment, and Appendix 4.2 CoCP of this ES [TR020001/APP/5.02].

Embedded

13.8.3 Key measures particularly relevant to health and community effects are summarised below with the topic in which they are identified in brackets:

a. use of the new Airport Access Road (AAR) to provide routes for operational road traffic and construction traffic, away from sensitive receptors (Chapter 7 Air Quality of this ES [TR020001/APP/5.01]);

13.8 and particularly 13.8.3 mentions good practice mitigation while completely ignoring traffic using the proposed Eaton Green Link Road via residential areas, as airport access through residential areas is not even mentioned. In doing so, the report makes a highly misleading and false statement by also just focusing on construction and operational traffic.

It is to be noted that despite the breach of the Local Plan, a planning application for Century Park was approved by the Planning Committee.

A serving Barrister, who we consider to be a person of integrity, in a resignation letter, and who was a member of that planning committee at that time, made the following comments about the planning committee in general:

I resigned the Labour Whip for two reasons:

(i) Due to the incompetence and failure to follow rules and procedures which I observed on the planning committee. Unfortunately, independent thought is not encouraged in the Luton Labour Group. You are encouraged to stand up for your residents' interests only if they align with the wishes of the councillors who control the Group. However, if your residents approach you and wish you to help them with something that is contrary to certain councillors' views it is made clear to you that this is not the way things are done within the Labour Group. Firstly, there is a "quiet word in your ear" from a portfolio holder, then from the Whip, then a formal complaint to the Whip and then a formal complaint to Standards at the Council containing allegations completely lacking in merit, with 18 other staff (officers) and councillors copied into the email.

A very cavalier attitude was displayed by certain Labour councillors to following rules and procedures on the planning committee, and I often had to remind certain fellow Labour councillors of the need to adhere to the rules. The most egregious example included a discussion in an email chain with one senior member of the planning committee discussing with a portfolio holder how he was going to vote prior to a forthcoming full council meeting. This was blatantly ignoring the requirement for the members of the planning committee to base their decision on the representations made at the meeting and to not be pre-determined. This conversation followed the portfolio holder circulating documentation which was also contrary to the rules as this should be circulated through the officers.

We have a code of conduct that we should follow as councillors and that includes acting with integrity and not turning a blind eye when rules and procedures are being flouted. As a member of the planning committee, I believed that the residents deserved a fair hearing and both applicants and objectors deserved to be treated equally. For standing up and ensuring that this was the case I was reported to our Group Whip.

The complaint about me to Standards at the Council was made after I asked for a site visit at a planning meeting and this led to some Labour colleagues on the planning committee trying to ignore protocol and precedent and moving to a vote on a planning application in Northwell ward, when I wished to have a site visit to properly understand the application. We are meant to consider and scrutinise applications and not simply waive them through or rubber stamp them. It transpired that the application contained inaccurate information which was why I was having difficulty understanding the same. When I quite properly acted on behalf of my residents within the rules life on the planning committee was made increasingly difficult.

I made a formal complaint to the Whip copying in the Leader detailing the above and numerous other concerns including being shouted at on several occasions. I also complained that in planning meetings residents were shouted at and derogatory comments were made to certain residents if they opposed the officers' recommendations.

You can probably guess where this is going, the Leader removed me from the planning committee in April 2021. As a consequence, I resigned the Labour Whip. This is before Luton was placed in special measures and when the residents still had a vote and when I was effectively giving up all chances of being a councillor in the next council election, as Independents tend not to be elected in Luton. I felt that it was pointless to remain in the Labour Group when you could not effectively represent your residents' views.

The Whip and the Chair contacted me and asked if I really wanted to be an Independent. I replied that I was not making up the numbers in a Labour Group when the Leader was removing someone who was calling out the way protocols and rules were flouted and when I was actually doing the job for which I was elected, in effect I was a whistleblower. I was re-instated to the planning committee, and I decided to remain in the Labour Group as I felt I would have more of a positive effect changing things from within.

After three years on planning, I moved to Children's Scrutiny to try to see whether Luton could obtain funding for Pause.

Summary of objection and key points

Luton Rising/LBC intend to breach their own Local Plan that was put in place to protect the residential areas of Wigmore, the former Crawley Ward and the Ashcroft Road area of Stopsley from excessive traffic and the issues that this will cause.

Incorrect plans of mitigation locations have been published.

Luton Rising/LBC, rather than putting in place measures to further protect these areas has put in plans to substantially increase traffic flows through residential areas to the detriment of residents and school children, whose schools will be either on or close to routes taken by traffic including HGVs and coaches heading to and from the airport so undermining the Council's own Local Plan.

The final mile from the A505 to the Eaton Green link road involves passing multiple traffic light controlled junctions rather than proposing a free flowing access route with no interruption to traffic flows.

Wigmore Lane will be widened to 4 lanes between Eaton Green Road and the junction of Raynham Way/Twyford Drive in a further detriment to local residents.

The submission also does not take into account that Satellite Navigation systems will use Ashcroft Road/Wigmore Lane as a shorter and quicker non-mitigated alternative route.

That the planning committee routinely conducted business that was allegedly illegal due to widespread implicated corrupt practices.

Wigmore Valley Park

AS-078 [TR020001-000668-5.01] Environmental Statement Chapter 13 Health and Community Revision 1

13.7.4 Wigmore Valley Park is located to the north east of the airport and within the boundary of the Main Application Site. Wigmore Valley Park is comprised of recreational facilities, large open spaces, and areas of mixed density woodland. Land further to the east of Wigmore Valley Park is currently in agricultural use and would be used for the replacement open space for Wigmore Valley Park.

13.7.5 Wigmore Valley Park is partly designated as a District Urban Park in the Luton Green Space Strategy Review (2014) (Ref. 13.50). Wigmore Valley Park is recognised to form part of the Luton Green Infrastructure Network. It is popular for dog walking and recreation, and includes mown open grassland, scrub grassland, woodland, allotments, a playpark, skate park, car park and a pavilion building. Wigmore Allotments are located within the north of the park and will not be directly impacted by the Proposed Development. The total existing area of open space at Wigmore Valley Park covers an area of 41.6ha (District Urban Park and Garden' (of 35.5ha) and 'Natural and Semi-Natural Greenspace').

Wigmore Valley Park is one of Luton's largest parks containing both parkland and a County Wildlife Site. The County Wildlife site has impressive views to the east overlooking rolling countryside due to the park's elevated position.

The County Wildlife Site (CWS) has a key role in the conservation of Luton's biodiversity and is an important link in the Bedfordshire Living Landscape.

Outside of statutorily protected areas (e.g. Sites of Special Scientific Interest (SSSI), Local and National Nature Reserves), CWSs are the most important areas for wildlife in Bedfordshire. CWSs can support both locally and nationally threatened wildlife species and habitats. In Bedfordshire, CWSs account for less than 7% of the county's area.

Fields in Trust <https://www.fieldsintrust.org/> (URL checked and working 21:53 19th August 2023) conducted a national public poll of the most popular parks in the UK. Wigmore Valley Park was voted the best park in Bedfordshire both in 2019 and 2022 and was a regional finalist for the East of England in both years.

Wigmore Valley Park also had two independent Asset of Community Value orders put in place by Offley Parish Council and Kings Warden Parish Council and registered by Luton Borough Council. https://m.luton.gov.uk/Page/Show/Environment/Land_and_premises/Pages/Assets-of-community-value---Community-right-to-bid.aspx

URL checked and working 21:56 19th August 2023

This is in recognition of the park as a well-used and loved community asset that aids the wellbeing of all communities. The Park also has a large area registered as an official 2nd tier UK biodiversity County Wildlife Site.

Luton Borough Council Development Control document [19/01233/FUL] dated 02 December 2020.

https://planning.luton.gov.uk/online-applications/files/86C13EDEA1B30555B306B1E8E6CA364F/pdf/19_01233_FUL-Committee_Report-1033256.pdf

Appendix C if link does not work

This URL does not work overnight but in daytime hours only, as the planning servers are switched off out of hours. Not working 21:57 19th August 2023 but was working 8:48 20th August 2023. URL has to be copied and pasted and not opened directly.

This document is regarding a development of houses on Wandon Park situated one mile north of Wigmore Park with the Council proposing to use land in Hertfordshire as replacement open space.

The points raised in this document are also relevant to Wigmore Valley Park and as such are submitted as evidence.

The following is from the above linked Luton Borough Council committee report:

64. It is important to note that the local plan policies were developed and examined with consideration given to green spaces that only exist within the town (other than cross-boundary strategic green infrastructure networks). Consideration of lower-level cross boundary open spaces therefore deviates from the fundamental basis on which the development plan was created. The proposed replacement park will therefore count towards open space provision in North Hertfordshire, not Luton. The proposal represents a gross loss of open space in Luton and, in quantitative terms, no gain within the Borough of Luton. Indeed, as the replacement neighbourhood park will lie outside of the Borough of Luton it will not be possible through the jurisdiction of Luton Borough Council to allocate this replacement park a neighbourhood park as part of any revisions to the Local Plan.

This document acknowledges that land outside the borough of Luton, despite being under the jurisdiction of Luton Borough Council, cannot be classed as Luton open space. There is no mention that the replacement Wigmore Park cannot be included as Luton Borough Council designated open space in the DCO submission.

Local Plan adopted 2017

<https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Local%20Plan/adoption/Luton-Local-Plan-2011-2031-November-2017.pdf>

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10.28 County Wildlife Sites (CWS – see Glossary) represent the principal components of the ecological network in the borough, (formerly known as ‘Prime Sites of Nature Conservation Interest’) and they were reviewed in 2012 by the independent panel applying DEFRA criteria and guidelines. An additional CWS was recognised at the land tenanted by the Sunshine Riding Stables.

Recognition as a CWS does not confer statutory protection of the site, nor any right of access. The 25 CWSs in Luton can be regarded as the 2nd tier of UK biodiversity site designations:

Listed as:

[21. Wigmore Valley Park]

10.31 The following comprise District Parks (as identified in the Policies Map).

1. Leagrave Park
2. Lewsey Park
3. Stopsley Common

4. Stockwood District Park
5. Wardown Park
6. Wigmore Valley

The Local Plan designates Wigmore Valley Park as one of only six District Parks but one of only two District Parks that also contain a County Wildlife Site in Luton.

2.28 The town's green spaces and green infrastructure network including the River Lea and other open areas need to be protected and enhanced for wildlife and accessibility for formal and informal recreation which bring important benefits in terms of health and wellbeing.

This application does not meet the objectives of point 2.28

3.8 Luton will respect its classic Chilterns gap town setting in the steep-sided upper valley of the River Lea, characterised in parts by the Chilterns Area of Outstanding Natural Beauty, Luton Hoo and surrounded by the Green Belt. Luton will protect and enhance its networks of parks, heritage, waterways and natural features which will continue to provide integral multi-functional open space, leisure opportunities and benefits to health and wellbeing in a densely populated Borough.

This application does not meet the objectives of point 3.8

(Page 78) Strategic Objective 10: Improve, protect and enhance biodiversity of natural areas within the town, including the quality, accessibility, health and recreational value of green space, the River Lea Corridor, the Chilterns Area of Outstanding Natural Beauty (AONB), the Areas of Great Landscape Value (AGLV) and Areas of Local Landscape Value (ALLV) and their connectivity

This application does not meet the objectives of the Strategic Objective 10

4.13 A key component of the spatial strategy is the continued protection and enhancement of the borough's heritage and natural assets including open space of recreational value and the remaining Green Belt. The current provision of green spaces is below standard by typology and is unevenly distributed (particularly in the West and Central areas) as set out in the Green Space Strategy Review 2014. Green spaces are protected in Policy LLP27 which requires new or enhanced multi-functional green space to be provided in accordance with standards set out in Appendix11.

This application does not meet the objectives of point 4.13

Policy LLP27 - Open Space and Natural Greenspace

The Council will work with developers landowners and stakeholders and support proposals that safeguard and enhance existing networks of open space (including the District and Neighbourhood Parks identified in the Policies Map) and establish new green infrastructure

within the borough in accordance with standards established in the Green Infrastructure, Nature Conservation and Greenspace Strategies(including for recreation and biodiversity).

This application does not meet the objectives of LLP27, as the policy states that new green infrastructure is to be within the Borough of Luton while the additions to Wigmore Park are mainly outside the Borough. The policy also mentions safeguarding and enhancing existing open space.

Loss of Open Space

- A. Development proposals which result in the loss of open space, parks, allotments, important green space and green infrastructure will only be permitted where the most up-to-date evidence demonstrates that the open space is not in an area of identified deficit in the locality, and is surplus to requirements. Exceptionally losses will also be permitted where:
- i. replacement open space provision can be made which is of an equivalent type, quality and quantity or better; and is accessible and within the vicinity; or
 - ii. the proposal is for alternative or ancillary sports and recreational provision, the need for which clearly outweighs the loss.

This application does not meet the objectives in Section A of LLP27, as there is no intention to replace Wigmore Park's major County Wildlife Site. Existing areas of Wigmore and the former Crawley Ward, now part of Vauxhall Ward, will not be in walking distance of the new area.

Development on Open Space

- B. Development will only be permitted on parks, playing fields and other outdoor sports facilities, allotments or other important green spaces shown on the Policies Map, where development is ancillary, complementary and limited in scale securing the efficient and effective use of the existing green space.

This application does not meet the objectives in section B of LLP27

AS-074 [TR020001-000814-5.01] Environmental Statement Chapter 4 The Proposed Development Revision 1

Table 4.2 states that phase 1 will see the removal of 396,500m² of vegetation and 18,000m² of trees.

Phase 2a will see the further removal of 810,000m² of vegetation and 52,000 m² of trees

Phase 2b sees 336,000m² of vegetation and 12,000m² of trees.

Totals for the 3 phases come to 1,152,500m² of vegetation clearance and 82,000m² of mature tree clearance.

Most of this vegetation and tree loss occurs either in Wigmore Park or the open space adjoining Wigmore Park that the public already has access to and that is within the boundary of Luton Borough Council.

APP-172 [TR020001/APP/5.10] Strategic Landscape Masterplan

Page 7 marked B. Over half of this replacement Open Space is not in the Borough of Luton and is under the planning control of North Hertfordshire District Council. This land was used for food production until Luton Rising purchased the land.

Page 7 marked C and is designated for additional mitigation planting after 2032, as part of phase 2a. This is prime farmland that will be taken out of food production. This land is fully inside Hertfordshire and owned by Luton Rising.

Page 7 marked D. The area to the north of Wigmore Park is shown as land for hedge restoration. This land is not owned by Luton Rising with much of the land outlined already having planning permission for housing development while another large area is subject to a current planning application. This current planning application will join Tea Green, Breachwood Green and Darley Hall. As such, plans marked D to the north and east of B and C should be disregarded as the proposal is not owned or under the control of Luton Rising or the planning authority of Luton Borough Council.

Summary of objection

The application involves a major loss of public open space in the Borough of Luton when it is recognised that Luton is already short of public open space.

The applicant has ignored the fact that Wigmore Valley Park including its CWS has been voted twice as the best park in Bedfordshire in a public vote and that Wigmore Valley Park has been independently registered also twice as an Asset of Community Value by surrounding Parishes.

100% of Wigmore Park's large Tier 2 County Wildlife Site will be destroyed and will not be replaced in the replacement Wigmore Park.

82,000m² of mature trees will be cleared.

1,152,000m² of vegetation will be removed, much of which is in Wigmore Park.

The proposed location of the "new" Wigmore Park is not in walking distance of the former Crawley Ward or much of Wigmore Ward and does not offer the diversity of landscapes and habitats or a County Wildlife Site that the existing park provides.

Luton Borough Council Development Control document [19/01233/FUL] dated 02 December 2020 states that land outside Luton's boundary cannot count as Luton open space.

The loss of much of the park breaches the objectives of the Luton Local Plan in sections:

2.28

3.8

4.13

Strategic Objective 10

Policy LLP27

The Strategic landscape Masterplan cannot be adhered to.

Pollution and net zero

<https://commonslibrary.parliament.uk/research-briefings/cbp-8826/>

URL checked and working 21:59 19th August 2023

Opening page from the House of Commons Library

The aviation industry has been under long-term pressure to reduce its contribution to climate change. In 2019, domestic and international aviation accounted for around 8% of UK CO2 equivalent emissions.

Under the *Climate Change Act 2008* the UK is required to have net-zero greenhouse gas emissions by 2050.

However, aviation is widely recognised as both one of the most carbon-intensive forms of transport and one of the most difficult to decarbonise. This means that aviation could well be the [largest contributor to UK greenhouse gas emissions by 2050](#), particularly if demand continues to grow.

Full report here <https://www.legislation.gov.uk/ukpga/2008/27/contents>

URL checked and working 22:01 19th August 2023.

The [Climate Change Committee \(CCC\) spelled it out again](#) (URL checked and working 22:02 19th August 2023)

In June 2023 that flying accounted for 7% of UK carbon emissions last year, the trend is upwards, and more airport capacity is “incompatible” with national net zero targets.

The committee noted in its 2023 progress report that airports have since been racing to expand. This time, hammering it home, the CCC says that no expansion at all should go ahead until the government sorts out a proper way to manage it.

Until then, Luton is dashing for a share of the growth that the industry’s own roadmap deems “sustainable”, thanks to the promise of future technologies and offsetting. With this application the applicant is trying to convince this Inquiry that action is being taken, rather than real-world outcomes.

Luton Rising is pledging to reach net zero, by focusing on renewable energy and electric vehicles with legally binding agreements that it will set and that will be achievable.

This is undermined by the aircraft that fly into and out of Luton Airport. With more passengers squeezed into more fuel-efficient aircraft, there is progress – per capita. But the environmental benefit only comes, as it shouldn’t need eminent scientists to point out, if the growing numbers of passengers don’t outstrip the savings. With Luton Rising planning to nearly double the size of the airport, carbon emissions will substantially rise.

