

**DEVELOPMENT CONTROL COMMITTEE**

**1 JULY 2020 at 6.00 P.M.**

**PRESENT:** Councillor D. Taylor (Chair), Councillors Agbley, Ali, Bridgen, Campbell, Franks, A. Hussain, M. Hussain, Rivers and Roche

**48. MINUTES (REF: 2.1)**

That the Minutes of the meeting of the Committee held on 28 May 2020 be taken as read, approved as a correct record and signed by the Chair;

**49. LUTON AND DUNSTABLE UNIVERSITY HOSPITAL, LEWSEY ROAD, LUTON (REF: 7)**

The Development Management Officer reported on Application No. 20/00487/TEMP submitted by Mr David Hartshorne of Luton and Dunstable University Hospital NHS Foundation Trust for planning permission in relation to the erection of a three-storey office building for a period of five years at the Luton and Dunstable University Hospital, Lewsey Road, Luton.

He further reported that 20 properties had been notified of the application and that site notices and a press notice had also been issued and no representations had been received.

An update to the report was circulated to Members in advance of the meeting.

**Resolved:** (i) That Application No. 20/00487/TEMP be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report:

- (01) The permission hereby granted shall be limited to a period expiring on 30th September 2025 whereupon the use shall be discontinued, the site cleared and the land reinstated unless before that date permission has been given for their retention. (Reason: To enable the Local planning Authority to review the matter at the end of the limited period having regard to current policy, any current proposals for the development of the site and to the impact of the approved use of the premises on the surrounding area)
- (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, C13099, S200092-201A, S200092-101B, S200092-109C, S200092-

110A, S200092-119C, S200092-120A, S200092-201A and S200092-301A.  
(Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

- (03) The office floorspace hereby permitted shall only be used for purposes ancillary to the principal use of the site as a regional medical facility. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) No development, including any works of demolition, shall take place until a Construction and Environmental Method Plan (CEMP) has been submitted in writing to the Local Planning Authority for approval. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:
- (i) Construction programme and phasing;
  - (ii) 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;
  - (iii) the parking of vehicles of site operatives and visitors;
  - (iv) 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;
  - (v) loading, unloading and storage of plant and materials;
  - (vi) storage of plant and materials used in constructing the development;
  - (vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (viii) Details for the control of dust and dirt on the public highway, including wheel washing facilities;
  - (ix) Details of consultation and complaint management with local businesses and neighbours;
  - (x) Mechanisms to deal with environment impacts such as noise and vibration, air quality and dust, light and odour; and
  - (xi) 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. (Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses)

(05) Prior to the commencement of works for the removal of the development at the end of agreed period, full details of a Construction and Environmental Method Plan (CEMP) referring to this phase shall be submitted in writing to the Local Planning Authority for approval. The approved CEMP shall be adhered to throughout the decommissioning period. The CEMP shall provide for:

- (i) Construction programme and phasing;
- (ii) 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;
- (iv) 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;
- (v) loading, unloading and storage 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) Details for the control of dust and dirt on the public highway, including wheel washing facilities;
- (viii) Details of consultation and complaint management with local businesses and neighbours;
- (ix) Mechanisms to deal with environment impacts such as noise and vibration, air quality and dust, light and odour; and
- (x) a scheme for recycling/disposing of waste resulting from demolition works.

This phase shall then only proceed in strict accordance with those approved details. (Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses)

(06) 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)

- (07) No above-ground works (excluding works of demolition) 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 generally be in accordance with the Drainage Strategy Note dated 16th April 2020, prepared by Perega Ltd. and contain the details of:

- Appropriate plans showing the detail of the proposed drainage system including levels, locations and details drawings;
- a demonstration that surface water run-off generated by critical storms up to and including the 100 year + 40% climate change uplift storm will not exceed the drainage capacity of the site;
- 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.

- (08) No infiltration shall be implemented and no soakaways shall be installed in contaminated ground. (Reason: To prevent pollution of the water environment)

- (09) Prior to first occupation of the development, a verification report, to include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control Mechanism and appended with substantiating evidence demonstrating that the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme, shall be submitted in writing to the Local Planning Authority for approval. The development shall not be occupied until those details have been agreed in writing. (Reason: To prevent and increased risk of flooding and the pollution of the water environment)

- (10) Prior to first use 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:

- ☐ A car park management strategy;
- ☐ The identification of targets for trip reduction and modal shift;
- ☐ The methods to be employed to meet these targets;
- ☐ 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;
- ☐ The mechanisms for reporting;

- ☐ The penalties to be applied in the event that the targets are not met;
- ☐ The mechanisms for mitigation;
- ☐ Implementation of the travel plan to an agreed timetable or timetable and its operation thereafter; and
- ☐ Mechanisms to secure variations to the travel plan following monitoring and reviews.

