

BOROUGH OF LUTON

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
2010**

PLANNING PERMISSION NOTICE

Name and Address of Agent (if any):

Mr Sean Mcgrath - WSP In The UK
WSP House
70 Chancery Lane
London
WC2A 1AF

Name and Address of Applicant:

2020 Developments (Luton) Ltd
On Behalf Of Luton Town Football Club
C/O Agent

Date of Application: 21st December 2020

Application No: 20/01587/OUTEIA

PARTICULARS AND LOCATION OF DEVELOPMENT:

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.

Power Court, Luton, Bedfordshire

In pursuance of their powers under the Town and Country Planning Act 1990, the Council of the Borough of Luton HEREBY GRANT OUTLINE 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 either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latter.
- 1 *Reason: To accord with the provisions of section 91 of the Town and Country Planning Act 1990.*
- 2 The proposed development shall be carried out in general conformity with the parameter plans submitted therewith. For the avoidance of doubt, the approved plans are 3602-AP-04-1000-P04; 3602-AP-05-7000-P03; 3602-AP-01-1007-P04.

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See Notes for Applicants Overleaf.

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- 2 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 3 A Masterplan for each phase of the development shall be submitted to the Local Planning Authority for approval prior to the submission of the reserved matters for that phase. The Masterplan shall set out the intended public realm areas, the areas of the built form and the extent of works to the River Lea. The construction of the proposed development shall then be carried out in accordance with the details set out within the approved Masterplan.
- 3 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 4 All reserved matters applications submitted for the development hereby approved shall include details of a design code for the specific phase of development to which the reserved matters application relates. The plan shall identify all details to maximise the quality and legibility of the spaces, to help reinforce local character and accessibility, and the details should ensure that these areas would be high quality and suitable for both match and non-match day use. In this regard the concourse areas and footpaths should be of high quality, with durable landscaping that has a good amount of detail and infrastructure. The construction of the proposed development shall then be carried out in accordance with the details set out within the approved Design Code.
- 4 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 5 Applications for approval of all reserved matters for the first phase of the outline development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of permission. Thereafter, applications for approval of all subsequent reserved matters relating to a later phase shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the reserved matters of the preceding phase.
- 5 *Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990.*
- 6 Approval in writing by the Local Planning Authority of the details of the layout, scale and appearance of the buildings, and the landscaping of each phase (hereinafter called "the reserved matters") shall be obtained before that phase of the development is commenced. The development shall be carried out in accordance with the approved details.



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- 6 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. The development shall be carried out in accordance with the approved details. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 7 The development hereby approved shall be limited to the following:
- o Up to 1,200 residential units;
 - o Up to 1,700sqm healthcare and or other community uses;
 - o Up to 5,600sqm of appropriate town centre uses including retail and food and beverage floorspace; and
 - o Up to 1,200 car parking spaces.
- 7 *Reason: To ensure the development is carried out in accordance with the planning permission and to ensure that any development that is carried out is that which has been assessed. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 8 Prior to the occupation of any restaurants, pubs or take-aways, details of any kitchen extraction system for that use shall be submitted in writing to the Local Planning Authority for approval. The approved scheme shall be in place prior to occupation of the units.
- 8 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 9 Non-residential floorspace shall not be open to customers of the public outside the hours of 7.00am to 11.00pm Monday to Saturday and 7.00am to 9.00pm on Sundays, Public Holidays and Bank Holidays.
- 9 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 10 A) Each phase of the development shall not commence until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to the Local Planning Authority for approval.
B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development of each phase commences a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted in writing to the Local Planning Authority for approval and which shall be implemented in accordance with approval details.
C) No development or demolition for each phase shall take place other than in accordance with the Written Scheme of Investigation approved under Part B.
D) Each phase of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme



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set out in the Written Scheme of Investigation approved under Part B, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