Luton Borough Council Air Quality Action Plan In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management December 2017

<https://democracy.luton.gov.uk/cmis5public/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=hxY08tBWtxpLsz4ruBp4K2WuleZuuOZ9ZLsywTJcyML89d54v0mlhQ%3D%3D&rUzwRPf%2BZ3zd4E7Ikn8Lyw%3D%3D=pwRE6AGJFLDNIh225F5QMaQWcTPHwdhUfCZ%2FLUQzgA2uL5jNRG4jdQ%3D%3D&mCTIbCubSFfXsDGW9IXnlg%3D%3D=hFflUdN3100%3D&kCx1AnS9%2FpWZQ40DXFvdEw%3D%3D=hFflUdN3100%3D&uJovDxwdjMPoYv%2BAJvYtyA%3D%3D=ctNJff55vVA%3D&FgPIIEJYlotS%2BYGoBi5oIA%3D%3D=NHdURQburHA%3D&d9QjjOag1Pd993jsyOJqFvmyB7XOCSQK=ctNJff55vVA%3D&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3D&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJff55vVA%3D>

URL checked and working 22:03 19th August 2023

2. Summary of Current Air Quality in Luton

Luton Borough Council is a unitary authority in Bedfordshire with an estimated population of 214,700 (2015) in an area that covers 4336 hectares. The borough is densely populated and traversed by the M1 motorway running north/south on its western side, and London Luton Airport at the south east of the borough.

A recent report by Public Health England estimated that in Luton, 86 deaths were attributable to particulate air pollution per annum with 1,004 associated life-years lost. Luton has a higher percentage of adult deaths (5.8%) related to long term exposure to air pollution than England (5.1%).

The main source of air pollution in Luton is road traffic, particularly on the M1 motorway and congested Town Centre streets. Other sources include London Luton Airport and local industry, which is distributed in pockets around the borough.

The above Council report dated December 2017 acknowledges that the airport and by inference aircraft flying into and out of the airport, together with cars heading to and from the airport, are contributing to 86 lives lost in Luton with 1,004 associated life years lost.

<https://www.luton.gov.uk/Environment/Lists/LutonDocuments/PDF/Climate%20change/Climate-change-action-plan.pdf>

URL checked and working 22:04 19th August 2023

In 2021 and after Luton Rising had announced plans to expand the airport, Luton Borough Council updated its climate change action plan. The report set no targets for its airport or airlines operating out of the airport referring instead to potential contributions from the airport and EasyJet to an offset fund (Ref 8.2 and 8.3) The word “aircraft” is not even mentioned in the report.

It should be noted that departures from runway 25 and approaches to runway 07 fly over and close to densely inhabited areas of Luton with the aircraft track less than a mile from Luton’s town centre leaving residents’ cars with residue, as a visual indication of pollution in certain weather conditions.

While this planning application sets targets to make the airport carbon neutral, it ignores the pollution created by the aircraft using the airport. It also fails to provide any evidence that pollution

will ever be stabilised, reduced or even controlled from aircraft operating into and out of Luton. Instead it mentions trials that are taking place with no guarantee of success or that there are enough resources to provide green aircraft fuels without having a major impact on, for example, food production.

Associated with pollution is the smell of kerosene, which can linger for days, due to the prevailing winds. The wards of Wigmore and former Crawley Ward particularly suffer from drift from the airport aprons and taxiways due to stationary aircraft with engines running. The application has no meaningful solution apart from additional buildings that the wind will just pass over

Legislation.gov.uk

[https://www.legislation.gov.uk/ukpga/1986/31/section/63#:~:text=63%20Airport%20byelaws.&text=the%20airport%20operator%20\(whether%20the,persons%20while%20within%20the%20airport.](https://www.legislation.gov.uk/ukpga/1986/31/section/63#:~:text=63%20Airport%20byelaws.&text=the%20airport%20operator%20(whether%20the,persons%20while%20within%20the%20airport.)

URL checked and working 22:05 19th August 2023

Section 63 Airport byelaws.

(2) Any such byelaws may, in particular, include byelaws—

(b) for controlling the operation of aircraft within, or directly above, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport

Section 63 part (b) stipulates that airport byelaws can include sections on atmospheric pollution caused by aircraft using the airport.

Luton Airport have no byelaws concerning any type of pollution regardless of source.

<https://www.london-luton.co.uk/corporate/lla-publications/byelaws>

URL checked and working 22:07 19th August 2023

Summary of objection

The application does not have a proposal to limit aircraft movements to net zero flights using sustainable fuels.

In a report published by Luton Borough Council, they quote Public Health England estimating that in Luton, 86 deaths were attributable to particulate air pollution per annum with 1,004 associated life-years lost.

The application dismisses the smell of kerosene experienced by householders, together with the pollution and health risks associated with the fuel by breathing in this vapour over the course of many years.

The application does not acknowledge how close some residential areas are to aprons and taxiways and offers no meaningful mitigation measures.

The airport has no byelaws limiting pollution.

That potential fuel-efficient aircraft will NOT offset emissions if those flights substantially increase.

By ignoring the greatest source of pollution at Luton Airport the “Green Growth” commitment is very weak in its ambitions and commitments. Despite “Green Growth”, pollution and emissions will still substantially increase if this application is approved.

Public Transport

Throughout the application, the applicant has not offered any solutions regarding the lack of east-west public transport options leaving passengers with no option but to drive or be driven by taxis, friends or relations. The DART serves principally the north-south route of the Thameslink/ East Midland Railways.

The DART is the most expensive public transport link in the UK and costs £4.90 for a journey that typically takes just 2 minutes 38 seconds to cover 1.2 miles. At a cost of £9.80 per person for a return journey many families will be discouraged from using the train and will continue to use cars to get to and from the airport particularly when the former shuttle bus, which ended in March 2023, cost only £3.80 return.

Advanced purchase tickets are available on some East Midland Railways trains. This can offer savings on the railway part of the journey, but due to the nature of air travel with possible delays and the unpredictable times it takes to clear the terminal building, due to terminal congestion, more expensive flexible tickets and not specific fixed train tickets that are only valid on a single train are normally purchased.

To achieve 32m passengers per year the applicant is relying on car traffic to expand the airport rather than public transport. This is demonstrated in car park provision and the upgrading of roads from the M1 at junction 10 across to the A1M at junction 9. As already mentioned much of this traffic will be directed through housing estates of Wigmore and Stopsley due to a lack of a proposed bypass.

Future Luton

Making best use of our runway.

Scheme development and construction report (paper copy, available if required)

Published in 2019, the report states that the airport has the following car parking spaces:

Page 19

3,700 short (on completion of MSCP2)

1,700 medium

4,500 long

3,800 staff
300 car hire
100 valet pick up / drop off.

14,100 spaces. Total

APP-203 [TR020001-000816-7.02] Transport Assessment - Part 1 of 4 (Chapters 1-4)

Table ES.1: Proposed car parking

Phase 2b

5,800 short
3,650 mid
6,550 long
5,200 staff
700 car hire
123 Valet pick up / drop off

22,025 Total

AS-030 [TR020001-000941-5.01] Environmental-Statement-Chapter-18-Traffic-and-Transportation-Revision-1.

18.8.16 As part of the strategy to reduce travel by car and encourage use of public transport, parking provision will not be increased on a pro rata basis. The current and proposed parking provision is presented in Table 8.2 of the TA [TR020001/APP/7.02]. Prior to the start of the construction of Luton DART which reduced the capacity of the medium stay car park there were a total of 9,900 car parking spaces available for use by air passengers; these include short, medium, and long stay parking. As part of the Proposed Development a further 6,100 spaces will be provided. Thus by 2043 while the air passenger throughput will have increased by 78% over 2019 levels the provision of parking spaces will have only increased by 62%

18.6.16 confirms that passenger parking spaces will need to increase by 62%, which does not take into account any new off-airport parking companies setting up business close to the airport. 62% is a significant increase and reflects the projected levels of extra traffic expected.

Summary of objection.

The application lacks a public transport strategy that reflects east-west travel and sets low public transport targets compared with the increase in passengers it wants to reach.

Despite the DART, passenger parking spaces will increase by 62% and overall all parking spaces will increase by 7,925.

The DART pricing structure will discourage some people from using trains to get to and from the airport.

While staff members can use the DART to get to the airport, much of the staff car parking is intended to be provided at Luton Airport Parkway, so while boosting DART travel, it will still involve driving to Luton Airport Parkway.

Car Parks

AS-074 [TR020001-000814-5.01] Environmental Statement Chapter 4 The Proposed Development Revision 1

Building Demolition

4.5.8 A summary indicative total area of the key buildings demolished, in addition to the clearance and structures listed above, during each assessment phase is provided in Table 4.3.

APP-203 [TR020001-000816-7.02] Transport Assessment - Part 1 of 4 (Chapters 1-4)

Table ES.1: Proposed car parking

4.5.8 Lists 23 buildings that will be demolished. Some of these buildings have large car parks. Much of this land is a wasteland with no buildings or car parks.

It is noted that all of the additional long and midterm passenger car park spaces required will be located on Wigmore Valley Park and a green field site that borders the park. This is despite land to the north-west of Percival Way being semi-derelict with swathes of abandoned buildings with large empty parking areas that are already due to be cleared together with some occupied buildings that are already under notice of demolition. This land could accommodate the extra 1950 midterm car park spaces and 2050 long-term car parking spaces if two multi-story car parks were built on just part of this land if the Century Park Access Road (Green Horizons) was repositioned slightly on the proposed cleared land. This would allow more of Wigmore Valley Park to be saved and all of the adjoining green field site.

Summary of objection

To reduce the cost of providing car parks the applicant has limited the number of multi-story car parks it is proposing to build. With vision this would save more of Wigmore Park and all of the adjoining green field site if the former site of the Airport Business Park was used.

The proposed long and midterm car parks are land hungry with no attempt made to save more of Wigmore Park and the adjoining field.

The Century Park Access Road (New Horizons) has been routed without regard to making best use of the former Airport Business Park land, so wastes land resources.

Unregulated Landfill removal

AS-072 [TR020001-000963-4.02]-Scheme-Layout-Plans-Revision-2

Pages 5 to 8 show the location of the former Eaton Green Landfill Boundary marked in pink and shows that the unregulated landfill site extended to the boundary of Eaton Green Road and within metres of homes on the opposite side of the road.

AS-042 [TR020001/TR020001-000945-5.03] -Environmental-Statement-Chapter-4-The-Proposed-Development-Figure-4.1-4.15 Revision 1

PDF page 12 of 17

Shows the areas including the landfill site that will be excavated.

Limited soil samples were taken in 2019 from the former landfill site. For their safety, operatives had to wear masks, protective clothing, gloves, boots and glasses. Signs were put up banning mobile phones, naked flames and smoking. They were also required to use decontamination showers and scrub their boots, as seen in the background.



The application claims that the landfill will be removed and processed safely and will be compliant with regulations; yet during Covid the anti-airport expansion site SLAE and sister group to Friends of Wigmore Park, published photographs on its website showing that safety protocols were not being followed or enforced regarding the construction of the DART. This resulted in the DART construction site being shut down twice. This was picked up and reported by the local media. The public time lapse cameras that were allowing the public to view the construction were permanently shut down to remove the possibility of other infringements being viewed and exposed.

<https://stoplae.org/no-social-distancing-on-dart-construction-site/>

URL checked and working 22:09 19th August 2023

<https://www.lutontoday.co.uk/health/coronavirus/work-on-luton-dart-construction-project-suspended-over-social-distancing-concerns-2542322>

URL checked and working 22:10 19th August 2023

Summary of objection.

FoWP have no faith that protocols will be followed despite the claims of compliance.

The landfill borders housing, covers a large area and is up to 17m deep so its removal will have a major impact on communities.

While the landfill is being processed or removed the remainder of Wigmore Park will remain open including a children's play area that borders the landfill.

No one really knows what is in the landfill, as it was unregulated with no records kept. Random samples and shallow test pits were dug that left whole areas untested with less than 0.001% of the landfill physically examined. The applicant considers this was enough to generate a landfill contents report. The report confirms that dangerous substances are contained within the landfill that are dormant until disturbed. Due to the nature of the random testing, the report could only comment on what was found and not what was dumped on the rest of the site. At the moment the landfill is protected by at least a 1 metre clay cap.

Orchids

AS-035 [TR020001-000949-5.02] ENVIRONMENTAL STATEMENT APPENDIX 8.10 ECOLOGICAL MITIGATION STRATEGY - ORCHID AND INVERTEBRATE Revision 1

2.2 Conservation objective

2.2.1 The conservation objectives that underpin this Mitigation Strategy are as Follows:

a. To ensure that the Proposed Development retains the orchid and stated terrestrial invertebrate populations, by safeguarding, maintaining and/or translocation of:

i. bee orchid, common twayblade orchid, and common spotted orchid, and maintaining suitable conditions for pyramidal orchid.

4 Mitigation Strategy

Section 4 deals with the translocation of orchids. As pages containing redacted passages cannot be cut and pasted, we refer you to section 4.

It should be noted that in 2019 soil samples were taken from Wigmore Park and its County Wildlife Site. Before commencement of work began it was identified that orchids would have to be moved to allow access.

This work was conducted under the advice and guidance of Luton Borough Council's Senior Ecological Officer where two claimed suitable locations were identified for the orchids to be moved to. These areas then ceased to have the grass cut to protect the orchids but the translocation success rate was zero with every translocated orchid dying. No explanation was offered as to why they all died but the suspicion is that Luton Rising and the Council failed to replicate the growing conditions required including the correct soil types and drainage.

Summary of objection

The applicant has already demonstrated that they have a success rate of zero for translocating orchids despite assurances made at the time and the involvement of the Council's Senior Ecological Officer.

Residential parking scheme extension - Conflict of interest by acting against the public interest

APP-200 [TR020001-000820-7.02] Transport Assessment Appendices - Part 1 of 3 (Appendices A-E)

Potential Area of Residential Parking Restrictions drawing number LLADCO-3C-ARP-SFA-SWI-DR-CE-0003

Page 12 of 507.

This plan shows a possible extension to the residential parking scheme but ignores the fact that Terminal 2 will have a direct access link road to the ward of Wigmore.

The Vauxhall Park area of Luton, which is close to an airport access road has been blighted for many years by airport users using residential areas for short, mid and long term parking rather than paying to use airport car parks.

A residents' funded parking scheme was imposed on Vauxhall Park despite the problem being caused by the Luton Rising-owned airport.

In 2020 a motion was put before the full Council that the airport operator or the airport owner should pay for the scheme. In a clear conflict of interest and acting against the residents, all but one of Luton Rising's directors, who attended on the night voted against the motion. The one who didn't vote was a member of another political party and abstained.

<https://democracy.luton.gov.uk/cm5public/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=D61kATnXHhFsei7Y%2f5v0SOj6VDS92qpnT%2bl%2f%2f6Glqw6TTNaYSZmotQ%3d%3d&rUzwrPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWctPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSfXsDGW9IXnlg%3d%3d=hFflUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3>

[d%3d=hFflUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%3d](https://www.luton.gov.uk/minutes/minutes-of-the-council-of-the-borough-of-luton-held-at-the-town-hall-luton-on-tuesday-21st-january-at-6.00-p.m-2020)

URL checked and working 22:15 19th August 2023

**MINUTES OF THE COUNCIL
AT THE MEETING OF THE COUNCIL OF THE
BOROUGH OF LUTON HELD AT THE TOWN HALL, LUTON
ON
TUESDAY 21ST JANUARY AT 6.00 P.M [2020]**

86 NOTICE OF MOTION (AGENDA ITEM 11:3)

It was proposed by Councillor Bridgen, seconded by Councillor Keens but upon being put to the meeting was lost:

That Council:

Acknowledges that residents of Vauxhall Park and Wigmore suffer from inconsiderate parking by people employed at or near the airport and by passengers unwilling to pay car park charges.

Notes that the Council's highways officers have carried out extensive consultation with Vauxhall and Wigmore residents on possible measures to reduce the damage to their quality of life due to this airport parking problem.

Accepts that this problem is entirely due to airport operations and would not exist if London Luton Airport was not there.

Considers that, since the parking problem is entirely caused by London Luton Airport, its customers and related employees, the airport should bear the whole and complete cost of any necessary measures introduced by the Council to reduce the damage to the quality of life of Vauxhall Park and Wigmore residents.

Requests the Chief Executive and other relevant Council officers to commence discussions with London Luton Airport Limited & London Luton Airport Operations Limited to secure their agreement to pay in full, the costs of introducing and operating any parking regulation schemes, including costs, which would otherwise be borne by the residents, designed to deal with the problem.

Calls for updates on the progress of the discussions at each meeting of the full Council.

FOR THE MOTION Councillors Ali, Bridgen, David Chapman, Peter Chapman, Franks, Keens, Moles, Pedersen, Skepelhorn, Underwood and Wynn (11)

AGAINST THE MOTION Councillors Abid, Adrees, Agbley, Ahmed, Akbar, Burnett, Castleman, Choudhry, Abbas Hussain, Javeria Hussain, Javid Hussain,

Saima Hussain, Mahmood Hussain, Ghulam Javed, Khan, Khurshid, Lovell, Malcolm, Khtija Malik, Masood, Nicholls, Rivers, Roche, Sameera Saleem, Tahmina Saleem, Simmons, Taylor, Timoney and Waheed (29)

ABSTAINED Councillors Campbell, Tahir Malik and Young (3)

ABSENT Councillors Donelon, Hopkins, Mead, Petts and Shaw (5)

Summary of objection

The application does not state whether Luton Rising would fund the enlarged area shown on the plan or potential new unidentified areas around Wigmore that would be close to Terminal 2.

In 2020 Luton Rising had the opportunity to put residents first by agreeing to fund the yet to be started residents' parking scheme, where residents would be expected to buy parking permits to park outside their own homes. To ensure this cost would not fall on Luton Rising or the airport operator (LLAOL), the directors of Luton Rising, who were Councillors from the Council's ruling party, voted against the motion. This is a key indication that for an expanded airport that residents would be expected to pay for a problem wholly caused by the airport, which is unacceptable.

