

East End & West End Power Court Luton

Planning Statement with Statement of Community Involvement

MARCH 2021

P O W E R
C O U R T
RE: ENERGISED



2020
DEVELOPMENTS





2020 Developments (Luton) Ltd on behalf of Luton Town Football Club

POWER COURT

Planning Statement

PLANNING STATEMENT (ISSUE 1) PUBLIC

PROJECT NO. 70075872-P02

DATE: MARCH 2021

WSP

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1 INTRODUCTION

- 1.1.1. This Planning Statement has been prepared on behalf of 2020 Developments (Luton) Ltd (“the Applicant”) to support a planning application for the mixed-use redevelopment of Power Court, Luton.
- 1.1.2. The application seeks outline planning permission, with all matters reserved except access, for:
- Outline proposals, with all matters reserved except for access, for a mixed-use development comprising: residential floorspace; appropriate town centre uses including a health centre, retail, community uses, food and drinking establishments; car and cycle parking; and associated access, highways, utilities, public realm, landscaping, riverworks and associated ancillary works and structures.*
- 1.1.3. Power Court is an allocated site for mixed-use development within the Council’s adopted Local Plan. Though the site allocation does not include a stadium, Policy LLP40 gives the Council the ability to update the Plan in accordance with the parameters of the extant consent referred to below.
- 1.1.4. Outline planning permission was granted in September 2019 for the redevelopment of the site for a stadium-led mixed-use development (LPA Ref. 16/01400/OUTEIA). As such, the principle of development in the heart of Luton has been established.
- 1.1.5. The development proposals have been critically analysed following the granting of permission and as part of the design process, it has become clear that several changes can be made to enhance the scheme. Whilst the principles included in the extant consent remain unchanged, this application seeks consent to incorporate the following improvements:
- Densification of the residential element of the site which allows for the delivery of 20% affordable homes on the site;
 - Removal of the podium across the west and east ends of the site to improve permeability in and around the site, as well as with the town centre;
 - Introduction of a new, centrally located plaza within the site that will be a similar size to George’s Square;
 - Improved landscaping and design around the de-culverted River Lea which will be opened up through the site; and
 - Introduction of a statement landmark taller building that will assist wayfinding to the football stadium and new mixed-use quarter.
- 1.1.6. The new football stadium for Luton Town is and will remain at the heart of the Power Court development. Whilst the stadium is not included as part of this application, it is being designed in detail to be submitted later in 2021.
- 1.1.7. The development of Power Court is an important catalyst to drive regeneration in Luton town centre. The new public plaza, de-culverting of the River Lea and associated landscaping will create a space for residents and visitors to gather. The focal point of the stadium, together with the other town centre uses will bring further vibrancy to this the new quarter.

- 1.1.8. This Planning Statement provides an assessment of the proposals against the relevant national and local planning policies and other material considerations. The remainder of the document is set out as follows:
- Section 2 of this statement describes the existing site, its planning history and its context;
 - Section 3 sets out the proposals;
 - Section 4 provides an overview of the community and stakeholder engagement undertaken;
 - Section 5 sets out the planning policy context;
 - Section 6 contains an assessment of the proposed development against the policies and relevant material considerations, including identifying the principles established in the previous permission; and
 - The benefits and conclusions of the scheme are set out in Section 7.
- 1.1.9. In addition to this Planning Statement, the application is accompanied by the following plans and documents:
- Covering letter, prepared by WSP;
 - Application form and ownership certificates;
 - Parameter drawings, prepared by Leslie Jones Architecture;
 - Illustrative Phasing Plan, prepared by Leslie Jones Architecture;
 - Design and Access Statement, prepared by Leslie Jones Architecture;
 - Draft Section 106 Heads of Terms, prepared by WSP;
 - Energy and Sustainability Report, prepared by Sweco;
 - Framework Travel Plan for Non-Stadium Uses, prepared by Stantec;
 - Preliminary Ecological Appraisal Report and appendices, prepared by Stantec; and
 - Tree Survey, prepared by Forbes-Laird Arboriculture Consultancy.
 - Environmental Impact Assessment collated by WSP, covering the following issues:
 - Highways, Traffic and Transport;
 - Heritage Assets and Archaeology;
 - Water Resources;
 - Noise;
 - Air Quality;
 - Socio-economics;
 - Geotechnical and Land Contamination;
 - Lighting;
 - Wind and Microclimate; and
 - Townscape.

2 CONTEXT FOR THE PROPOSALS

Site and Surroundings

- 2.1.1. Power Court is an 8.55ha brownfield site in Luton Town Centre. The site was in industrial use for many years, and redeveloped in the 1970s for a mix of manufacturing and general industrial uses. It is now vacant, and the buildings and structures have been demolished.
- 2.1.2. It is bound by the Luton-Dunstable Busway to the north east, Crawley Green Road to the south east, St Mary's Road to the south west and Church Street to the north west. The Power Court road leads into the site from St Mary's Road and Pondwicks Road leads into the site from Crawley Green Road. The Site is adjacent to the Main Shopping Area of Luton Town Centre. Immediately to the south is St. Mary's Church, a Grade I listed building. Although, the site is not within a Conservation area, Plaiters Lea Conservation Area is approximately 20m to the western most part of the of the site.
- 2.1.3. The site has excellent accessibility in terms of its proximity to the main modal transport hub (formed by the guided bus, the bus interchange and the main train station) of the town, the University Campus and the eastern road route between the town centre and London Luton Airport.
- 2.1.4. The site falls within flood zone 1, it has a low probability of flooding. The Site is bisected by the River Lea. The river is culverted through part of the site and the development proposes that a section of the river will be opened to be the focal point of a new public plaza.