- 10 *Reason: To ensure satisfactory regard is given to archaeological heritage. To accord with the objectives of Policies LLP1 and LLP30 of the Luton Local Plan.*
- 11 No demolition or construction works shall take place on the site except between the hours of 8.00am to 6.00pm on Monday to Friday and 9.00am to 1.00pm on Saturdays and none shall take place on Sundays, Bank Holidays and Public Holidays without the prior written agreement of the Local Planning Authority.
- 11 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 12 A Construction Environmental Management Plan for a phase of the development shall be submitted to the Local Planning Authority for approval prior to the commencement of development of the relevant phase of the development. The plan shall identify all aspects of construction that could have an environmental impact and provide management controls to eliminate and/or minimise those identified impacts, with impacts to be addressed including but not being limited to piling, traffic, construction dust and noise and any disturbance to vegetation. The plan shall also include details of the arrangements for the temporary use and/or management (as appropriate) of those parts of the sites awaiting redevelopment. The construction of the proposed development shall then be carried out in accordance with the details set out within the approved Construction Environmental Management Plan.
- 12 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 13 No development of a phase shall commence until a Construction Logistics Plan (CLP) for the relevant phase has been submitted to the Local Planning Authority for approval. The CLP shall provide that heavy vehicle are to be routed to avoid travelling through the residential areas near the site.
The CLP should include for the relevant phase:
a) Booking systems
b) Consolidated or re-timed trips
c) Secure, off-street loading and drop-off facilities
The CLP shall be carried out as approved.
- 13 *Reason: In order to ensure that deliveries to the site during construction are managed effectively so as to minimise impact upon the road network and to safeguard the amenities of residential properties in the locality and in the interest of road safety. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*



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- 14 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to the Local Planning Authority for approval in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 14 *Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policies LLP1 and LLP36 of the Luton Local Plan.*
- 15 Prior to the commencement of above ground works for a building, full details (including samples) of the materials to be used in the construction of the external surfaces of the relevant building shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved materials.
- 15 *Reason: In order that the Council may be satisfied as to the details of the development relating to appearance in the interest of the visual amenity of the area and having regard to the site's sensitive location. To accord with the objectives of Policies LLP1, LLP25 and LLP30 of the Luton Local Plan.*
- 16 All ground works must be undertaken in accordance with the Phase 1 Ground Contamination Assessment, prepared by Stantec (dated November 2020). If required, a scheme for decontamination of the site shall be submitted to the Local Planning Authority, for approval. The scheme shall account for any comments made by the Local Planning Authority before the development hereby permitted is first occupied.
- 16 *Reason: Contamination is known or suspected on the site due to a former land use. The Local Planning Authority therefore wishes to ensure that the development can be implemented and occupied with adequate regard for public and environmental safety. To accord with the objectives of Policies LLP1, LLP28 and LLP38 of the Luton Local Plan.*
- 17 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to the Local Planning Authority for approval.
1. A preliminary risk assessment which has identified
 - a. all previous uses
 - b. potential contaminants associated with those uses



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- c. a conceptual model of the site indicating sources, pathways, and receptors
- d. potentially unacceptable risks arising from contamination at the site.
- 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 17 *Reason: To protect ground water and ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan.*
- 18 The development hereby permitted shall not commence, except for demolition of existing buildings and site clearance, until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to the Local Planning Authority for approval. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to the Local Planning Authority for approval. The maintenance plan shall be carried out as approved including any contingency works required.
- 18 *Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan.*
- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 19 *Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of*



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the water environment and risk to other receptors. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan.

- 20 No development, other than demolition and site clearance, shall take place until detailed designs of the retained and restored sections and newly created sections of the Power Court culvert has been submitted to, the Local Planning Authority for approval. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The scheme shall include:
- o Detailed cross sections and planform drawings of the retained and restored Power Court culvert.
 - o Detailed cross sections and planform drawings of the newly created sections of the Power Court culvert.
 - o Details of embedded mitigation in line with CIRIA best practice, such as lowered invert levels to provide a minimum 200mm depth naturalised river substrate, mammal ledges, and inclusion of habitat niches.
 - o Details of how newly created culvert section will tie-in with the proposed open sections of watercourse.
 - o Details of how the culvert will be managed and maintained for the lifetime of the development, including how the culvert may be opened up in the future.
- 20 *Reason: To ensure that the proposed section of the River Lea is developed in a way that contributes to the nature conservation value of the site, and to safeguard drainage interests. To accord with the objectives of Policies LLP1, LLP25, LLP28 and LLP36 of the Luton Local Plan.*
- 21 No development, other than demolition and site clearance, shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted in writing, the local planning authority for approval. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.
- The scheme shall include the following elements:
- o Details of maintenance regimes.
 - o Details of any new habitat created on site including planting schemes for native species.
 - o Details of treatment of site boundaries and/or buffers around water bodies.
 - o Details of management responsibilities.
 - o Details of how biodiversity net gain is to be delivered on site.
 - o Management plan for the treatment of the invasive species on site (Japanese Knotweed)