The application should make it clear that all existing and future residential parking schemes should be fully funded by Luton Rising or its airport operator partner.

Noise

APP-154 [TR020001-000920] 5.03 Environmental Statement - Chapter 16 Noise and Vibration Superseded by **AS-106**
Figures 16.1 - 16.20

Figure 16.5 Air Noise Contours in Decibels (dB) (2019 Actuals Daytime LAeq,16h)
Drawing number LLADCO-3C-AEC-00-00-DR-YE-0005

Figure 16.6 Air Noise Contours in Decibels (dB) (2019 Actuals Night-time LAeq,8h)
Drawing number LLADCO-3C-AEC-00-00-DR-YE-0006

APP-154 shows relevant 2019 data

AS-106 [TR020001-000920] 5.03 Environmental Statement - Chapter 16 Noise and Vibration
Figures 16.17a - 16.21 Rev1

Figure 16.17b Air Noise Contours in Decibels (dB) (2027 Do-something Daytime LAeq,16h)

Figure 16.18b Air Noise Contours in Decibels (dB) (2027 Do-something Night-time LAeq,8h)

The vast majority of residential homes in Wigmore and the former Crawley Ward are outside the outer noise contour bands with a recorded observed adverse Effect Level (LOAEL) noise level below 51dB during the day and 45dB at night.

Aircraft noise levels in these two areas are totally dependent on wind direction and wind speed so we would question the validity of this data, as the data does not specify wind direction information or gives the extremes of readings but only what is considered to be the average.

For example on Sunday 25th June 2023 the author of this document, a resident living well outside the outer noise contour band but within Wigmore, was awoken at 6am by the first very loud departure and was kept awake by every subsequent departure and arrival. On enquiring to the noise monitoring team at the airport they confirmed there were 69 departures and arrivals from 6 am to 9am in that Sunday morning period. This was in hot weather with the windows open.

The following morning despite a similar flight programme and with the windows still open, aircraft caused no disturbance, as the wind had changed direction.

Being so close to the north of the airport, Wigmore and Crawley can be subjected simultaneously to noise from both departures and arrivals. This is regardless of what track an aircraft has taken to depart or arrive at the airport, so having twice the impact for a resident who would be subjected to either departures or arrivals but not both on any given day.

The following is from Luton Borough Council's websites

https://m.luton.gov.uk/Page/Show/Environment/Environmental%20health/Noise/Pages/Noise_2.aspx

URL checked and working 22:16 19th August 2023

Noise - how we can help

We investigate complaints about noise from neighbours, industry, construction sites and commercial premises.

Excessive noise can make life a misery. We can help or advise you about noise from:

- [barking dogs](#)
- [burglar alarms](#)
- car alarms
- [construction and demolition sites](#)
- fans, air conditioning units, extraction equipment
- [noisy neighbours](#)
- [pubs, bars and clubs](#)
- shops and restaurants

We are unable to help with the following:

- aircraft noise -

<https://m.luton.gov.uk/Page/Show/Environment/Environmental%20health/Noise/Pages/Pollution%20control%20-%20noisy%20neighbours.aspx>

URL checked and working 22:17 19th August 2023

Noisy neighbours

What can I do about noisy neighbours?

First of all, try talking to your neighbour about the problem. You may find this difficult, but often people are unaware they are causing a problem. Most neighbours will do what they can to reduce their noise.

Here are some suggestions on how to talk to your neighbour about a problem:

- Plan what you are going to say
- Be polite, keep calm and try to keep things light-hearted and friendly
- Explain how their noise is affecting you
- To start off with, you could try asking your neighbour if they can hear noise from your property.
- Avoid approaching your neighbour when the noise is actually happening. You are more likely to be angry and have an argument.

Try writing to your neighbour

If you can't or don't want to approach your neighbour in person, send them a polite letter explaining the problem.

Try mediation

If your friendly approach doesn't work, contact [Luton Mediation](#). (URL checked and working 22:31 19th August 2023) Mediation can help neighbours sort out problems. There is no charge for this service.

How can the council help?

If you've spoken to your neighbour and things haven't improved, contact us for help.

When you make a complaint, we will write to your neighbour to let them know we're investigating a noise problem.

The letter to my neighbour hasn't worked, what should I do next? We hope the letter will resolve the problem. However, if the noise continues you will need to contact us again. Your case will then be passed to an officer in the Environmental Protection team for investigation.

When is a noise a legal nuisance?

For a noise to be a legal nuisance it must be unreasonable and interfere with the use and enjoyment of your home. Several factors determine whether a noise is nuisance including:

- the time of day the noise occurs
- how loud it is
- how long it lasts
- how often it occurs
- your location

Luton Airport is Wigmore and Crawley's noisy neighbour. While the Council will take action against a neighbour's barking dog, it is the instigator of aircraft noise that affects thousands of residents and intends to create more with this planning application via Luton Rising. On being contacted they have refused to take any action and refuse to involve their Environmental Protection Team. This would continue if the application was approved.

Complaints to London Luton Airport Operation Ltd (LLAOL) are logged but nothing else happens.

A complaint made on 25th June regarding the 69 noise disturbances was logged as one complaint. If 69 individual complaints were made the complainant would be classed as a "vexatious" complainer.

<https://www.london-luton.co.uk/LondonLuton/files/79/79394bb5-6308-4b29-8376-206455f435a3.pdf>

URL checked and working 22:17 19th August 2023

3.4 LLAOL advised that their strategy for vexatious complaints was not to discount any.

Dictionary definition of "vexatious"

Denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant.

For three consecutive years night time noise limits were broken despite Luton Rising being fully aware that it was their passenger growth incentive scheme that had caused those limits to be broken. If they had any consideration for the quality of life of local communities, they could have stopped that scheme but chose not to.

LLAOL's solution was not to reduce noise levels to comply with its planning permission but to put in a planning application, together with an application for an extra million passengers, to increase noise to new levels. This was approved by Luton Borough Council, as the owner of the airport. This approval has been called in and a public enquiry has now taken place with the results pending as of 8th August 2023.

Summary of objection.

Aircraft noise has an effect on the wellbeing and mental health of residents.

This application will see a substantial increase in aircraft movements that will be to the detriment of local residents and those living further afield.

Residents are powerless to complain and have an effective solution offered. If they make too many complaints they are considered "vexatious" and ignored with the complaint just logged. If they make an acceptable number of complaints they are also ignored with the complaint just logged.

Luton Borough Council refuses to follow its own noisy neighbour procedures, as aircraft noise is exempt, despite it having a far greater impact on more lives.

The application offers no meaningful mitigation to aircraft noise apart from very selective noise insulation schemes and in fact wants to increase noise above already unacceptable levels for financial gain.

Finance

Luton Borough Council Draft Audit Results Report Year ended 31 March 2019

Report dated 7 July 2023

https://democracy.luton.gov.uk/cm5public/Documengrammatical_t.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=sasJaPHGaRWSSSc9Qbpz5HnVo%2frQkEf0VqAoaLzxVdmzoN482QVjow%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQW CtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSffXsDGW9IXnlG%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAjvYtyA%3d%3d=ctNJff55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJff55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJff55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJff55vVA%3d

URL checked and working 22:18 19th August 2023

PDF page 194, Document page number 189

DCO

The proposed expansion of the Airport is split into three phases:

Phase 1 which is for adaptations to the existing Terminal 1 to increase the capacity of the airport to 21.5 million passengers per annum (mppa) at a cost of approximately £274 million.

Phases 2a) and b) which is for the addition of a new terminal and related infrastructure works to increase the capacity of the airport to 32 mppa at a cost of approximately £2.7 billion

Based on the results of this work and other relevant factors we have concluded that expansion of the airport in line with phases 2a) and b) of the DCO is highly speculative, uncertain and is likely to have a reduced net present value. This conclusion is supported by the findings of the Council's own external expert, Arup. The modelling performed by Arup does show an increased net present value of the Airport for phase 1. However, at this point, planning permission has not been obtained beyond 18mppa, there is no approved business

case for the scheme and the financing and viability of Phase 1 remains uncertain. Further, under the terms of the concession agreement, the Council does not have contractual rights to enforce the concessionaire to undertake and finance expansion of the Airport. The Council will need to renegotiate the concession agreement to seek the concessionaire to carry out the expansion. There is no assurance that such an arrangement could be reached on mutually acceptable commercial terms. In addition, further risks to expansion to Phase 1 could be brought about by ongoing legal challenges, objections, and environmental considerations.

DCO (continued)

In addition, further risks to expansion to Phase 1 could be brought about by ongoing legal challenges, objections, and environmental considerations. All the factors pose a significant risk to deliverability and timing of proposed phase 1 expansion. Considering all of this we have concluded that a material value of capitalised expenditure at the end of 2018/19 on Luton Airport expansion schemes in the Council's group financial statements does not meet capitalisation criteria under IAS 40 as an investment property asset under construction. We have not been able to obtain sufficient and appropriate evidence from the Council that the costs incurred to date on the DCO application are all, or in part, eligible to be attributable to phase 1 of the proposed expansion. We are unable to conclude whether any of the £20.3million of capitalised costs have been reliably measured and accounted for as a capital asset in the group financial statements as at 31st March 2019. We therefore propose to qualify the 2018/19 financial statements opinion in the form of a limitation of scope.

The auditors state that the proposed airport expansion is highly speculative and uncertain and that the Council's own external expert agrees with that conclusion.

The report states that there is no approved business case for expansion.

The auditors will be issuing a qualified statement due to concerns regarding the breach of IAS40 and DCO funding from the Council.

CPAR

The CPAR scheme is for the development of a 1.2-mile dual carriageway linking the A1081 with New Century Park on 235 acres of land at an estimated total cost of £124 million. In our audit progress report in March 2020, we considered the conditions in place on the CPAR scheme at that point in time. It became clear at the end of 19/20 that the scheme itself, when brought forward to Council for a decision as a business case, did not address all the tests required to achieve positive transport and economic benefits. Although planning permission for the scheme remains in place as yet there has not been another scheme signed-off that meets transport and economic benefits. The scheme was paused at the end of 2019/20 prior to the advent of Covid-19. The scheme remains subject to scoping changes, business case approval and secured funding. As a result, we have concluded the conditions giving rise to uncertainty around the viability of the business case existed at the 2018/19 balance sheet date. Considering this we have concluded that expenditure incurred and disclosed in the group accounts at the end of 2018/19 also does not meet the recognition criteria under IAS 16 and therefore that all costs capitalised should be fully impaired. The total value of capitalised expenditure on CPAR in the group accounts at the end of 2018/19 was £6.3 million. Management agreed to adjust the accounts and this is reflected in Section 4 as an adjusted difference to the accounts.

The statement notes that the Council has failed to produce a business case for the Century Park (New Horizon) access road based on positive transport and economic benefit. Due to this the Council has secured no funding to build the road.

APP-012 [TR020001-000659-3.03] Funding Statement

4.2.1 c) Approach 3 (LBC financing): The concession agreement also envisages that LBC may choose to raise finance through the routes it has available.

It would in turn lend such finance on to Luton Rising on commercial terms to pay for the costs of construction of assessment Phase 1, such finance to be repaid through the net additional revenue generated by the airport.

This would require an agreement being reached with the concessionaire to progress the works. The current concessionaire would continue to operate the airport and would oversee the delivery of the assessment Phase 1 construction works alongside Luton Rising.

4.2.4 LBC as the sole shareholder of the Applicant has the reversionary interest in the airport and has already made significant investment in the DCO Application, the Luton DART and Bartlett Square. The existing asset is valued at £1.5bn. LBC considers it to be a key strategic asset in the delivery of Luton 2040 Vision and in the securing of a strong economic recovery in Luton and the region. LBC fully supports growing the airport and this is a key part of Luton's Inclusive Economic Strategy delivered through Luton's wider Inclusive Economy Board.

Luton Rising has had to rely on stabilisation funding from the Council to stop it going bankrupt or being sold off. Luton Borough Council in turn had to turn to government for £35m of emergency funding due to its exposure to Luton Airport. The £35m fund was more than any other Council received in the country and was linked to its exposure to Luton Airport.

[CIPFA local government finance review: Luton Borough Council \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1000000/cipfa-local-government-finance-review-luton-borough-council)

URL checked and working 22:20 19th August 2023

**Department for Levelling Up, Housing and Communities
Local Government Finance Review – LUTON BOROUGH COUNCIL December 2021**

Page 3

The extent to which the Authority will need to draw on the agreed £35m (2020/21) and applied for £15m (2021/22) capitalisation directions is still to be decided as the level of stabilisation funding the Authority requires to inject into its airport subsidiary and the extent of delivery of savings becomes clearer over the coming weeks/months and the parties have agreed a settlement agreement around force majeure and special force majeure.

Page 4

LBC's auditors have not yet issued their opinion on the Authority's 2018/19 and 2019/20 accounts. They require additional assurances on 'going concern' and post-balance sheet events in regard to the level of exposure the Council expects to take on through its airport

subsidiary stabilisation package, the recoverability of the debenture loans issued by the Council, whether aspects of spend on airport access and other improvements can be treated as adding capital value and the scale of borrowing relative to the overall value of ownership of the airport to the Council. The Authority is still in the process of providing information to their auditors. It will be important that Luton follow proper accounting practice and make appropriate provisions should any doubts emerge in these areas.

The report states the importance of following accounting practice. The auditor's statement dated July 7th 2023 states that LBC has failed to do this.

The Council has accepted the need for stronger governance over its commercial operations through establishment of a shareholder interest board with appropriate expertise and independence and at the time of writing, proposals are being tabled at Council meetings in mid-August 2021.

This appears to have failed to happen. Luton Rising relies primary on the directors of the airport, who are members of the public that have been elected as Councillors and who make up the majority of the directors. They bring no abilities to the table.

There are three additional minority directors. A managing director, an executive director-governance, who also works for the Council in another role so can't be classed as independent, and a commercial/ legal director.

Page 6

Long term financial sustainability depends on the local authority successfully realising more transformational change. Luton is developing its plans for more fundamental change and members will need to continue to support some of the hard decisions that will be involved in making further rationalisations and working in new ways.

Twenty months on from the date of the report we cannot find any evidence that the Council has developed this plan sufficiently to achieve the aims required.

Page 10

Analysis by the Centre for Cities found this year that the Luton economy was particularly vulnerable as a result of the pandemic. Luton has the 7th highest number of furloughed workers, 32,000 jobs at risk and the 8th highest claimant counts for cities and large towns in the UK. The Centre for Cities concluded that Luton was the second most vulnerable town economy post-Covid, in part due to its reliance on the airport and on vehicle manufacturing.

The Council has not learned any lessons regarding diversity in the jobs market due to potential future downturns in aviation activity at Luton. They have no plan B and remain focused on airport expansion with other options not explored.

It is no coincidence that Luton has high levels of deprivation and that the airport is the town's largest employer. In-work poverty is a real concern where workers are offered zero-hour or part-time work contracts that are adjusted to the waves of departures and arrivals that ebb and flow throughout the day and night.

Job creation at the airport, if the airport expands to 32m passengers, will focus on terminal, apron and car parking employment opportunities, which are mainly at the lower end of the wage scales.

The whole business model of the airport is to focus on low cost airlines who in turn demand low cost airports to operate from. The biggest ongoing expense for airports is wage costs so to be competitive airlines and the airport operator tender out as much work as possible to third parties. With minimum levels of service requirements set, tenders are then won or lost based on price, which then has an impact by suppressing wages.

Page 20

It is important that Luton follow proper accounting practice and make an appropriate provision should any doubt emerge about whether the loans to the airport subsidiary are properly secured.

The auditors' report dated July 7th 2023 states that proper accounting practices were not followed.

Loans are secured on the airport, which the council already owns via Luton Rising.

<https://find-and-update.company-information.service.gov.uk/company/02020381/filing-history>

URL checked and working 22:21 19th August 2023

Auditors' report

**London Luton Airport Limited
Annual report and financial statements for the year ended 31st March 2021
Strategic Report for the year ended 31 March 2021 (Continued)**

Page 4

DART Impairment

The DART (Direct-Air-Rail-Transit) mass passenger transport system connects Luton Parkway station to Luton Airport terminal. This new transport system remains as an 'asset under construction' until September 2022 when it is expected to become operational and ready for use.

During the year, we carried out an impairment assessment to determine the recoverable value of the DART.

This impairment assessment involved taking into consideration the capital cost incurred to date, the additional costs anticipated to be incurred to bring the service into operation and projected future revenues. This assessment was carried out in accordance with UK Accounting standard (FRS102).

The assessment determined a £184.7m impairment of the DART during 2020/21.

With the 18 million passenger cap in place, it was hard to argue the merits of building the DART at a then projected cost of £225m when it was not going to add a single passenger to the existing terminal due to that cap. The Thameslink-provided shuttlebus provided an adequate service at no cost to Luton Rising or the Council including in 2019 when the airport handled 18.2m passengers.

London Luton Airport Limited

Annual report and financial statements for the year ended 31st March 2022
Strategic Report for the year ended 31 March 2022.

The above report is the latest set of accounts published on June 10th 2023.

From PDF page 24

The accounts state that for the year ending March 31st 2021 Luton Rising lost £109.8m

For the year ending March 31st 2022 the losses for that year increased to £232.1m with an operating loss of £137.4m giving a combined total of losses of £341.9m for the last two years.

In July 2021 the accounts state that Luton Rising secured stabilisation funding from Luton Borough Council totalling £199m. (2021/21: £60m, 2021/22 £139m)

Charity donations

By looking back on London Luton Airport Ltd (Luton Rising) accounts from 2010/11, donations to charities peaked in 2012/13 with £15,995,000 donated with a passenger throughput of 9,654,044.

There was a second peak in 2015/16 with £14,823,000 donated with a passenger throughput of 15,053,416.

Since then and with increasing levels of borrowings, donations have been in a gradual decline with every year lower than the year before. In 2019/20 donations stood at £9,175,000 with a passenger throughput of 17,457,093.