The travel plan shall be implemented as approved upon first use of the development and retained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

Informative: It is anticipated that the details submitted pursuant to the discharge of this condition would refer to and be in substantive accordance with the prevailing travel plan serving the LDUH.

- (11) Prior to first occupation of the development hereby permitted, a scheme to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development does not exceed the typical background sound level at any existing or proposed sound sensitive premises neighbouring the approved development site shall be submitted in writing to the Local Planning Authority for approval. All measurements shall be made in accordance with BS4142:2014 (as amended), and the scheme shall only be occupied in full accordance with those approved details, which shall prevail for the lifetime of the development. (Reason: To protect the amenity of adjoining occupiers)

Informative: The existing background noise level referred to above shall be demonstrated as an evidenced base-level within the submission to discharge this condition.

- (12) No above-ground development shall take place until a scheme for protecting the proposed offices from noise from road traffic has been submitted in writing by the local planning authority for approval. None of the offices shall be occupied until such a scheme has been implemented in accordance with those approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter. (Reason: To ensure an appropriate acoustic office environment)

- (13) 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 obscured and fixed (if appropriate/permissible within their detailed design to a height of 1.7m), shall be fitted within the eastern flank elevation of the development without the prior written permission of the Local Planning Authority. (Reason: To protect the privacy of adjoining residential occupiers)

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting following the Committee resolution to grant permission (should any be required);

(iii) That following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments to the development (Section 73 applications).

## **50. BRITANNIA HOUSE, LEAGRAVE ROAD, LUTON (REF: 8)**

The Development Management Officer reported on Application No. 20/00393/FUL submitted by Mr Paul Forster of SUSL Ltd for planning permission in relation to the erection of a two storey roof extension to the northern part of the existing building to provide 10 flats (four two-bedroom and six three-bedroom) together with external alterations to existing building, at Britannia House, Leagrave Road, Luton

He further reported that 45 properties had been notified of the application and that site notices and a press notice had also been issued and no representations had been received.

An update to the report was circulated to Members in advance of the meeting. A further update to that report was provided orally by the Development Management Officer.

**Resolved:** (i) That Application No. 20/00393/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report and the update and subject to the to the satisfactory completion of a Section 106 Agreement to secure the relevant developer contributions for education, highways, waste management and museums and a monitoring fee of £4,857.83:

(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, APP04, APP05, APP06, APP07, 1805 1100, 1805 1200, 1805 1201, 1805 1210, 1805 1210, 1805 1210, 1805 1211, 1805 1212, 1805 1220, 1805 1230, 1805 1231, 1805 1232, 1805 1233, 1805 1234, 1805 1235, 1805 1236, 1805 1237, 1805 1238, 1805 2100, 1805 2220, 1805 1000, 1805 2200 Rev. P2, 1805 2201 Rev. P1, 1805 2202 Rev. P4, 1805 2210 Rev. P3, 1805 2211 Rev. P3, 1805 2212 Rev. P3, 1805 2213 Rev. P2, 1805 2230 Rev. P1, 1805 2231 Rev. P1, 1805 2232 Rev. P1, 1805 2233 Rev. P1, 1805 2234 Rev. P1 and 1805 2235 Rev. P1. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)

- (03) 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. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) Prior to first occupation of the development hereby permitted, full details of hard and soft landscaping (roof garden), 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)
- (05) Prior to first use 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. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of future occupiers and the surrounding area)
- (06) 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:
- ☐ The identification of targets for trip reduction and modal shift;
  - ☐ The methods to be employed to meet these targets;
  - ☐ 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;
  - ☐ The mechanisms for reporting;
  - ☐ The penalties to be applied in the event that the targets are not met;
  - ☐ The mechanisms for mitigation;
  - ☐ Implementation of the travel plan to an agreed timetable or timetable and its operation thereafter; and
  - ☐ 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. (Reason: To ensure a satisfactory standard of development, in the interest of sustainability and to safeguard the amenities of future occupiers and the surrounding area)

- (07) Prior to the first occupation of the building, a comprehensive scheme to provide site security measures, 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: To ensure a satisfactory standard of development and in the interests of security)
- (08) Prior to the first use of the development hereby permitted, a noise mitigation scheme shall be installed for the protection of the living environment for future occupiers. The scheme shall be in accordance with the recommendations identified in the noise report prepared by Ian Sharland Ltd. (Ref: M4224) dated 18th March 2020. The development shall not be used until the scheme has been implemented as reported and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the living environment of future occupiers)
- (09) Prior to occupation of any dwelling hereby permitted, a scheme to demonstrate that the rating level of sound emitted from any external fixed plant and/or machinery associated with the development does not exceed the typical background sound level at any existing or proposed sound sensitive premises on or neighbouring the approved development site shall be submitted in writing to the Local Planning Authority for approval. All measurements shall be made in accordance with BS4142:2014 (as amended), and the scheme shall only be occupied in full accordance with those approved details, which shall prevail for the lifetime of the development. (Reason: To ensure a satisfactory standard of development and to safeguard the living environment of future occupiers)

Informative: The typical background sound level referred to above shall be demonstrated as an evidenced base-level within the submission to discharge this condition.