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- 21 *Reason: To ensure the protection of wildlife and supporting habitat. To secure opportunities for enhancing the site's nature conservation value in line with national and local planning policy. To accord with the objectives of Policies LLP1, LLP25, LLP28 and LLP36 of the Luton Local Plan.*
- 22 No development, other than demolition and site clearance, shall take place until detailed designs of the deculverted sections of the Power Court culvert has been submitted to, the local planning authority for approval in consultation with the Environment Agency. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority in consultation with the Environment Agency, in which case the development shall be carried out in accordance with the amended scheme. The scheme shall include:
- o Detailed cross sections and planform drawings of the opened sections of the River Lea.
 - o Details of biodiversity enhancement, such as a minimum 200mm depth naturalised river gravel substrate, in-channel enhancement to improve the hydromorphology, and inclusion of habitat niches.
 - o Details of the naturalised banks and riparian buffer zone, to include 'soft' engineering options, details of any new habitat created on site including planting schemes for native species and details of treatment of site boundaries and/or buffers around water bodies.
 - o Details of maintenance regimes and management plans.
 - o A Biodiversity Net Gain calculation of the whole development site to ensure a minimum 10% net gain for the river metric.
 - o Details of how the deculverted sections will tie-in with the retained and newly created culverted sections of the River Lea through the development.
- 22 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP30 of the Luton Local Plan and the National Planning Policy Framework (NPPF).*
- 23 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted in writing, to the local planning authority for approval. 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.
- 23 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP30 of the Luton Local Plan.*



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- 24 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 24 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP30 of the Luton Local Plan.*
- 25 A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted in writing to the local planning authority for approval prior to the installation of any such borehole. 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 as approved shall be implemented prior to the occupation of any part of the permitted development.
- 25 *Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan.*
- 26 No development other than demolition and site remediation shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted in writing to the Local Planning Authority for approval in consultation with the Environment Agency and Thames Water. The design should generally be in accordance with the Flood Risk Assessment & Outline Drainage Strategy dated January 2021, prepared by Stantec UK Limited and contain the agreed principles and details of:
- o Appropriate plans showing the detail of the proposed drainage system including levels, locations and detailed drawings;
 - o Flow control, conveyance and attenuation features;
 - o Exceedance route in the event of the drainage system becoming blocked or overwhelmed;
 - o Clear demonstration of roof, car park and road drainage with appropriate water quality treatment stages and pollution control devices;
 - o Clear demonstration of relationship between the drainage and landscape strategy and their integrated approach to at source attenuation and treatment, open and/or over ground conveyance features, biodiversity and amenity;
 - o Details of the football pitch drainage system;
 - o Clear demonstration how water harvesting and recycling has been incorporated into the drainage strategy, especially for the football pitch;



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- o Clear demonstration of the loading carrying capacity of the de-culverted and upgraded sections of culvert to support the infrastructure proposed on the development.

The development shall be carried out thereafter in accordance with the approved details.

- 26 *Reason: To prevent an increased risk of flooding and surface and ground water pollution and to accord with the objectives of policy LLP36 and LLP38 of the Luton Local Plan and the National Planning Policy Framework (NPPF).*
- 27 Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted in writing to the Local Planning Authority for approval. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. Where temporary discharges to a sewer are proposed, written confirmation from the sewer owner, that these have been accepted shall be provided. The site works and construction phase shall thereafter be carried out in accordance with the approved method statement, unless alternative measures have been subsequently approved by the Local Planning Authority.
- 27 *Reason: To prevent an increased risk of flooding and surface and ground water pollution and to accord with the objectives of policy LLP36 and LLP38 of the Luton Local Plan and the National Planning Policy Framework (NPPF).*
- 28 No building within a phase shall be first occupied until a verification report for that phase (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to tin writing for Local Planning Authority approval. The verification report for the relevant phase shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.
- 28 *Reason: To prevent an increased risk of flooding and surface and ground water pollution and to accord with the objectives of policy LLP36 and LLP38 of the Luton Local Plan and the National Planning Policy Framework (NPPF).*
- 29 No above ground works in a phase shall take place until a detailed scheme of feasible on-site sustainability measures has been submitted to the Local Planning Authority for approval. The scheme as approved for a phase shall be implemented prior to occupation of that phase and retained and maintained thereafter. This should cover:



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- a) The sourcing of materials to be used in the construction of and fitting out of the building (involving reuse, recycling and other sustainable sourcing);
 - b) The use of passive ventilation and other passive measures;
 - c) Reducing carbon emissions from the total energy needs (heating, cooling and power) by 25% from the 2010 Part L Building Regulations Standards for the overall outline phases (including from the on-site generation of renewable energy);
 - d) Details of arrangements to allow future connection to a centralised energy centre either on the site or in the locality (district heating network);
 - e) Details of ecological enhancements including biodiversity and habitat planting, provision of bird boxes, bat roosts; and
 - f) Rainwater harvesting.
- 29 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP37 of the Luton Local Plan.*
- 30 Prior to the occupation of any commercial or residential buildings within a phase, a scheme shall be submitted in writing to the Local Planning Authority for approval, giving details of how the buildings, open spaces and car parking in that phase shall address 'Secured by Design' principles. The relevant phase of the development shall be carried out in full accordance with the approved details and maintained thereafter.
- 30 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 31 Save as otherwise approved under the 'Landscaping' reserved matters application, full details of hard and soft landscaping works for a phase of the development shall be submitted in writing to the Local Planning Authority for approval prior to the commencement of above ground works in that phase. These details should include:
- a. An appropriate area of communal amenity space shall be provided on site, and each dwelling shall have a private balcony that meets minimum standards.
 - b. Provision of on-site children's play space for children under five years old and children aged six to eleven years old. The children's play space shall be completed prior to the first occupation of residential units in each phase of the development and shall be permanently maintained thereafter.
- For both (a) and (b) above, hard landscaping details shall include hard surfacing materials, proposed finished levels or contours, means of enclosure and boundary treatments, vehicle and pedestrian access and circulation area, minor artefacts and structures (including benches, lighting, CCTV, works of art and other similar aspects of the development), proposed and existing functional services above and below ground including drainage, power, communications cables, pipelines indicating lines, manholes, supports and other similar aspects of the development), walls, gates, fences and boundary treatments.



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All hard landscape work shall be carried out in accordance with the approved details prior to any occupation of the relevant phase and retained and maintained thereafter.

Soft landscaping details shall be carried out in accordance with the approved details within 12 months of the occupation of the relevant phase and shall include proposed finished levels or contours, planting plan, written specifications (including cultivation and other operations associated with plant and grass establishment), plant schedules (noting species, plant sizes and proposed numbers/densities) and tree pits and species proposed to be planted therein and measures to ensure protection from services routes and tree species that assist in the mitigation of air pollution. (vii) If within a period of five years from the date of planting any tree or specimen shrub or green roof area or green roofing planted in replacement for it is removed, uprooted or destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective), another tree or specimen shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

- 31 *Reason: To enable the Local Planning Authority to monitor the implementation of the approved landscaping scheme. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 32 A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas within a phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground works in that phase. The maintenance schedule shall be for a minimum period of ten years and include details of the arrangements for its implementation. The landscape management plan shall be carried out as approved. The plans and particulars should include:
- (a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (b) Details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) Details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (d) Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation; and
 - (e) Details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development.



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In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

- 32 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 33 Prior to the commencement of any above ground works within a phase of the development, an external lighting strategy and details of CCTV for that phase shall be submitted in writing in the Local Planning Authority for approval. Lighting and CCTV for the relevant phase shall be completed in accordance with the approved strategy for that phase prior to occupation of that phase and shall be maintained in accordance with the approved details permanently thereafter.
- 33 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan.*
- 34 Prior to the occupation of a phase of development, a 'Signage Details Strategy' for any non-residential uses within that phase shall be submitted in writing by the Local Planning Authority for approval for use in the determination of any subsequent applications for Advertisement Consent. The Strategy shall include details of a universal fascia size, means of projection, the use of materials and the form of illumination. The development shall proceed in accordance with the agreed details.
- 34 *Reason: In the interests of visual amenity by securing some uniformity in the signage of the development. To accord with the objectives of Policies LLP25 and LLP26 of the Luton Local Plan.*
- 35 Prior to the occupation of a phase of the development, details of the arrangements for storage and collection of refuse and recycling for the approved dwellings and uses within that phase, shall be submitted in writing to the Local Planning Authority for approval. Development of that phase shall be carried out in accordance with the approved details prior to occupation of the relevant phase and shall be maintained permanently thereafter.
- 35 *Reason: To ensure adequate provision is made for storage and management of refuse and recycling, and to ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan.*