Changes in Proposals

- 2.1.5. The site has been divided into three parts for the purpose of detailed design. These are the West End, a 2ha portion of land bordering Church Street in the north, a central plot of around 4.3ha for the stadium and the East End, a 1.2ha portion of land bordering Crawley Green Road in the south. The East and West Ends are the subject of the current outline application. The central plot is where the new stadium for Luton Town Football Club ("the Club") will be located as a centre piece and focus of the redevelopment. Having obtained outline consent for the stadium in 2019, this central plot is excluded from the current application. Detailed design is currently being progressed for the stadium to enable proposals to be submitted later this year.

Responding to shifts in the economy

- 2.1.6. The application which resulted in the existing consent was submitted in 2016 and consent was granted in September 2019. Since the grant of consent, the world has changed considerably, with new challenges facing the property market and magnifying existing tendencies and trends. The outbreak of COVID-19 has brought unprecedented uncertainty and change to places in the UK and beyond, of which the long-term implications remain to be seen. Whilst the pandemic changes the way in which we interact with environments in very obvious, physical ways, it has also had a relational impact on the market and investment decisions. In response to the change in market conditions, with the unwavering goal of ensuring the Club's vision is deliverable, revised proposals are being submitted at both Power Court and Newlands Park.
- 2.1.7. The change to the West and East Ends is not centred on land use, but on ensuring that the delivery of homes is maximised and supports the delivery of this extension to the town centre. Whilst the overall massing of the site is not changing significantly from what was assessed within the extant consent, detailed design development has enabled the provision of further units within the building

envelopes that allows the site to double its contribution to the delivery of housing in Luton. There are other changes in the amount of community and commercial floorspaces proposed, however, the nature of the proposals has not fundamentally changed.

Stadium Design Development

- 2.1.8. The Club remains fully committed to delivering the new stadium at Power Court and are engaging in discussions with the project team and Luton Borough Council to bring forward this part of the proposals and which includes a music venue, hotel and other associated uses. It is expected that detailed proposals for the stadium area will be submitted in six months time. For reasons of practicality and delivery, the area on which the stadium sits is not included in this application.
- 2.1.9. Given that these discussions are ongoing, for the purposes of the current outline application the orientation and design of the stadium is assumed to be as per the existing consents. This allows the team to undertake a properly robust assessment based on a detailed, tested design for the stadium that has been consented. If any changes to this orientation are required, these will be consulted on and form part of the detailed proposals submitted later this year.

Proposed Development

- 2.1.10. Power Court remains a major redevelopment opportunity within Luton Town Centre. The site is in a prominent location, being within a short distance to the train station, bus station and along key thoroughfares. It comprises hectares of redundant land, that when redeveloped, will improve the image of the town.
- 2.1.11. Proposals have come forward on the site in the past, however, have faced viability issues.
- 2.1.12. The revised proposals for Power Court do not change the range of land uses on the site and the development is subject to the same constraints as the previous scheme. The current outline application covers the West End and East End parcels of the site and, as explained, exclude proposals for the stadium, music venue, hotel development and other associated uses in the central plot.
- 2.1.13. The residential blocks will be supported by ground floor uses such as retail, food and beverage provision and will include a health centre in the East End. The potential to include an educational facility is also being considered.
- 2.1.14. Whilst a foodstore is still being proposed as part of the current outline application, there is concern as to the demand from potential occupiers. This is outlined in further detail in Section 6.
- 2.1.15. The updated designs also include an amendment to the works to the River Lea. The application will no longer alter the historic course of the River Lea. The river will continue to be de-culverted, both to the east and west of the new stadium. The decision to keep the River Lea running on its historic course through the centre of the site reflects the views of stakeholders and also reflects the evolution of the Masterplan for the site. The updated public realm proposals allow the River Lea to be a focal area of the proposed plaza which is a significant design improvement from the extant consents.

Key Figures

- Up to 1,200 residential units;
- Up to 1,700sqm for a health centre and or other community uses;

- Up to 5,600sqm of appropriate town centre uses, including retail and food and beverage floorspace;
- Up to 1,200 car parking spaces; and
- Associated access, highways, utilities, public realm, landscaping, river works and other associated works and structures.