In 2021/22 donations were only £7,431,000.

Charities support expansion yet expansion could mean no funding. What has been established is that higher passenger totals does not mean higher charitable donations.

Summary

Luton Rising is a loss-making company and has in fact lost money for the last 3 years including £3.3m for the year ending March 31st 2020. While some of these issues were caused by Covid, Luton Rising has borrowed in excess of £500m and has struggled to service its debts without further borrowings to pay the interest payments and fund community projects.

The construction of the DART is only justified if a second terminal is built yet it has been completed already at an estimated cost of £309m in anticipation that this application will be approved.

The impairment for the DART has been calculated by its own auditors at £184.7m

Luton Rising has stabilisation funding from the Council that is valued at £199m. This is an indication to us that Luton Rising is not financially sound, had no money in the bank and makes ill thought out commitments.

The Council's auditors, in a report dated July 7th 2023, have described the airport expansion as "highly speculative" and "uncertain".

That there is "no approved business case for the scheme and the financing and viability of Phase 1 remains uncertain"

That "under the terms of the concession agreement, the Council does not have contractual rights to enforce the concessionaire to undertake and finance expansion of the Airport"

That the Council (LR) has failed to make a business case for the Century Park Access Road

It has also not made clear how a £2.7bn project would be funded.

That the Council auditors have drafted a qualified set of accounts for 2018/2019 due to issues regarding the airport.

We also note that Luton Rising's auditors resigned and that qualified accounts have been issued for the last two years.

Despite rising passenger numbers, charity donations have been falling since 2012/13 due to increasing borrowings and loan repayments.

There is no link between rising passenger numbers and charitable donations.

At the 2022 Public Inquiry, unresolved conflicts of interest, inherent in the ownership of the Airport were raised regarding deficiency in governance.

Disclaimer

FoWP believe this information to be true and accurate at time of writing and within the limits of having limited funds, volunteer time and restricted access to only those council minutes publicly available.

Appendix A

- Best
- 16 min
- 29 min
- 2 hr 35
- 54 min

Hitchin

Luton Borough Council Tidy Tip (Househ...

Add destination

Leave now

Options

Send directions to your phone

via A505

16 min

Fastest route now due to traffic conditions

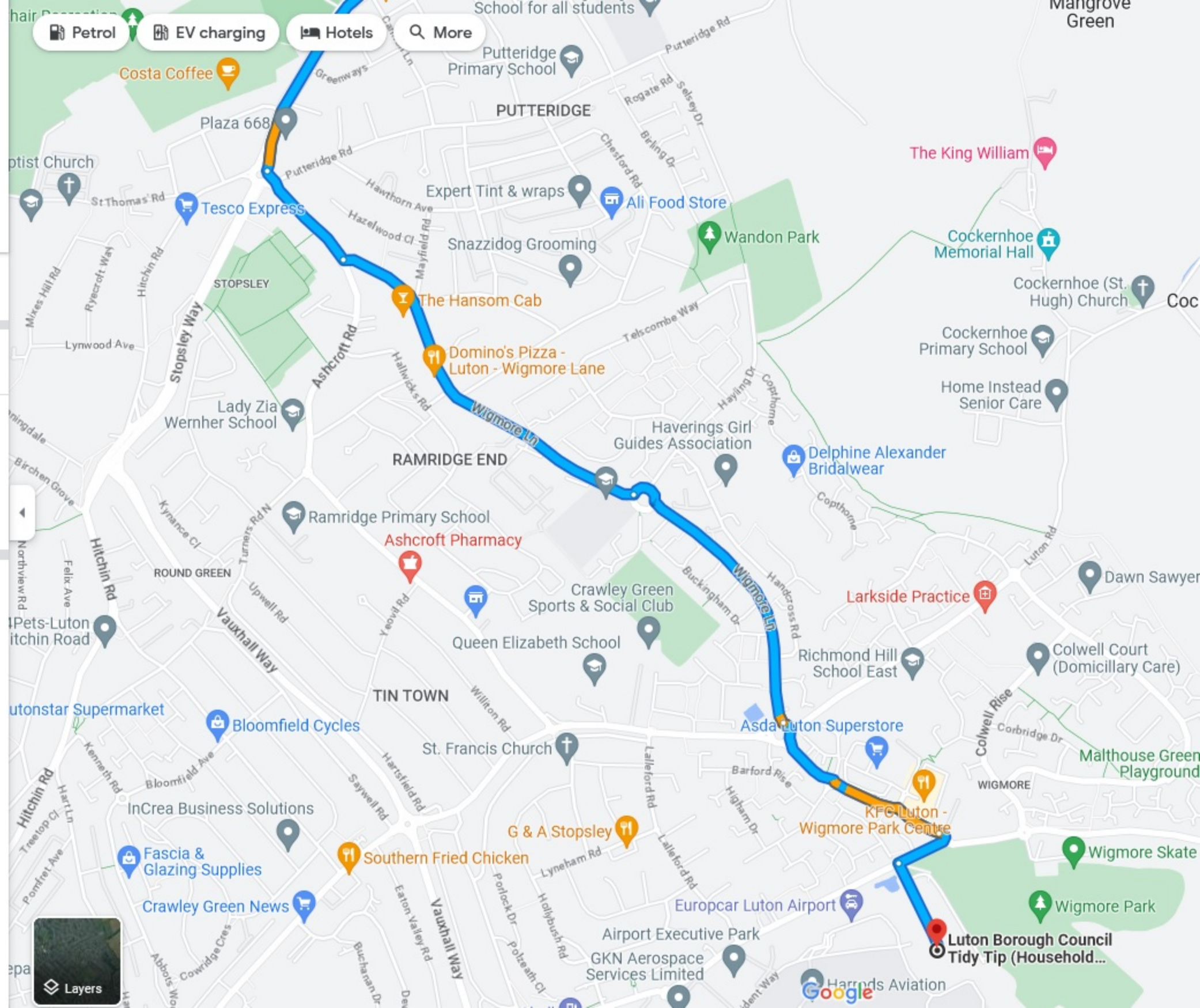
8.4 miles

Details

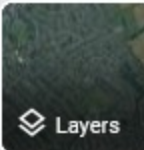
Explore Luton Borough Council Tidy Tip (Household Waste Recycling Centre)



Restaurants Hotels Petrol stations Car Places More



- Petrol
- EV charging
- Hotels
- More



Appendix B

Hitchin, Hertfordshire to Keeble Clo...

Options

A Hitchin, Hertfordshire

B Keeble Close, Wigmore, Luton, LU2 9

+ Add destination

🕒 Leave now

Go

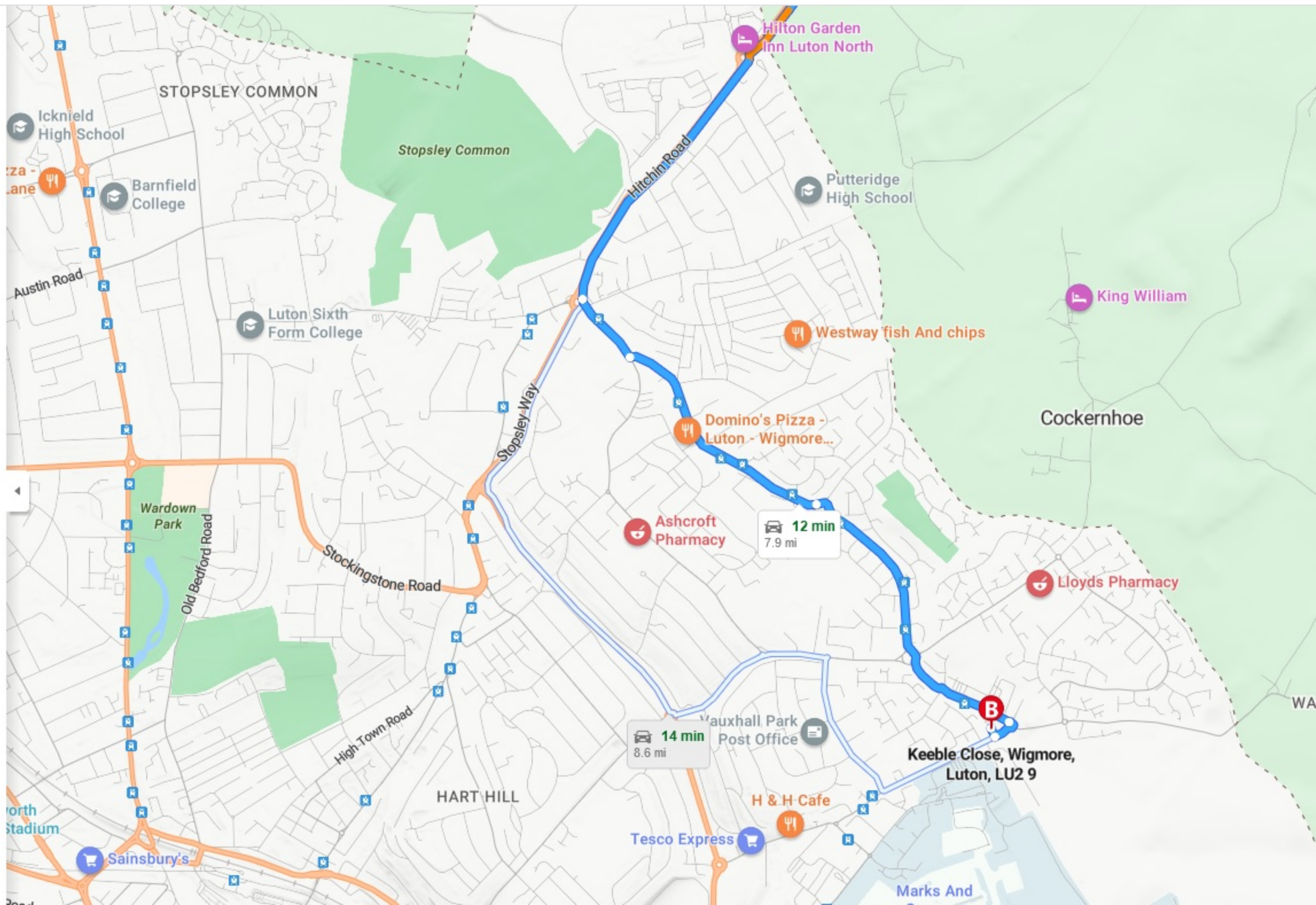
🖨️ Print selected route

7.9 miles
Light traffic · Leave at 11:13
Via A505, Wigmore Lane
12 min

More details

8.6 miles
Light traffic · Leave at 11:13
Via A505
14 min

More details



Appendix C

Committee:	Development Control																
Date of Meeting:	02 December 2020																
Subject:	19/01233/FUL: Erection of 60 dwellings (9 two-bed maisonettes, 4 two-beds, 16 three-beds, 29 four-beds and 2 five-beds) with associated car parking and vehicle access from Hayling Drive with relocation of public open space to adjacent former school playing fields (planning permission already granted for new public open space on the adjacent former school playing fields)																
Address:	Land adj to Wandon Close, Luton, LU2 8DX																
Applicant:	Foxhall Homes Ltd																
Report Author:	Head of Development Management																
Contact Officer:	Abi Chapman																
Implications:	<table> <tr> <td>Legal</td> <td><input checked="" type="checkbox"/></td> <td>Community Safety</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Equalities</td> <td><input checked="" type="checkbox"/></td> <td>Environment</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Financial</td> <td><input type="checkbox"/></td> <td>Consultations</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Staffing</td> <td><input type="checkbox"/></td> <td>Other</td> <td><input checked="" type="checkbox"/></td> </tr> </table>	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"/>
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:	Wigmore																

Purpose

1. To advise Members of a current application for planning permission (Ref: 19/01233/FUL) and to seek their decision.

Recommendations

2. This application is in conflict with the adopted Development Plan, however there are a number of material considerations which the Planning Committee may consider outweigh any harm associated with the departure from the development plan. It is for the Committee to weigh and balance the material planning considerations whilst considering the departure from the development plan in coming to a decision. In light of the very finely balanced planning judgement an open recommendation is reached. It is therefore recommended that either the application is:

A) Approved: Referred to Secretary of State with a Recommendation to Grant as follows:

1. Reasons for approval set out in this report are agreed;
2. Refer the application to the Secretary of State as an application not in accordance with the development plan and advising that the Council are minded to approve the application, as required by The Town and Country Planning (Consultation)(England) Direction 2009;
3. Subject to confirmation from the Secretary of State that the application can be determined by the Council, that planning permission is

recommended to be granted, subject to the conditions set out in appendix A and completion of a legal agreement (or appropriate mechanism) with the following heads of terms; The provision of 28% Onsite Affordable Housing, Education Contribution of £854,035, Waste Contribution of £3,815.76, Library Contribution of £7,652, Museums Contribution of £6,182, Open Space Maintenance Contribution of £15,220, Replacement Open Space to be provided and laid out within an agreed timescale to an approved plan with appropriate security and access arrangements, Replacement Open Space to be retained as Open Space, the delivery of Local Labour Local Goods and Services and a monitoring fee of £5,000.

4. Subject to confirmation from the Secretary of State that the application can be determined by the Council, that delegated authority is granted to the Head of Development Management to make minor amendments to the recommended conditions, including adding or deleting, and minor amendments to the legal agreement Heads of Terms.
5. Should planning permission be granted, that delegated authority is granted to the Head of Development Management to determine any subsequent planning applications on this site under S73 of the Act seeking minor material modifications to the consent.
6. Should planning permission be granted, that delegated authority is granted to the Head of Development Management to determine any subsequent proposals seeking to amend the legal agreement (or appropriate mechanism) seeking minor material modifications to the consent.

Conditions ('Appendix A')

- (01) *Time limit;*
- (02) *Approved documents and plans*
- (03) *Construction Management Plan*
- (04) *Waste management plan*
- (05) *Retention of Amenity Space*
- (06) *External Lighting*
- (07) *Boundary treatment*
- (08) *Electric Charging Point Strategy*
- (09) *Shared/Common Areas management plan*
- (10) *Landscaping scheme*
- (11) *Cycle Storage*
- (12) *Parking*
- (13) *Landscape Management Plan*
- (14) *CCTV*
- (15) *Renewable Energy*

- (16) *Remediation Strategy*
- (17) *Validation Report*
- (18) *Verification report*
- (19) *Contamination Investigation*
- (20) *Open Space within application site to be retained*
- (21) *Biodiversity gains*
- (22) *Ecological Report*
- (23) *Tree Protection*
- (24) *Finished Floor Levels*
- (25) *Samples of Materials*
- (26) *Design Code*

Or

B) Refused; It is recommended that the application is refused for the following reasons:

1. Luton has an overall deficiency in the provision of public open space. This development will result in the loss of a designated neighbourhood park and fails to provide replacement open space that is of an equivalent quality in an appropriate location within the Borough of Luton. The development will therefore result in a net loss of open space within Luton and add to the existing deficiency of neighbourhood park provision in this area to the detriment of the health, quality of life and recreation opportunities for Luton's existing and future residents. The proposal will therefore conflict with policies LLP1, LLP2, LLP15 and LLP27 of the Luton Local Plan 2011-2031.

Report

The Site and Surroundings

3. The application site forms a designated neighbourhood park within a suburban residential area on the edge of the Luton Borough Boundary. The site is surrounded to the north, east and west by two-storey post war housing. The post-war housing is predominantly finished in brick with a linear relationship with the road. The layout of the housing development surrounding the site is characterised by cul-de-sacs with properties set back from the road to allow for front gardens. Off street parking is provided for most dwellings.
4. There are a number of existing trees on the application site which are of significant amenity value and these are proposed to be retained and protected as part of the development. The area immediately east of the site also forms a designated county wildlife site. The site is located within flood zone 1 and as such is within an area of low risk of flooding.

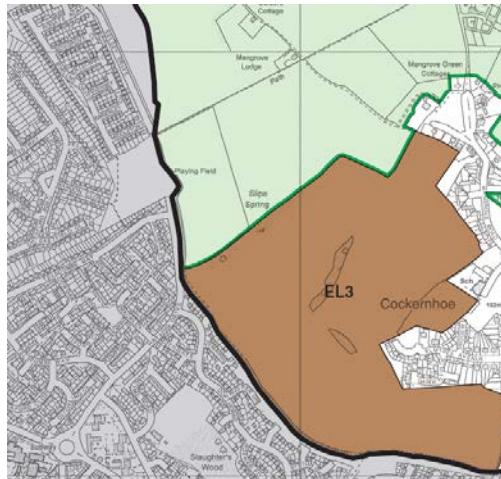
Fig.1: Site location Plan



5. The area to the north-east of the site is open in character and falls under the administration of North Hertfordshire District Council. This area forms part of the Luton Green Belt and Putteridge Bury Park and Garden, which is Grade II in the Register of Parks and Gardens of Special Historic Interest. The open area immediately to the north of the application site within Luton Borough is also designated greenbelt and forms an area of local landscape value.

6. The former Playing Field which is proposed to form the replacement park immediately adjoins the site to the east. The area to the south of the former Playing Field is proposed to be allocated for housing under EL3 of the North Hertfordshire Proposed Submission Local Plan 2011 – 2031. (fig 2) EL3 along with EL2 and EL1 are proposed within the North Hertfordshire Proposed Submission Local Plan to be a strategic housing site which will provide 2,100 homes. North Hertfordshire Local Plan is currently under examination which is still being held and this allocation to the east of Luton may not be retained. Notwithstanding, this if the site did come forward for housing there will be a requirement for open space to be provided within the development in accordance with policies in the North Hertfordshire Local Plan. The replacement park proposed under this application will not form open space provision for housing development that may come forward within North Hertfordshire.

Fig. 2: Extract from North Hertfordshire Proposed Submission Local Plan 2011-2031



Relevant Planning History

7. There is little relevant planning history associated with Wandon neighbourhood park. Wandon park was created as part of the Lane Hill Estate which was granted planning permission in 1953. The aerial photographs below shows the application site in 1945 and 2018. There is no legal obligation under the Town and Country Planning Act to require the park to remain open space.