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- 36 Prior to the occupation of each phase, details of cycle parking for that phase shall be submitted to the Local Planning Authority. The Cycle parking in a phase must be in accordance with the Local Plan 2011 - 2031 cycle parking standards unless otherwise agreed with the Local Planning Authority and be implemented prior to occupation of the buildings within that phase.
- 36 *Reason: To maximise cycling as a mode of travel to the site. To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP32 of the Luton Local Plan.*
- 37 Prior to the occupation of each phase, details of taxi pick up and drop off areas for that phase must be submitted in writing to the Local Planning Authority for approval. The approved details shall be implemented as approved before occupation of the relevant phase.
- 37 *Reason: In the interests of highway and pedestrian safety. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 38 The vehicular and pedestrian access identified in the s278 agreement (drawing 3602/AP(01)1007) shall be laid out and made ready for use prior to the occupation of the relevant phase of the development.
- 38 *Reason: To avoid the creation of traffic congestion on the highway in the interest of safety and convenience of pedestrians and other road users. To accord with the objective of Policies LLP31 and LLP32 of the Luton Local Plan.*
- 39 Prior to the occupation of any residential or commercial development within a phase, the locations of fire hydrants for that phase must be agreed with the Building Control and Fire Authority.
- 39 *Reason: To ensure safe access to serve the site if there is a fire. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan.*
- 40 In addition to the commitments set out in the Framework Travel Plan (residential uses), the following measures must be incorporated into each phase of the development:
- o Discounts on cycling equipment;
 - o Discounted bus and rail tickets;
 - o Creation of a car/lift sharing scheme for residents willing to share their vehicle and or lift share to be offered priority parking spaces;
 - o On site car club to use ULEVs and/or ZEVs and to be run for a period of 5 years from first occupation;
 - o The provision of a sustainable travel information pack for occupiers including route information;



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In accordance with the Framework Travel Plan, the Plan will be monitored annually and updated by the Travel Plan Coordinator. Vehicular monitoring should include counts to verify the accuracy of the trip data generated in TRICS used in the application and the extent of remedial measures would reflect the accuracy of that data.

- 40 *Reason: In the interests of improving sustainability for existing and future residents of the town centre. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 41 Deliveries and servicing of the non-residential elements of the site shall only take place between the hours of 6.00am and 9.00pm Monday to Saturday and 7.00am to 9.00pm on Sundays, Bank Holidays or Public Holidays, apart from servicing of the stadium on match-days, where deliveries and servicing may occur from 6.00am to 11.00pm.
- 41 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 42 Prior to first occupation of the relevant phase of development, full details (including elevational where appropriate) of a scheme for postage reception shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed and operational prior to first occupation and retained thereafter for the lifetime of the development.
- 42 *Reason: To ensure a satisfactory standard of development.*
- 43 No residential unit shall be occupied until details of a scheme of acoustic insulation for that unit has been submitted in writing by the Local Planning Authority for approval, and the approved details have been completed, with internal noise levels not to exceed 'reasonable' during daytime and 'good' at night as detailed in BS 8233:2014 for all units. The scheme shall take account of any noise from mechanical ventilation necessary for the units.
- 43 *Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan.*
- 44 Noise emitted from any fixed plant on site shall be at least 10dB lower than the existing background noise level as measured at the nearest noise sensitive location outside the site and the measurement should be made in accordance with BS4142:1997.
- 44 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan.*



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- 45 Detailed drawings of windows, balconies and privacy screens for all dwellings in a phase shall be submitted in writing to the Local Planning Authority for approval prior to the commencement of above ground works in that phase. The development shall be carried out in accordance with the approved details prior to occupation of the relevant dwelling.
- 45 *Reason: In order that the Local Planning Authority may be satisfied as to the details of the development in respect of privacy and outlook for occupants. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 46 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no aerials or satellite dishes shall be erected on a building of the development hereby approved without first securing the approval in writing of the Local Planning Authority.
- 46 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan.*
- 47 No development which affects the public highways shall commence until an agreement under section 278 of the Highways Act 1980 has been entered into with the Local Authority (as the Highway Authority) in respect of such works including:
- (i) Construction of the proposed buildings inclusive of any basement levels, covering structural works and support for adjoining land;
 - (ii) New pavement surfacing;
 - (iii) Any proposed street tree planting; and
 - (iv) Maintenance of pedestrian access on the footpaths past the site during construction.
- The approved works shall be completed to the written satisfaction of the Local Planning Authority and have been certified in writing as complete on behalf of the Local Planning Authority prior to occupation of the relevant phase of the development. .
- 47 *Reason: To ensure appropriate arrangements for highways works are in place to avoid the creation of traffic congestion on the highway in the interest of safety and convenience of pedestrians and other road users and to accord with the objective of Policies LLP31 and LLP32 of the Luton Local Plan.*

INFORMATIVES :-

- 1 This Notice forms only part of the planning decision and must be read in conjunction with the attached Section 106 Agreement or Unilateral Agreement.