Summary of application proposals

- 2.1.16. As stated above, the overall nature of the mix of uses at Power Court remains as per the consented position but with an increase in residential units, an increase in affordable housing provision on site, improvements to landscaping and the de-culverting of the River Lea.
- 2.1.17. A summary of the position of the extant consent as against the current proposals for the areas covered by this application is provided in the table below:

| Extant consent | Current application |
|---|--|
| <ul style="list-style-type: none"> ▪ A community stadium with a capacity of up to 23,000, with ancillary stadium-related facilities; ▪ An entertainment, music and conference venue of up to 2,700 sqm; ▪ Up to 550 residential units, distributed across eight blocks; ▪ Up to 2,800 sqm of educational/ community/commercial floorspace; ▪ Up to 2,600 sqm of other entertainment floorspace; ▪ Up to 12,000 sqm of hotel accommodation; ▪ Up to 10,800 sqm of retail and food and beverage floorspace; ▪ A foodstore of up to 3,000 sqm; ▪ Up to 1,200 car parking spaces; and ▪ Associated access, highways, utilities, public realm, landscaping, river works and other associated works and structures. | <ul style="list-style-type: none"> ▪ Up to 1,200 residential units distributed across nine blocks of comparable size to the existing consent; ▪ A health centre and or community floorspace (up to 1,700sqm); ▪ Retail and food and beverage floorspace (of which, 5,600 is being brought forward current applications); ▪ Up to 1,200 car parking spaces; and ▪ Associated access, highways, utilities, public realm, landscaping, river works and other associated works and structures. <p>Future Application for Central Plot</p> <ul style="list-style-type: none"> ▪ A community stadium with a capacity of up to 23,000 and ancillary facilities; ▪ An entertainment, music and conference venue; and ▪ Hotel accommodation. |



Phasing

- 2.1.18. The development will be brought forward in phases with delivery of part of the residential development first while other parts of the site are progressed further.
- 2.1.19. An indicative phasing plan has been submitted in support of this application (Drawing number AL(04)1020 P01) and can be summarised to be as follows:
 - Phase 1 – Plot E1 and E2; and
 - Phase 2 – Plots A, B, F and G.

3 STATEMENT OF COMMUNITY INVOLVEMENT

- 3.1.1. The National Planning Policy Framework (NPPF, 2019) emphasises that early engagement and pre-application discussions between the Applicant and the local planning authority, the local community and stakeholders about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Paragraph 128 states that applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community.
- 3.1.2. The evolution of the proposed development has been informed by engagement with a wide range of stakeholders, including local residents, community groups, local councillors, Luton officers and special interest groups.
- 3.1.3. However, the on-going restrictions caused by the COVID-19 pandemic have restricted the amount of consultation that has been able to be undertaken with the local community.
- 3.1.4. The proposals at Power Court are of interest to supporters of the Club and the wider community and it is expected that as with the existing consent, the proposals will be widely welcomed.
- 3.1.5. For this reason, the primary purposes of the consultation process for the current proposals were:
- a) To increase awareness of the revisions to the proposals, ensuring that key stakeholders understand the changes when compared to the extant consent; and
 - b) To further refine the proposals to reflect the knowledge and views of key stakeholders.

Consultation as part of LPA ref. 16/01400/OUTEIA

- 3.1.6. The engagement as part of the extant consent spanned several years and covered a wide range of engagement methods, including:
- Engagement with the council regarding the emerging Local Plan;
 - Ongoing pre-application discussions with the council;
 - Engagement with Club supporters;
 - Pre-application discussions with other key stakeholders;
 - Creation of a website;
 - Media broadcasts; and
 - Public exhibitions which had in excess of 4,000 attendees and over 96% of Luton residents supported the development.
- 3.1.7. The overall response to this engagement were that the proposals surpassed the expectations of simply providing a new football stadium; the additional facilities would provide significant benefits for the whole town which was strongly supported.
- 3.1.8. During the statutory consultation process, over 10,000 letters of support for both the Power Court and Newlands Park proposals were received, demonstrating the overwhelming public support for the schemes.

Consultation as part of this Outline Application

- 3.1.1. The evolution of the proposed development has been informed by engaging with a wide range of stakeholders, including local residents, community groups, local councillors, representatives of the Luton Business Improvement District as well as the University of Bedfordshire.
- 3.1.2. The primary purposes of the consultation process were to increase awareness of the proposed development, ensuring that key stakeholders were kept updated and informed of the changes. This process developed stronger proposals that are influenced by the informed views provided by key stakeholders.
- 3.1.3. The process of consultee and community engagement has included:
- Meeting with Luton Culture Community group on 11 November 2020 ;
 - Meeting with Luton Borough Councillors on the 20 November 2020;
 - Meeting at St Mary's Church on the 1 December 2020;
 - Meeting with representatives from the Luton Business Improvement District on the 3 December 2020;
 - Meeting at the UK Centre for Carnival Arts on the 3 December 2020;
 - Meeting with the Luton Heritage group on the 3 December 2020;
 - Meeting with the University of Bedfordshire in autumn 2020; and
 - Meeting with Luton Town supporter groups on a number of occasions.
- 3.1.4. In addition to the above, 2020 Developments have had weekly engagement with the Council through PPA meetings which have informed the current proposals. Throughout 2020, the Club has also engaged with Allies and Morrison regarding the evolving Town Centre Masterplan.
- 3.1.5. The consultation engagements provided very positive feedback and the process has increased local awareness and has led to stronger proposals that are influenced by the knowledge and views of key stakeholders.

4 THE PLANNING POLICY CONTEXT

- 4.1.1. Under paragraph 38 of the Planning and Compulsory Purchase Act (2004), planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.1.2. This section sets out national and local policies which have been reviewed and assessed against the proposed development.

