

CHANGE OF USE

2 GLOUCESTER ROAD

LUTON

LU1 3HX

APRIL 2023

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1. INTRODUCTION

1.1 Purpose

- 1.1.1 This statement has been prepared by Tomas Furby MRTPI AssocRICS on behalf of the applicant, Amir Jaffer, to support a planning application for proposed demolition of the existing vacant mixed-use building at 2 Gloucester Road, Luton, LU1 3HX ('the site'), and redevelopment as a 7-storey mixed use building with commercial space at ground and first floors and 15 No. residential 1-3 bed flats on floors 1-7.
- 1.1.2 The scope of instruction for this report is a policy examination of the proposed change of use, the property's planning history and limitations; and consideration of supply and demand data of the current and proposed uses.

1.2 Proposals

- 1.2.1 The site currently comprises the vacant building at 2 Gloucester Road. The property's VOA rating lists it as a warehouse and premises; however, we understand it was most recently used as a meeting place for a church group due to a lack of interest from other commercial operators and is now vacant. A new sustainable use is sought for the site which accords with local need and the development plan to ensure it does not remain vacant indefinitely given limited interest in its existing form.
- 1.2.2 The existing building is proposed to be demolished due to its poor state of repair, awkward composition and lack of commercial interest in the current use. The proposals aim to replace the existing building with a mixed-use scheme providing an increase in high quality Class E commercial accommodation to the ground and first floors with residential accommodation above.
- 1.2.3 The block will be sited within the footprint of the existing building, and will be similar in height, mass and scale to the immediately adjacent scheme consented under 20/00696/FUL, APP/B0230/W/21/3275436 at 2-12 Bolton Road.
- 1.2.4 The proposals would reflect a considerable regenerative impact on the immediate area and an optimised, efficient use of under-utilised town centre brownfield land to deliver a highly sustainable mixed-use scheme. The scheme is proposed as parking free, due to its high connectivity and accessibility characteristics. All units will benefit from balconies of varying sizes.

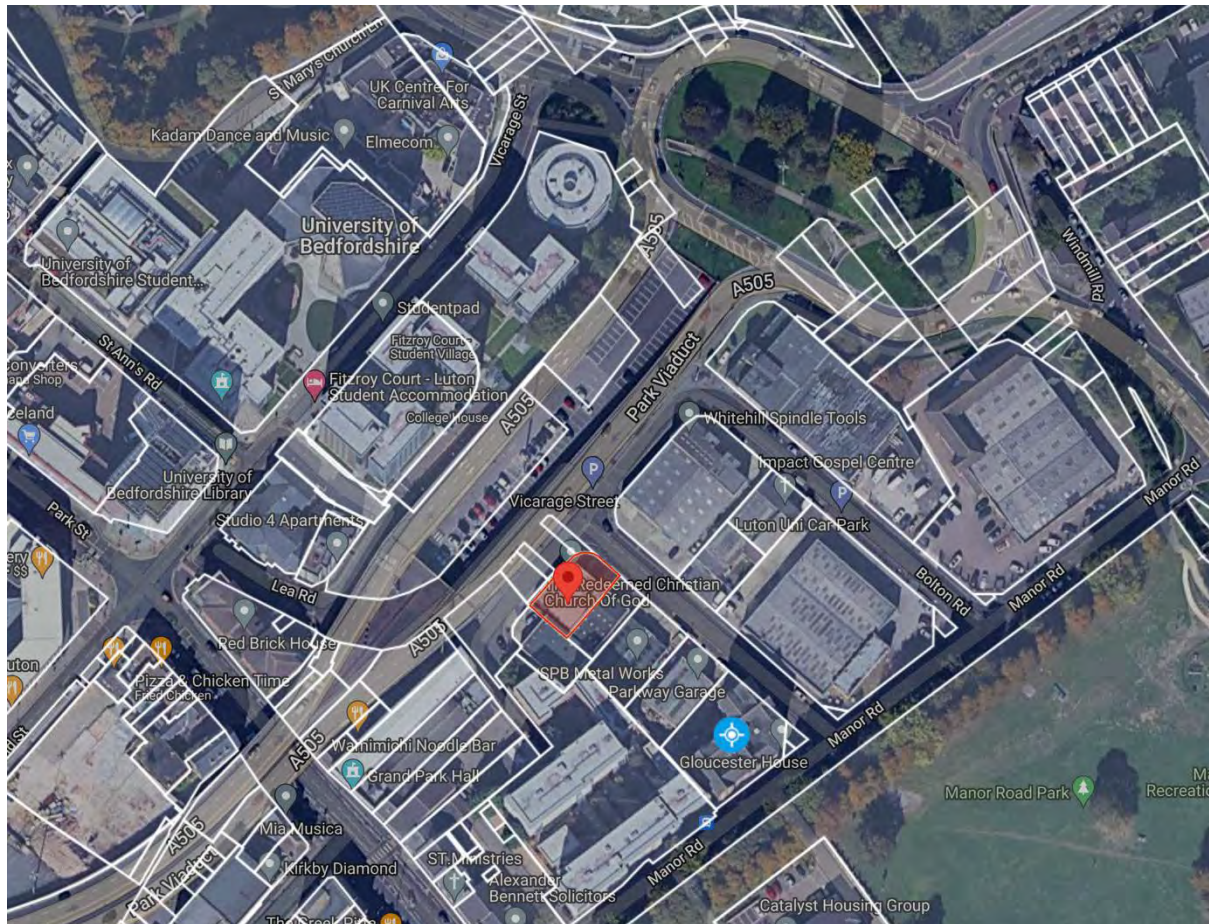


Fig 1. Map of immediate area. Property highlighted. To the north is the University quarter. The town centre boundary (within which mixed-use mid density development is strongly supported by both the development plan and draft Design Guide) is directly adjacent to the subject site at Vicarage Street. In a similar fashion to settlement boundaries, we consider this supports a minor extension of the Town Centre to sites bordering its boundary. This is supported by the Draft Town Centre Design Guide's approach to the subject site as noted below. The subject Category B employment zone is a considerably underdeveloped 'island' bordered on three sides by mid rise mixed use development, suggesting this policy allocation may have had a detrimental effect in light of the revised employment need data outlined in the local plan evidence base.

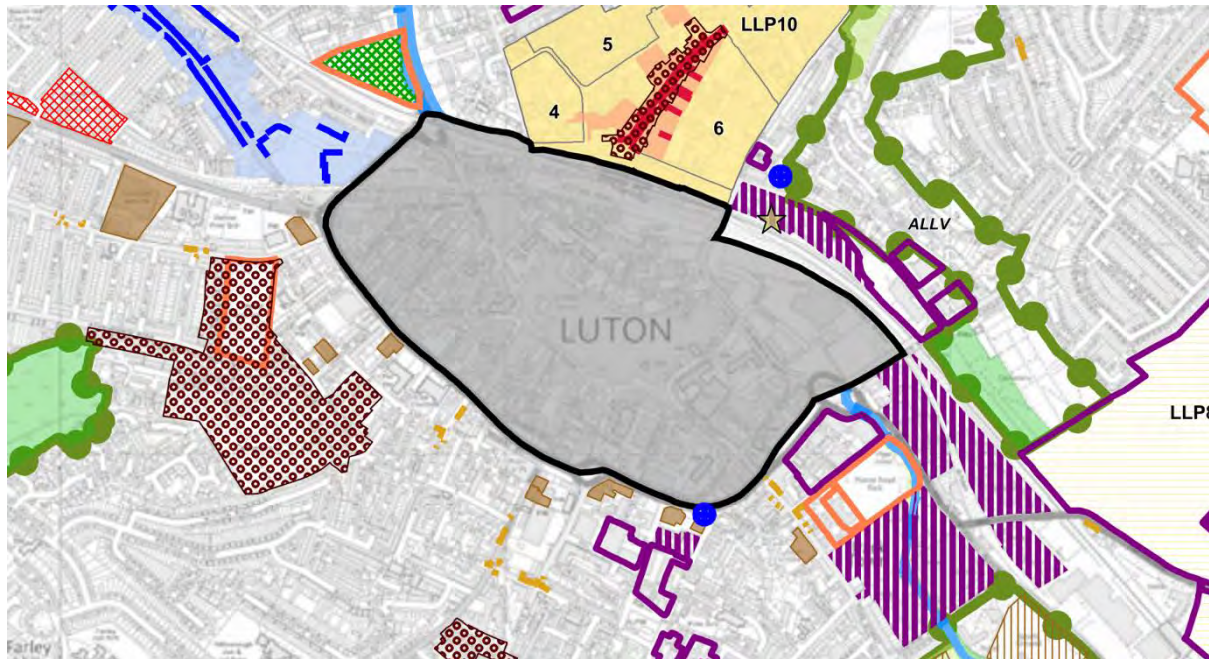


Fig 2. Luton Policies Map extract. Subject site sits within a Category B employment area (LLP14).



Plan of the town centre

Fig 3. Plan of the town centre included in the draft Luton Town Centre design guide. This provides a slightly more accurate map to determine the precise boundary of the town centre area, which indicates the subject site sits directly on the border of the town centre area, and sits within the 'Design guide application area including outer blocks'.



Fig 4. Substantial vacant and/or derelict buildings were noted within 100m of the subject property within the established Category B Employment zone during walkthrough. The zone constitutes an underdeveloped island within a ring of mixed use redevelopment.



Fig 5. Indicative map of vacant buildings in the immediate area of the subject property, indicating an excess in supply.

1.3 Structure of this Statement

1.3.1 This statement provides a summary of the site's planning history as relevant to the proposed change of use, an assessment of current planning policy context, and a market need and supply assessment.

