

**BOROUGH OF LUTON**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER  
2015**

**PLANNING PERMISSION NOTICE**

**Name and Address of Agent (if any):**

Ms Paulina Danielewicz - Luton Borough  
Council  
Project Design And Delivery Team  
Town Hall  
Upper George Street  
Luton  
LU1 2BQ

**Name and Address of Applicant:**

Ms Michelle Adams - Foxhall Homes  
Project Design And Delivery Team  
Town Hall  
Upper George Street  
Luton

**Date of Application:** 15th January 2021

**Application No:** 21/00050/REMCON

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**PARTICULARS AND LOCATION OF DEVELOPMENT:**

Erection of 32 dwellings comprising of 4 bedroom town houses and 8 garages on existing car park - Removal of condition No. 15 (BREEAM) of planning permission ref: 19/00925/FUL dated 11th June 2020.

Car Park , Taylor Street, Luton, LU2 0EY

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**The proposal is in conformity with Policy(ies) LLP1, LLP2, LLP10, LLP15, LLP16, LLP25, LLP30, LLP31, LLP32, LLP36, LLP37, LLP38, LLP39, of the Luton Local Plan. Therefore, in pursuance of their powers under the Town and Country Planning Act 1990, the Council of the Borough of Luton HEREBY GRANT CONSENT for the development described above in accordance with the details given in the application numbered above, subject to the following condition(s):-**

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
- 1 *Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.*
- 2 The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan and document numbers: 02831 PC 00 00 DR A 10005, 02831 PC 00 00 DR A 70000, 02831 PC 00 00 DR A 70001, 02831



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See Notes for Applicants Attached.

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PC 00 XX D0 A 00003, 10150V E04, 52639A, 52639B, 774566 16051, 02831 PC 00 00 DR A 10003 Rev. P1, 02831 PC 00 00 DR A 10004 Rev.P1, 02831 PC 00 00 DR A 20006 Rev. P1, 10150V E03A, 10150V E05B, 10150V - E01A, 10150V - E02C, 02831 PC 00 00 DR A 20003, 02831 PC 00 00 DR A 20002, 02831 PC 00 00 DR A 20004, 02831 PC 00 00 DR A 00001 Rev. P2, 02831 PC 00 00 DR A 10001 Rev. P2, 02831 PC 00 00 DR A 10002 Rev P1, 02831 PC 00 00 DR A 10006, 02831 PC 00 00 DR A 10007, 02831 PC 00 00 DR A 20001 Rev P2, 02831 PC 00 00 DR A 20005 Rev P2, 02831-PC-00-XX-D0-A-00002-S0-P3, 02831-PC-00-XX-D0-A-00004-S0-P3, 02831-PC-10-XX-D0-A-00001-S0-P3, 02831-PC-00-XX-D0-A-00003-S0-P1 and 02831-PC-00-00-DR-A-00002.

- 2 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 3 No development, including any works of demolition, shall take place until a Construction Method Statement (CMS) has been submitted in writing to the Local Planning Authority for approval. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
  - (ii) the parking of vehicles of site operatives and visitors;
  - (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
  - (iv) loading and unloading of plant and materials;
  - (v) storage of plant and materials used in constructing the development;
  - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;



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- (vii) wheel washing facilities;
  - (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;
  - (ix) measures to control the emission of dust and dirt during construction;
- and
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The development shall then only proceed in strict accordance with those approved details.

- 3 *Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses.*
- 4 Prior to the commencement of above-ground works, full details of the materials to be used in the construction of the external elevations of the development shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in full accordance with those approved materials.
- 4 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 5 Prior to first occupation of the development hereby permitted, full details of hard and soft landscaping, including the details of the management and maintenance of those hard and soft landscaped areas, shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be implemented prior to first occupation of the development and retained thereafter for so long as it remains in existence.
- 5 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 6 Prior to first occupation of the development hereby permitted, full details of the boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be installed prior to the first occupation of the development and retained thereafter.