NATIONAL PLANNING POLICY FRAMEWORK

- 4.1.3. The National Planning Policy Framework (NPPF) is an important material consideration in the determination of planning applications and was recently updated by the Government in February 2019. The NPPF states at Paragraph 7 that: "the purpose of the planning system is to contribute to the achievement of sustainable development" and to support this goal, a "presumption in favour of sustainable development" is promoted.
- 4.1.4. The NPPF seeks to ensure proposals are the most effective uses of land. Planning policies and decisions should promote and support the development of under-utilised land and buildings. The NPPF further states in Paragraph 12 that development proposals that accord with the development plan should be approved without delay.
- 4.1.5. Paragraph 80 and 85 promotes development in sustainable locations that can, in turn, attract inward investment.
- 4.1.6. Paragraph 117 promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.1.7. Paragraph 122 and 123 are supportive of residential developments that make the most effective use of land in order to deliver sufficient housing.
- 4.1.8. Chapter 12 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 promotes good design that is safe and inclusive for all.

LUTON LOCAL PLAN (2017)

- 4.1.9. Given the complexities of the proposals, many policies within the Plan are relevant given the importance and prominence of this key strategic site. The specific policies of relevance are assessed in Section 6. The two key policies for the site are LLP9 and LLP40 which are outlined below.
- 4.1.10. Policy LLP9 of the Local Plan sets the strategic policy allocation for Power Court and considers the important development control issues that would need to be addressed by any application. These considerations are outlined in detail in Section 6.
- 4.1.11. Policy LLP40 states that a full review of the Local Plan will commence and specific matters to be addressed in the review include the "provision for the relocation of Luton Town Football Club". The previous proposals were submitted when the (now adopted) Local Plan was at Examination. The Inspector recognised the importance of the Power Court and helpfully included a policy in the Local Plan that requires the allocation of Power Court to be updated to include the stadium in the next iteration of the Local Plan, following the grant of permission in September 2019.

OTHER RELEVANT CONSIDERATIONS

Town Centre Masterplan

- 4.1.12. The Council began preparing a new Town Centre Masterplan in 2020. The masterplan establishes a direction of travel for the town centre through establishing a long-term vision for the town. The masterplan has been consulted on, and 2020 Developments have made representations to the plan as well as engaging with Allies and Morrison, who are preparing the plan. Through engagement, the masterplan has incorporated the extant consent at Power Court into the proposals, reinforcing that the proposed uses are acceptable in this location.

Luton Transport Plan (2011 – 2026)

- 4.1.13. The Luton Transport Plan, which spans 15 years from 2011 to 2026, sets out the proposed set of policies, development allocations and actions for the future development in Luton. This is considered as part of the transport and highways assessment.

Sustainable Design Guide (2003)

- 4.1.14. A sustainable design guide has been prepared by Luton Borough Council for developers, planning officers and building control to apply sustainable principles in new developments. This guidance called 'Designing for sustainability - A summary of good practice' was consulted on and formally adopted in January 2003 by the council as supplementary planning guidance for development in Luton. It sets out the requirements that a development must consider prior to works taking place.

Planning Obligations Supplementary Planning Document

- 4.1.15. This document has been considered when assessing the likely planning obligations as part of the proposals. A draft Section 106 Heads of Terms document has been submitted alongside this application and will be further refined through detailed discussions with officers.

5 THE PRINCIPLE OF DEVELOPMENT

Principle of Development

- 5.1.1. The principle of the redevelopment of Power Court for a mixed-use development was accepted when consent was granted for the extant consent. The significance of the site is also noted in the Council's own Development Plan. In 2020, the Council began preparing a new Town Centre Masterplan. Through consultation with Allies and Morrison, who are preparing the plan, they have integrated the extant consent at Power Court into their masterplan. The inclusion of the extant consent in the forthcoming masterplan further reinforces the principle of development and range of uses is acceptable.
- 5.1.2. The current outline application is supported by an Environmental Statement (ES) which assesses specific matters in detail. The chapters conclude that the proposed development is acceptable. For ease, the summary of each ES chapter will not be presented within this planning statement.
- 5.1.3. Beyond the principle of development, the key planning considerations include:
- Regeneration of Power Court;
 - Proposed uses;
 - Heritage;
 - Transport and highways;
 - Amenity.

Regeneration of Power Court

As with the extant consent, the Club appreciates that the proposed uses at Power Court must integrate with the rest of the established town centre. The Power Court scheme must be an extension of the town centre rather than in competition with it. The current outline application has been improved to reduce barriers and encourage movement between other parts of the centre. The way in which Power Court will link with the existing town centre, improve its relationship with St Mary's Church, and create a new public plaza are explained in detail below.

Link with Luton Town Centre

- 5.1.4. The opportunity to masterplan a site of this size with an anchor tenant, the Football Club, provides an unprecedented ability to create and define a new neighbourhood from the outset. By definition, and by following a consistent high-quality design philosophy, which is inherent when taking a comprehensive approach to the site, the remaining phases are more deliverable as opposed to those which could be achieved through a piecemeal development.
- 5.1.5. The current outline application will deliver a high-quality and high-density mixed-use redevelopment. The proposals provide a comprehensive approach to the redevelopment of the site and will significantly improve the appearance of the site and wider area. Crucially, the removal of the podium at the west and east ends will improve the pedestrian and visual linkages and will improve connections between the site and the town centre. Furthermore, the redevelopment of the site will be a catalyst for wider regeneration and investment in the town. It will bring about significant

betterment to Luton town centre.