1.3.2 The statement is therefore broadly structured in two parts as follows:

Section 2: provides background information relating to the site including relevant planning history relating to the use of the site and its limitations;

Section 3: analyses current planning policy and guidance in relation to approaching the site's change of use;

Section 4: supplies additional need and supply data from the local plan evidence base and current market data to support the proposal.

2. BACKGROUND

2.1 Introduction

2.1.1 This section of the statement sets out the most relevant planning history. The planning statement considers this in further depth; this report focuses purely on the implications for the proposed change of use and which development plan policies apply.

2.2 Planning History

2.2.1 The site has a very limited recent planning history, with no documents available online due to the relative age of the consents and no applications impacting the site since the 1980s. Local searches have determined the following noted entries available to the council:

Planning Applications (7)

- **ERECTION OF OFFICE & WORKSHOP AREA EXTENSION TO SIDE OF ELECTRICAL WIRING SYSTEMS AND COMPONENTS FACTORY**
Ref. No: 80/00400/FUL | Status: Application Permitted
- **ERECTION OF EXTENSION TO REAR OF FACTORY BUILDING**
Ref. No: 80/00401/FUL | Status: Application Permitted
- **ERECTION OF WAREHOUSE EXTENSION TO INDUSTRIAL PREMISES**
Ref. No: 81/00413/FUL | Status: Application Permitted
- **USE OF LIGHT INDUSTRIAL BUILDING FOR THE REPAIR AND SERVICING OF MOTOR VEHICLES. (NO PANEL BEATING/SPRAYING)**
Ref. No: 84/00403/FUL | Status: Application Permitted
- **DISPLAY OF AN INTERNALLY ILLUMINATED FASCIA SIGN**
Ref. No: 85/00070/ADV | Status: Application Permitted
- **CONSTRUCTION OF A STORAGE COMPOUND FOR GAS BOTTLES**
Ref. No: 86/01349/FUL | Status: Application Permitted
- **SECTION 53 DETERMINATION-USE OF PREMISES FOR STORAGE AND DISTRIBUTION**
Ref. No: 89/00210/FUL | Status: Application Withdrawn

2.2.2 While the most recent legal use class for the property on the planning file is noted as light industrial, the property has most recently been used as a church meeting place, and has been vacant for over 12 months. It was last advertised in June 2017 at which time it was vacant as the leaseholder (Alfast Engineering Ltd) had vacated prior to the lease ending, suggesting the business was non-viable in this location. Since this time the building has failed to achieve a regular commercial tenant, with sporadic use as a meeting house by a church group.

2.2.3 In terms of nearby precedent for similar mixed uses to the current proposal, to the south Gloucester House noted previously is 50m away from the site in the same Category B employment area and comprises a 5 storey mixed-use block on the

corner of Gloucester Road and Manor Road with commercial to the ground floor and residential above. This was originally consented as a conversion from commercial units under application ref 11/00442/FUL as 'Conversion and Change of use of 17 commercial units (Use Class B1) to 8 one-bedroom flats and 9 studio flats (Use Class C3)'. A subsequent application in 2018 allowed a further 5 flats to be added to the roofspace, increasing the building's height (18/01200/FUL) and one ground floor flat was later converted back into Class E use in 2020 (20/01216/FUL).

- 2.2.4 To the north, several 8-11 storey student accommodation blocks were consented and amended in the 2009-2011 period under various planning references.
- 2.2.5 Most recently the site adjacent to the subject property was granted permission on appeal for a mixed use development similar in scope to the subject property (2-12 Bolton Road, 20/00696/FUL, APP/B0230/W/21/3275436. The Inspector's conclusions in this appeal are particularly relevant to the subject site, subject Category B employment zone, and the operation of adopted policy LLP14, and as such are explored at greater length below.

2.3 Preapplication discussions

- 2.3.1 Preapplication feedback was sought on this site in late 2022. While the wider feedback is discussed in the full planning statement, this reporting focuses on the principle of the change of use, and in particular the commentary on the operation of Policy LLP14.
- 2.3.2 These specific points are noted below.
- 2.3.3 A subsequent preapplication meeting took place on design revisions and to clarify points of query on the operation of LLP14 in light of the release of appeal decision APP/B0230/W/21/3275436.
- 2.3.4 During this meeting discussions took place on the pragmatic application of LLP14 in light of the noted appeal decision and also wider policy development regarding the subject Category B employment zone, sitting adjacent to the town centre boundary. Two salient points arose: firstly it was noted that the area was being considered for mixed-use redevelopment in the early stage development of new policy. This is evident in the consultation Luton Town Centre design guide, which applies to a wider subject area in line with the above map extract.
- 2.3.5 Secondly it was highlighted that the noted appeal decision provides further detail on the application of LLP14 and the pragmatic aims of the policy as protecting or

enhancing needed employment spaces. Therefore the test of LLP14 requires demonstration of a lack of need for the proposed employment uses, protection or enhancement of employment uses, and some minor conflict with the policy's precise terms may be considered acceptable given the wider redevelopment proposals occurring within the immediate area, provided the policy's terms are largely adhered to and the aims of said policy are met.

2.3.6 This is discussed further in the policy review below.

Policy LLP13 provides the starting point for determining whether the redevelopment of the site is acceptable.

Policy LLP13 (c) states that 'Employment Areas (Category A & B) allocated on the Policies Map ... will be protected to retain and deliver jobs in the borough'. Policy LLP13 (d) further indicates that provided category B sites satisfy criteria as set out in policy LLP14 section B, they may be redeveloped for employment, mixed use or other needs accordingly'

Policy LLP14 states that 'Where a building or site within a category B employment site has been vacant for at least twelve months, a mixed use development that retains significant employment or alternative redevelopment to non B uses to meet identified needs will be permitted where; i. it can be demonstrated that suitable alternative accommodation at comparable rents is available; and ii. It can be demonstrated that it is no longer suitable or viable for B1, B2 or B8 uses and where the site is vacant there is evidence of active marketing for a reasonable period'

This submission does not include any evidence that suitable alternative accommodation at comparable rents is available, that the site is no longer suitable or viable for B1, B2 or B8 uses and furthermore there has been no evidence submitted of active marketing of the site for a reasonable period. In order for the principle of the loss of the light industrial unit to be acceptable in planning terms evidence demonstrating compliance with the above criteria is required.

Policy LLP15 of the Luton Local Plan 2011-2031 (Housing Provision) relates to the provision of additional housing on unallocated sites and states that permission should be granted for additional dwelling(s) provided that it would not lead to the loss of a use for which there is a recognised local need, that the development would not result in the over-development of the site, and that the proposed accommodation met the identified requirements within the Luton Housing Market Area (LHMA) set out within the Strategic Housing Market Assessment (SHMA).

The proposed development will result in the loss of designated employment floorspace and as such the proposed development will lead to the loss of a use for which there is a recognised local need. The development will therefore run contrary to policy LLP15 of the Luton Local Plan 2011 – 2031. In regard to meeting the identified requirements within the LHMA detailed in the table below is the identified need against the historic delivery per housing type from the latest Strategic Housing Land Availability Assessment (SHLAA – November 2019).

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

Fig 6. Extract from preapplication guidance.

3. PLANNING POLICY CONTEXT

3.1 Introduction

3.1.1 In considering the suitability of the development proposals at the site it is noted that following s38(6) Planning & Compulsory Purchase Act 2004 planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section summarises the key policies of the development plan, the weight to be afforded it at the current time, and other material considerations.

3.2 Local Policy Context

3.2.1 The Luton statutory development plan, so far as it relates to the site, currently comprises:

- The adopted Luton Local Plan 2011-2031 (2017)
- Luton Local Plan Policies Map
- Luton Local Plan Town Centre Inset Policies Map

3.2.2 Other material considerations include the Affordable Housing SPD (2007), Strategic Housing Market Assessment (2019) and subsequent updates, the most recent Housing Delivery Test (2021) and Housing Land Supply Update (2019).

3.2.3 There is no substantially advanced draft local plan to consider at the current date.

3.2.4 We have therefore had regard only to the adopted development plan documents in this statement.

The Development Plan

3.2.5 The weight that can be applied to the policies in the adopted local plan depends upon the extent to which these are aligned with the NPPF following Annex 1. Policies cannot be automatically considered outdated simply based on age.

3.2.6 The subject site sits adjacent to the Luton town centre boundary, in an edge-of-centre identified Category B employment zone which allows mixed use development. This report examines the issue of the change of use from warehouse/light industrial to mixed-use; therefore the most pertinent core policies are LLP13 and LLP14 in particular.

3.2.7 When considering whether a policy is out of date, its accordance with the NPPF and the most recent local need data must be considered. This is considered at further length below.

3.2.8 Given the precise proposals, the following policies are the most relevant:

Policy LLP13 - Economic Strategy

A. Planning applications will be granted where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub region. Jobs will be generated through business and industry development on strategic employment allocations, and within the existing key employment areas safeguarded for B class uses, (including securing automotive and advanced manufacturing clusters and supporting industries/services such as the GM / Vauxhall plant to respond to the market and core business demands) as identified on the Policies Map. Further growth in employment in commercial and service related industries including retail, leisure, culture and tourism will be generated within the Town Centre, District and Neighbourhood Centres including where ancillary or proposed within the strategic employment allocations. The strategic allocations for delivery are:

- Land South of Stockwood Park: B1 office and light industry (see Policy LLP5);
- London Luton Airport (Century Park): mixed aviation related B1b-c, B2 and B8, small scale ancillary service uses and hotel use (see Policy LLP6);
- Butterfield Green Technology Park: high quality uses in line with Policy LLP7; and
- Napier Park: predominantly B1 office light industry and small scale affordable B2 use and ancillary hotel use; small scale A1 to assist regeneration and housing provision (see Policy LLP8).