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions following the Committee resolution to grant permission (should any be required);

(iii) That following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development both seeking minor material amendments to the development (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications)

## **51. SILVER STREET CAR PARK, OFF OF BUTE STREET, LUTON (REF: 9)**

The Development Management Officer reported on Application No. 20/00489/FUL submitted from Toby Maloy of Luton Borough Council for planning permission in relation to the de-culverting of the River Lea and formation of a new



public open space after demolition of existing car park, at Silver Street Car Park, off of Bute Street, Luton.

He further reported that 16 neighbouring properties had been notified of the application and that site notices and a press notice had also been issued and one letter of representation objecting to the application had been received.

An update to the report was circulated to Members in advance of the meeting.

**Resolved:** (i) In relation to Application No. 20/00489/FUL, that delegated authority be granted to the Head of Development Management to grant planning permission, subject to the conditions and their reasons set out below and reasons for approval as set out in the report and the update and the further conditions as requested by Environmental Protection and the Environment Agency and subject to the Environment Agency raising no objection to the application. The Environment Agency's comments are to be provided to Members along with any conditions that the Environment Agency consider may be appropriate:

- (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 document Nos.: 03189-PC-ZZ-XX-DR-A-00001 Rev P2 (location plan); 03189-PC-ZZ-XX-DR-A-00002 Rev P3 (block plan); 03189-PC-ZZ-XX-DR-A-10001 Rev P1 (proposed site layout); 03189-PC-ZZ-XX-DR-A-20001 Rev P1 (proposed sections); 6100221-MLM-ZZ-XX-DR-C-0110 Rev P01 (drainage plan); 6100221-MLM-ZZ-XX-DR-C-0100 Rev P01 (site clearance plan); 6100221-MLM-ZZ-XX-DR-C-0111 Rev P01 (drainage construction details); 6100221-MLM-ZZ-XX-DR-C-0120 Rev P01 (kerbing and external finishes plan) and 6100221-MLM-ZZ-XX-DR-C-0130 Rev P01 (external works construction details). (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) Prior to the commencement of any demolition or construction works a Demolition Method Statement and Construction Method Statement shall be submitted in writing to the Local Planning Authority for approval. Demolition and construction shall only then commence in accordance with those approved details. (Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses)
- (04) Prior to the commencement of above-ground works, excluding demolition and enabling works, full details of the materials to be used in the construction of the hard surfacing hereby approved 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)

- (05) No above ground works shall take place, excluding demolition and enabling works, until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been submitted in writing to the Local Planning Authority for approval. All grassed areas shall be laid out and all tree and shrub planting shall be carried out in accordance with those details and at those times. Within one month of the completion of the landscaping scheme written confirmation of the completion date shall be submitted to the Local Planning Authority. If within a period of five years from the initial date of planting of any tree or shrub, any such plant is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, another tree or 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 consent to any variation. (Reason: Further details pursuant to the submitted planting/landscaping scheme are required to ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (06) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the completion of the development. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (07) Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure and the extent of the area to be illuminated, shall be submitted in writing to the Local Planning Authority for approval prior to the installation of any lighting at the development. Only the details thereby approved shall be implemented. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (08) Full details of the proposed boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval before above ground works are commenced (excluding demolition or enabling works). The approved boundary treatment shall be installed prior to public space being opened and shall be retained for so long as the development hereby permitted remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (09) The ecological impact mitigation and enhancement measures, as indicated within the Preliminary Ecological Appraisal Report by MLM Consulting Engineers Ltd dated March 2020, shall be implemented as approved prior to the opening of the development hereby permitted and shall be retained for the lifetime of the development where necessary. (Reason: To protect and enhance ecological interests on the site)

(10) Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted in writing to the Local Planning Authority for approval. The plan shall include the following:

- a) The construction programme and phasing;
- b) Hours of operation, delivery and storage of materials;
- c) Details of any highway works necessary to enable construction to take place;
- d) Parking and loading arrangements;
- e) Details of hoarding;
- f) Management of traffic to reduce congestion;
- g) Control of dust and dirt on the public highway;
- h) Details of consultation and complaint management with local businesses and neighbours;
- i) Waste management proposals;
- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures; and
- l) Management of environmental impacts downstream.

All works shall be carried out in accordance with the approved CEMP thereafter. (Reason: In the interests of highway safety and the control of environmental impacts)

(11) No development shall take place until a written scheme of heritage asset resource management (WHARM); that includes provision for building recording to Historic England level 3, archaeological investigation, post excavation analysis and publication, has been submitted in writing to the Local Planning Authority for approval. The development hereby approved shall only be implemented in full accordance with the approved heritage asset scheme. (Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 199 of the National Planning Policy Framework (NPPF) and Policy LLP30F that require developers to record and advance of understanding of the significance of any heritage assets affected by development before they are lost (wholly or in part), and to make this evidence publicly available)

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting following the Committee resolution to grant permission (should any be required);

(iii) That following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning

applications related to this development both seeking minor material amendments to the development (Section 73 applications).