Relationship with St Mary's Church

- 5.1.6. The current design removes the podium at the west and east ends of the site, which allows level access through the plaza to the stadium. One of the challenges created by the previous scheme was that the presence of the podium required a significant increase in height from the west of the site to the stadium. A key improvement to the current design is the focus on the physical integration of the site to the station/Guildford Street area and redefining the role of St Mary's Road to a more pedestrian-friendly and hospitable area.
- 5.1.7. Keeping the River Lea running on its historic course will create a focus for a central plaza. To put the scale of the new plaza into context, it will be the same size as George's Square. The plaza will be part of a procession route from the town centre, to the west, to the new stadium. The plaza and associated landscaping in and around the site will enhance the setting of St Mary's Church, the conservation area, and compliment the uses at the University and Centre for Carnival Arts.
- 5.1.8. Although the current application remains in outline with only access to be determined at this stage, these key design principles will be carried through to the final scheme. A masterplan and design code will be secured by way of a condition.

River Lea

- 5.1.9. A key consideration in the evolution of the scheme design has related to the River Lea. At present, the river is culverted and runs under the application site from west to east. This means that currently there are only small sections of the river on the westernmost and east of the site which are open.
- 5.1.10. The current outline application seeks to open up a portion of the River Lea, and make it a focal point of the West End of the site. The Council and the Environment Agency (EA) support the opening up of the river and making it a key feature of any redevelopment scheme at the site. However, Policy LLP9 A.vi acknowledges that the de-culverting of the river is a very technical process and only seeks the de-culverting where considered appropriate and feasible.
- 5.1.11. As can be seen in the illustrative landscaping section of the Design and Access Statement, the proposals give an indication of what the landscaping around the river could look like. The illustrative scheme includes natural landscaping on either side of the river, social spaces where the river can be viewed and enjoyed by residents and visitors.
- 5.1.12. Further details of landscaping and SuDS will come forward through the reserved matters applications. Appropriately worded conditions for remedial works to the site will be agreed with officers.

Proposed Uses

Residential Uses

- 5.1.13. A core objective of the NPPF is to ensure the delivery of a wide choice of high-quality homes. Paragraph 59 seeks to significantly boost the supply of housing and Paragraph 85 recognises that residential development can play an important role in ensuring the vitality of centres and that Council's should encourage residential development on appropriate sites.

- 5.1.14. The Power Court site has long been identified as a site suitable to accommodate housing. The Council's evidence base identifies Power Court as a 'strategic' site in terms of housing delivery. The April 2016 Housing Background Paper identifies that the site has the capacity to deliver up to 600 new homes while the 2009 Strategic Housing Land Availability Assessment (SHLAA) suggested that the site has the capacity to provide around 900 new homes.
- 5.1.15. As such, the principle of providing new homes at Power Court is acceptable, and increasing the number of units delivered on site from 550 to 1,200 (+118%) should be supported as it will help to secure the optimum viable use of the land.
- 5.1.16. The increase in the number of residential units to be provided on the site is supported by significant demand for housing in Luton, and the intensification of use in key strategic locations, which can accommodate this growth, ease the pressure for further development elsewhere within the borough. As such an important and well-connected strategic site within the town centre should optimise the use of the site and deliver new homes which the site can accommodate.
- 5.1.17. Doing so brings with it other benefits. Increasing the overall number of residential units also enables the site to deliver more affordable housing on site. The consented scheme provided 10% of units (55) on site and a commuted sum payment to the Council to deliver a further 10% off site. The current scheme will deliver 20% affordable housing (up to 240 units) on site, an increase of nearly 230%.
- 5.1.18. Luton's Housing Strategy, which covers the period from 2019 – 2022 states that Luton has a shortfall of 9,300 homes over the strategy period. This has resulted in Luton working with neighbouring authorities to contribute to the housing requirements. The Council are therefore reliant on high density schemes in highly sustainable locations, such as Power Court. The delivery of additional housing at Power Court will reduce this reliance on neighbouring authorities and deliver homes where people need them.
- 5.1.19. The character of Luton is changing (large housing schemes are coming forward); this is in response to the demand for new housing; the proposed scheme is of high-quality and would meet a large portion of that demand
- 5.1.20. The new residents will also support the town centre. Given the excellent connections to London, it is likely that the development will attract young professionals into Luton who cannot afford to live in Central London. It is likely that younger residents with higher disposable income will support the evening economy of Luton and the overall vitality of its town centre.

Foodstore at Power Court

- 5.1.21. Policy LLP9 states that the Power Court development should include a circa 3,393sqm (net) of convenience floorspace. The consented scheme included a foodstore of 3,000sqm (gross). Unfortunately, since that consent was granted, the convenience retail market has evolved, driven by the popularity of discount retailers such as Lidl and Aldi and the increase in online shopping.
- 5.1.22. Furthermore, since the consent was granted, Lidl have opened a new store in the former M&S unit in The Mall and consent has been granted for a standalone Aldi store on a former bowling green on Gipsy Lane. 2020 Developments objected to the latter application on the basis that Aldi occupying the bowling green site would prevent delivery of a large foodstore at Power Court.