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- 6 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 7 Prior to first occupation of the development, a management plan, including management responsibilities and maintenance schedules for all internal, external and shared/common areas of the development hereby permitted, shall be submitted in writing to the Local Planning Authority for approval. The management plan shall be carried out as approved from first occupation and retained for the lifetime of the development.
- 7 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 8 Prior to first occupation of the development hereby approved, a travel plan shall be submitted in writing to the Local Planning Authority for approval. The travel plan shall be in line with the prevailing policy and best practice and shall include as a minimum:
- o A car park management strategy;
  - o The identification of targets for trip reduction and modal shift;
  - o The methods to be employed to meet these targets;
  - o The mechanisms for monitoring and review, which should include a monitoring regime within six months of first occupation or 75% of building floorspace occupation, whichever occurs the soonest;
  - o The mechanisms for reporting;
  - o The penalties to be applied in the event that the targets are not met;
  - o The mechanisms for mitigation;
  - o Implementation of the travel plan to an agreed timetable or timetable and its operation thereafter; and
  - o Mechanisms to secure variations to the travel plan following monitoring and reviews.

The travel plan shall be implemented as approved and retained for the life of the development.



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- 8 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 9 No above-ground works shall commence until a noise assessment has been undertaken and submitted in writing to the Local Planning Authority for approval. The noise assessment shall identify all potential sources of noise likely to impact on the site (including those forming part of this development), and assess them in accordance with relevant procedures and standards. The results shall be reported in writing to the Local Planning Authority, and the report shall identify suitable measures to control noise impacts on future occupiers of the development. The development shall be carried out only in accordance with the approved noise mitigation details and the approved noise mitigation scheme shall be retained thereafter for so long as the development remains in existence.
- 9 *Reason: To protect the amenities of future occupiers.*
- 10 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage using sustainable urban drainage methods and foul water drainage for the development has been submitted in writing to the Local Planning Authority for approval. The approved details shall be implemented prior to occupation of the development and retained thereafter.
- 10 *Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.*
- 10 *Informative: The design should demonstrate that the risks posed by development to groundwater can be satisfactorily managed and generally be in accordance with the Flood Risk Assessment & Drainage Strategy dated 20.10.2017, prepared by MLM Group and contain the details of:*
- o Appropriate plans showing the detail of the proposed drainage system including levels, locations and details drawings;
  - o Flow control, conveyance and attenuation features; and
  - o Clear demonstration of roof, car park and road drainage with appropriate pollution control devices to manage the risks posed by development to groundwater.
- 11 Before first occupation of the development, a set of 'as-built' drawings of the approved drainage scheme, together with a written statement by a suitably qualified person, confirming that the scheme operates as designed, should be submitted in writing to the Local Planning Authority for approval.



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- 11 *Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.*
- 12 No piling, deep foundations and other intrusive groundworks (investigation boreholes, tunnel shafts, ground source heating and cooling systems etc.) using penetrative methods shall be carried out other than in accordance with a scheme to be submitted in writing to the Local Planning Authority for approval beforehand. The development shall be carried out only in full accordance with those details approved.
- 12 *Reason: To protect the pollution of groundwater and other receptors.*
- 13 A scheme for managing any boreholes installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted in writing to the Local Planning Authority for approval. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development for monitoring purposes will be secured, protected and inspected. The scheme shall be implemented as approved prior to first occupation of any part of the permitted development and retained thereafter.
- 13 *Reason: To protect the pollution of groundwater and other receptors.*
- 14 Prior to first occupation, the development shall include the provision of electric vehicle charging points to the 8 proposed garages and passive provision to the remaining car parking spaces. The charging points shall be retained for as long as the development remains in existence.
- 14 *Reason: To protect the pollution of groundwater and other receptors.*
- 15 Prior to first occupation of the development, a validation report shall be submitted in writing to the Local Planning Authority for approval to demonstrate the effectiveness of the works agreed within the submitted Remediation Method Statement dated 9th January 2018 (ref: 52639B). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Any such validation shall also include responses to any unexpected contamination discovered during works.
- 15 *Reason: To protect human health and the environment.*