B. Proposals for warehousing (B8) over 500 sqm floorspace will be directed

to employment locations well connected to the strategic highway network, motorway access, at rail served depots and exceptionally at Crescent Road. The preferred locations are London Luton Airport (including Century Park), Sundon Park employment area, Junction 11 Craddock Road and Chaul End Lane, and Limbury Sidings. Warehousing of this size will be directed away from the inner urban area to ease traffic issues associated with large warehousing developments of this nature.

C. Employment Areas (Categories A & B) allocated on the Policies Map and listed in Appendix 3 and smaller existing B use employment sites not identified will be protected to retain and deliver jobs in the borough.

D. Provided that category B sites and unidentified employment sites satisfy criteria as set out in Policy LLP14 section B, they may be redeveloped for employment, mixed use or other needs accordingly.

E. Planning permission for proposals that would increase and improve tourism and visitor attractions will be granted, provided that it does not cause an adverse impact on the road network, any town centre use accords with the sequential approach and is in conformity with the policies in the Local Plan.

Employment Areas

Policy LLP14 - Employment Areas

Category A

The existing employment areas (Category A) set out in Appendix 3 as shown on the Policies Map shall be protected for B1, B2 or B8 uses. Once developed, strategic allocations containing B1, B2 or B8 uses are safeguarded as Category A employment

areas. Changes of use or redevelopment within the employment areas and sites that would result in a loss of floorspace for economic development uses will be resisted.

A. Redevelopment, extensions and intensification in these areas that would result in additional floorspace for B1, B2 or B8 uses will be supported provided that:

- it would not have unacceptable amenity or traffic implications;
- an appropriate size and range of units is provided; and
- appropriate levels of parking are provided.

Category B & Existing Unidentified Employment Sites

B. Redevelopment, extensions and intensification in Category B and existing unidentified employment sites that would result in additional floorspace for B1, B2 or B8 will be supported in accordance with clauses i to iii of part A (above). Where a building or site within a Category B or unidentified employment site has been vacant for at least twelve months, a mixed use development that retains significant employment or alternative redevelopment to non B uses to meet identified needs will be permitted where:

- it can be demonstrated that suitable alternative accommodation at comparable rents is available; and
- it can be demonstrated that it is no longer suitable or viable for B1, B2 or B8 uses and where the site is vacant, there is evidence of active marketing for a reasonable period.

Fig 7. Extract from adopted development plan policies LLP13/14.

3.2.9 The following key points are noted:

- The subject site is in a Category B employment zone. Therefore *'existing B use employment sites ... will be protected to retain and deliver jobs in the borough'*. The purpose of LLP13/14 is therefore noted as retaining and delivering jobs.
- LLP13 allows for mixed use redevelopment where the terms of LLP14 are satisfied.
- LLP13 part B is caveated very specifically: *'Redevelopment, extensions and intensification in Category B and existing unidentified employment sites that would result in additional floorspace for B1, B2 or B8 will be supported.'* This suggests strongly that redevelopment will be supported where additional employment floorspace is provided. This is not caveated.

- The policy goes on to discuss circumstances where vacant buildings can be brought back into use for non B class uses. Our reading of this policy is that the second part of Policy LLP14 would not necessarily be required where the redevelopment proposal provides additional B class (now E class) employment floorspace.
- Notwithstanding this point, if the property has been vacant for more than 12 months then two criteria are required: i. suitable alternative accommodation at comparable rents is available and ii. It can be demonstrated it is no longer suitable or viable for B uses; and also where the site is vacant that there is evidence of active marketing for a reasonable period.

3.2.10 Turning initially to the operation of LLP14B i. and ii. Appeal reference APP/B0230/W/21/3275436 (Schedule 2) provides particularly relevant commentary:

5. The parties agree that the site is a category B employment site. Policy LLP14 of the Luton Local Plan states that where such sites have been vacant for at least twelve months:

"a mixed use development that retains significant employment or alternative redevelopment to non B uses to meet identified needs will be permitted where:

- (i) It can be demonstrated that suitable alternative accommodation at comparable rents is available; and*
- (ii) It can be demonstrated that it is no longer suitable or viable for B1, B2 or B8 uses and where the site is vacant, there is evidence of active marketing for a reasonable period".*

6. Firstly, it is not disputed by the parties that the site has been vacant for over 12 months.
7. Secondly, it is necessary to consider whether the proposal retains significant employment. The policy is not clear as to whether 'significant employment' means floorspace or jobs. In terms of floorspace, the application forms state the floor area of the building is 235m², of which, according to the planning statement, 200m² is useable. The proposal would provide 112m² of office space which, although would represent a loss of around 100m² of floor space, it is still a substantial amount of employment generating floor space.
8. In terms of jobs, it is reasonable to anticipate that an office use would generate more jobs per square metre than a general industrial use, and this is supported by the data in the appellant's appeal statement. From this, it is clear that even with a considerable reduction in employment floorspace, the proposal would be likely to generate an increase in the number of jobs. As such, for the purposes of the policy, I consider significant employment would be retained.
9. Thirdly, from the way the policy is written, it seems that criteria (i) and (ii) should both apply to the proposal. The appellant has not suggested there is suitable alternative accommodation elsewhere and has not demonstrated the site is unviable for employment use nor provided substantive evidence of active marketing. The proposal would therefore conflict with the policy in this regard.
10. However, the appellant contends that as significant Class B1 space would be provided, it would be illogical to show alternative employment generating accommodation or to seek to demonstrate that the site is no longer suitable for B1, B2 or B8. I agree. Indeed, theoretically, the policy would require a mixed-use scheme that retained all the previous employment floor space to consider alternative employment accommodation and demonstrate a lack of viability or suitability for its retained employment use. This consideration carries significant weight in my assessment.
12. Overall, a significant amount of employment generating land would be retained by the development and the development would not have an unacceptably harmful effect on the supply of employment generating land. Therefore whilst there would appear to be some conflict with some of the wording of the policy, the proposal would accord with policy LLP14 overall, and policy LLP13 which also supports the redevelopment of employment sites for mixed uses.

Fig 8. Extract from appeal ref APP/B0230/W/21/3275436 dealing succinctly with the operation of policies LLP13/14.

- 3.2.11 Logically, therefore, the aim of LLP13/14 is to protect and enhance employment areas. As outlined above, the precise wording of the policy encourages redevelopment where additional B class floorspace is generated. This is not caveated. The Inspector's logic supports this notion, insofar as there would be no harmful impact on the supply of employment generating land. As the Inspector notes *'whilst there would appear to be some conflict with some of the wording of the policy, the proposal would accord with policy LLP14 overall, and policy LLP13 which also supports the redevelopment of employment sites for mixed uses'*.
- 3.2.12 Given the findings noted above, it is clear that proposals can accord with LLP13/14 overall without needing to complete the full exercise suggested at points i. and ii. of the policy wording.
- 3.2.13 However, the supply and demand data outlined in the next section does indicate that point i. is fulfilled.
- 3.2.14 As outlined in the appeal decision it would be illogical to attempt to comply with point ii. where the proposals provide replacement or additional employment floorspace as part of the development. However, the need data demonstrates that a) there is a net oversupply and lack of demand for the existing light industrial use, and a net demand and undersupply for the proposed office use, and b) the existing property is not appropriate or viable in its current form for the required office floorspace.

Analysis

- 3.2.15 The scheme generates 327m² of high quality office floorspace as compared with the existing floorspace of 326m² light industrial use, which arguably has not been employment-generating floorspace in the last 7 years (since June 2017).
- 3.2.16 As outlined in the Inspector's decision, it is reasonable to compare the type of floorspace offered and that generated in terms of both m² provision and jobs per m².
- 3.2.17 The Employment Density Guide 2015 is outlined below:

6. Comparison of densities 2015 to 2010

Use Class	Sub-Category	Sub-Sector	2015 Density (sqm)	2010 Density (sqm)	
B1a Offices	General Office (NIA)	Corporate	13	12	
		Professional Services	12		
		Public Sector	12		
		Tech	11		
		Finance & Insurance	10		
	Call Centres (NIA)		8	8	
B1b	R&D Space (NIA)		40-60	n/a	
B1c	Light Industrial (NIA)		47	47	
B2	Industrial & Manufacturing (GIA)		36	36	
B8	Storage & Distribution (GEA)	National Distribution Centre	95	General: 70 Large Scale & High Bay Warehousing: 80	
		Regional Distribution Centre	77		
		'Final Mile' Distribution Centre	70		
Mixed B Class	Small Business Workspace	Incubator	30-60	Serviced Office: 10 <i>Detailed explanation for the changes in this category are provided in Section 3 Para's 3.77-3.82</i>	
		Maker Spaces	15-40		
		Studio	20-40		
		Co-Working	10-15		
		Managed Workspace	12-47		
B8 / Sui Generis	Data Centres	Wholesale	200-950	47 <i>Detailed explanation for the changes in this category are provided in Section 3 Para's 3.85-3.88</i>	
		Wholesale Dark Site	440-1,400		
		Co-location Facility	180-540		
A1	Retail (NIA)	High Street	15-20	19	
		Foodstore	15-20	17	
		Retail Warehouse	90	90	
A2	Finance & Professional Services (NIA)		16	16	
A3	Restaurants & Cafes (NIA)		15-20	18	
C1	Hotels	Limited Service / Budget	1 per 5 beds	Budget: 1 per 3 beds General: 1 per 2 beds 4/5 Star: 1 per 1.beds	
		Mid scale	1 per 3 beds		
		Upscale	1 per 2 beds		
		Luxury	1 per 1 bed		
D2	Fitness Centres	Budget	100	Sports Centres & Private Clubs: 65	
		Mid Market			
		Family	65		
		Cinema (GIA)		200	90 <i>Detailed explanation for the changes in this category are provided in Section 3 Para's 3.92-3.95</i>
		Visitor & Cultural Attractions (GIA)		30-300	36 <i>Further Guidance is provided in Section 5 Para's 5.14-5.16</i>
	Amusement & Entertainment Centres (GIA)		70	70	

Fig 9. Extract from the Employment Density Guide 2015.