- 5.1.23. Notwithstanding the above and so to reflect the overall aim of Policy LLP9, the proposals for a foodstore remain part of this application, as part of the total retail floorspace. However, there is no clear occupier for a foodstore at this time, even if the floorspace is reduced, and the prospects are unlikely to improve given the presence of these new stores.

Other Uses

- 5.1.24. In addition to affordable and market housing, the application proposes the following uses:

- A health centre or other community uses (of up to 1,700sqm); and
- Retail and food and beverage floorspace (of which, 5,600 is being brought forward current applications).

- 5.1.25. Power Court is a central, urban site which should accommodate these town centre uses and will meet the policy requirements of LLP9.

Heritage and Townscape

- 5.1.26. The site is adjacent to St Mary's Church, a Grade I Listed Building, and adjacent to the Plaiters Lea Conversation Area. The wider impact of the redevelopment of Power Court on these heritage assets, and the wider town centre, has been assessed within the heritage and archaeology ES chapter, and the Townscape and Visual Impact ES Chapter. A summary of these chapters and their conclusions are set out below.

Heritage

- 5.1.27. Policy LLP1 has a strong focus on ensuring that development proposals respond to, and enhance, the local heritage assets.

- 5.1.28. Policy LLP30 further adds that the Council: *"will protect and conserve and enhance Luton's unique and rich heritage, identity, and sense of place, development proposals must take account of the character, setting, and local distinctiveness (including materials and detailing) of local affected heritage asset"*

- 5.1.29. The NPPF (2019) Paragraph 189 states:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance"

- 5.1.30. The extant consent confirms that the site can be developed whilst safeguarding the heritage value of the site and surrounding area. The Heritage and Archaeology ES Chapter, submitted in support of this application, evaluated the potential impacts of the proposals on local heritage assets, including St. Mary's Church and the Plaiters Lea Conservation Area.

- 5.1.31. The assessment confirms that the setting of nearby heritage assets will remain unharmed. The effect of the current outline application upon the significance of nearby designated heritage assets is considered to be acceptable, and no additional mitigation measures are proposed.

5.1.32. As such, the proposals accords with the Policy LLP1 and LLP30 in the Local Plan as well as the NPPF.

Impact on the Townscape

5.1.33. A Townscape and Visual Impact Assessment (TVIA) was prepared by AECOM. The TVIA assessed the same views as were agreed with the Council and Historic England for the extant consent so the schemes could be compared easily. The TVIA uses the same methodology and baseline conclusions as were used in the assessment of the extant consent, but the TVIA assesses the new proposals on their own merits.

5.1.34. The TVIA concludes the following:

- Viewpoint 2 - the taller residential blocks will have more visibility above intervening buildings compared to the extant consent, but they will remain peripheral to the view;
- Viewpoints 3 and 4 - the increased height of the residential blocks will not increase the magnitude of effect within panoramas which would consist of the new buildings in both cases;
- Viewpoint 5 - the height of the residential blocks will increase marginally, but the significance of effect will remain moderate; and
- Viewpoint 6 and 7 – these are sufficiently distant such that the significance of effects would remain minor.

5.1.35. It is concluded that the heights of the proposed residential buildings on visual amenity and landscape character are acceptable.

Transport and Highways

5.1.36. The Luton Local Plan has a strong focus on promoting sustainable development. Adopted Local Plan Policy LLP31 confirms that consent will be granted for proposed developments that meet the following criteria:

- I. minimise the need to travel;
- II. provides a sustainable transport choice with priority for buses, pedestrians, and cyclists;
- III. reduces road congestion particularly at peak times;
- IV. reduces the safety risk to motor vehicles, non-motorised, and vulnerable users;
- V. provides cycle parking / storage; and
- VI. ensures the quality of the local environment

5.1.37. The NPPF reinforces the focus of promoting sustainable transport. In respect of highways impact, at paragraph 109 the NPPF confirms:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe”

5.1.38. Paragraph 111 of the NPPF 2019 adds that these schemes should be supported by a Travel Plan and a Transport Assessment so that the likely impacts of the proposal can be assessed.

- 5.1.39. Power Court is one of the most accessible locations in Luton, where several transport choices exist allowing residents, workers and visitors to travel sustainability with as little impact across a wide number of modes and services as possible.
- 5.1.40. The only matter that is to be determined in detail of this outline application is access and the proposed connections from the existing network are as follows:
- High-capacity wide corridor/plaza access from Church Street, aligned with Guildford Street.
 - At grade access from north western corner of the site on to Church Street to/from the rail station.
 - At grade access from St Mary's Road opposite St Mary's Church via Power Court Road.
 - At grade access with St Mary's Road Roundabout.
- 5.1.41. A Transport Assessment and Travel Plan have been prepared by Stantec to assess the proposals, whilst taking into account the conclusions of the extant consent. The Transport Assessment and Travel Plan conclude that any potential increase in vehicle movements across the wider road network will be negligible when compared to the extant consent. The current outline proposals and the associated improvements/mitigation measures will ensure that in the proposed uses can be accommodated and managed sufficiently so that there are no significant adverse transport effects.
- 5.1.42. As such, the proposals comply with Policy LLP31 of the Local Plan and the NPPF. Furthermore, the proposals will positively contribute to the objectives of the Local Transport Plan 2011 – 2026, which is to ensure that an integrated, safe, accessible, and more sustainable transport system supports the economic regeneration and prosperity of the town. The proposals will also support the Council's climate emergency agenda.