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- 2 This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the culverted River Lee, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted.

Further details and guidance are available on the GOV.UK website:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

- 3 BEFORE carrying out any work you must:
- o Note the presence of an Above Ground Installation (AGI) in proximity to your site.
 - o You must ensure that you have been contacted by National Grid prior to undertaking any works within 10m of this site.
 - o Carefully read these requirements including the attached guidance documents and maps showing the location of National Grid apparatus.
 - o Contact the landowner and ensure any proposed works in private land do not infringe National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
 - o Ensure that all persons, including direct labour and contractors, working for you on or near National Grid's apparatus follow the requirements of the HSE Guidance
 - o Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
 - o In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.
- 4 Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.



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- 6 As the development is close to the approach to the runway LLA draw attention for the need to carefully design any external lighting schemes so that there is no light spill above the horizontal and that they avoid causing any distraction to pilots. This is further explained in Advice Note 2 'Lighting near Aerodromes' (Available at www.aoa.org.uk/policy-campaigns/operations-safety/) Details of any craneage associated with the development must be submitted to London on Airport Operations Ltd for approval a minimum of 28 days before the commencement of works.
- 7 Flood risk assessment and Surface Water Drainage Strategy
- o The proposed de-culverting of the River Lea under planning application 16/01400/OUTEIA has been reduced in 20/01587/OUTEIA planning application. The reduced de-culverting will result in a loss of environmental betterment opportunities therefore the LLFA urges the developer to demonstrate compensating for this loss, by providing more at source attenuation SUDS features such as swales, rills and raingardens throughout the development site. The LLFA acknowledges the proposal for use of permeable paving and green roofs as the 1st Treatment stage for contaminated surface water run-off and would advise the applicant to not be deterred by " the site use, limited green areas and need to avoid infiltration" (Point 7.95, Page 30) as factors for not using at source SUDS for water quality treatment. At source SUDS features such as impermeably lined swales, rills and raingardens are effective water quality management tools, improving biodiversity and providing amenity for site users.`
 - o The applicant will need to implement an appropriate drainage scheme during the construction phase through mitigation measures outlined in the CEMP which may include - but not limited to; temporary bunding, interceptor ditches and settlement tanks to allow for isolation and on-site treatment of any sediment laden or contaminated surface water prior to discharge to the receiving sewers/watercourse.
 - o As advised in previous correspondence (see email sent 19 October 2020 17:42 in Appendix G) Surface Water Management Plan, 2012 Proposed Surface Water Drainage Policy 2 has been superseded by the Local Flood Risk Management Strategy, 2015 section for Peak flow Control, page 85. This application (20/01587/OUTEIA) will need to conform to the policies within Local Flood Risk Management Strategy, 2015.
 - o The maximum surface water discharge rate acceptable for the whole site area is 613 L/s - as discussed and agreed with the applicant - and



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will be the maximum limit for the whole site. The applicant should use 613 L/s as a limit and not a target and as designs develop should work towards a discharge rate of 37.15 L/s (5l/s per Ha) as the target for the whole site.

- o Development over 100 dwellings is required to provide a site specific Water Cycle Strategy as per objectives of LLP36.

8 Water Resources

The River Lea is a County Wildlife Site, a chalk stream - which is a globally rare habitat and is classified on WFD as a watercourse that has "good" potential for its "Ecological" status. For these reasons I advise that the Receptor Sensitivity classifications for the River Lea are incorrect and would recommend the following amendments:

1. Per the Receptor Sensitivity classifications of Table 6.1 (Pages 8-9) the River Lea's Receptor Sensitivity should fall between "High" and "Moderate", and not "Very Low" as identified in Baseline Conditions point 6.5.9. on page 17.

2. Per the Environment Agency Catchment Data Explorer the River Lea from Luton to Luton Hoo Lakes (the stretch affected by the proposed development) has "Good" WFD potential for its "Ecological" status and per the Receptor Sensitivity classification should identify as "High" Sensitivity not "Very Low" as identified in point 6.5.9. on page 17.

The subsequent identification of the impact of construction and operation in Section 6.6 Assessment of Potential Effects (Page 21) of the development on the River Lea would be incorrect and should be amended to reflect Points 1 and 2.

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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 by entering 20/01587/OUTEIA 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:-
- a) 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]
 - b) 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
 - c) 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
 - d) 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.

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



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- (ii) a building exempt by direction of the Secretary of State.

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