Fig. 3: Aerial 1945

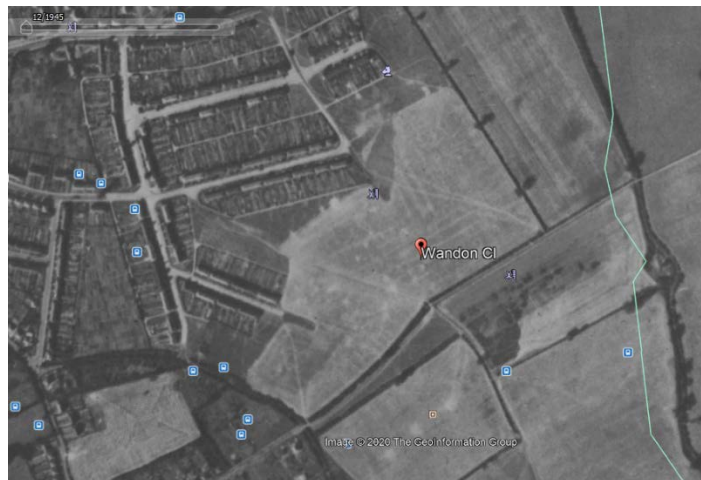
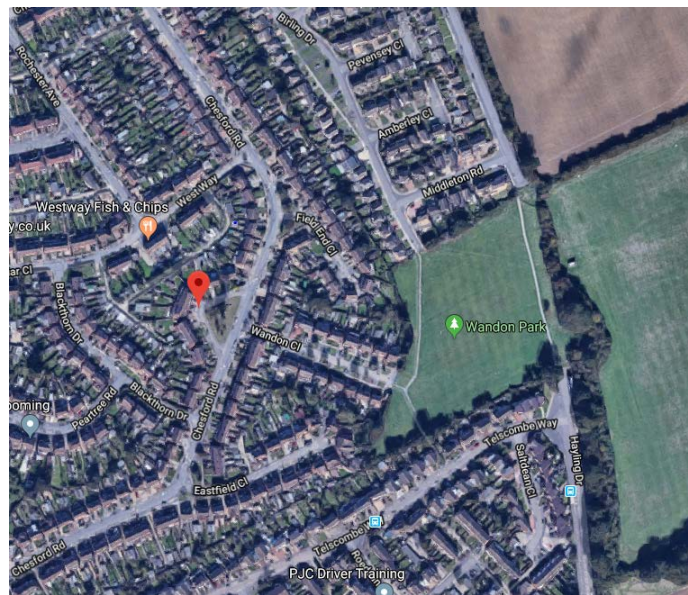


Fig. 4: Aerial 2018



8. In regard to the replacement park, this originally formed the playing field for Putteridge High School. The replacement park is located 500m from Putteridge High School due to the fact the agricultural land immediately to the east of Putteridge High School is part of the Grade II registered Putteridge Bury Park and Garden. It was initially considered by North Herts District Council that providing playing fields immediately adjoining the High School would be to the detriment of the registered park. However, following a planning appeal in 2010 planning permission was granted for new playing fields immediately adjoining Putteridge High School. Subsequently the former playing field proposed to form the replacement park is no longer required for the School.
9. The applicant submitted a planning application to North Hertfordshire District Council in September 2015 for the change of use of the former school playing fields to public open space, in March 2019 this planning permission was renewed. In August 2019 a certificate of lawful development submitted by Luton Council and approved by North Herts District Council to provide a children's play area, pedestrian trail/cycle route within the open space. The location of the proposed replacement park is outlined in red in fig 5 (below);

Fig. 5: Location of proposed replacement park



The Proposal

10. Full planning permission is sought for the erection of 60 dwellings (9 two-bed maisonettes, 4 two-beds, 16 three-beds, 29 four-beds and 2 five-beds) with associated car parking and vehicle access from Hayling Drive with the relocation of public open space to the adjacent former school playing fields. Planning permission has already been granted for the new public open space on the adjacent former school playing fields by North Hertfordshire District Council. Please see proposed housing layout in figure 6.

Fig. 6: Proposed Site Plan



11. The application site Wandon Park is 2.01 hectares, the proposed replacement park is 4.56 hectares. An indicative layout of the replacement park has been approved under a certificate of lawful development granted by North Herts District Council. This indicative layout has also been submitted with this application. If members are minded to grant the application the exact layout will need be agreed through a legal obligation. The applicant has agreed to pay a sum to the Council for the ongoing maintenance of the replacement park. Two further pockets of open space are

proposed to be retained within the development and the County Wildlife Site will also be protected this will result in 13.5% of Wandon Park being retained as public open space if the site is developed.

12. The maximum height of the proposed dwellings is 2.5 stories, the dwellings are proposed to be modern in appearance and finished in buff brick which is the predominant material in the immediate area.
13. The scheme proposes to provide 28% on site affordable housing (plots 44-60), with the following mix 9 x 2 bedroom maisonettes, 4 x 2 bedroom houses and 4 x 3 bedroom houses. A developer contribution will also be provided towards education, waste, libraries, museums and the maintenance of the replacement park. In addition to this the applicant has committed to using local labour, goods and services during construction. The developer has also committed to laying out the replacement park and making it accessible to the public prior to works commencing on the housing site. As mentioned above, there is also a commitment to pay for the on-going maintenance and upkeep of the replacement park.
14. Each individual dwelling is provided with its own private amenity space and secure cycle provision and the proposed maisonettes have a shared amenity space with a shared secure cycle storage area.
15. The scheme provides 142 parking spaces, 15 of which are visitor spaces. The parking spaces are allocated for each individual dwelling with a minimum of two spaces for the four bedroom dwellings and three spaces for the five bedroom units. The majority of the 4 bedroom dwellings have been provided with three spaces.
16. There is a single vehicular point of entrance and exit to the housing development from Hayling Drive. Pedestrian links are provided from Selsey Drive, Birling Drive, Wandon Close and Telscombe Close. A Public Right of Way (PROW) footpath FP26 currently crosses the site. This footpath links Wandon Close to the wider countryside in North Hertfordshire. In order to implement this planning permission if granted the PROW will need to be diverted due to the layout of the development. The granting of planning permission does not give permission for the diversion of a PROW a separate application under the relevant legislation would need to be submitted to the Council for approval.
17. There are two pedestrian access points from the proposed housing development proposed to enter the replacement open space. A footpath/cycle link is also proposed to run adjacent to the County Wildlife Site which will link Hayling Drive and Selsey Drive.

Planning Policy

National Planning Policy Framework (NPPF, or the Framework)

18. 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.
19. 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. Numerous discussions have taken place with the Applicant who have amended the scheme to ensure that the dwellings meet nationally described space standards and have provided more detail on the links between the proposed development and replacement park. The applicant has also made minor amendments to the design of dwellings following comments made by Officers.

National Planning Practice Guidance (NPPG)

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

Luton Local Plan 2011-2031

21. The Local Plan was adopted on 7 November 2017.
22. The application site forms a designated neighbourhood park in the Luton Local Plan 2011 -2031. The following policies are relevant to the determination of this application; policies LLP1, LLP2, LLP15, LLP16, LLP25, LLP27, LLP28, LLP29, LLP30, LLP31, LLP32, LLP36, LLP37, LLP38 and LLP39.
23. Policy LLP1 sets out the broad policy of the plan which is the presumption in favour of sustainable development.
24. Policy LLP2 sets out the Spatial Development Strategy for the Borough, setting out objectives for housing delivery, job creation, retail provision and improvements to infrastructure associated with development.
25. Policy LLP15 supports the grant of planning permission on sites not allocated for housing provided that it would not lead to the loss of other uses for which there is a recognised local need.

26. Policy LLP16 relates to affordable housing provision identifying that the Council will require a provision of 20% affordable housing units (or equivalent financial contribution) on all schemes that deliver a net gain of 11 dwellings.
27. Policy LLP25 requires buildings and spaces to be of high quality design, with distinctive character. In particular, development should make provision to enhance the character of the area by responding positively to the townscape, street scene, site and building context, form, scale, height, pattern and materials, distinctiveness and natural features including biodiversity. In addition, the policy seeks to optimise higher densities and optimise and improve accessibility to walking and cycling and connections to public transport and community services and facilities.
28. Policy LLP27 seeks to protect and enhance the existing network of open space and natural greenspace within the Borough. The policy allows for the development of open spaces such as Wandon Park only in exceptional circumstances.
29. Policy LLP28 seeks to protect and enhance ecological networks and habitats
30. Policy LLP29 concerns the protection, conservation and enhancement of the character, setting and natural beauty of national and local landscape areas.
31. Policy LLP30 concerns the historic environment and seeks to protect, conserve and enhance historic assets.
32. Policy LLP31 requires, amongst other things that new development minimises the need for travel, reduces road congestion, reduce safety risk to motor and non-motor users and ensures the quality of the local environment is not compromised.
33. Policy LLP32 considers the parking requirements of development, stipulating expected provisions and highlighting the sustainability of the Town Centre location.
34. Policy LLP36 reflects upon flooding issues within the Borough.
35. Policy LLP37 is concerned with climate change, carbon and waste reduction and sustainable energy proposals, and is generally supportive of proposals which will contribute towards mitigation and adaptation to climate change through energy use reduction and efficiency and renewable and decentralised energy.
36. Policy LLP38, with specific regard to the development, deals with the possibility of land being contaminated and requires assessment and potentially remediation prior to development being commenced.
37. Policy LLP39 seeks the provision of financial contributions made necessary by the development. It is unlawful for a planning obligation to be taken into account when determining a planning application for a development that is capable of being charged Community Infrastructure Levy (CIL) if the obligation does not meet the following tests:

Necessary to make the development acceptable in planning terms;
Directly related to the development; and
Fairly and reasonably related in scale and kind to the development.

In the context of this application, the development is in a category to which Regulation 122 applies. The requirement for financial contributions towards infrastructure improvements are matters which, if the development proposals are supported, would need to be secured by planning obligation. This is a proportionate obligation that is considered to comply with Regulation 122 and for which there is a clear policy basis either in the form of development plan policy or supplementary planning guidance

Equality Implications

39. It is considered that more vulnerable members of the public such as the elderly and young children are less likely to use the replacement park than the existing park owing to concerns over natural surveillance, seclusion and greater risk of crime.

Consultation Responses

40. Bedfordshire Fire & Rescue: No Objections subject to a number of informatives. The nearest hydrant is at the side of 1 Saltdean Close, this is a large site hydrants will be required
41. Lead Local Flood Authority: No objections. Drainage conditions requested
42. Public Health have made the following comments;

Play areas and outdoor space

PH are concerned about the loss of public open green space at Wandon Park. The proportion of year 6 children in Luton who are overweight or obese and those categorised severely obese, and levels of physical inactivity in adults is significantly worse than the national average. Providing access to green public open space is therefore important. Luton should be protecting their scarce green spaces not building upon it. It is already recognised in the JSNA that green space is in short supply in the town, especially for those people living in the most deprived areas, Continuing with this application will go against the JSNA priority 'to improve the accessibility and recreational value of existing parks, green spaces and natural areas'. While planning permission has been granted to turn the old school playground into public open space this land was already unofficially accessed and used by the public, meaning a net loss of green space to residents. The new application submitted to provide a children's play area and pedestrian trail/cycle route on the old School ground could greatly benefit residents providing easier access to physical activity opportunities.

Carbon Footprint

The development results in a net loss of green space. Green infrastructure vegetation and green spaces, whether public land or not, help reduce the amount of carbon dioxide in the atmosphere. This development is contrary to the Council's carbon neutral before 2050 priority.

Air Quality

Development should be designed to provide a green barrier between residents living

space and vehicular traffic. Parking spaces should be kept to a minimum and good sustainable transport links should be encouraged instead. Lockable bike storage is positive.

Affordable Housing

The scheme proposes 17 affordable dwellings equating to 28.3% of the scheme conducive with the Councils no-one in poverty 2040 vision. Development will provide 47 family homes with 3, 4 and 5 bedrooms which supports meeting local need. Affordable, high quality housing is essential to good health and wellbeing.

43. Police: Object – The development lacks any evidence-based content in respect of community safety.
44. LBC Waste: Developer Contribution of £3, 815.76 requested
45. London Luton Airport: No Safeguarding Objection to the Proposal
46. Sport England: As the proposal does not have any impact on any existing sport facilities or playing fields, and does not generate significant demand for new indoor or outdoor sports facilities, Sport England has no comments to make. It should be noted that although the application results in the loss of 2.01ha of public open space, planning consent has already been granted to change the use of the adjoining playing fields to public open space (c4.5 hectares), therefore there is a net gain in public open space in this area
47. LBC Highways: Conditional Permission. The Highway Authority does have some concern that the proposed replacement open space will lead to an increased demand for on street parking along Hayling Drive. The indicative site layout does not show any on-site parking to serve the open space, but in any event given that it is separated from the housing areas by the county wild life site and therefore will have no natural surveillance, it is unlikely that a car park would be used. A full safety audit of the proposed site access and its interaction with the surrounding highway network is also required.- will this be through a section 38 agreement
48. Environment Agency: The site lies within Groundwater Source Protection Zone 3(SPZ3). Specific advice on the risks to controlled waters is not being provided for this site. All risks to groundwater and surface water from contamination need to be identified so that appropriate remedial action can be taken.
49. LBC Housing: Support - In terms of affordable Housing the site provides more than the Local Plan Policy Requirement and an appropriate mix of housing types with address Luton's affordable housing needs.
50. LBC Education: £654,045 Primary Contribution, £199,990 Secondary Contribution
51. LBC Parks: The Parks Service are comfortable that the proposals for the replacement open space related to the Wandon Park development proposal includes all of the elements required to deliver a fully functional Neighbourhood Park to meet the needs of the local community. The proposal offers a much improved green space offer which is in close proximity and with good access from the residential areas. The scheme protects and improves existing areas of biodiversity interest and protects significant trees. The new park introduces play facilities, not currently available to the community in the Wandon Close area along with areas for robust games , circulation paths and

benches and additional landscaping which ensure that the replacement park will be attractive and accessible for the whole community and which provides opportunities for local residents to utilise the new space for a much wider range of community events and activities.

52. LBC Museums: £5641 contribution towards museums
53. North Hertfordshire District Council: The overall proposal includes the transfer of the play area to land within North Hertfordshire District and the relevant planning permission and lawful development certificate (confirming that the proposed works if carried out by Luton Borough Council are permitted development) have been granted by the Council to facilitate this transfer. North Herts District Council understands the clear needs case for new housing within Luton and given the constraints of the Borough it becomes necessary to consider sites such as this one which forms an existing public amenity. Whilst we understand the concerns of Local residents regarding the closure of the existing play area, provided the transfer to the new play area is managed appropriately North Herts District Council considers that these concerns can be addressed to a certain extent. It is also necessary to ensure that the existing sports pitches are no longer required and if this is the case the Council have no in principle objection to the proposed development.
54. LBC Strategic Planning: Policy LLP15 provides the starting point for determining whether residential development is acceptable in principle. Part B is applicable to this site, directing that planning permission for residential development will be granted on sites not allocated for housing provided that it would not lead to a loss of uses for which there is a recognised local need. The allocation of the land as a neighbourhood park demonstrates that there is a need for it to be retained in its current use in order to maintain an effective network of district and neighbourhood parks. While the scheme proposes to replace the open space, that replacement is entirely within North Hertfordshire and therefore represents the total loss of an important park within Luton.

While the need for new homes is significant, it must be noted that the local plan has balanced this against the need for other land uses including open space. It should be noted that the land was assessed as a potential housing allocation during the plan-making process but performed poorly against seven sustainability criteria (including access to play facilities, nurseries/ crèches, trees, development on greenfield land, potential impact on Putteridge Bury registered park and garden and Wandon End Park county wildlife site). The sustainability appraisal also identified negative impacts against strategic environmental objectives (maintain and enhance biodiversity, habitat and landscape; conserve, restore and enhance green infrastructure; encourage healthier lifestyles and reduce adverse health impacts of new developments). Through the plan making process, it was decided, and approved by full council, that the land should be allocated as a neighbourhood park.

55. Statutory Neighbour Consultation: The application was notified to 83 neighbouring properties, site notices were posted and a press notice was issued which identified the development proposal as a departure from the development plan. To date, 169 contributors have submitted objections to the development proposal. Objections have been received from two Local Ward Members, Luton Friends of Parks and Green Spaces and Friends of the Earth.

56. A summary of responses to the consultation are available at Appendix 2
57. There have been procedural issues raised in regard to the fact Foxhall Homes are owned by the Council. As with all applications presented to committee, if a member happens to have a pecuniary or personal/prejudicial interest in an agenda item, then they would be expected to declare as such and excuse themselves from the decision making process for that particular application. However, the planning authority act impartially and independently to lay the facts before the Committee as they would with any planning application Foxhall Homes is a ltd company and is treated as such through the planning process.

MAIN PLANNING CONSIDERATIONS

58. The main planning considerations relate to the principle of development, the design and impact on the character and appearance of the area, Heritage assets, impact on the County Wildlife Site, impact on trees, impact on adjoining occupiers, the quality of the proposed living environment, parking and highway implications, regeneration, climate change and affordable housing and developer contributions.

Principle of Development

59. Policy LLP1 (A) of the LLP states the following;
'Planning permission will be granted where applications accord with Local Plan policies when taken as a whole, unless other material planning considerations indicate otherwise'
Policy LLP1 forms the starting point for the determination of this application, the conflict with the development plan will be clearly identified below as will all the material planning considerations.
It will be for the planning committee to balance and weigh the material planning considerations and determine if these outweigh the harm associated with the departure from the development plan.