Car Parking

- 5.1.43. As previously mentioned, Power Court is the most accessible location in Luton. As such and to promote sustainable travel, up to 1,200 car parking spaces will be provided for all the uses. Residential parking will be limited to 550 spaces for the 1,200 units (i.e 0.46 spaces per unit). The balance of spaces will serve the commercial and community facilities on the site, and the stadium.
- 5.1.44. Restricted parking will be provided for match days which will serve as a means of suppressing car driver demand and encourage trips by sustainable modes. It is anticipated that moving forward, residents of Power Court will be less reliant on the use of private cars and in such an accessible location, future residents will be more inclined to walk, cycle or use public transport.

Amenity

Noise

- 5.1.45. The Luton Local Plan has a strong focus on ensuring that development does not give rise to noise impacts. Policy LLP38 states that:
- "Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects"*
- 5.1.46. This policy is echoed in Paragraph 180 of the NPPF, which states:

"Planning policies and decisions should also ensure that new development is appropriate for its location...In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development"

- 5.1.47. WYG have assessed the impacts of noise arising from the development upon the existing receptors. Their assessment demonstrates that there will be no noise effects from the proposals. Noise rating levels from proposed building services plant have been predicted and it has been demonstrated that emission limits considered to be achievable for the plant installation will result in predicted noise levels at least 10 dB below the background noise level at nearby existing noise sensitive receptors. Whilst there are likely to be impacts due to construction, these impacts will be temporary and can be managed by an appropriately worded conditions that will be agreed with officers.

Air Quality

- 5.1.48. To demonstrate that the proposals will not result in adverse environmental impacts and impact the quality life of nearby residents, an Air Quality Assessment has been prepared by WYG.
- 5.1.49. The Air Quality Assessment evaluates the potential effects during the construction and operational phase of the development. The potential impacts during the construction phase include dust emissions from site activities, such as demolition and construction. The impacts during the operational phase take into account of exhaust emissions from additional road traffic generated due to the proposed development.
- 5.1.50. The Air Quality Assessment confirms that impacts of both the construction and operational phases are acceptable and the Proposed Development accords with Policy LLP38 and Policy LLP9 of the Local Plan and the NPPF.

Wind and Microclimate

- 5.1.51. The Local Plan does not include references to wind microclimates, however Luton's Sustainable Design Guide (adopted in January 2003) does require developments to consider wind flow through sites, particularly regarding northerly winds.
- 5.1.52. Modelling was undertaken for the extant consent, and given the proposals are of a similar height, it can be concluded that the proposals are unlikely to impact local wind microclimates during construction or occupation. As such, the proposals accord with the adopted Sustainable Design Guide.

Other considerations

Energy and Sustainability

- 5.1.53. In July 2019, Luton Borough Council declared a climate emergency and are seeking to ensure that Luton is net carbon net zero carbon by 2040.
- 5.1.54. Policy LLP37 seeks that new residential development exceeds the national standards set out in Building Regulations on carbon and energy performance and that all new non-residential developments over 1,000sqm should achieve BREEAM 'Good'.
- 5.1.55. The accompanying Energy and Sustainability Statement, prepared by SWECO, provides more detail and sets out a clear route to achieve key positive outcomes such as energy efficiency, sustainable

water use and drainage, safeguarding biodiversity, adaptation to climate change and sustainable construction and operation.

- 5.1.56. The proposals include extensive energy efficiency measures along with low and zero carbon (LZC) applications to be incorporated into the design for the application site.
- 5.1.57. The development seeks to provide high environmental standards:
- BREEAM New Construction 2018 "Very Good" as a minimum rating for the non-domestic buildings;
 - Regulated carbon dioxide savings of 40% relative to a New-Build Part L1A 2013 compliant development for the domestic areas, using SAP 10 carbon factors; and
 - Regulated carbon dioxide savings of 35% relative to a New-Build Part L2A 2013 compliant development for the non-domestic areas, using SAP 10 carbon factors.
- 5.1.58. The above targets will be achieved via the implementation of sustainable systems for energy, water, management, ecology, waste, pollution, and the use and choice of materials. The targets will be confirmed at a later stage through the appropriate modelling and BREEAM assessments.
- 5.1.59. Overall, the proposed sustainability measures incorporated within the scheme will meet and exceed the standards required at by local policy.

Summary

- 5.1.60. The redevelopment of the Power Court site as a mixed-use regeneration scheme accords with the NPPF requirement for sustainable development and aligns the strategic objectives of Luton's local plan in terms of delivering development at Power Court and providing a catalyst for further regeneration and investment in Luton.
- 5.1.61. As with the consented scheme, this application satisfies the seven key criteria requirements for promoting development at Power Court, as outlined in Policies LLP1, LLP9, LLP31, LLP37, and LLP38 of the Local Plan. The proposals also accord with all other relevant policies as outlined above.
- 5.1.62. In short, the principle of the development for the uses proposed is acceptable.

