

Appendix 1: Conditions and Reasons

- (01) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.**

Reason: To limit the duration of the permission in accordance with the provisions of Sections 91-96 of the Town and Country Planning Act, 1990.

- (02) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out on Luton Borough Council plan and document numbers: DC01, DC02, DC03, DC04, DC05, DC06, DC07, DC08, DC09, DC10, DC11, DC12, DC13, DC14, DC15, DC16, DC17, DC18, DC19, DC20, DC21, DC22, DC23, DC24, DC25, DC26, DC27, DC28, DC29, DC30, P1279-13-D, S1279-01-A, S1279-02-A, S1279-03-A, S1279-04-A, S1279-05-A, S1279-06, S1279-07, P1279-15-J, P1279-16-H, P1279-17-G, P1279-11-F, P1279-12-F and P1279-14-F.**

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

- (03) 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 demolition/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;**
- (vii) wheel washing facilities;**
- (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;**
- (ix) details of the protection of the existing fire hydrant situated to the rear of No. 6 Sherd Close for the duration of construction;**

- (x) measures to control the emission of dust and dirt during construction; and**
- (xi) a scheme for recycling/disposing of waste resulting from demolition and construction works.**

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

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

- (04) 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 electronic communications installations/equipment shall be erected, constructed, installed or placed on or the development hereby permitted without the prior permission of the Local Planning Authority.**

Reason: To prevent adverse implications upon the high quality design of the development to the detriment of the amenities of the surrounding area.

- (05) Prior to the commencement of above-ground works, full details (including samples) of the materials to be used in the construction of the external elevations of the development, including drawings showing the depth of window reveals on each of the elevations, 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.**

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

Informative: Where render is proposed in pursuance of discharge of this condition, details of management to ensure longevity of quality of appearance shall also be provided in support of that submission.

- (06) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended), (or any Order revoking or re-enacting that Order with or without modification), no window openings other than those approved under this permission, which shall be fitted with obscure-glazing and fixed to a height of 1.7m, shall be fitted within the northern elevation of the developed original building without the prior written permission of the Local Planning Authority.**

Reason: To prevent the over-intensive development of the site, to the detriment of the amenities of the surrounding occupiers.

- (07) Prior to the commencement of above-ground works (not including clearance/demolition), a scheme for the production of renewable energy, the reduction of energy and water demand, conservation and best-use of generated resources, and mitigation against wastage, together with details of management, maintenance and servicing, shall be submitted in writing to the Local Planning Authority for approval. All measures thereby approved shall be installed and implemented in accordance with a timetable to be agreed in writing**

by the Local Planning Authority as a part of those submitted details and shall be retained thereafter for the lifetime of the development.

Reason: In the interests of sustainability and the mitigation of climate change.

- (08) 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.***

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

- (09) Prior to first use of the development, a management plan, including management responsibilities and maintenance schedules for all external and shared/common areas of the development hereby permitted that are not adopted by the Local Highways Authority, 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.***

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

- (10) 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.***

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

- (11) Prior to first occupation of any part of the development, a refuse and recycling management plan, including management responsibilities, cleaning and maintenance schedules and security measures for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. Refuse and recycling shall only be stored in the demarked area as indicated on the proposed site plan (ref: **P1279-17-G**). The refuse and recycling management plan shall be carried out as approved from first occupation and retained for the lifetime of the development.***

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

- (12) Prior to first occupation of the development hereby permitted, full details (including elevational) of a scheme for the storage of bicycles and postage/delivery 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.***

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

- (13) Prior to the first occupation of the building, a comprehensive scheme of site security measures, to provide for matters of CCTV and secure entry systems, in addition to including details of the ongoing management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development.**

Reason: In the interests of crime prevention and good design.

- (14) No external lighting shall be installed on the site, other than in accordance with a scheme to be submitted in writing to the Local Planning Authority for approval beforehand. The scheme, lighting equipment and levels of illumination shall comply with guidance issued by the Institution of Lighting Engineers in their publication "The ILE Outdoor Lighting Guide" and shall be accompanied by a statement from the developer confirming that compliance. The scheme shall be implemented prior to first occupation of development and thereafter be retained as approved for so long as the development remains in existence.**

Reason: In the interests of site security and to safeguard the amenities of adjoining occupiers.

- (15) Prior to first use of the development, a car park management strategy, including details of space allocation and the availability of electric vehicle charging points for the development hereby permitted, and the management and maintenance thereof, shall be submitted in writing to the Local Planning Authority for approval. The car park management plan shall be carried out as approved from first occupation and retained for the lifetime of the development.**

Reason: In the interests of highway and pedestrian safety, the character of the surrounding area and sustainability.

- (16) 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.**

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.

Informative: The design should demonstrate that the risks posed by development to groundwater can be satisfactorily managed and contain the details of:

- Appropriate plans showing the detail of the proposed drainage system including levels, locations and details drawings;**
- Flow control, conveyance and attenuation features; and**
- Clear demonstration of roof, car park and road drainage with appropriate pollution control devices to manage the risks posed by development to groundwater.**

- (17) ***Implementation of the approved drainage system required under Condition No. 16 shall be checked by a suitably qualified person and confirmation submitted in writing that the system operates as designed, together with 'as built' drawings, to the Local Planning Authority prior to occupation. The scheme shall thereafter be retained for so long as the development remains in existence.***

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.

- (18) ***No infiltration shall be implemented and no soakaways shall be installed in contaminated ground.***

Reason: To prevent pollution of the water environment.

- (19) ***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.***

Reason: To protect the pollution of groundwater and other receptors.

- (20) ***No development approved by this permission shall take place until a Phase 2 site investigation report, as recommended by the previously submitted BRD Environmental Ltd. report dated March 2020 (ref: **BRD3629-OR1-C**), has been submitted in writing to the Local Planning Authority for approval. Where found to be necessary by that submitted report, a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted in writing to the Local Planning Authority for approval. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action. The remedial works shall then be carried out in accordance with those approved details prior to the commencement of the development.***

Reason: To protect the water environment, human health and other sensitive receptors.

- (21) ***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.***

Reason: To protect the water environment, human health and other sensitive receptors.

- (22) ***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 any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.***

The development shall not be occupied until the validation report has been agreed in writing by the Local Planning Authority.

Reason: To protect the water environment, human health and other sensitive receptors.

- (23) No above-ground works shall commence until a scheme for noise insulation to protect the proposed dwellings from the noise generated from road traffic and adjoining commercial uses, following the recommendations identified in the Noise Risk Assessment & Acoustic Design Statement prepared by Noise.co.uk (ref: 20750-1(R1)) dated 7th February 2020, and to include details of management and maintenance, has been submitted in writing to the Local Planning Authority for approval. None of the dwellings shall be occupied until such a scheme has been implemented in full accordance with those approved details, and show to be effective, and it shall be retained as approved thereafter.***

Reason: To protect the amenities of future occupiers.