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- 16 If, during development, contamination not previously identified is found to be present at the site then, no further development shall be carried out until the developer has submitted in writing a remediation strategy to the Local Planning Authority for approval. The report shall detail how this unsuspected contamination shall be dealt with and the development shall only recommence in full accordance with those approved details.
- 16 *Reason: To protect human health and the environment.*
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no building, extension or other structure shall be erected, constructed or placed within the curtilage of any dwellinghouse hereby permitted without the prior permission of the Local Planning Authority.
- 17 *Reason: To prevent the over-intensive development of the site and to safeguard the amenities of the area.*
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any dwelling which fronts a highway, a footpath or approved open amenity space without the prior permission of the Local Planning Authority.
- 18 *Reason: To prevent an unsatisfactory form of development and to safeguard the amenities of the area.*

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The plans/documents which are the subject of this decision can be viewed on the on-line planning system at [www.eplan.luton.gov.uk](http://www.eplan.luton.gov.uk) by entering 21/00050/REMCON into the application search. Please note that the numbers given here are used so that the Document number and number on the decision notice are compatible. They are not the plan numbers on the drawings themselves used by the Applicant/Agent. The documents are viewable on the "Documents" tab and comprise the following Luton Borough Council numbers:-

#### PLAN NUMBERS AS SET OUT IN THE CONDITIONS ABOVE

#### NOTES

- 1.1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice or for certain applications from 01.10.13, within the following timescales:-
- within 28 days of the date of this notice for a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [see reference above]
  - within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier if an enforcement notice is served relating to the same or substantially the same land and development as in your application
  - within 12 weeks of the date of this notice for a decision to refuse planning permission for a householder application or for a minor commercial application
  - within 8 weeks of the date of receipt of this notice for a decision to refuse express consent for the display of an advertisement

If you want to appeal against your local planning authority's decision then you must do so.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

Appellants seeking an inquiry are asked to give the Planning Inspectorate and local planning authority at least 10 days' notice that they intend to submit an inquiry appeal. In their email to you on 18 June, the Planning Inspectorate asked that you include reference to this pre-notification requirement in your decision notices, and that following receipt of a pre-notification, you should begin preparations for the inquiry, such as arranging legal and staff representation, take a view on whether you agree an inquiry is the appropriate procedure and identify suitable inquiry venues. More information can be found here

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances



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which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- 1.2** If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he/she may serve on the Common Council, or on the Council of the District in which the land is situated as the case may be, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- 1.3** In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him/her. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.
- 2. Where this notice conveys the grant of planning permission, approval of reserved matters or discharge of condition(s):-**

If the development involves the carrying out of works:-

- (i) for the demolition of a building listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as a building of special architectural or historic interest, or for its extension or alteration, or
- (ii) for the demolition of a building which is within a Conservation Area designated under Section 69 of the Act,

The work may not be carried out without Listed Building Consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Conservation Area Consent under Part 11 of the Act. A separate application must be made for this purpose.

Exceptions:

- (i) an excepted building within the meaning of Section 60 of the Act, or
- (ii) a building exempt by direction of the Secretary of State.

**Any person who fails to comply with the above provisions is committing an**



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**offence and may be prosecuted.**

- 3. This permission or approval does not exempt you from complying with Building Regulations and General Statutory Provisions in force in the District and in particular does not override any public right of way which may exist.**
4. The LPA takes a positive and proactive approach to development proposals with the aim of delivering quality outcomes to the benefit of the applicant, the Council and the community at large by providing access to development plan policies, offering a pre-application advice service and where practicable and appropriate through engagement with applicants/agents during the application process in accordance with the requirements of paras.186 and 187 of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2010 Article 31 (as amended) and having regard to the policies of the development plan and other material considerations. In this instance the LPA has worked in a positive way by assessing the application in a prompt and reasonable manner to achieve an acceptable outcome subject to the imposition of appropriate conditions and for the reasons stated above and as set out in the Case Officers report.

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