6 CONCLUSIONS AND BENEFITS OF THE PROPOSALS

- 6.1.1. Luton Town Football Club has been at the heart of the community for over 100 years. It is this relationship and the principle of being a 'community club' that must be safeguarded in the future. Through allowing the extant consent, it is clear that the local community and Council recognised the major benefits that the development of Power Court will bring to the town centre. These proposals for the west and east ends of Power Court will create the setting for the centrepiece of the redevelopment, the new stadium for the Club in the Central Plot, opposite St Mary's Church. These proposals will have significant beneficial impacts on the surrounding area, ranging from direct impacts through employment creation, to its capacity to stimulate regeneration and boost the local economy.
- 6.1.2. The existing site has a negative impact on the visual amenity of the area, the image of Luton and detracts from the setting of the Grade I Listed St Mary's Church and the setting of the Plaiters Lea Conservation Area.
- 6.1.3. Redeveloping Power Court to meet demand for housing, leisure uses and creating a new public plaza with the de-culverted River Lea as a focal point, will significantly improve the perception and appearance of the area. The proposals will transform this key site to an active, vibrant and attractive gateway to the town centre. The current outline application will better integrate with Luton town centre and keep the River Lea on its historic course. The major regeneration benefits of the proposed scheme will bring vitality and viability to the town and its population.
- 6.1.4. In short, the redevelopment of Power Court will rejuvenate and regenerate the town centre to the benefit of the local people, environment and economy. The current outline application has focussed on creating a proposal that will benefit Lutonians and the new residents of Luton's newest quarter.

Strategic Planning Benefits

- 6.1.5. Strategically, the proposals deliver key planning policy objectives for Luton Borough Council, in terms of delivering the regeneration of the key redevelopment site in Luton.
- 6.1.6. The overarching planning benefits of these proposals cannot be understated and will significantly assist in promoting economic activity within Luton.

Regeneration

- 6.1.7. The wider Power Court proposals will transform the image and reputation of Luton, locally, regionally, nationally and internationally. In addition to the direct benefits of new investment, jobs, sporting facilities and amenities for the town, this improvement in perception for the town will itself be a great catalyst for the wider renaissance of Luton over the coming decades.
- 6.1.8. The current application builds upon the principles accepted for the extant consent and will create the setting for the new stadium. The proposals will see a disused area of land, which blights the town centre, be redeveloped and regenerated to provide a high-quality public realm, comprising complementary land uses that enhance the local setting and context.
- 6.1.9. The current outline application will generate a positive legacy for Luton, attracting businesses, boosting of the tourism industry, enhancing the vibrancy and vitality of the wider town centre and supporting the local community.

- 6.1.10. Within this context, the design of the Power Court scheme, in terms of both architectural and creating a new public plaza with the River Lea opened-up providing a focal point, will undoubtedly help to create a better place for Luton people and, consequently, deliver a greater personal sense of pride and aspiration amongst Luton residents.

Economic

- 6.1.11. Strategic Objective 1 of the Council's Local Plan is to retain and enhance Luton's important sub-regional role as a place for economic growth and opportunity. The proposals will significantly contribute towards Luton's local economy in many ways, including attracting further investment to the town and surrounding area and creating employment opportunities, both in terms of construction jobs and permanent jobs to serve the proposed town centre uses.
- 6.1.12. The development will allow Power Court to be an integrated part of the town centre that will add to the attractiveness of the town. The current outline application will create in excess of 375 new jobs in the retail, restaurant and bar uses.
- 6.1.13. It is clear that the proposed development will contribute significantly to the provision of employment as well as generating income to the local economy through increased expenditure. The proposals, therefore, accord with national and local planning policy objectives.

Environmental

- 6.1.14. The significant increase in landscaping, planting and de-culverting the River Lea will have wider ecological benefits in addition to aesthetical improvements. The opening up of the River Lea will contribute to microorganism health of the river whilst new planting will provide new habitats for aquatic and terrestrial ecology. Across the scheme there will be a high proportion of green roofs, which create their own ideal habitats for birds and insects.
- 6.1.15. A key environmental benefit of the proposals will be the clearing of a site which is known to be heavily contaminated due to previous uses.

Social

- 6.1.16. In addition to building and strengthening a local sense of identity for both supporters and Lutonians, and the surrounding population, the proposal will improve the connectivity throughout the town.
- 6.1.17. A central public plaza will be created, with the de-culverted River Lea as a focal feature. High quality social spaces will be created in and around the new central public plaza. The partially de-culverted River Lea will be a focal feature and act as an attraction to encourage people to meet and gather.
- 6.1.18. The provision of up to 1,200 new homes will help to meet the shortfall of housing in Luton. Importantly, it will also deliver up to 240 affordable homes at Power Court, in the heart of the Town Centre.

Conclusions

- 6.1.19. As have been set out above and throughout this Statement, this scheme delivers substantial and extensive planning benefits. The proposals are of high quality and will result in significant benefits for the town.



- 6.1.20. Paragraph 38 of the NPPF confirms that local planning authorities should approach decision-taking in a positive way and look for solutions. In complete accordance with this, this scheme provides a sustainable and deliverable solution to the development of Power Court building on the proposals accepted as part of the extant permission granted in 2019.
- 6.1.21. Furthermore, decision-takers at every level are advised to seek to approve applications for sustainable development where possible in order to secure developments that improve the economic, social and environmental conditions of the area.
- 6.1.22. As has been demonstrated by the current submission, the proposals will result in a positive development that will deliver substantial economic, environmental and social benefits for Luton.



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