Quantitative Considerations of Replacement Park

60. Policy LLP15 provides the starting point for determining whether residential development is acceptable in principle. Part B is applicable to this site, directing that planning permission for residential development will be granted on sites not allocated for housing provided that it would not lead to a loss of uses for which there is a recognised local need. The allocation of the application site as a neighbourhood park within the Luton Local Plan demonstrates that there is a need for it to be retained in its current use in order to maintain an effective network of district and neighbourhood parks. Indeed, while the need for new homes is significant, it must be noted that the Local Plan has balanced this against the need for other land uses including open space. Paragraph 6.5 of the Local Plan states that *'there is only a limited supply of land in Luton for new homes without stifling development, eroding open land including the Green Belt, other locally protected spaces and important nature designations'* Through the plan making process, it was decided and approved by the Council, that the land should be allocated as a Neighbourhood Park.
61. Policy LLP27 (B) states that; *'Development proposals that result in the loss of open space, parks, allotments, important greenspace, and green infrastructure will only be*

permitted where the most up-to-date evidence demonstrates that the open space is not in an area of identified deficit in the locality and is surplus to requirements. Exceptionally, losses will also be permitted where: replacement open space provision can be made that is of an equivalent type, quality and quantity or better and is accessible and within the vicinity'

62. The proposed replacement park is entirely within North Hertfordshire and therefore represents the total loss of a designated neighbourhood park in the Borough of Luton. The proposal is contrary to strategic objective 10 that underpins the development plan policies: *'Improve, protect and enhance biodiversity of natural areas within the town, including the quality, accessibility, health and recreational value of green space'*
63. The proposal is also contrary to the vision of the Local Plan as set-out at paragraph 3.8: *'Luton will protect and enhance its networks of parks, heritage, waterways and natural features, which will continue to provide integral multi-functional open space, leisure opportunities and benefits to health and wellbeing in a densely populated Borough'*
64. It is important to note that the local plan policies were developed and examined with consideration given to green spaces that only exist within the town (other than cross-boundary strategic green infrastructure networks). Consideration of lower-level cross boundary open spaces therefore deviates from the fundamental basis on which the development plan was created. The proposed replacement park will therefore count towards open space provision in North Hertfordshire, not Luton. The proposal represents a gross loss of open space in Luton and, in quantitative terms, no gain within the Borough of Luton. Indeed, as the replacement neighbourhood park will lie outside of the Borough of Luton it will not be possible through the jurisdiction of Luton Borough Council to allocate this replacement park a neighbourhood park as part of any revisions to the Local Plan.
65. The Green Space Strategy Review (2015) which provided part of the evidence base for the Luton Local Plan shows that Luton has an overall deficiency of 52ha of neighbourhood parks. It is estimated that this deficiency could increase to at least 66ha by 2031, even with low population growth. The loss of the neighbourhood park at Wandon Close would increase this overall deficiency within the Borough of Luton.
66. However, in reality residents of Luton will use the replacement park despite it falling within the administrative boundary of NHDC. Indeed, as is evidenced from the correspondence submitted from local people, Luton residents currently make use of the surrounding countryside which falls with NHDC. The administrative boundaries are drawn up for the purposes of Local Governance but in a physical sense the boundaries are not significant and people will cross them with little awareness. A legal agreement will secure the provision of the park and also ensure that it is retained for future use as a park. In light of the above it is considered reasonable that Members of the Committee may consider that the replacement park will mitigate for the loss of Wandon Park in coming to a decision on the application. It is also important to recognise that Sport England have raised no objections to the application and consider that the application with the provision of the replacement park will result in a net gain in open space.

67. The existing use of the land proposed to form the replacement park was former playing fields for the School.
68. The NPPF defines open space as 'All open space of public value, including not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity' The PPG further states that 'Open Space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks'
69. The playing fields in their current form are considered to be of amenity value as they provides an open aspect in close proximity to the built up, suburban boundary of Luton. Indeed the important contribution this area of land makes to the character of the area is demonstrated in the aerial photographs above.
70. It is considered that the playing field when considered in light of the NPPF and PPG was private open space rather than a purely educational use when used by Putteridge School. Further supporting this are the comments provided by Sport England on the original application submitted to North Hertfordshire District Council to change the use of the land to public open space (application 19/00204/FP). Sport England's comments are as follows;
71. *'No other development is proposed so it would appear that the proposal would just formalise public access to this local authority owned playing field so that the public have open access to the site rather than restricted access which they presumably have at the moment due to its principal use being a school playing field. It is understood that the playing field is formally used already by local football clubs at the weekend'*
72. In light of the above it could be considered that the replacement park fails to offer a quantitative increase in open space provision. However, the existing use as playing fields with restricted community use is not directly comparable to a public park and Sport England do not consider that there is a loss in open space but consider that the development will result in a net gain. It would therefore be reasonable for Members to give weight to the fact that there is a net gain in open space associated with the development, indeed the replacement park is of a larger area than Wandon Park and 13.5% of the open space on Wandon Park is proposed to be retained as part of the development. It is also important to consider that the parks department are supportive of the application stating that 'The proposal offers a much improved green space offer which is in close proximity and with good access from the residential areas'.
73. Luton has an overall deficiency in the provision of public open space. This development will result in the loss of a designated neighbourhood park and fails to provide replacement open space that is of an equivalent quality in an appropriate location within the Borough of Luton. There is therefore a conflict with policies LLP1, LLP2, LLP15 and LLP27 of the Luton Local Plan 2011-2031.
74. However, in a practical sense the replacement park within North Hertfordshire is in close proximity (walking distance) to the existing housing development which Wandon Park serves and will be able to be used by local residents. On this basis it is not considered unreasonable for Members of the Committee to put significant weight on the fact the replacement park will mitigate for the loss of Wandon Park in coming to a decision on the application. The existing playing fields proposed to form the

replacement park are currently open space and arguably in this sense there is no quantitative increase in open space associated with this development. However, the existing use as playing fields with restricted community use is not directly comparable to a public park and Sport England do not consider that there is a loss in open space. It would therefore be reasonable for Members to give weight to the fact that there is a net gain in open space associated with the development, indeed the replacement park is of a larger area than Wandon Park and 13.5% of the open space on Wandon Park is proposed to be retained as part of the development.

Qualitative Considerations of Replacement Park

75. There are qualitative benefits associated with the replacement open space, which form material planning considerations in the determination of the application. These include the fact that the former school fields currently have only limited access for community groups. In granting this development the playing fields will become fully accessible to the public and the space is a larger area than Wandon Park. Further to this the park will be laid out with new equipment and infrastructure and a commuted sum will be provided to maintain the park. Indeed, LBC Parks comments; 'The new park introduces play facilities, not currently available to the community in the Wandon Close area along with areas for robust games, circulation paths and benches and additional landscaping which ensure that the replacement park will be attractive and accessible for the whole community and which provides opportunities for local residents to utilise the new space for a much wider range of community events and activities'. These will be benefits of the development.
76. There are, however, concerns with the location of the replacement park. The replacement park is a significant distance from any built form which could provide natural surveillance of the replacement park.
77. The replacement park is located behind the County Wildlife site and a number of mature trees of significant amenity value. There is little natural surveillance of the replacement park due to the constraints of the wildlife site. Wandon Park is an integral part of the original housing scheme surrounded by residential development, which provides natural surveillance and is well used by the local community including dog walkers, school children and parents. Perceptions of safety influence the nature and extent that people use spaces and the replacement park has no natural surveillance, is disconnected due to the wildlife site and isolated. It is considered that the replacement park will be poorly used due to these constraints and furthermore given the isolated nature of the replacement park this could encourage antisocial behavior.
78. It is noted that CCTV could be used to monitor the replacement park and if the planning permission is granted a legal agreement (or other suitable mechanism) will require the applicant to submit a scheme of the layout of the park for approval this scheme will need to include details of CCTV and security measures. This will address some of the concerns around safety and natural surveillance.
79. It is also acknowledged that the Parks department have not raised concerns with regard to the location of the proposed replacement park nor the principle of the replacement open space. Indeed, the replacement park will offer further community

facilities than is provided at Wandon Park with play equipment and a large area for games and exercise. The exact layout will be agreed through the legal agreement but there is a significant opportunity to provide an improved offer over and above the provision at Wandon Park.

80. The replacement park given its location behind the County Wildlife Site has little natural surveillance and concerns are raised with regard to potential antisocial behavior due to this lack of surveillance there are also issues with regard to the perception of personal safety. However, if granted the applicant has committed to using CCTV and security measures to ensure that the area is safe and this will be secured through a legal obligation. Further to this the Council's Parks department have raised no objections in this regard and consider the replacement park an enhanced community facility over and above the existing Wandon Park. It is important to recognise that technology through CCTV can potentially mitigate for the fact that there is a lack of natural surveillance of the replacement park and this is a material planning consideration in the determination of the application. The Applicant has also committed to pay a maintenance contribution towards the park which can go towards the long term provision and monitoring of the CCTV.

Housing Supply

81. The submission indicates that the development will contribute to housing land supply. On the basis of the fact that the Council is meeting its 5 year housing land supply and as such planning policies in regard to housing (in this case LLP15) are engaged very limited weight can be attributed to this in the decision making process.
82. The development will provide 47 family homes with 3, 4 and 5 bedrooms. This represents 78.3% of the total dwellings and is considered to be a planning benefit of the proposal given the high level of need for family homes within Luton.
83. The table below identifies need, against the historic delivery per housing type, from the latest Strategic Housing Land Availability Assessment (SHLAA- 2019). There is an identified significant shortfall in large family dwellings within the Borough and this application will lessen this shortfall.

Table 1: SHLAA Data (November 2019)

<i>Unit Size</i>	<i>Identified Need (2011 to 2031)</i>	<i>Historic Delivery (2011/12 to 2018/19)</i>
<i>1-bed</i>	420	2,307
<i>2-bed</i>	3,880	1,285
<i>3-bed</i>	10,910	383
<i>4+bed</i>	2,590	402

84. The provision of 16 three-bedroom, 29 four-beds and 2 five-bed houses will make a significant contribution to housing need within Luton. As is identified within the SHLAA there is a significant under delivery of family housing within Luton. There is a combined need of 13,500 family homes (3 bed plus) to 2031 and currently only 785 have been delivered over the last 8 years. That is the equivalent of only 6% of family housing needed over nearly half the prescribed time period for delivery. There is a limited supply of land suitable for family sized housing within Luton due to the physical characteristics of the Borough and green belt restraints. The delivery of this family housing is a significant material planning gain of this development proposal.
85. The development will also provide much needed on site affordable dwellings, four of which will be three bedroom dwellings. The level of affordable provision will be above the policy requirement under policy LLP16 of 12 units with the provision of 17. This is 5 additional affordable dwellings over and above the planning policy. This also can be considered a significant material planning benefit of the proposal. Viability of development schemes is a significant issue across the Borough with many schemes becoming unviable if they provide on-site affordable housing. This has resulted in a lower delivery of on-site affordable housing and the need and demand for affordable homes within the Borough continues to grow. This development if granted will provide over and above the 20% policy requirement and will deliver 17 affordable homes for local people. This is a material planning benefit of the proposed development.

Ecological Gains

86. The submission identifies that there are ecological gains of the proposed development in regard to enhancing the new open space. There is a potential opportunity for further ecological gains in regard to the proposed replacement park through the provision of replacement habitats which is a material planning consideration. The submitted plans identify areas for habitat creation and include a wildflower meadow, local tree species planting and long rough grass. If the application is approved it is recommended that it is subject to a legal mechanism which will require a full detailed specification of the layout of the revised park and this layout will need to include full details of habitats to be provided within the park.
87. In regard to the redevelopment of the existing park whilst there have been no protected species identified on the site. It is not considered that the development will have a harmful impact on ecology subject to the development according with the recommendations within the ecological appraisal. The housing development does not provide any ecological gain but is neutral in this regard. A suitable condition requiring biodiversity gains has been recommended to be included should planning permission be granted.

Conclusion

88. This development will result in the loss of a designated neighbourhood park and fails to provide replacement open space that is of an equivalent quality in an appropriate location within the Borough of Luton. The proposal will therefore conflict with policies LLP1, LLP2, LLP15 and LLP27 of the Luton Local Plan 2011-2031.

89. The development is in conflict with the strategic policies LLP1, LLP2, and policies LP15 and LP27 and as such forms a departure from the development plan. If the Planning Committee are minded to grant the application it will need to be referred to the Secretary of State as an application not in accordance with the Development Plan.
90. There are a number of material planning benefits of this scheme which the Committee may consider outweigh any harm associated with the departure from the Development Plan. These considerations include public access to a larger area of public open space than Wandon Park, the improved community facilities on the replacement open space, ecological and biodiversity gain on the replacement park through the development of new habitat areas and the sum of money provided to maintain the replacement park. The delivery of family housing is also a significant material planning benefit of this development proposal. As is shown within the SHLAA there has been a substantial under delivery of family housing within Luton throughout the current Local Plan period. The SHLAA identifies there is a combined need of 13,500 family homes (3 bed plus) to 2031 and only 704 have been delivered over the last 8 years. This development will make a meaningful contribution to meeting the identified need through providing further family housing within Luton and this must carry weight in the decision making process. Further to this the development also provides affordable family housing (over and above the 20% policy requirement) for which there is a significant need within Luton. This is a significant planning benefit of the proposal.
91. In terms of the lack of natural surveillance of the replacement park it is not unreasonable to consider that the provision of CCTV will provide adequate mitigation for the lack of natural surveillance of the replacement park but the location of the replacement park cannot be considered as well related to the existing built form in urban design terms as Wandon Park.
92. It is noted that within the submission the replacement playing fields for the School are identified as a planning gain and that this proposal will potentially act an enabling development for the playing fields. It is however considered that based on the fact the new playing fields are in use this cannot be considered a planning gain associated with this development.
93. It will be for the planning committee to balance and weigh the material planning considerations and determine if these outweigh the harm associated with the departure from the Development Plan.

Design and Character and Appearance of the Area

94. Policy LLP25 seeks to have development enhance the character of an area, respond positively to the local context, minimise adverse amenity implications, optimise a site and create safe and attractive places.
95. The immediate area is characterised by two-storey post war housing. The post-war housing is predominantly finished in buff brick with a predominantly uniform and linear relationship with the road. The layout of the housing development surrounding the site is characterised by cul-de-sacs with properties set back from the road to allow for front gardens. Off street parking is provided for most dwellings, with this parking to the side of the houses.

96. The layout of the proposed development is considered to be in-keeping with the character and appearance of the surrounding development. The dwellings are set back from the road and off street allocated parking spaces area proposed. The dwellings provide adequate natural surveillance of the network of roads and the pocket of open spaces provided throughout the application site. The concerns with regard to the location of the proposed replacement park have been identified in the previous section.
97. The police architectural liaison officer has raised objections with regard to the layout of the development advising that 'it is needlessly circulatory beyond what might be required to make provision for reasonable circulation on one hand, and community safety on the other'. The development offers a number of pedestrian routes in and out of the proposed development and the police are concerned that a high level of permeability can mean more crime as people feel less ownership of the space outside their front door. The application site currently has five pedestrian access points and the proposed development is retaining the existing pedestrian access. Whilst it is acknowledged that from a designing out crime perspective a reduction in the number pedestrian accesses could be preferable. In this instance, however, given the fact the access arrangements are existing it is not considered that the development will be any more harmful than the existing situation and as such it is not recommended that the application is refused on this basis.
98. In regard to the area behind Telscombe Way specifically numbers 187 – 197, this appears to have poor natural surveillance from the plan. However, two mature trees which are to be retained are located to the rear of 197 and the footpath to the rear of 189 – 195 will be private and secure.
99. A typical detailed design of a semi-detached four bedroom dwellings is shown in fig 5 and typical detached five bedroom dwelling is shown in fig 6.

Fig. 5: Elevation of typical four bedroom semi-detached dwelling

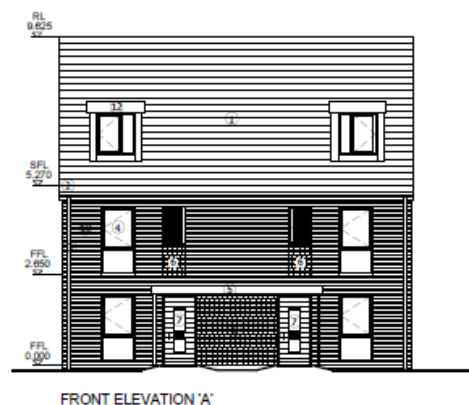
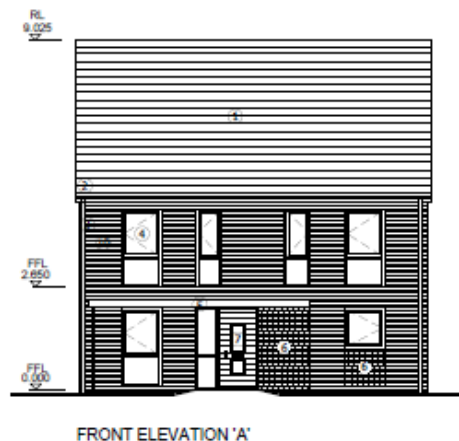


Fig. 6: Elevation of typical five bedroom detached dwelling



100. Amendments have been made to the detailed design of the proposed maisonettes and these amendments are considered acceptable. It is considered that the detailed design of the proposed dwellings is acceptable and that the development will not be out of keeping with the character and appearance of the surrounding built form in the area. Concerns have been raised with regard to the fact the dwellings extend to three stories in height. The dwellings are two stories with dormers which provide rooms in the roof. Numerous properties within the area have roof extensions with dormers as such it is not considered that the development is out of keeping with the character or appearance of the area.
101. Cycle storage will be provided for each individual dwelling and shared cycle storage is provided for the maisonettes. A bin storage area is also provided for the maisonettes.
102. The proposal will not result in the overdevelopment of the site, as is demonstrated within this report there is adequate parking, amenity space and room sizes provided for potential occupiers. It is also not considered that the proposed development will have a detrimental impact on the amenities of neighbouring occupiers in terms of overlooking, overshadowing or the proposal having an overbearing impact. In terms of concerns raised that the loss Wandon Park will result in urban sprawl and the housing estates will appear joined. It is acknowledged that Wandon Park does currently provide a visual break from built form. However, the design of the proposed housing scheme is considered to be of high quality and this along with the soft landscaping proposed, retained open space on Wandon Park and the retention of the mature trees within the County Wildlife Site will ensure that there remains green space on the application site.
103. The materials proposed are considered acceptable in principle and a planning condition is recommended if the application is granted requiring the submission of samples of materials prior to the commencement of above ground works. A planning condition requiring the submission of a soft landscaping scheme is also recommended to be added to the permission if granted, as the developer will be required to provide native planting.
104. The cycle and bin storage are provided in accessible locations and the pedestrian access is considered appropriate for the development. There is good natural surveillance across the site. The police have raised concerns with regard to the permeability of the site, however, given the development is utilising existing pedestrian

access and the levels of natural surveillance provided there are no objections proposed in this regard. Overall, the view is taken that the scheme would provide for an attractive living environment for future occupiers.