3.2.18 This indicates that industrial floorspace is estimated at a density of 36-47m² per workspace, while warehousing is estimated at 70-95m² per workspace. Office floorspace is estimated 8-13m² per workspace. Comparatively therefore office

floorspace will provide a 3.5-7x more efficient employment floorspace (depending on whether light industrial or warehousing). I.e. any new office based proposal would generate more jobs per m² than the existing use.

- 3.2.19 The property is currently vacant and therefore technically offers zero jobs per m². The floorspace is nominally light industrial employment floorspace but has not operated in an employment capacity for 6 years. If the property were hypothetically renovated and brought back into use in a light industrial capacity and we take an optimistic view of the data at 36m² per workspace it could realistically generate up to a maximum 9 no. jobs. If considered as warehousing this provides an even lower number of jobs.
- 3.2.20 By comparison, the proposed Class E floorspace could be utilised most efficiently as office floorspace, again assuming the lower end figure of 8m² per workspace, a total 40 no. jobs could be generated.
- 3.2.21 Clearly then, point 1 indicates that the scheme will provide a significant intensification in employment use that meets the tests of LLP13 and LLP14. As outlined in the Inspector's logic below, this suggests that the proposals comply with the key aims of Policies LLP13 and 14.

7. Secondly, it is necessary to consider whether the proposal retains significant employment. The policy is not clear as to whether 'significant employment' means floorspace or jobs. In terms of floorspace, the application forms state the floor area of the building is 235m², of which, according to the planning statement, 200m² is useable. The proposal would provide 112m² of office space which, although would represent a loss of around 100m² of floor space, it is still a substantial amount of employment generating floor space.
8. In terms of jobs, it is reasonable to anticipate that an office use would generate more jobs per square metre than a general industrial use, and this is supported by the data in the appellant's appeal statement. From this, it is clear that even with a considerable reduction in employment floorspace, the proposal would be likely to generate an increase in the number of jobs. As such, for the purposes of the policy, I consider significant employment would be retained.

- 3.2.22 Further to this, as noted in the local plan employment study, there has been a significant need shift in employment land need and supply – from industrial uses towards more professionalised office-based employment types. There is a clearly demonstrated net surplus and reduced need for the current employment use (industrial) and a significant deficit and increased need for office type accommodation which accords with the available data.

3.2.23 This indicates that even if the proposals only matched the level of employment accommodation provided 1 for 1, the local need data strongly supports the proposed type of accommodation over the existing.

4. SUPPLY/DEMAND DATA

4.1 The most recent Luton Employment Land Review (Lichfield & Partners) found that there was a trend of falling demand and oversupply for B1c/B2 floorspace and increasing demand and undersupply for office floorspace. This strongly supports the point that a) the existing use is not needed and b) office floorspace would generate significantly higher employment per m² and serve an existing need (undersupply) for high quality office floorspace.

Table 2 Demand v. Supply of Industrial Space in Luton by Scenario (m²)

	1 EEFM Job Growth	2 ONS based Job Growth	3 Past Take-Up Continues	4 Lower Future Take-Up	5 Higher Future Take-up
Industrial space required(m ²)	96,200	93,800	175,000	90,500	199,600
Available supply (m ²)	154,770				
Surplus (+)/Shortfall (-)(m²)	+58,570	+60,970	- 20,230	+ 64,270	-44,830

Source: NLP analysis

Table.3 Demand v. Supply of Office Space in Luton by Scenario (m²)

	1 EEFM Job Growth	2 ONS based Job Growth	3 Past Take-Up Continues	4 Lower Future Take-Up	5 Higher Future Take-up
Requirement for B Class space (m ²)	133,200	132,300	147,600	125,900	159,200
Available supply (m ²)	120,600				
Surplus (+)/Shortfall (-)(m²)	-12,600	-11,700	-27,000	-5,300	- 38,600

Source: NLP analysis

Table 6.3 ONS Job Growth based Employment Space Requirements in Luton, 2011-2031

	Floorspace (m ²)
Manufacturing (B1c/B2)	-138,700
Distribution (B8)	156,400
Offices (B1a/b)	100,700
Total	118,400

Source: NLP analysis figures rounded

Table 6.1 EEFM Baseline Forecast Employment Change in Luton 2011-2031

	No. of Jobs		Change
	2011	2031	2012-2031
Manufacturing (B1c/B2)*	13,375	10,155	- 3,220
Distribution (B8)**	8,595	10,695	2,100
Offices (B1a/b)***	18,230	27,030	8,790
Total B-class Jobs	40,200	47,880	7,670
Jobs in All Sectors	96,350	114,175	17,825

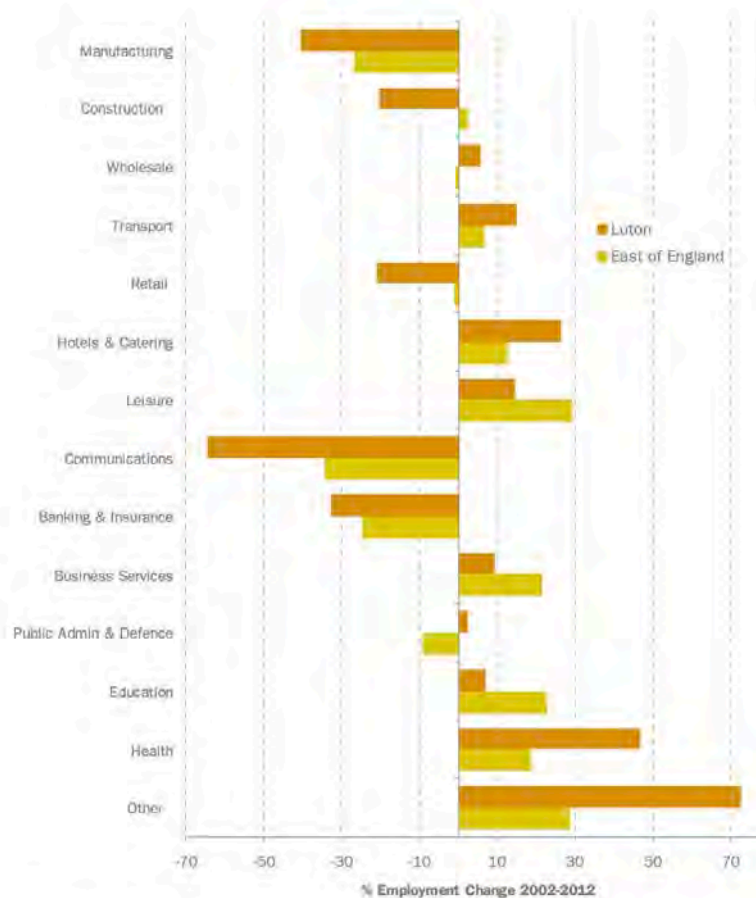
Source: EEFM/ NLP analysis 2012 - total jobs including self employed * numbers rounded

* includes vehicle repair and some construction activities ** includes parts of transport & communications sectors that use industrial land *** includes a proportion of government offices

4.2 This is logical when one considers further the employment change data in the review:

- 2.9 Over the last decade, the largest contributors to job growth in the Borough have been health and other public services and hotels & catering, where the Borough outperformed regional growth rates. Other significant growth sectors have been business services, leisure and transport although only the last of these sectors performed better than in the region (Figure 2.3).
- 2.10 However, this job growth was offset by large job losses in manufacturing in particular, where Luton did worse than the region, as well as declines in communications, financial services, construction and retail.

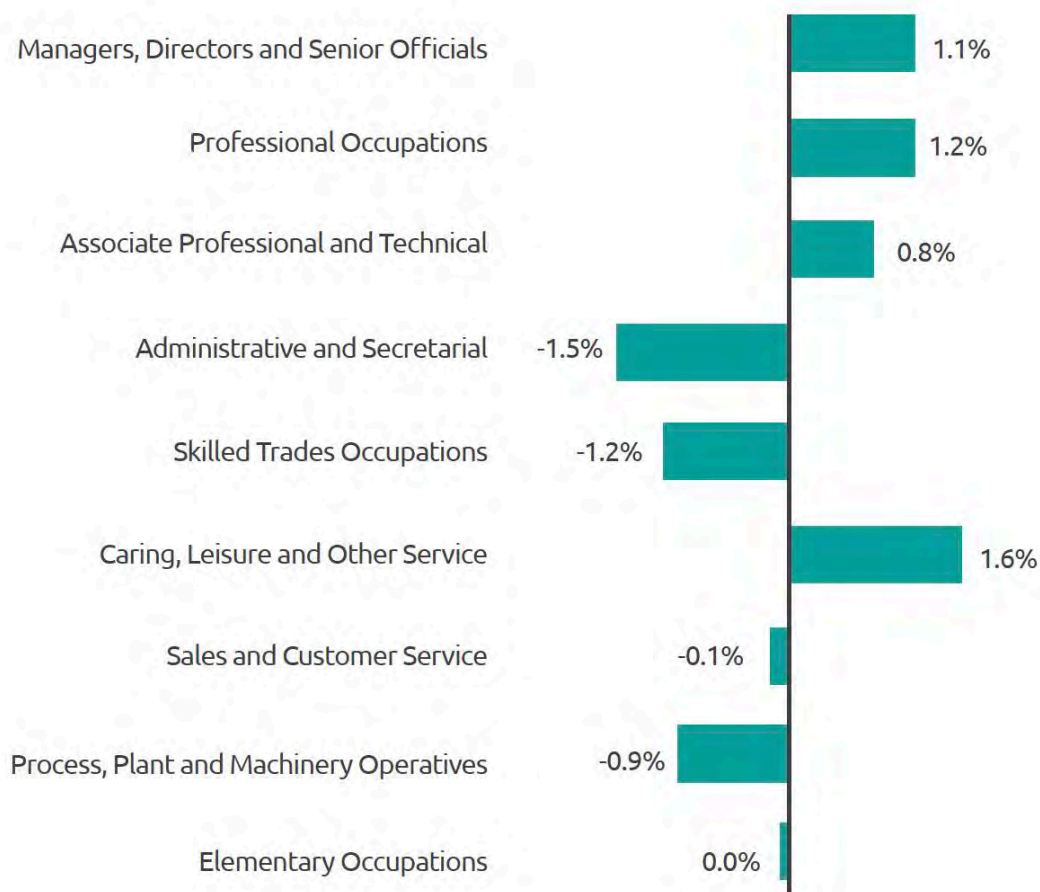
Figure 2.3 Employment Change in Luton by Sector, 2002-12