## **52. THE OLD ENGLISH GENTLEMAN, NO. 17 HITCHIN ROAD, LUTON (REF: 10)**

The Development Management Officer reported on Application No. 19/01363/FUL submitted by Mr Singh for planning permission in relation to the erection of a four and five storey block providing 19 flats comprising 14 x 2 bed and 5 x 1 bed, at The Old English Gentleman, 17 Hitchin Road, Luton

She further reported that 32 adjoining occupiers had been notified of the application and that site notices and a press notice had also been issued and one letter of objection to the application had been received.

An update to the report was circulated to Members in advance of the meeting.

**Resolved:** (i) That Application No. 19/01363/FUL be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report and the update and subject to the satisfactory completion of a s106 agreement which will include a contribution of £9,500 towards Luton car club and a post construction review mechanism which will allow the viability of the scheme to be reassessed based on actual costs following the sale of 95% of the dwellings. If there are any improvements in the viability of the scheme following the post construction review, any additional monies will go towards education in the first instance and then affordable housing; S106 to also include a clause for Local Labour and Local Goods and Services and a monitoring fee comprises 5% of the total amount of the contributions (to a maximum of £5,000):

- (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: Floor Plans 1:100 OAK-072 Rev B, Elevations 1:100 OAK-072 Rev A, Location & Site Plans – Street scene OAK-072 Rev B. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (03) No development shall commence until a surface water drainage scheme, based on sustainable drainage principles has been submitted for approval to the Local Planning Authority. The drainage scheme should demonstrate that the surface water run-off generated by critical storms up to and including the 100 year + 40 % climate change uplift storm will not exceed the drainage capacity of the site. The approved details shall be implemented prior to the occupation of the development and retained thereafter. (Reason: To prevent an increased risk of flooding and surface and ground water pollution)

- (04) Surface water should not be disposed of via direct infiltration into the ground via a soakaway. (Reason: This is due to the proximity to a public water supply abstraction and the risk for contaminants to remobilise and cause groundwater pollution)
- (05) No above-ground works shall commence until a noise assessment has been undertaken and submitted in writing to the LI 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. (Reason: To protect the amenities of the future occupiers of the development)
- (06) Prior to first occupation of any part 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 the surrounding area and future residents)
- (07) A management plan, including management responsibilities and maintenance schedules, for all external and internal shared/common areas of the development including the roof gardens/amenity space shall be submitted to the Local Planning Authority in writing for approval prior to the occupation of the development for its permitted use. The management plan shall be carried out as approved. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (08) Prior to the first occupation of the development hereby permitted, a scheme for external lighting shall be submitted in writing to the Local Planning Authority for approval. 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 and thereafter be retained as approved for so long as the development remains in existence. (Reason: To ensure a satisfactory standard of development, to safeguard the amenities of adjoining occupiers and in the interests of highway and pedestrian safety)
- (09) Prior to first occupation of any part of the development, refuse and recycling management plan, including management responsibilities and maintenance schedules for all processes and relevant areas, shall be submitted in writing to the Local Planning Authority for approval. The refuse and recycling management plan shall be carried out as approved from first occupation/use and retained for the lifetime of the development. (Reason: To ensure a

satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents)

- (10) Prior to the commencement of the development, a detailed Construction Management Plan (CMP) shall be submitted to the Local Planning Authority in writing for approval, and the plan shall include the following:
- a) The construction programme and phasing;
  - b) Hours of operation, delivery and storage of materials;
  - c) Details of any highway works necessary to enable construction to take place;
  - d) Parking and Loading arrangement;
  - e) Details of hoarding;
  - f) Management of traffic to reduce congestion;
  - g) Control of dust and dirt on the public highway;
  - h) Details of consultation and complaint management with local businesses and neighbours;
  - i) Waste management proposals;
  - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour; and
  - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CMP thereafter.  
(Reason: In the interests of highway safety and control of environmental impacts)

- (11) 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 and adjoining occupiers)
- (12) Prior to the first occupation of the development, details of a scheme for renewable energy production equipment to provide at least 10% of the predicted energy requirements of the development shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed before first occupation of the development. The development shall be occupied only in accordance with those approved details and shall be retained thereafter for the lifetime of the development. (Reason: In the interests of sustainability)
- (13) Prior to the first occupation of the building, a scheme to provide CCTV, including details of ongoing maintenance, 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: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime)

- (14) The cycle storage for the development, as identified on the approved plan/document No(s). Floor Plans 1:100 OAK-072 Rev A shall be laid out and ready for use prior to the first occupation of the development hereby permitted. The development shall continue to be operated and used in accordance with the approved details. (Reason: To encourage the use of sustainable transport methods)
- (15) Prior to the first occupation of the building, a comprehensive scheme to provide site security measures, including details of ongoing maintenance, 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: To ensure a satisfactory standard of development and in the interests of security and the prevention of crime)
- (16) Prior to the commencement of above-ground works, samples of materials to be used in the construction of the external walls, balconies and roofing of the development hereby approved shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out only in full accordance with those approved materials. (Reason: To ensure that the development proposal uses high quality materials in the interest of visual amenity)

Informative: There will be an expectation that the choice of cladding will have self-cleaning qualities and will not require regular cleaning to maintain appearance.