105. The area to the north east of the site is designated under Policy LP29 of the Local Plan as Putteridge Edge Area of Local Landscape Value (ALLV). Policy LLP29 requires development proposals to protect, conserve and enhance the character, setting and natural beauty of national and local landscape areas. Views of the proposed development fall to be considered in the context of the existing two-storey post war housing to the north, east and south of the site and the development does not encroach into the wider countryside. Accordingly, the proposed development would not have an unacceptable visual impact on the character, setting and natural beauty of the Putteridge Edge ALLV.
106. In view of above assessment, it is considered that in regard to the detailed design of the scheme it will be in keeping with the character and appearance of the area and that the development will comply with policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031.

Impact on Heritage Assets

107. Policy LLP30 of the Luton Local Plan seeks to ensure that development proposals protect, conserve and enhance Luton's unique and rich heritage, identity and sense of place.
108. The area to the north-east of the site is open in character and falls under the administration of North Herfordshire District Council. This area forms Putteridge Bury Park and Garden, which is Grade II in the Register of Parks and Gardens of Special Historic Interest. On the basis of the fact views of the proposed development fall to be considered in the context of the existing two-storey post war housing to the north, east and south of the site and the development does not encroach into the wider countryside. It is not deemed that the proposal will be to the detriment of the setting of the grade II registered park.
109. Historic England and the Gardens Trust have been consulted on the application and have not provided any comments or raised any concerns.
110. The proposed development is not considered to have a harmful impact on the character or appearance of the Grade II listed park and the proposal will comply with policy LLP30 of the Luton Local Plan.

Impact on the County Wildlife Site (CWS)

111. Local Plan Policy LLP28 seeks to protect and enhance ecological networks and habitats, the area to the east of the site is a protected county wildlife site.
112. The proposed development will only result in a minor encroachment on the CWS through the modification of the footpath arrangements. The current design proposals

will not have any direct impacts on the CWS but indirect impacts from lighting and an increase from footfall and public pressure including vandalism is possible given the proximity of the site to the new residential dwellings.

113. In regard to bats, a number of trees were inspected and considered potential bat roosts. As such a bat survey was submitted with the application and this survey concluded that no visible signs of bat use were noted.
114. The ecological survey submitted has made a number of recommendations in order to mitigate any indirect impact on the CWS and any protected wildlife. These recommendations include avoiding ground work construction activities in root protection areas and any tree management requirements being reviewed for bats by ecologists, details of lighting to be submitted to the planning authority prior to works commencing, a botanical survey of the field being carried out during the peak growing season, no deep excavations, removal of food from site and avoidance of fire. Whilst no specific badger activity was noted on site this may change given the dynamic movement of badgers, as such badger activity on site will need to be kept under review. Works to undertake vegetation clearance shall take place during the winter months to avoid disturbing nesting birds and a number of features to benefit biodiversity are also recommended to be implemented. It is recommended that if planning permission is proposed to be granted a planning condition is added to the permission requiring that the development is carried out in accordance with the recommendations in the preliminary ecological appraisal.
115. The Council's parks department, which includes comments from the Council's ecological officer has raised no objections to the proposed development stating that 'the scheme protects and improves existing areas of biodiversity interest and protects significant trees'.
116. In light of the above it is not considered that the proposed development will have a significantly detrimental impact on the CWS or the ecological networks and habitats within the area. The proposed development is therefore considered to comply with policies LLP25 and LLP30 of the LLP.

Impact on existing Trees

117. Policy LLP25 of the LLP states inter alia that development proposals should provide 'measures to protect, conserve, or enhance natural assets and biodiversity'
118. An arboricultural statement has been submitted with the application, all the trees on the site are have been assessed and are proposed to be retained with the exception of a plum tree and an Ash. The plum tree is located to the rear of 13 Middleton Road and is of little amenity value. An ash tree located to the rear of 177 Telscombe Way is also proposed to be felled as it is of poor quality due to heavy decay. The trees proposed to be felled are not of high amenity value given their species and condition as such no objections are raised.
119. In regard to the trees proposed to be retained, tree protection measures and a tree protection plan form part of the arboricultural statement and a planning condition is recommended if planning permission is granted indicating that the development shall

be carried out in accordance with the recommendations, tree protection methods and timescales within the statement.

120. The development given the tree protection measures identified is not considered to have a detrimental impact on the trees within the CWS. The Councils Parks department have also raised no objections to the development. It is therefore considered that the proposal will comply with policy LLP25 of the LLP.

Impact on amenities of neighbouring occupiers

121. The application site is surrounded on three sides by two-storey residential development. The proposed dwellings are located sufficient distance from the existing residential dwellings in order to ensure that they do not cause an unacceptable level of overlooking. Furthermore, given the distance from the proposed dwellings to the existing residential development the proposals are not considered to have an overbearing impact or cause any significant overshadowing.
122. Concerns have been raised by neighbours with regard to additional noise, smells and disturbance from the development. The proposed development whilst a more intensive use than the public open space, is of a comparable density and scale to the housing in the surrounding area. It is therefore not considered that the proposal will result in a substantial increase in noise, smells or disturbance which would warrant refusal of the application.
123. There have also been concerns raised with regard to the impact of the development on air quality. It is acknowledged that green space (trees and vegetation), whether public land or not, helps to reduce the amount of carbon dioxide in the atmosphere. In this instance, however, it is not considered that the amount of green space lost as part of the proposals will have such a significant impact on air quality that the application should be refused. In regard to additional trips and boilers for the new dwellings given the number of dwellings proposed this will also not have a significant impact on air quality. Notwithstanding, this it is recommended that if the application is granted a planning condition is attached to the permission requiring 10% of all energy for the development to be secured through renewable energy sources. Further to this environmental protection have raised no objections to the proposed development.
124. In terms of noise and disturbance during construction this is inevitable for any planning application granted and does not carry weight in the decision making process. Notwithstanding this if granted it is recommended that a planning condition is attached to the permission requiring the submission of a construction management plan which will identify how the construction site will be run to ensure that consideration is given to existing neighbouring occupiers.
125. Local residents have raised concerns with regard to the impact of the loss of open space on physical and mental health. This is an important consideration and the planning merits of the loss of the neighbourhood park are discussed within the principle of development section of the report. If this application is granted planning permission, the replacement park will be laid out and made accessible to the public prior to works starting on Wandon Park thus ensuring that there will be a park in close proximity for residents to use.

126. It is therefore considered that there would not be any significant adverse impacts on the amenities of neighbouring occupiers and the development will comply with policy LLP25 in this regard.

Living Environment for future occupiers

127. The proposed dwellings have been amended so that they meet the nationally described space standards.
128. As set out in Appendix 6 External Amenity Space Standards of the Luton Local Plan 2011-2031, for new dwellinghouses a minimum area enclosed 45 sqm rear garden should be provided, for flatted developments a minimum of 5 sq. m of private outdoor amenity should be provided for 1-2 person flats and maisonettes and an extra 1 sq. m should be provided for each additional occupant. The proposed development will provide a minimum of 45 sqm for each private dwelling. In respect of the maisonettes 48-54 a communal amenity space of 177sqm is provided which exceeds the standard required. Flat 55 has private amenity space of 41 sqm and flat 56 has private amenity space of 46sqm. The level of amenity space provided is therefore compliant with the requirements of the Luton Local Plan.
129. In light of the above it is considered that the proposed development will provide adequate living conditions for potential occupiers of the proposed development. The proposal will therefore comply with policy LLP25 of the Luton Local Plan 2011-2031.

Highways Implications and Parking

130. There is a single vehicular point of entrance and exit to the housing development from Hayling Drive. Pedestrian links are provided from Selsey Drive, Birling Drive, Wandon Close and Telscombe Close. A PROW footpath FP26 currently crosses the site.
131. The Highways Engineer has raised no objections to the development advising that there will be a minor increase in congestion at the Hayling Drive/Wigmore Lane, particularly when the morning peak coincides with school related parking around the roundabout. However, this is not deemed to be detrimental to the greater highway network. Furthermore the Highways Engineer is satisfied that the single vehicular access from Hayling Drive is appropriate for the scale of development proposed.
132. Concerns have been raised with regard to emergency services response times due to the increase of traffic, the Highways Engineer does not however consider that the proposal will cause significant traffic congestion on the wider highway network as such no objections are raised in this regard.
133. There is no objection to the layout of the development in terms of highway safety and the Highway engineer has advised that the majority of the roads will be suitable for adoption as public highway. Concerns have been raised with regard to pedestrian safety particularly children walking to School, there are pedestrian routes proposed through the development site which can be used by School children. In terms of children being unable to use these routes during the construction of the development the surrounding residential streets have pavements and are well lit and as such are considered safe to be used by pedestrians. In terms of parents choosing to drive their

children to School whilst the development is under construction alternative methods of sustainable transport are available within the area and can be utilised.

134. The development provides 142 parking spaces, 15 of which are visitor spaces. The parking spaces are allocated for each individual dwelling with a minimum of two spaces for the four bedroom dwellings and three spaces for the five bedroom units. The majority of the 4 bedroom dwellings have been provided with three spaces.
135. The level of parking provision proposed based does not exceed the maximum parking standards and the Highways Engineer has raised no objections on this basis. Concerns have been raised by local residents with regard to additional parking pressures caused by users of the airport. This is a matter for the Local Highways Authority enforcement team to investigate further and a complaint should be made independently to the Local Highways Authority.
136. The level of cycle parking is considered to make appropriate provision for the development.
137. A tracking drawing submitted as part of the transport statement has demonstrated that a large vehicle such as a refuse vehicle will be able to safely navigate the roads proposed within the development.
138. In regard to the proposed replacement park, the highways engineer did raise concerns that a parking area would not be provided. The park, however, given its size, is not proposed to be a destination park which people drive to but will be a park that serves local needs as such a parking area is not recommended to be provided.
139. With regard to the diversion of the PROW as advised earlier within this report this will need to be the subject of a separate application under the relevant legislation of the planning act. There are, however, no in principle objections to the development as the layout is considered permeable to pedestrians.
140. Concerns have been raised by local residents with regard to a footpath potentially being used as bridleway within North Hertfordshire and the potential conflict with users of the replacement park. This is a matter for Hertfordshire County Council who if an application is submitted will carry out a formal investigation and make a decision accordingly. This application is to be assessed on the basis of the fact the definitive rights of way map identifies the paths to be footpaths not a bridleway.
141. In terms of an additional public transport scheme to be associated with this development, the application site is already accessible by a range of sustainable modes of transport, including bus services which can be accessed within an acceptable walking distance of the site. It is therefore not considered necessary for a contribution to be made towards additional public transport.
142. Concerns have been raised that contractors will park on local streets causing congestion during construction. A planning condition is, however, recommended requiring the submission of a construction management plan this will provide details of a contractor car park and the development will need to be carried out in accordance with the details within the construction management plan.

143. It is thereby considered that there would not be any significant adverse highway or parking implications of development.

Affordable Housing and Developer Contributions

144. Local Plan Policy LLP16 requires 20 per cent affordable housing on all developments with a net gain of at least 11 dwellings. In addition Local Plan Policy LLP39 states that the Local Planning Authority will support development proposals that provide or adequately contribute towards the infrastructure and services needed to support them.
145. This development is policy compliant in terms of the delivery of affordable housing, 12 on-site affordable houses are required and this scheme provides 17 which equates to 28%. Viability of development schemes is a significant issue across the Borough with many schemes becoming financially unviable if they provide on-site affordable housing. This has resulted in a lower delivery of on-site affordable housing and the need and demand for affordable homes within the Borough continues to grow. This development also provides affordable family housing for which there is a significant need within Luton. This development if granted will provide over and above the 20% policy requirement and will deliver 17 affordable homes for local people. This is a significant planning benefit of the proposal.
146. Local residents have raised concerns with regard to the impact of the development on local surgeries, schools and other provision. The Applicant has agreed to provide developer contributions towards; Education, Waste, Library & Museums, which will ensure that local services can cope with the additional pressure attributed to the new housing development. In regards to the impact on the local health service the Council's SPD does not make provision for a contribution towards the local health authority.
147. It is therefore considered that the proposed development will comply with Policy LLP16 of the Luton Local Plan.

Regeneration

148. The applicant has committed to using local labour, goods and services during construction. The proposed development will provide numerous jobs for local people during construction which is a significant regeneration benefit of the development. Furthermore the delivery of additional affordable homes will mean that there will be some families that will benefit from new homes that are currently in temporary accommodation. Temporary accommodation is a huge cost to the Council and also not a suitable long term solution for local people.
149. The above regeneration benefits are considered a material planning benefit of the scheme which can be afforded substantial weight in determining the planning application.

Sustainability and Climate Change

150. It is acknowledged that green space, whether public land or not, helps to reduce the amount of carbon dioxide in the atmosphere. In this instance, however, it is not considered that the amount of green space lost as part of the proposals will have such a significant impact on climate change that the application should be refused on this basis. Notwithstanding, this in order to reduce the carbon footprint of the development

it is recommended that if the application is granted a planning condition is attached to the permission requiring 10% of all energy for the development to be secured through renewable energy sources. It is also recommended that a condition is added to the permission to which requires the submission of an electrical charging point strategy which will provide details of charging points and their maintenance across the development.

151. The development is therefore considered to comply with policy LLP37 which seeks to ensure that development proposals reduce energy use

Other Matters

152. The application site does not lie within an area at risk of flooding and matters concerning drainage and any risk of contamination are appropriately considered by planning condition.
153. In regard to disabled access to the proposed park, the layout of the replacement park will need to be agreed by the LPA through a legal agreement prior to the commencement of the housing development and this will be an important consideration in making an assessment of the submitted scheme.

CONCLUSION

154. This development will result in the loss of a designated neighbourhood park and fails to provide replacement open space that is of an equivalent quantity or quality in an appropriate location within the Borough of Luton. The proposal will therefore conflict with policies LLP1, LLP2, LLP15 and LLP27 of the Luton Local Plan 2011-2031.
155. The development is in conflict with the strategic policies LLP1, LLP2, and policies LP15 and LP27 and as such forms a departure from the Development Plan. If the Planning Committee are minded to grant the application it will need to be referred to the Secretary of State.
156. There are a number of material planning benefits of this scheme which the Committee may consider outweigh any harm associated with the departure from the Development Plan. These considerations include public access to a larger area of public open space than Wandon Park, the improved community facilities on the replacement open space, ecological and biodiversity gain on the replacement park through the development of new habitat areas and the sum of money provided to maintain the replacement park. The delivery of family housing is also a significant material planning benefit of this development proposal. As is shown within the SHLAA there has been a substantial under delivery of family housing within Luton throughout the current Local Plan period. The SHLAA identifies there is a combined need of 13,500 family homes (3 bed plus) by 2031 and only 785 have been delivered over the last 8 years. This development will make a meaningful contribution to meeting the identified need through providing further family housing within Luton and this must carry weight in the decision making process. Further to this the development also provides affordable family housing (over and above the 20% policy requirement) for which there is a significant need within

Luton. This also forms a significant planning benefit of the proposal. There are also material planning benefits of the scheme in regard to regeneration through the creation of local jobs and employment opportunities during the construction process.

157. In terms of the lack of natural surveillance of the replacement park it is not unreasonable to consider that the provision of CCTV will provide adequate mitigation for the lack of natural surveillance of the replacement park. However, the location of the replacement park cannot be considered as well related to the existing built form and residential properties as Wandon Park.
158. The layout, design of the housing development is deemed to be of a high quality design and it is not considered that the proposal will be to the detriment of the amenities of the neighbouring occupiers or the Grade II registered park. The proposal will not be to the detriment of ecology or any significant trees and contamination and drainage can be appropriately considered by planning condition.
159. It will be for the planning committee to balance and weigh the material planning benefits and determine if these outweigh the harm associated with the departure from the development plan.

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

160. Luton Local Plan 2011-2031
161. National Planning Policy Framework (NPPF, or the Framework)
162. National Planning Practice Guidance (NPPG)
163. The submitted documents associated with planning application reference 20/01083/FUL.
164. Employment Land Review Update 2015.
165. Homes and Communities Agency Employment Density Guide (3rd Edition) (2015)

Determination of Planning Applications

166. 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

167. 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

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

168. 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.