Source: Experian

4.3 The more recent Luton Employment & Skills Strategy 2022-27 further supports the predictions of a shift in employment demographic:

Projected Occupational Change (2017-2027) – Luton



4.4 In addition, wider viability assessment of redevelopment of existing employment sites in 'Amber' assessed locations was reviewed, and their conclusions were that such an option was unviable. Mixed schemes were noted as showing poor levels of viability, although 1 in 7 were noted as viable by comparison with the redevelopment for modern employment purposes alone. The review noted that residential elements would cross-subsidise delivery of the employment elements due to low rents.

Viability Assessment of Amber Sites

24. For 30 Amber sites, a site capacity and viability assessment was undertaken to test how much modern employment space and dwellings could be delivered through mixed use and other forms of redevelopment and whether such development would be viable. The key findings from this assessment were:
- a redevelopment of existing employment uses for modern employment premises is unviable on an investment basis;
 - b mixed-schemes, which include releasing part of an employment site for residential development, but retaining part for development of new employment units, showed poor levels of viability; only one of out seven sites tested was viable and this largely due to very low existing use value due to low intensity uses on the site.
 - c releasing existing employment sites wholly for residential use also illustrates a mixed viability picture; releasing whole areas for residential may be more appropriate than seeking to retain elements of employment, and this is also the case for improving the viability of redevelopment.

4.5 The 2015 Luton Employment Land Review (Lichfield & Partners) scores the wider site of which the subject site is a part (referred to as No. 39 Manor Road) as Amber and notes a high level of vacancy, poor condition and that the site requires investment and might be considered for residential uses.

2.46 Just to the south east of the town centre, the **Manor Road** site (Ref 39) is in a reasonable location, with good access to the A505/ring road and the town centre, but suffers from a high number of vacancies and some units are in a poor condition. The site remains suitable for employment purposes, but would benefit from investment to increase its attractiveness. Alternatively, residential uses could be considered for this site, however its partial location within Flood Zone 2 could restrict residential development within the site.

4.6 The restrictions placed upon the estate by LLP13 and LLP14 have apparently led to a lack of the required investment, due to low need for the existing uses (and therefore lower rents) limiting the viability of investing in improving the condition of units in this area. As outlined above, a residential element to redevelopment proposals is essential to cross-subsidise delivery of new, higher quality, more efficient employment floorspace.

Site Name: Manor Road **Reference:** 39



Total site area (ha)	1.60	Current uses	Mixed industrial uses
Undeveloped land (ha)	N/A	Sequential status	N/A
Site status	Partially occupied industrial estate	Density	Medium

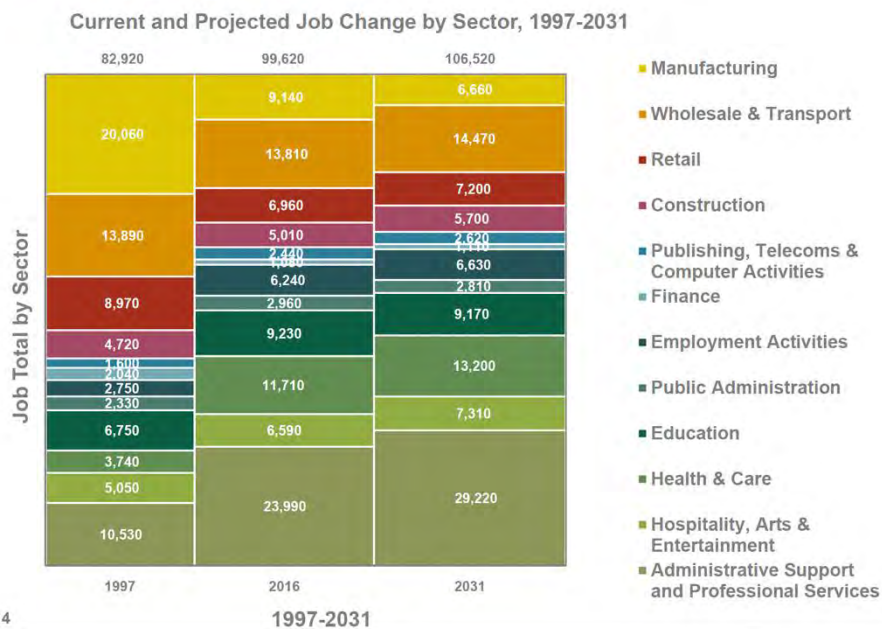
Criteria	Comment	Score (out of 5)
Strategic access	Good access to A505 Luton Ring Road. Around 4km from junction 10 of the M1 via the A505 Windmill Road and Airport Way a good dualled road. Alternatively approximately 6km from junction 11 of the M1.	3
Local accessibility (parking, local road access and public transport)	Good access from the A505, adequate local roads. Parking is limited on-site, mainly on-road. Just outside town centre and in close proximity to bus routes and train station.	3
Proximity to urban areas and access to labour & services	Just to the south east of the town centre, primarily residential area to the south west of the site.	3
Compatibility of adjoining uses	Mixed employment and residential uses to the south-west of the site. Park land to the south, town centre uses to the west and further employment uses to the east (across A505).	3
Physical and environmental constraints	Site fully developed with the River Lea abutting the north-east corner of the site.	3
Market attractiveness, quality/age of buildings, vacancies, image/perception, flexibility (extension/conversion)	Just outside of town centre, with good strategic access. Aging buildings fairly run-down and many in need of repair/redevelopment. High number of vacant units.	2
Planning factors/status	Identified in draft Local Plan as a Category A Employment Area. Partly located within Flood Zone 2.	
Barriers to delivery	Partially occupied	
Potential uses	B1/B8	
Timescale/availability	Short-medium term.	

Total Score: 17

4.7 The 2016 Luton Functional Economic Market Area Study confirms the above hypothesis, stating that the predications in the 2013 review are being borne out, with significant growth in office-based employment professions and reduction in manufacturing.

- Luton’s local economy has experienced a significant shift in the structure of its economy resulting in a decrease in manufacturing, with simultaneous growth in administrative, support and professional services and the health sector

Employment data shows the marked decrease in manufacturing and subsequent increase in administrative and professional services.



4.8 In terms of actual data, there are currently 60 vacant commercial properties to let within a 1 mile area of the subject site, and 23 vacant commercial properties available within a ½ mile radius (Schedule 1). There are six large units comprising over 60,000 square foot of floorspace within the immediate area of the subject property. This is significantly higher than average, suggesting lack of take-up at the advertised rents in this area. This point was apparent from a walkthrough of the area, with many vacant, derelict and boarded up properties on the estate. The only active use surveyed during the walkthrough was a single small commercial garage with all other sites either empty or derelict, and one major recent consent for mixed-use development directly bordering the site.

- 4.9 The properties listed are largely light industrial and storage, confirming the above need and supply data.
- 4.10 Of the 60,000ft² of floorspace available, a vast majority comprises the property immediately adjacent to the subject site at Bolton Road (50,488ft²). The wider dataset suggests rents of £1-10/ft. Considered alongside point i. of LLP14 it is clear therefore that there is considerable available light industrial floorspace in the immediate vicinity which has not been taken up at reasonable rents, and evidence of active marketing immediately adjacent, complying with the requirements of LLP14. Further the subject property was actively marketed in 2017 but has remained vacant since with only sporadic use by the church group.
- 4.11 In addition we have spoken with the applicant's agents and understand there is a considerable surfeit of light industrial floorspace currently on the market and that there has been no interest in the subject property over the last 12 months.
- 4.12 Turning to the viability of redevelopment in the existing use (lack of demand notwithstanding), rents of up to £10/ft² compare with a conservative BCIS average refurbishment data of c.£52/ft. On a very basic level then, the level of investment required would not generate the necessary value to make such a proposal viable. This accords with the conclusions of the employment land review on viability. As such there is little prospect of such an option moving forward at a loss. However, by comparison, the residential values included within the proposed scheme subsidise the delivery of higher quality office floorspace, rendering the proposed delivery viable on an investment basis.
- 4.13 This confirms that, pragmatically, if the area is to receive the required investment to contribute meaningfully to the employment aims of policies LLP13 and 14, then an element of mixed-use redevelopment is required to deliver said aims.