- (17) If, during development, contamination not previously identified is found to be present at the site then no further development 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. (Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and to prevent deterioration of groundwater within the Mid Chilterns Chalk groundwater body)
- (18) 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 radio or TV aerials, satellite dishes or other antennae shall be affixed to the development or erected within its curtilage without the prior planning permission of the Local Planning Authority. (Reason: To ensure the satisfactory appearance of the completed development)

- (19) No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including mitigation measures (e.g. turbidity monitoring, appropriate piling design etc.) to prevent and minimise the potential for turbidity risk in the aquifer, measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted writing to the Local Planning Authority for approval. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Reason: The proposed works will be in close proximity to public water supply abstraction boreholes. Piling has the potential to cause water quality failures due to elevated level of turbidity. Increased turbidity inhibits the ability to use the water for public water supply. This causes critical abstractions to close down resulting in the immediate need for water to be sourced from another location to maintain supply in Luton, which incurs significant costs)
- (20) The shared roof gardens for the flats (amenity provision), as indicated on approved plan No(s). Floor Plans 1:100 OAK-072 Rev A shall be available for use prior to the occupation of any flat and shall be accessible to the occupants of all dwelling units in the scheme. The amenity provision shall be retained as approved thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area and future residents)
- (21) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access points to the site. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be implemented prior to the first occupation of the development and thereafter be retained and maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level for so long as the development remains in existence. (Reason: In the interests of highway and pedestrian safety)
- (22) Details of the surfacing and drainage of any parking service area(s) hereby approved shall be submitted in writing to the Local Planning Authority for approval before any above ground works commence. The details thereby approved shall be installed prior to the occupation of any building on the site. (Reason: To prevent an increased risk of flooding and surface)
- (23) No works involving excavations (for example, piling or the implementation of a geothermal open/closed loop system) shall be carried until a method statement which will include an intrusive ground investigation to identify appropriate techniques to avoid displacing any shallow contamination to a greater depth has been submitted in writing to the Local Planning Authority. Any excavations must be undertaken in accordance with the terms of the approved method statement. (Reason: To prevent an increased risk of flooding, surface and ground water pollution and to understand the risks posed to the nearby public water abstraction boreholes)



(24) The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted in writing to the Local Planning Authority for approval. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority
5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site. (Reason: To minimise and prevent pollution of the land and the water environment)

(25) No excavations (e.g. piling) are to be undertaken below the groundwater table of the chalk aquifer. (Reason: Excavations within the chalk groundwater aquifer is very likely to generate turbidity in our public water supply due to the close proximity between our sites and the proposed development. Increased turbidity inhibits the ability to supply water from the affected sources and can cause critical abstractions to close down. Our Crescent Road site is very critical for water supply for Luton and therefore closing it down could results in an immediate shortage of water supply. We could potentially import water from another source, subject to appropriate risk mitigation and contingency plans, but this incurs significant costs)

Informative: 1. The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best

- Management Practices, thereby significantly reducing the groundwater pollution risk.
2. Affinity Water require 15 days advance notification of any excavation works which take place on the site. The public water abstraction boreholes will be at risk of turbidity during the construction phase and if concentrations manifest at the abstraction, the treatment will be unable to cope which will lead to a cessation of abstraction at that source for an undefined period until the water is safe to return to supply. In this event Affinity Water would need to import water from elsewhere which can incur significant cost and put the wider supply network under pressure, particularly during the current period of high demand. Affinity Water will look to the developer to pay damages equivalent to the extra costs arising. Affinity Water expect to be notified to review the piling risk assessment and also be given notice prior to the start of the piling activity so they can monitor turbidity.
- (26) The refuse bins shall be stored at all times in the designated refuse storage area as shown on the approved drawing plans. (Reason: To enhance the appearance of the development and safeguard the character and appearance of the area)
- (27) The development hereby approved shall not be occupied until full details of the means of enclosure for the allocated parking area off Burr Street is submitted to the Local Planning Authority for approval. The means of enclosure shall be implemented in accordance with the approved details prior to first occupation of the development and thereafter be retained as approved for so long as the development remains in existence. (Reason: To enhance the appearance of the development and safeguard the character and appearance of the area)
- (ii) That delegated authority be granted to the Head of Development Management to make minor alterations (including additions and deletions) to the conditions and s106 agreement following the Committee resolution to grant permission (should any be required);
- (iii) That following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development seeking minor material amendments (Section 73 applications);
- (iv) That following the grant of permission that delegated authority be granted to the Head of Development Management to make minor amendments to the agreed S106 agreement through a Deed of Variation application.