Appendix I: Conditions and Reasons

- (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) ***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: 02771-PC-00-00-DR-A-00100-S8-P3, 02771-PC-01-00-DR-A-00300-S8-P7, 02771-PC-01-00-DR-A-00301-S8-P4, 02771-PC-01-00-DR-A-00304-S8_P1, 02771-PC-01-00-DR-A-00307-S8-P1, 02771-PC-01-00-DR-A-10300-S8-P1-2B-3P-2S, 02771-PC-01-00-DR-A-10301-S8-P1-2B-3P-2S, 02771-PC-01-00-DR-A-10302-S8-P1-3B-4P-2S, 02771-PC-01-00-DR-A-10303-S8-P1-3B-4P-2S, 02771-PC-01-00-DR-A-10304-S8-P2-3B-4P-2.5S, 02771-PC-01-00-DR-A-10305-S8-P2-3B-4P-2.5S, 02771-PC-01-00-DR-A-10306-S8-P1-4B-7P-2S, 02771-PC-01-00-DR-A-10308-S8-P1-4B-6P-2.5S, 02771-PC-01-00-DR-A-10309-S8-P1-4B-6P-2.5S, 02771-PC-01-00-DR-A-10310-S8-P2-5B-8P-2S, 02771-PC-01-00-DR-A-10311-S8-P2-5B-8P-2S, 02771-PC-01-00-DR-A-10340-S8-P1, 02771-PC-01-00-DR-A-10341-S8-P1, 02771-PC-01-00-DR-A-10350-S8-P3, 02771-PC-01-00-DR-A-10351-S8-P3, Arboricultural Impact Assessment - Tree Surveys, preliminary ecological appraisal, 8th July 2019, Issue 5 – Bernwood ECS Ltd***

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

- (03) ***Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to the Local Planning Authority in writing for approval, and the plan shall include the following:***

- a) The construction programme and phasing***
- b) Hours of operation, delivery and storage of materials***
- c) Details of any highway works necessary to enable construction to take place***
- d) Parking and Loading arrangements***
- e) Details of hoarding***
- f) Management of traffic to reduce congestion***
- g) Control of Dust and Dirt on the public highway***

- h) Details of consultation and complaint management with local businesses and neighbours*
- i) Waste management proposals*
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour*
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures*

All works shall be carried out in accordance with the approved CMP thereafter

Reason: In the interests of highway safety and control of environmental impacts.

- (04)** *Prior to first occupation of any part of the development, refuse and recycling management plan, including management responsibilities and maintenance schedules for all processes and relevant areas, shall be submitted to the Local Planning Authority in writing for approval. The refuse and recycling management plan shall be carried out as approved from first occupation/use and retained for the lifetime of the development.*

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

- (05)** *The amenity space, as indicated on approved plan No(s). 02771-PC-02-00-DR-A-00300 Rev P7 shall be available for use prior to the occupation of any maisonette and shall be accessible to the occupants of all dwelling units in the scheme. The amenity provision shall be retained as approved thereafter.*

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

- (06)** *No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted to the Local Planning Authority in writing for approval beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance, in addition to details of management and maintenance. The scheme shall thereafter*

be retained as approved for so long as the development remains in existence.

Reason: To ensure a satisfactory standard of development, to safeguard the amenities of adjoining occupiers and in the interests of highway and pedestrian safety.

- (07)** *Prior to first occupation of any part of the development hereby permitted, full details of the boundary treatment of the site shall be submitted to the Local Planning Authority in writing for approval. Those approved details shall be installed prior to the first occupation of the development and retained thereafter.*

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

- (08)** *Prior to the occupation of the buildings hereby permitted, an Electric Charging Point Strategy (ECPS) shall be submitted in writing to the Local Planning Authority for approval. The development shall only be completed and operated in accordance with that approved scheme. The ECPS shall include details of how many charging points will be provided, where they will be located and how they will be managed and maintained.*

Reason: In the interests of sustainability

- (09)** *A management plan, including management responsibilities and maintenance schedules, for all external and internal shared/common areas of the development shall be submitted to the Local Planning Authority in writing for approval prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved.*

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

- (10)** *No above ground construction works 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 submitted to the Local Planning Authority in writing for approval, 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 and adjoining occupiers.

- (11) ***The cycle storage for the development, as identified on the approved plan/document No(s). 02771-PC-01-00-DR-A-00300 Rev P7 and 02771-PC-01-00-DR-A-10341-S8-P1 shall be laid out and ready for use prior to the first occupation of the development hereby permitted.***

Reason: In the interests of sustainability

- (12) ***Parking spaces for the development, as identified on the approved plan/document No(s). 02771-PC-01-00-DR-A-00300 Rev P7, shall be laid out and ready for use prior to the occupation of the development hereby permitted.***

Reason: In the interests of Highway Safety

- (13) ***Prior to first occupation of the development, a landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted in writing to the Local Planning Authority for approval. The landscape management plan shall be carried out as approved from first occupation/use of the development and shall remain in force for so long as it remains in existence.***

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

- (14) ***Prior to the first occupation of the development, a scheme to provide CCTV, including details of ongoing maintenance, shall be submitted to the Local Planning Authority in writing for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development.***

Reason: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime.

- (15) *Prior to the first occupation of the development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted to the Local Planning Authority in writing for approval. The scheme thereby approved shall be installed before first occupation or in accordance with a timetable to be agreed in writing by the Local Planning Authority as a part of those submitted details. The development shall be occupied only in accordance with those approved details and shall be retained thereafter for the lifetime of the development.***

Reason: In the interests of sustainability

- (16) *No development approved by this permission shall take place until a phase 3 remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be based on the recommendations of the previously submitted Ian Farmer Associates Ltd report dated March 2018 (ref: 52687A). The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.***

All such work shall be undertaken in accordance with BS:10175:2011 or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- (17) *Prior to any permitted dwelling being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.***

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990

- (18) *No dwelling shall be first occupied until a verification report,(appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control Mechanism.***

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990

- (19) *No infiltration shall be implemented in contaminated ground. If there is no or only inconclusive evidence as to whether or not the ground is contaminated a detailed site investigation must be carried out to determine this before any construction is commenced.***

Reason: To prevent an increased risk of flooding and surface and ground water pollution

- (20) *No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water***

Reason: To prevent an increased risk of flooding and surface and ground water pollution

- (21) *Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme should demonstrate that the surface water run-off generated by critical storms up to and including the 100 year + appropriate % climate change uplift storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently***

be implemented in accordance with the approved details of how the scheme shall be maintained and managed after completion.

Reason: To prevent an increased risk of flooding and surface and ground water pollution

- (22) *No above-ground works shall take place until details of the provision, location, landscaping and treatment of open space within the application site has been submitted to and approved in writing by the Local Planning Authority. The open space once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local Planning Authority and thereafter retained as open space*

Reason: In the interests of visual amenity

- (23) *No above-ground works shall take place until details of the features to benefit biodiversity in the longer-term post-development are submitted to and approved in writing by the Local Planning Authority. These features may include bird and bat boxes, green wall and roofs, native hedgerow and leaving gaps in fencing for hedgehogs. The development shall be carried out in accordance with the approved details*

Reason: To improve biodiversity in the area

- (24) *The proposed development shall be carried out in strict accordance with recommendations in the preliminary ecological appraisal, 8th July 2019, Issue 5 – Bernwood ECS Ltd.*

Reason: To protect the natural environment and local wildlife

- (25) *The proposed development shall be carried out in strict accordance with the approved Arboricultural Impact Assessment - Tree Surveys, this includes compliance with the recommendations, tree protection measures, tree protection plan and timetable for the implementation of tree protection works.*

Reason: To protect the existing trees of significant amenity value proposed to be retained in the interests of visual amenity

- (26) **No development shall take place until details of all finished floor levels in relation to the existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.**

Reason: In order to safeguard the visual amenities of the area

- (27) **Prior to the commencement of above-ground works, samples of materials to be used in the construction of the external walls and roofing of the development hereby approved shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out only in full accordance with those approved materials.**

Reason: To ensure that the development proposal uses high quality materials in the interest of visual amenity.

- (28) **Details of a Design Code shall be submitted in writing to the Local Planning Authority prior to commencement of above-ground works. The design code shall include:**
- **The approach to design quality and its consistent implementation;**
 - **The overall vision and character of the development and its setting**
 - **The conceptual design and approach to the public realm, addressing the level of enclosure and natural surveillance, Public Art, materials, street furniture and signage, the incorporation of utilities and landscaping;**
 - **Approach to incorporation of ancillary infrastructure/buildings such as substations, pumping stations, waste and recycling provision for all building types and underground recycling points, pipes, flues, vents, meter boxes, external letterboxes, fibres, wires and cables required by statutory undertakers as part of building design;**
 - **Details of the approach to cycle parking for all uses and for each building type, including the distribution**
 - **Full details of the materials to be used in the development including exact details of the mortar and mortar and brick ratios provided on a 1:50 plan**
 - **Full details of window reveals at a scale of 1:50**

The construction of the proposed development shall then be carried out in accordance with the details set out within that approved Design Code.

Reason: In the interests of visual amenity

Appendix 2: Public Consultation Responses (Officer Response in italics)

Issue: Loss of Neighbourhood Park

- Loss of neighbourhood park is contrary to Luton Local Plan
- As the replacement open space is located outside of Luton Borough how will it be designated as open space for Luton residents
- The replacement playing field is already used as open space so there is no net gain for local residents
- Existing park provides a sense of community
- The Council removed the play equipment in Wandon Park due to vandalism and never replaced the equipment they have not invested in the existing park. Despite residents requests how can it therefore be appropriate to provide this equipment 100 yards away in the proposed new public open space
- Existing problem with anti-social behaviour in Wandon Park, Lorries parking up in layby, vandalism. The Council is not dealing with these problems but instead getting rid of the space. The Council should invest in Wandon Park through installing CCTV and improving the access with metal gates.
- Existing park is well lit and safe for children to play

- Loss of neighbourhood park will further reduce leisure facilities available in Luton
- Wandon Park is even more important to the community since the national lockdown and the pandemic
- Erosion of greenspace
- Proposal is contrary to the National Charter for Parks (Luton is a signatory)
- Community events are held within Wandon Park

The above issues are discussed within the principle of development section of the report

Issue: Replacement Park

- Proposed Replacement Park is secluded and unsafe and will encourage antisocial behaviour
- The proposed replacement park includes seating which is likely to encourage the congregation of people within the park and encourage anti-social behaviour
- The replacement park will be built on land owned by the School, not the Council. Until the land is purchased there is no guarantee that the replacement park will be provided.
- Better connections from existing and proposed housing to the replacement park should be provided
- Replacement park is further away for residents with reduced mobility
- Replacement park fails to provide lighting or diverse pedestrian access routes
- Poor drainage of replacement park
- There has already been antisocial behaviour within the replacement park which is open to the community and these have been reported to the Police
- Replacement Park has only one entrance and is hidden by mature trees

The above issues are discussed within the principle of development section of the report

Issue: Housing Need

- Housing need should be met through brownfield sites in Luton town centre
- Industrial areas of Luton should be rejuvenated rather than building on green field sites
- There are numerous empty buildings within Luton which could be used for housing

The report identifies that there is a conflict with the development plan and this is discussed in the principle of development section.

Issue: Impact on Local Wildlife and Protected Species

- Loss of trees
- Loss of habitats and impact on ecology
- Development will have a detrimental impact on Wildlife
- The development will destroy the County Wildlife Site

The above issues are discussed within the impact on county wildlife site and impact on trees section of the report

Issue: Residential Amenity of Neighbouring Occupiers

- Noise & Disturbance due to additional housing
- Smells associated with new development
- Loss of light
- Overlooking from new properties
- Impact on air quality due to further traffic movements and boilers
- Disruption during construction especially given works ongoing at Putteridge High School
- Detrimental impact on mental and physical health due to loss of open space

The above issues are discussed within the impact on adjoining occupiers section of the report

Issue: Local Services

- Health care, Schools, Supermarkets are at capacity

The Local Planning Authority has not received any comments from the local health provided regarding this application, in terms of education the education department have requested a contribution of £854,035 to ensure there is a sufficient capacity in local Schools for children who will move into the new homes. Supermarket provision is demand led if a supermarket is overtrading a commercial decision will be made to increase the size of the store or provide a further store.

Issue: Design of Housing Development

- Layout of housing will encourage antisocial behaviour
- Poor Design of Development
- Overdevelopment
- Urban Sprawl – the existing housing estates will all be joined by further housing
- The 3 storey dwellings are out of character with the surrounding area
- Development density too high
- A number of properties have existing gates which give them direct access to the park, instead of walking into the park alleyways are provided which due to their seclusion will become rife with anti-social behaviours
- Landscaping scheme should involve native planting
- Bedfordshire Police object to the layout of the proposed development

The above issues are discussed within the design and impact on character and appearance of the area section of the report

Issue: Highway and Pedestrian Safety

- Disabled access to the proposed park should be considered
- Parking problems, holiday makers using the residential streets for parking
- Lack of parking for proposed residents
- No additional Public Transport schemes are provided as an alternative to the private car as such the development will cause further emission and climate change
- No parking facilities for replacement park
- Children not being able to walk across Wandon Park will mean that they are more likely to travel to School by private car adding to congestion within the area

- Pedestrian Safety for Children walking to School who previously walked across Wandon Park
- Emergency response times are significantly impacted by traffic congestion and this development will further exacerbate this problem
- Contractors parking on residents properties during construction will cause disturbance
- Only one vehicular entrance to the proposed development will bring all the additional traffic, noise and air pollution to Telscombe Way
- PROW across Wandon Park will need to re-diverted
- An active bridlepath goes directly across the entrance of the replacement park. The British Horse Association presently have an application into widen the bridle path to include horse and carts. This is not shown on the plans and could be a danger to pedestrians, dog walkers and cyclists coming in and out of the replacement park.
- Site plan does not show all legal rights of way across the land
- Building work will prevent pedestrian access across the site
- Impact of this development on the local highway network when considered with the potential airport expansion
- The replacement park will be a destination park rather than a neighbourhood park people will drive to the park and cause further congestion
- Hayling Drive should not form the only entrance to the site
- Large vehicles are unable to turn safely within the proposed housing development

The above issues are discussed within the parking and highways section of the report. In regard to disabled access to the proposed park, the layout of the replacement park will need to be agreed by the LPA through a legal agreement prior to the commencement of the housing development and this will be an important consideration in making an assessment of the submitted scheme.

Issue: Flood risk and drainage problems of site

- Flooding as site is currently used for drainage
- An attenuation pond was proposed by Foxhall Homes through their initial consultation this has now been removed from the plans
- Inadequate foul water/sewerage capacity for the development

The application site does not lie within an area at risk of flooding and matters concerning drainage are appropriately considered by planning condition. There are no objections raised from the Environment Agency or the Local Drainage Authority. Whilst a pond may have been proposed during the consultation process, this is not proposed as part of this submission and is not considered a requirement in terms of the design of the proposal.

Issue: New housing does not have solar panels, heat pumps, secure cycle storage and electric charging points

Cycle storage will be provided for each individual dwelling and shared cycle storage is provided for the maisonettes. In order to reduce the carbon footprint of the development it is recommended that if the application is granted a planning condition is attached to the permission requiring 10% of all energy for the development to be secured through renewable

energy sources. The exact details of this have not yet been agreed but could include solar panels or heat pumps. It is also recommended that a condition is added to the permission to which requires the submission of an electrical charging point strategy which will provide details of charging points and their maintenance across the development.

Issue: Delivering the replacement park

If the application is approved the replacement park will need to be provided and laid out prior to development commencing on the housing scheme and the applicant has committed to this. If approved the provision of the replacement park will be the subject of a legal mechanism which will ensure it is delivered prior to the commencement of the housing development. The land proposed to be used as a replacement park can under the Town and Country Planning Act lawfully be used as a park as such it can be delivered if this application is granted. In terms of an existing long lease on the land this is a matter for the applicant to resolve and does not prevent the approval of the application.

Issue: Foxhall Homes and the Council

There have been procedural issues raised in regard to the fact Foxhall Homes are owned by the Council. As with all applications presented to committee, if a member happens to have a pecuniary or personal/prejudicial interest in an agenda item, then they would be expected to declare as such and excuse themselves from the decision making process for that particular application. However, the mere fact that the Local Planning Authority is being asked to determine an application made by Foxhall Homes, a ltd company wholly owned by the Council, does not necessarily mean they have such an interest.

Issue: The land cannot be built on due to legal issues

There is no legal obligation under the Town and Country Planning Act which restricts the re-development of Wandon Park for housing. Planning Officers are also unaware of any restrictive covenant on the land preventing the redevelopment. Notwithstanding, this, however this is a matter of private/civil law and would not prevent the Local Planning Authority granting planning permission on the application site for housing.

Issue: The housing should be allowed on the replacement site not Wandon Park

The replacement park lies within the administrative boundary of North Hertfordshire District Council (NHDC) as such any application on the replacement park would need to be determined by NHDC. Officers can only determine the proposals submitted. Alternatives schemes cannot be considered as part of the assessment.

Issue: Housing development for London Commuters

The affordable housing proposed will meet local housing needs, in terms of the market housing there are no restrictions regarding who purchases the new homes.

Issue: Significant Local objection to the proposed development

The material planning considerations raised within the objections submitted have been assessed in determining this application.

Issue: There is no demand for housing in Luton

There is a clear demonstrable demand of additional housing provision within the Borough of Luton and this is demonstrated within the evidence base for the Luton Local Plan.

Issue: The application only have planning permission for the replacement park to be public open space not a park

In NHDC granting planning permission for the site to be used as open space it can in planning terms lawfully be used as a park. Conditions and a legal agreement can ensure it functions as a park.

Issue: Application if granted is in conflict with the Human Rights Act

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*

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.

Issue: Gas pipe on site

There have been no issues raised with regard to a potential gas pipe on the site which would have a bearing on the outcome of this planning application

Issue: Heritage Matters

- Impact of construction traffic on ancient roman well located on Selsey Drive

Historic England have not raised any objections to the proposed development as such no objections are raised in this regard.

Issue: Ground Stability

The Councils Environmental Protection Team have raised no objections to the proposed development

Issue: The North Hertfordshire boundary is not indicated on the plans

There is no requirement for the North Hertfordshire Boundary to be shown on the submission plans.

Issue: The application should be withdrawn

The applicant will make the decision whether to withdraw the application the Council has a statutory obligation to determine a valid planning application.

Issue: Non-material planning considerations which do not carry weight in the decision making process

- Development will block individuals views of countryside from their homes
- Development will reduce the value of a House
- Who will Police the new park Bedfordshire or Hertfordshire Police

Issue: Procedural matters relating to the application for which the Council has a separate complaints process and do not form material planning considerations in the determination of the application

- Inconsistent decision making within the planning department
- If the case officer request amendments from the applicant this should be made clear as part of the application
- Further consultations on minor amendments are a waste of public money