5. CONCLUSIONS

- 5.1.1 To conclude, the policy analysis and planning history above suggest that the change of use should be supported as according with the aims of policies LLP13 and LLP14 overall.
- 5.1.2 Irrespective of alternative interpretations of the operation of policies LLP13 and 14, in light of the Inspector's conclusions in APP/B0230/W/21/3275436, and the intensification of higher-quality employment accommodation in the mixed-use proposals, it appears clear that the scheme would meet the primary aims of protecting and enhancing employment opportunities in the current Category B employment area. With this in mind the Inspector allowed some minor conflict with the precise wording of the policy.
- 5.1.3 The proposals would generate an increase 40 jobs in the more in demand office use vs the current 0-9 light industrial jobs for which floorspace is not in demand. The proposed employment use would therefore be intensified and improved significantly.
- 5.1.4 There is significant vacant light industrial floorspace advertised in the immediate vicinity, indicating lack of demand/oversupply. This is supported by the wider supply/demand data in the local plan evidence base and the Luton employment skills strategy.
- 5.1.5 The site in question has previously been identified as Amber category in Luton's employment land review documentation, indicating high vacancy, low quality floorspace with a low viability of redevelopment solely for employment use and high likelihood of requiring a residential element to cross-subsidise employment uses. This is confirmed by a brief comparison of achievable rent vs cost of refurbishment which aligns with the historic viability study.
- 5.1.6 Further to the appeal referenced, the development of new policy is also a material consideration, and the inclusion of the subject site within the Town Centre Design Guide, in addition to the comments in the preapplication meeting with regard to formative policy in the subject area, are suggestive that mixed use development increasing employment opportunities should be supported.
- 5.1.7 Finally, the demand and supply employment data for Luton indicates that there is a strong demand and undersupply of high quality office based employment floorspace. A redevelopment of the site purely for employment floorspace would not be viable; however a mixed-use redevelopment is viable and would generate both employment and residential benefits.

SCHEDULE 1

BOLTON ROAD

LUTON | LU1 3HY



TO LET

**Headquarter Office and Industrial premises of
50,488 sq ft (4,690.43 sq m)**

POSTCODE: LU1 3HY



LOCATION

The site is located on Bolton Road, just off Manor Road, prominently positioned facing the A505 flyover.

The site is located within an established commercial area with occupiers nearby including Howdens, Screwfix, Halfords and Toolstation.

The property is within walking distance of Luton town centre with The Mall Shopping Centre within 0.5 miles.

Junction 10 of the M1 Motorway is within 2.4 miles of the site and London Luton Airport is within 1.4 miles.

DESCRIPTION

The property consists of two self-contained buildings sat on a 1.5 acre secured site with yard and ample parking.

Building one comprises of ground floor warehouse space with storage rooms and loading door. The first floor consists of open plan and cellular office space served by a passenger lift.

Building two comprises a two storey office building to the front and warehouse space to the rear with two loading doors.



SPECIFICATION

- Secure gated site
- Secure parking
- Visitor parking spaces
- WC facilities
- Kitchen/breakout facilities
- Open plan and cellular offices
- 3 loading doors
- Reception in building 2

ACCOMMODATION

Building 1 (1-27 Bolton Road)

Ground floor NIA	15,435 sq ft
First floor NIA	11,169 sq ft
TOTAL	26,604 sq ft

Building 2 (29-35 Bolton Road)

Ground floor GIA	20,411 sq ft
First floor NIA	3,473 sq ft
TOTAL	23,884 sq ft

BUILDINGS 1 & 2 TOTAL **50,488 sq ft**



BOLTON ROAD

LUTON | LU1 3HY



VAT

VAT is applicable.

BUSINESS RATES

£108,000 - The current multiplier for 2020/21 50.4p payable. Interested parties are advised to contact the relevant local authority.

EPC

Building 1 (1-27) - EPC Band E (107)
Building 2 (29-35) - Band C (73)

FURTHER INFORMATION

Through the sole agents.

EAMON KENNEDY



01582 738866
www.kirkbydiamond.co.uk

eamon.kennedy@kirkbydiamond.co.uk
01582 393330

LU1 3HX

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+ 3 miles

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1/5



POA

47,712–623,149 sq. ft.

Junction Logistics Park, Newlands Road, Luton, L... ✕

Light industrial

1.58 miles

Junction is a 37 Acre Gateway Logistics Site with unrivaled

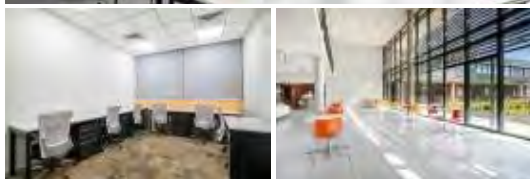
COMMERCIAL

Marketed by **CBRE Industrial, London**



Save

1/6



£1,059 pcm From
1–54,564 sq. ft.

SERVICED
OFFICE

Great Marlings, Luton, Bedfordshire, LU2 ✕

Serviced office

2.58 miles

Move into ready-to-use open plan office space for 10 people in Basepoint Great Marlings

COMMERCIAL

Marketed by **Basepoint, Basepoint**



Save

Clear

+ 3 miles



Serviced office

2.58 miles

All-inclusive access to professional office space for 1 person in Basepoint Great Marlings



COMMERCIAL

Marketed by Basepoint, Basepoint

£829 pcm From
1-54,564 sq. ft.

SERVICED
OFFICE



Save



Great Marlings, Luton, Bedfordshire, LU2



Serviced office

2.58 miles

Join a collaborative coworking environment in Basepoint Great Marlings



COMMERCIAL

Marketed by Basepoint, Basepoint

£169 pcm From
1-54,564 sq. ft.

SERVICED
OFFICE



Save

1/6

500 Capability Green, Airport Way, Luton, LU1 3LS



Office

0.89 miles

Impressive self-contained office building situated in a

COMMERCIAL

Marketed by Bray Fox Smith Ltd, Bray Fox Smith

£9,856 pcm
5,033-51,520 sq. ft.



Save

Clear + 3 miles



£6,363 pcm From
5,090–31,870 sq. ft.

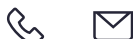
Office

1.79 miles

Wigmore Place is a purpose built 4 storey modern office

COMMERCIAL

Marketed by Lambert Smith Hampton, Milton Keynes



Save

1/5



POA
5,733–26,083 sq. ft.

Trade City Luton, Kingsway, Luton, LU1 1FW



Light industrial

1.63 miles

New Industrial, Warehouse And Trade Counter Units Four

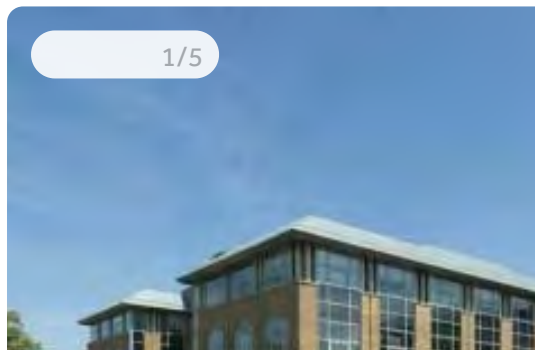
COMMERCIAL

Marketed by Jones Lang Lasalle, East London - Industrial



Save

1/5



£23,851 pcm From
12,640–25,280 sq. ft.

500, Capability Green, Luton, Bedfordshire, LU1



Office

0.73 miles

Capability Green is a high quality business environment that

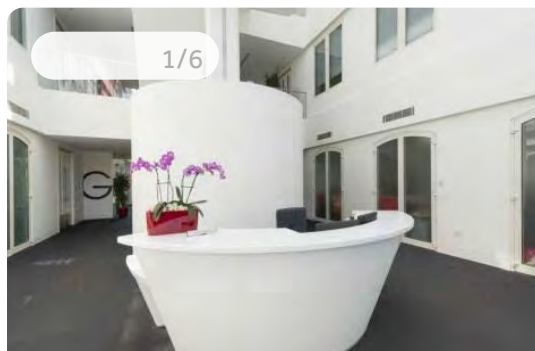
COMMERCIAL

Marketed by MCR Property Group, Manchester



Save

1/6



POA
12,640–25,280 sq. ft.

500 Capability Green, Airport Way, Luton, Bedfor...



Office

0.76 miles

The property was constructed in 1989 to provide a 7,299.3 sq

COMMERCIAL

Marketed by Bray Fox Smith Ltd, London



Save

Clear

+ 3 miles



Office

0.83 miles

A newly refurbished self contained office building of 22,685

LET AGREED COMMERCIAL

Marketed by Bray Fox Smith Ltd, London

POA

10,331–24,247 sq. ft.



Save



1/8

Eaton House, Wigmore Place, Luton, East Of Engl... X

Office

1.83 miles

Wigmore Place is a purpose built 4 storey modern office

COMMERCIAL

Marketed by Lambert Smith Hampton, Milton Keynes

£6,000 pcmFrom

4,800–23,665 sq. ft.



Save



1/3

Unit H Oakley Road Luton Bedfordshire LU4 9GE ... X

Industrial park

2.85 miles

Modern Warehouse / Industrial Unit | To Let | Unit H Oakley

COMMERCIAL

Marketed by Colliers International Property Consultants Li...

POA

19,908 sq. ft.



Save



1/3

70-74 Bilton Way, Luton, LU1 1UU X

Light industrial

1.86 miles

This property is a detached industrial/ warehouse unit within

COMMERCIAL UNDER OFFER

Marketed by Kirkby Diamond, Luton

POA

19,573 sq. ft.