### **53. HAYWARD TYLER 1 KIMPTON ROAD LUTON (REF: 11)**

The Development Management Officer reported on Application No. 20/00147/OUT submitted by Hayward Tyler, for planning permission in relation to the demolition of existing buildings and construction of up to 1,000 residential units including affordable (class c3) and flexible commercial and community floorspace with associated landscaping, infrastructure and other associated works, at Hayward Tyler, 1 Kimpton Road, Luton.

He further reported that 88 properties had been notified of the application and that site notices and a press notice had also been issued. Three letters of representation from nearby residents in objection to the proposal had been received.

An update to the report was circulated to Members in advance of the meeting. The Development Management Officer also orally clarified the special regard to be given to the harm to the listed buildings to which additional weight should be attributed.

In relation to right to speak (RTS), the applicant's agent provided a written statement in support of the application, which was circulated in advance of the meeting and was read out during the meeting.

Following consideration of this application and on being put to the vote, it was approved, with one dissenting vote from Cllr Campbell, who requested that his vote against the application be recorded.

**Resolved:** (i) That Application No. 20/00147/OUT be granted, subject to the conditions and their reasons set out below and reasons for approval as set out in the report and the update and subject to the satisfactory completion of a s106 agreement to secure the provision of 20% on-site affordable housing; a mechanism to secure the relevant developer contributions for education, highways, parks, waste management and museums; a mechanism to secure the delivery of local labour; a monitoring fee of £5,000; a mechanism to prevent development commencing on the application site until such time as the applicant has relocated; a mechanism to provide a GP surgery on the site should this be considered to be necessary by the Clinical Commissioning Group and a mechanism to require a design competition for the reserved matters details to facilitate the highest standard of design quality on the site:

(01) In the case of any matter hereinafter reserved for the subsequent approval of the Local Planning Authority, applications for this approval shall be made not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun not later than whichever is the later of the following dates:

- a) The expiration of five years from the date of this permission; or
- b) The expiration of one year from final approval of the matters hereinafter for the subsequent approval of the Local Planning Authority or in the case of approval on different dates, the final approval of the last such matter to be approved. (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) Full details and particulars of all buildings and other works hereby permitted in respect of access, appearance, scale, layout and landscaping of the site shall be submitted to the Local Planning Authority in writing for their subsequent approval in consultation with Network Rail, before any above ground work is commenced for that phase of works. (Reason: To enable the Local Planning Authority to exercise proper control over the details of the development in the

case of an outline planning permission granted under Part 2, paragraph 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended))

- (03) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and document Nos.: 20-M001-001.1 (location plan); 20-M001-002B (land use and amount parameter plan); 20-M001-003C (scale and massing parameter plan); 20-M001-004B (movement parameter plan); 20-M001-005C (ground floor parking parameter plan); 20-M001-006B (first floor parking parameter plan) and 20-M001-007B (landscape framework parameter plan). (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (04) The development hereby approved shall be implemented on a phased basis in accordance with a phasing programme to be submitted to the Local Planning Authority for approval before any development on site commences. (Reason: To enable the Local Planning Authority to exercise proper control over the details of development in the case of an outline planning permission granted under Article 3 (1) of the Town and Country Planning (General Development Procedure) Order, 1995, and to facilitate the phased implementation of the planning permission)
- (05) The submission of further details required by the conditions contained within this decision (where applicable) shall be accepted by the Local Planning Authority on a phase by phase basis by reference to that part of the development which is then proposed to be implemented and references to compliance "before the development and/or works is/are commenced" shall be construed as references to "before the relevant part of the development and/or works is/are commenced". (Reason: To enable the Local Planning Authority to exercise proper control over the details of development in the case of an outline planning permission granted under Article 3 (1) of the Town and Country Planning (General Development Procedure) Order, 1995, and to facilitate the phased implementation of the planning permission)
- (06) Prior to the commencement of any demolition or construction works a Demolition Method Statement and Construction Method Statement shall be submitted in writing to the Local Planning Authority for approval in consultation with Network Rail. Demolition and construction shall only then commence in accordance with those approved details. (Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses)
- (07) Prior to the commencement of each individual phase of above-ground works, excluding demolition and enabling works, full details of the materials to be used in the construction of the external materials of the buildings hereby approved (including a Glint and Glare Study if required) 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)