Save

Clear + 3 miles



70-74, Bilton Way, Luton, LU1

Distribution warehouse

2.02 miles

70-74 Bilton Way provides a prominent, detached warehouse

COMMERCIAL

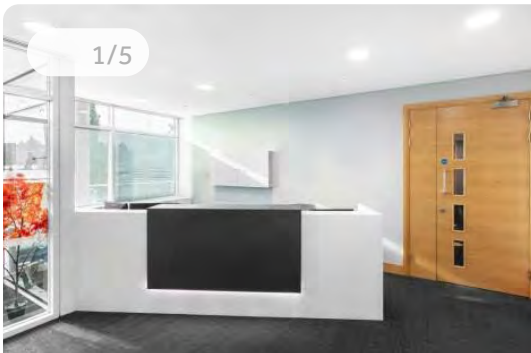
Marketed by Lambert Smith Hampton, Milton Keynes

POA

19,573 sq. ft.



Save



960 Capability Green, Luton, LU1 3PE

Serviced office

0.69 miles

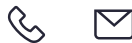
Move into ready-to-use open plan office space for 10 people in Regus Capability Green

COMMERCIAL

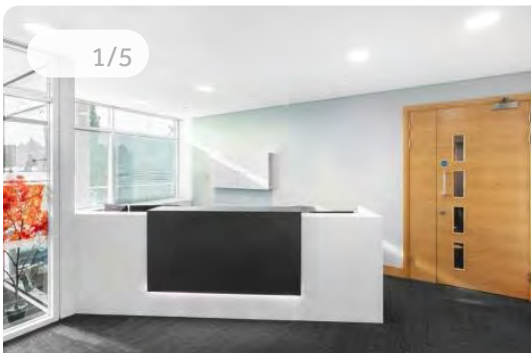
Marketed by IW Group Services (UK) Limited, Regus

£2,479 pcm From
1-17,579 sq. ft.

SERVICED OFFICE



Save



960 Capability Green, Luton, LU1 3PE

Serviced office

0.69 miles

Join a collaborative coworking environment in Regus Capability Green

COMMERCIAL

Marketed by IW Group Services (UK) Limited, Regus

£199 pcm From
1-17,579 sq. ft.

SERVICED OFFICE



Save

Clear

+ 3 miles



Serviced office

0.69 miles

All-inclusive access to professional office space for 1 person in Regus Capability Green



COMMERCIAL

Marketed by IW Group Services (UK) Limited, Regus

£309 pcm From
1-17,579 sq. ft.

SERVICED
OFFICE



Save



1/5

The Atrium Park Street , Luton , LU1 3BE



Office

0.14 miles

The Atrium is a detached building formerly used by

COMMERCIAL

Marketed by Kirkby Diamond, Luton

POA
6,241-16,748 sq. ft.



Save



1/3

450 Capability Green, The Boulevard, Luton, Bedf...



Office

0.82 miles

Currently undergoing a full refurbishment, Building 450 will

COMMERCIAL

Marketed by Bray Fox Smith Ltd, London

POA
4,287-14,508 sq. ft.



Save

Clear + 3 miles



Distribution warehouse

1.93 miles

15-17 Bilton Way is a newly refurbished detached warehouse

COMMERCIAL

Marketed by Lambert Smith Hampton, Milton Keynes

POA
13,295 sq. ft.



1/5

15-17 Bilton Way, Luton, LU1 1UU



Light industrial

1.86 miles

This property is an industrial/ warehouse unit within a self contained gated site with the benefit of parking to the front and yard to the rear.

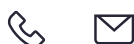


COMMERCIAL

Marketed by Kirkby Diamond, Luton

POA
13,295 sq. ft.

PREMIUM LISTING



1

400 Capability Green, The Boulevard, Luton, LU1 ...



Office

0.82 miles

Two recently refurbished modern office suites with 5,000 -

COMMERCIAL

Marketed by Bray Fox Smith Ltd, London

POA
5,033–12,915 sq. ft.



Clear

+ 3 miles



Office

1.34 miles

Volare will provide a Grade A self contained office building

COMMERCIAL

Marketed by Kirkby Diamond, Luton

£23,220 pcm
11,610 sq. ft.



Save



1/4

Percival House, Prospect Way, London Luton Airp... ×

Office

1.44 miles

Percival House is a 35,908 sq ft office building currently

COMMERCIAL

Marketed by Kirkby Diamond, Luton

POA
11,524 sq. ft.



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LU1 3HX



+ 1/2 mile



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Prioritise properties with... Add keyword

1/4



£281,232 pcm

346,132 sq. ft.

346 Luton, Panattoni Park, Luton Road, Luton, Bedfordshire, LU4 9TT

Light industrial



LET AGREED COMMERCIAL



Call



Contact



Save

POA

50,488 sq. ft.

1-27 & 29-35 Bolton Road, Luton, LU1

Light industrial



COMMERCIAL

Call Contact

Save



£7,083 pcm

7,249 sq. ft.

1 New Street, Luton, Bedfordshire, LU1

Light industrial



COMMERCIAL

Call Contact

Save



£3,792 pcm
4,542 sq. ft.

20-22 Chobham Street, Luton, LU1 3BS
Light industrial



COMMERCIAL

Call Contact

Save

£3,000 pcm
3,852 sq. ft.

Unit 1 COB Building Midland Road, Luton, LU2 0HR
Light industrial



COMMERCIAL

Call Contact

Save



£1,438 pcm
2,026 sq. ft.

First Floor, 2-4 George Street, Luton, Bedfordshire, LU1
Office

COMMERCIAL

Call Contact

Save

£458 pcm From
323–1,765 sq. ft.



£1,833 pcm
1,697 sq. ft.

5 Castle Street, Luton, Bedfordshire, LU1
Retail property (high street)

COMMERCIAL UNDER OFFER

 **Call**  **Contact**

 **Save**

£1,325 pcm
1,222 sq. ft.



£667 pcm
1,100 sq. ft.

Holly Street Business Park (K), 19 Union Street, Luton, Bedfordshire. LU1 3AN

Storage

COMMERCIAL

 Call  Contact

 Save

£683 pcm
632 sq. ft.



£1,000 pcm
422 sq. ft.

Cresta House 8 - 10 Alma Street, Luton, LU1 2PU
Retail property (high street)

COMMERCIAL

 **Call**  **Contact**

 **Save**

£292 pcm
395 sq. ft.



£1,250 pcm

John Street, Luton

Takeaway

COMMERCIAL

 **Call**  **Contact**

 **Save**

£5,000 pcm



1/9



£1,200 pcm

George Street, Luton, Bedfordshire, LU1

Takeaway

LET AGREED COMMERCIAL

Call Contact

Save

Additional commercial listings

£8,000^{1/8} pcm
8,384 sq. ft.



1/24



£4,000 pcm
5,468 sq. ft.

George Street, Luton, Bedfordshire, LU1

Commercial property

LET AGREED COMMERCIAL

Call Contact

Save

£2,500 pcm



£4,000 pcm

Midland Road, Luton, Bedfordshire, LU2

Commercial property

LET AGREED COMMERCIAL

Call Contact

Save

£1,333 pcm



£1,500 pcm

King Street Luton LU1 2DP

1 bedroom retail property (high street)

COMMERCIAL

 Call  Contact

 Save

£1,200 pcm



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SCHEDULE 2



Appeal Decision

Site visit made on 19 January 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/B0230/W/21/3275436

2-12 Bolton Road, Luton LU1 3HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Sidhu against the decision of Luton Borough Council.
 - The application Ref 20/00696/FUL, dated 17 June 2020, was refused by notice dated 18 February 2021.
 - The development proposed is demolition of existing building and provision of 10 no. two bedroom flats and 2 no. office suites with associated landscaping, parking and amenity areas.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and provision of 10 no. two bedroom flats and 2 no. office suites with associated landscaping, parking and amenity areas at 2-12 Bolton Road, Luton, LU1 3HR in accordance with the terms of the application, Ref 20/00696/FUL, dated 17 June 2020, subject to the conditions in the attached Schedule.

Procedural matter

2. In September 2020 amendments to the Town and Country Planning (Use Classes) Order 1987 were made. This deleted Class B1 and all the uses which previously fell into that class, including offices, are now within Class E. For consistency, when referring to Local Plan policies which pre-date this change, I have referred to Class B1. However, the condition which relates to the use of ground floor of the development refers to Class E of the amended Order.

Main Issues

3. The main issues are:
 - i) the effect of the development on the supply of employment land;
 - ii) the effect of the development on the character and appearance of the area; and
 - iii) whether it is necessary for the development to provide contributions towards education, museums, open space, libraries, waste and a car club, and if so whether an appropriate mechanism for securing these has been provided.