- (08) Details of a Design Code shall be submitted in writing to the Local Planning Authority for approval prior to or in conjunction with the submission of the first details of reserved for subsequent approval. The plan shall identify all details to maximise the quality and legibility of the public spaces, to help reinforce local character and accessibility and to ensure a high quality finish to the development. The construction of the proposed development shall then be carried out in accordance with the details set out within the approved Design Code. (Reason: To ensure a suitable standard of development and in the interests of good design and sustainability. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan)
- (09) Prior to any works of demolition or construction the tree protection measures as set out on drawing number C151789-01-02-Rev00 of the Arboricultural Impact Assessment and Method Statement by Middlemarch Environmental dated January 2020 shall be in place and shall be retained for the duration of the demolition and construction works. The land so enclosed shall be kept clear of plant, building materials, machinery and other objects and the existing soil levels not altered. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (10) A landscape management plan, setting out management and maintenance responsibilities for all hard and soft landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved and shall remain in force for as long as the development remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (11) No development shall commence (excluding demolition and enabling works) until a surface water drainage scheme, based on sustainable drainage principles, has been submitted in writing to the Local Planning Authority for their approval in consultation with Thames Water and Network Rail. The drainage scheme should demonstrate that the surface water run-off generated by critical storms up to and including the 100 year storm + 40 % climate change uplifts will not exceed the drainage capacity of the site. The scheme should be in accordance with the proposal in Flood Risk Assessment and Drainage Strategy, by Waterman Infrastructure and Environment Limited, dated January 2020. (Reason: To prevent the increased risk of flooding and to prevent pollution of the water environment)
- (12) No dwelling shall be occupied until a verification report (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 in writing to the Local Planning Authority for approval. No dwelling shall be occupied until the verification report has been approved in writing by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons and any installation of any surface water structures and control mechanism. (Reason: To prevent the increased risk of flooding, to improve and protect

water quality, improve habitat and amenity and ensure the future maintenance of the surface water drainage system)

- (13) 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. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (14) Prior to the first occupation of any buildings on the site, a comprehensive scheme to provide site security measures, including details a CCTV system to the cycle stores, refuse stores, external amenity areas and parking areas and 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)
- (15) Prior to first occupation of the development hereby permitted, full details of a scheme for the storage of waste/recycling 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: To ensure a satisfactory standard of development)
- (16) The provision of cycle storage as indicated on drawing No. 20-M001-005C, shall be in situ and ready for use prior to the development hereby permitted being occupied. (Reason: To ensure a satisfactory standard of development)
- (17) Prior to first occupation of the development hereby approved, a residential 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:
  - A car park management strategy;
  - The identification of targets for trip reduction and modal shift;
  - The methods to be employed to meet these targets;
  - 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;
  - The mechanisms for reporting;
  - The penalties to be applied in the event that the targets are not met;
  - The mechanisms for mitigation;
  - Implementation of the travel plan to an agreed timetable or timetable and its operation thereafter; and

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

- (18) Prior to first use of the development, a car park management plan, 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)
- (19) No above ground development approved by this permission shall take place until a Phase II site investigation has been undertaken in accordance with the recommendations of the EAME Phase I Contaminated Land Assessment report dated January 2020 (Ref: 019-1729 REV01). This shall be submitted in writing to the Local Planning Authority for approval. Where found to be necessary by the Phase II 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. Development shall only then proceed in accordance with the recommendations of the Phase II report and remediation strategy. (Reason: To protect human health and the environment)
- (20) Prior to any permitted dwelling being occupied 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. (Reason: To protect human health and the environment)
- (21) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded to the Local Planning Authority for approval. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works have been implemented and this has been verified by the Local Planning Authority in writing. (Reason: To ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990)
- (22) The development hereby permitted shall not commence (excluding demolition and enabling works) 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 in writing 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 in writing to the Local Planning Authority for approval. Development shall only proceed in accordance with the approved monitoring and maintenance plan. (Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures)
- (23) Prior to the commencement of above-ground development, details of a scheme of measures to mitigate the impacts of climate change and to deliver sustainable and resource efficient development through energy use reduction and efficiency and renewable and decentralised energy shall be submitted to the Local Planning Authority in writing for approval. The scheme should achieve the 2013 Building Research Establishment Environmental Assessment Method (BREEAM) 'Good' status. The scheme shall be installed before occupation of the development and shall be used and retained thereafter for so long as the development remains in existence. (Reason: In the interests of sustainability)
- (24) No above ground development shall commence until a scheme for protecting the proposed dwellings from noise arising from road, rail and air traffic and from neighbouring commercial premises has been submitted in writing to the Local Planning Authority for approval. The scheme shall follow the recommendations identified in the Waterman Planning Noise Assessment report (Ref: WIE16447-1010-R-1-1-5) dated January 2020. None of the dwellings shall be occupied until such a scheme has been implemented in full accordance with these approved details, and shown to be effective, and it shall be retained as approved thereafter. (Reason: To protect the amenities of future occupiers of the development)
- (25) Prior to any hereby permitted use commencing, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the commercial elements of the development shall not exceed the existing background noise level inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics when measured or calculated according to the provisions of BS4142:2014 (as amended). None of the dwellings shall be occupied until such a scheme has been implemented in full accordance with these approved details and it shall be retained as approved thereafter. (Reason: To protect the amenities of existing and future occupiers)
- (26) 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 (to include the design of the lighting unit, any supporting structure and the extent of the area to be illuminated). 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 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)
- (27) No buildings hereby permitted shall be occupied until a scheme to assess the operational phase of air quality impacts has been submitted in writing to the Local Planning Authority for approval. Operations at the site should only then proceed in accordance with the approved air quality assessment. (Reason: To protect the amenities of existing and future occupiers)
- (28) Prior to the commencement of the development of each individual phase, a detailed Construction Environmental Management Plan (CEMP) shall be submitted in writing to the Local Planning Authority for approval. The plan shall include the following:
- (a) The construction programme and phasing;
  - (b) Hours of operation, delivery and storage of materials;
  - (c) Details of any highway works necessary to enable construction to take place;
  - (d) Parking and loading arrangements;
  - (e) Details of hoarding;
  - (f) Management of traffic to reduce congestion;
  - (g) Control of dust and dirt on the public highway;
  - (h) Details of consultation and complaint management with local businesses and neighbours;
  - (i) Waste management proposals;
  - (j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour;
  - (k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter. (Reason: In the interests of highway safety and the control of environmental impacts)

- (29) No properties shall be occupied until confirmation has been provided to the Local Planning Authority in writing that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. (Reason: Sewage treatment upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents)

- (30) 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. (Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants)
- (31) Full details of the proposed boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval in consultation with Network Rail before any occupation of the development. The approved boundary treatment shall be installed prior to occupation of the dwellings and be retained for so long as the development hereby permitted remains in existence. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area)
- (32) Any works involving excavations below the chalk groundwater table (for example piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the chalk aquifer. (Reason: To prevent pollution of the water environment)
- (33) The on-site drainage system should incorporate an oil/water interceptor which acts to prevent petrol/oil being discharged into the surface and groundwater network. (Reason: To prevent pollution of the water environment)
- (34) Affinity Water should be notified at least 15 days in advance of commencing groundwork. (Reason: To enable Affinity Water to intensify monitoring and to plan for potential interruption of the service)
- (35) 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 telecommunications equipment shall be affixed to the roofs of the buildings erected without the prior planning permission of the Local Planning Authority. (Reason: To ensure the satisfactory appearance of the completed development)
- (36) The development hereby approved shall not be occupied until the necessary off-site highway works on Kimpton Road and in the vicinity of the site required as a result of the development, have been installed, at the developer's expense, in accordance with a scheme submitted to the Local Planning Authority in writing for approval prior to occupation. Written notification of the completion of the required works shall be provided to the Local Planning Authority before the development hereby approved is occupied. (Reason: In the interests of sustainable travel and to enable the achievement of objectives in the Travel Plan)

- (37) The ecological impact mitigation measures, as indicated within the Preliminary Ecological Appraisal by Middlemarch Environmental dated November 2019 (and the subsequent submitted survey reports), shall be implemented as approved prior to first use of the development hereby permitted and shall be retained for the lifetime of the development where necessary. (Reason: To protect ecological interests on the site)
- (38) No dwellings shall be occupied until a scheme to provide for children's playspace at the northern-end of the site has been submitted in writing to the Local Planning Authority for approval. No dwelling shall be occupied until the playspace has been provided in accordance with the approved scheme. (Reason: To ensure the provision of quality play spaces in the development)
- (39) This permission is for a development of no more than 1,000 dwellings with a height no greater than 16 storeys. (Reason: To ensure that the development is limited to that which has been assessed in terms of its impacts and to ensure a suitable environment for future occupiers and employees)

(ii) That delegated authority be granted to the Head of Development Management to make minor alterations to the conditions including adding or deleting following the Committee resolution to grant permission (should any be required);

(iii) That following the grant of permission that delegated authority be granted to the Head of Development Management to determine any subsequent planning applications related to this development both seeking minor material amendments to the development (Section 73 applications) or minor variations to the accompanying legal agreement (Section 106A applications).

**(Notes: (i) Agenda Items were considered in the following order:  
Agenda Items 11, 7, 8, 9 and 10**

**(i) Councillor A. Hussain declared a personal and prejudicial interest in respect of Agenda Item 7 – Luton and Dunstable University Hospital, Lewsey Road, Luton, as a local authority appointed Governor of the hospital Board. He was removed from the online skype meeting and did not take part in the discussion or the decision regarding this item only;**

**(iii) Councillor Franks declared that he had received a letter from an objector to Item 10, The Old English Gentleman, 17 Hitchin Road, which he had read, but had not communicated with the objector. He therefore took part in the discussions and voting on the item.**

**(iv) The meeting ended at 8.00 p.m.)**