Reasons

Employment land supply

4. The appeal site accommodates a building which currently appears vacant but, I understand, was previously in industrial use as a bakery until a few years ago.
5. The parties agree that the site is a category B employment site. Policy LLP14 of the Luton Local Plan states that where such sites have been vacant for at least twelve months:

"a mixed use development that retains significant employment or alternative redevelopment to non B uses to meet identified needs will be permitted where:

- (i) It can be demonstrated that suitable alternative accommodation at comparable rents is available; and*
- (ii) It can be demonstrated that it is no longer suitable or viable for B1, B2 or B8 uses and where the site is vacant, there is evidence of active marketing for a reasonable period".*

6. Firstly, it is not disputed by the parties that the site has been vacant for over 12 months.
7. Secondly, it is necessary to consider whether the proposal retains significant employment. The policy is not clear as to whether 'significant employment' means floorspace or jobs. In terms of floorspace, the application forms state the floor area of the building is 235m², of which, according to the planning statement, 200m² is useable. The proposal would provide 112m² of office space which, although would represent a loss of around 100m² of floor space, it is still a substantial amount of employment generating floor space.
8. In terms of jobs, it is reasonable to anticipate that an office use would generate more jobs per square metre than a general industrial use, and this is supported by the data in the appellant's appeal statement. From this, it is clear that even with a considerable reduction in employment floorspace, the proposal would be likely to generate an increase in the number of jobs. As such, for the purposes of the policy, I consider significant employment would be retained.
9. Thirdly, from the way the policy is written, it seems that criteria (i) and (ii) should both apply to the proposal. The appellant has not suggested there is suitable alternative accommodation elsewhere and has not demonstrated the site is unviable for employment use nor provided substantive evidence of active marketing. The proposal would therefore conflict with the policy in this regard.
10. However, the appellant contends that as significant Class B1 space would be provided, it would be illogical to show alternative employment generating accommodation or to seek to demonstrate that the site is no longer suitable for B1, B2 or B8. I agree. Indeed, theoretically, the policy would require a mixed-use scheme that retained all the previous employment floor space to consider alternative employment accommodation and demonstrate a lack of viability or suitability for its retained employment use. This consideration carries significant weight in my assessment.
11. The Council suggest that there must a demand for the site as the viability assessment considers the site has significant land value and calculates a yield

of 5%. However the viability assessment merely calculates its value based on an average of rental values of similar sites around Luton and average yields. This does not suggest there is a demand for this building specifically in its current form in this location.

12. Overall, a significant amount of employment generating land would be retained by the development and the development would not have an unacceptably harmful effect on the supply of employment generating land. Therefore whilst there would appear to be some conflict with some of the wording of the policy, the proposal would accord with policy LLP14 overall, and policy LLP13 which also supports the redevelopment of employment sites for mixed uses.

Character and appearance

13. The site currently accommodates a rather squat single storey building. It faces a viaduct, which is higher the roof level of the building, which conceals it from most viewpoints aside from those from Bolton Road directly in front of it, and the public car park under the viaduct.
14. The neighbouring buildings are similarly functional in design, of limited height and appear to accommodate industrial uses. However, in the wider context there are a number of taller buildings. Most prominently these are on the opposite side of the viaduct and are part of the University of Bedfordshire. These buildings are several storeys taller than that proposed and are finished in a range of coloured sheet metal cladding. Also on that side of the viaduct there is a five-storey building finished in grey/brown brick with significant amounts of glazing. There is also a four-storey red brick building very close to the viaduct and further west along the viaduct there are more tall buildings around a roundabout junction.
15. To the east side of the viaduct there are some buildings of similar height to that proposed including two buildings behind the site; one finished in red brick and the other rendered in grey but with some brightly coloured detailing around some of the windows. There are other tall residential tower blocks in the distance to the east. Nonetheless, due to its proximity to the viaduct, it is considered that from positions along the viaduct, the development would appear as the most prominent building to the east, particularly as from some positions it would obscure views of the similarly heighted buildings to its rear. However, this would not necessarily render it harmful to its context. It is not unexpected that the buildings on the west side of the viaduct, whether part of the University or not, are taller as they are closer to the centre of Luton. The development's 6 storey height is comparable to other buildings on this east side of the viaduct and it would represent a more gradual decrease in heights moving away from the town centre than the current severe drop. Indeed, it would weaken the visual constriction to the town centre provided by the viaduct.
16. In terms of its design, the plans show that the rear part of the building would be finished in three equal bands of material (ivory render and two types of brick) with the front part wholly in ivory render. The use of render would reflect that of the 6-storey building to the rear and when mixed with brick would represent an acceptable finish.
17. Fenestration would be a series of square windows with the living room and primary bedroom in each flat having a balcony. Though there are sections of

wall which are devoid of windows or balconies, overall the building has sufficient openings such that no elevation would appear bland or featureless. Furthermore, the mixture of opening sizes provided by the windows and balconies adds interest, and differentiates it from some of the other buildings nearby, including those at the university, which contain elevations with many windows all of a uniform shape and regular placement. The balconies, whilst not particularly innovative, are simple features in their own right which do not detract from the appearance of the building.

18. Overall, I find nothing in the buildings design that would represent poor quality and it would represent an improvement on the existing building. It would be an appropriately positive response to its context and in this prominent location would not detract from the character and appearance of the area. It therefore would accord with Luton Local Plan policies LLP1 and LLP25 which both seek to ensure development enhances and improves the character of the area. As the site appears to be outside the town centre, policy LLP3 as referred to in the decision letter, would not appear to be relevant.

Planning obligations

19. To address the Council's third reason for refusal, a completed unilateral undertaking has been submitted during the course of the appeal. This aims to provide contributions towards education, open space, libraries, museums, waste collection and a car club scheme.
20. The Council's Planning Obligations Supplementary Planning Document (2007) (SPD) provides the justification for the scale and nature of the majority of the contributions. However as the SPD is 15 years old some of the values currently sought are, understandably, greater than that suggested by the SPD.
21. Notably the figure requested for the education contribution towards the local primary school on Surrey Street is markedly higher than as suggested by the SPD. However, conversely, the figure required for the secondary school at Stockwood Park Academy is less than would be generated using the formula in the SPD. Nonetheless, I consider the values are reasonable, directly related to the development and are necessary. The obligation therefore meets the tests as set out in Regulation 122 of the Community Infrastructure Levy Regulations.
22. The open space contribution is largely in line with the calculation provided in the SPD and in light of the very limited outdoor space that would be provided on site and lack of much public open space nearby, this contribution is also reasonable and necessary.
23. Contributions to libraries, museums and waste are in line with the SPD in terms of their scale and the scale of the development and also meet the tests in Regulation 122.
24. The Council's highway engineering consultee commented that as the development provides no on-site parking for the dwellings, a contribution of £3500 to the Luton Car Club scheme would be required. However, the provision of contributions to car clubs is not referred to in the SPD and I have no other justification before me to explain why a contribution of this scale would be necessary. As a result, this obligation does not meet the tests set out in Regulation 122 and it carries no weight in my consideration of the appeal.

25. Nonetheless the other obligations do all meet the aforementioned tests. The proposal therefore would accord with Luton Local Plan policy LLP39 which seeks to ensure development adequately contribute to the infrastructure needed to support them.

Conditions

26. The Council have not suggested any conditions, but several are recommended in responses to the application from consultees. Where necessary, and in the interests of clarity and precision, I have slightly altered the recommended conditions to more closely reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance. I have also added other conditions I consider to be necessary.
27. I have attached the standard conditions relating to the commencement of the development and the approved plans in the interests of certainty. For the same reason, I have added a condition to restrict the use of the ground floor to offices, as proposed.
28. The condition relating to the construction method statement is necessary to protect the residential amenity of nearby residents, while conditions relating to contamination and noise protection are necessary to ensure a satisfactory residential environment is provided for future occupiers of the development.
29. Two conditions, relating to visibility splays and the provision of parking, are necessary in the interests of highway safety, and the condition relating to surface water ensures the satisfactory drainage of the site and the prevention of flooding on the highway.
30. The conditions relating to a landscaping scheme, finishing materials, cycle and bin storage and lighting are necessary in order to protect the character and appearance of the area.
31. Some conditions require details to be submitted before the commencement of development. This is to ensure the effects of the proposal are properly mitigated.

Conclusion

32. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18-929-P-01 Rev A and 18-929-P-02 Rev D.
- 3) No development shall commence until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the construction programme and phasing;
 - ii) delivery, demolition and construction working hours;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the parking of vehicles of site operatives and visitors;
 - v) loading and unloading of plant and materials;
 - vi) details of hoarding;
 - vii) management of traffic to reduce congestion;
 - viii) measures to control the emission of dust and dirt during construction;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) details of consultation and complaint management with local businesses and neighbours;
 - xi) mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
 - xii) details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall commence until a scheme for the protection of the dwellings hereby permitted from noise arising from road & air traffic sources and from nearby industrial/commercial and community-use units has been submitted to and approved in writing by the local planning authority. The scheme shall be supported and informed by a noise impact assessment carried out in accordance with relevant technical standards. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and the scheme shall be retained as such thereafter.
- 6) No development shall commence until a Phase 2 investigation report, as recommended by the previously submitted Paddock Geo Engineering Preliminary Contamination Risk Assessment dated April 2020 (Ref: P20-

042pra), has been submitted to and approved in writing by the local planning authority. Where (following the Phase 2 investigation report) land affected by contamination is found which poses risks identified as unacceptable in the Phase 2 investigation report, no development shall take place until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including a validation plan.

- 7) The approved remediation scheme shall be carried out and upon completion a validation report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority before development recommences. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority before the development is occupied. These approved schemes shall be carried out before the development is occupied.
- 9) No development shall commence until there shall have first been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include details of proposed boundary treatment.
- 10) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 18-929-P-01 Rev A for 10 bicycles to be parked and for the storage of waste bins. Those spaces shall thereafter be kept available for those purposes.
- 11) The development shall not be occupied until space has been laid out within the site in accordance with drawing no. 18-929-P-01 Rev A for two cars to be parked and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 12) Before the occupation of the development, visibility splays measuring 1.8 metres from the edge of each parking space as shown on drawing no. 18-929-P-01 Rev A, and 1.8 metres back from the nearside edge of the carriageway shall be provided. No shrubs, trees or other vegetation shall be allowed to grow above 0.6 metres in height, and no structure or erection exceeding 0.6 metres in height shall be placed, within the visibility splays.
- 13) The development shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage

systems (or any subsequent version). No surface water shall be allowed to drain onto the public highway.

- 14) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the development is first occupied. Development shall be carried out in accordance with the approved details.
- 15) The ground floor of the building shall be used for offices and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).