

**AGENDA ITEM**

**2.1**

**DEVELOPMENT CONTROL COMMITTEE**

**27<sup>TH</sup> MARCH 2019 at 14.00**

**PRESENT:** Councillors D. Taylor (Chair), Lewis (Vice-Chair), M. Ayub, Agbley, Campbell, Chowdhury, MJ Dolling, Franks, Hussain and Rivers.

**23. APOLOGY FOR ABSENCE (REF: 1)**

An apology for the meeting was received on behalf of Councillor Dr Saleem.

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

**Resolved:** That subject to apologies for absence from Councillor MJ Dolling in respect of the meeting held on 11<sup>th</sup> March 2019, being noted, that the Minutes of the meeting of the Committee held on 11<sup>th</sup> March 2019 be taken as read, approved as a correct record and signed by the Chair.

**25. NEW CENTURY PARK PLANNING APPLICATION, LUTON (REF: 7)**

The Planning Consultant reported on Application No. 17/02300/EIA submitted by London Luton Airport Ltd for planning permission in relation to (1) outline permission for a new business park comprising office space (class B1), warehouse and industrial space (class B2 and B8), mixed employment space (class B1/B2/B8), a hotel (class C1), cafe space (class A3); energy centre (sui generis), internal access roads; car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection; and relocation of the airport car hire centre; (2) full permission for the construction of a 2km Century Park Access Road incorporating a new junction on the A1081, alterations to the existing airport way roundabout, alterations to Frank Lester Way, a newly created access from Eaton Green Road, a new roundabout providing access into the business park, demolition of buildings, provision of replacement car parking (temporary and permanent), associated earthworks, landscaping, surface water drainage and utilities diversions; the creation of new public open space including footpaths, landscaping and ecological mitigation; extension and alterations to Wigmore pavilion building to provide cafe (class A3) and additional community space; construction of a new skate park and children's play area; and construction of a replacement airport technical services building and associated parking at Luton Airport, Luton.

The Planning Consultant further reported that 975 neighbours had been notified and consulted on the application, and site notices were displayed in 12 locations in the area. The application was also advertised in the local newspaper, when it was first received and in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011; the application was again advertised when the further information was submitted. Furthermore, the application was advertised again prior to the meeting taking place. Whilst the initial advertisement mentioned the requirement under the Town and Country Planning (Development Management Procedure) Order 2015, it was not explicit that the application was being advertised as a major application or a departure from the development plan.

In accordance with the right to speak procedure the Applicants addressed the Committee, 2 objection letters were read out by the Joint Interim Development Management Service Managers and several Objectors addressed the Committee.

Councillors MJ Dolling and Chapman also addressed the Committee as ward councillors.

**Resolved:** (a) That Application No. 17/02300/EIA be **GRANTED** subject to: 1) Referral to Secretary of State as set out in 2(c) below, 2) the satisfactory completion of a S106 Agreement as set out in 2(b)(i) (3) the final date for any further comments from departure consultation (10.04.19) and review thereof as set out in 2(b)(ii); and 4) subject to the following conditions, (Appendix 1) some of which were amended pursuant to delegated authority being given to the Development Control Manager to amend the wording of conditions to ensure their effectiveness, delete any repetitive conditions and add any missing conditions

- (01) The requirements of Part II of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) are satisfied by reason of the Environmental Statement, and the Addendum, attached thereto including at least the following information:
  - (i) a description of development comprising information on the site, design and size of the development;
  - (ii) a description of the measures required in order to avoid, reduce and, remedy significant adverse effects;
  - (iii) the data required to identify and assess the main effects which the development is likely to have on the environment;
  - (iv) an outline of the main alternatives studied by the applicants and an indication of the main reasons for their choice, taking into account the environmental effects;
  - (v) a non-technical summary of the information under (i) to (iv) above.
- (02) It be recorded that, in making the decision on the application, the Committee has taken into account the environmental information comprising the Environmental Statement and the Addendum and that this information meets the minimum requirements of Part II of Schedule

4 to the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011 (as amended).

(b) The Committee further resolved to grant planning permission subject to (as set out below):

(i) The satisfactory completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to contain the following:

1. Public art contribution (£ 250,000) to provide public art in the main office plaza;
2. County Wildlife Site contribution (£ 250,000) to compensate for the loss of 5ha of County Wildlife Site with management of 7.5ha of Dallow Downs County Wildlife Site;
3. Biodiversity contribution (£ 30,000) to provide for the creation and management of new habitats within the site;
4. Replacement trees contribution (£ 35,000) to compensate for loss of trees with replacement planting across the borough;
5. Raynham Way Neighbourhood Park Play contribution (£ 35,000);
6. Roads and highway improvements contribution (£ 3,455,917) to secure highway improvements at a number of junctions in the vicinity to improve capacity, safety and reliability and a requirement to ensure that the junction improvements are completed before the New Century Park access road is brought into use;
7. Sports pitch and changing room re-provision contribution (£1,196,737) to offset the loss of playing fields and ancillary facilities with the contribution being used towards implementing one or more of the following projects:
  - i. Provision of a Step 5 Football Facility (an artificial grass pitch suitable for non-league senior football up to step 5 of the football pyramid and associated facilities (including parking provision and changing rooms) at Stopsley / Lothair Recreational Ground; Ely Way or Lewsey Park; and/or;
  - ii. The replacement of or improvements to existing adult football facilities (playing pitches and supporting facilities such as changing and parking) at either one or more than one of the following locations:
    - Stopsley/Lothair Recreation Ground, Luton, Bedfordshire; and / or
    - Lewsey Park Recreation Ground, Luton Bedfordshire
8. Measures to ensure the new open space for Wigmore Valley Park is provided in advance of any development taking place on the existing park and the provision of a maintenance specification to ensure the long term maintenance and management of the park;
9. Construction, employment, training and skills initiatives; and
10. An administration and monitoring fee of £6,000 associated with the provision of the enhanced Wigmore Valley Park and its maintenance/management specification).

(ii) Subject to the delegated authority regarding conditions referred to above, grant planning permission subject to the imposition of the conditions as set out below and that the grant of planning permission should be delegated to the

Development Control Manager upon the expiry of the consultation period and subject to no new material planning considerations being raised.

- (c) The Committee further resolved that the resolution to grant would be subject to its referral to the Secretary of State (following the expiry of the further consultation period), as required by the Town and Country Planning (Consultation) (England) Direction 2009.

### **General conditions**

- (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) Applications for approval of the access, appearance, landscaping, layout and scale (herein after called the “reserved matters”) for the first phase of the outline development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Thereafter, applications for approval of all reserved matters relating to subsequent phases of the development shall be made to the Local Planning Authority before the expiration of two years from the date of approval of the last of the reserved matters of the preceding phase. (Reason: To ensure a satisfactory standard of development in accordance with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).
- (03) Full details and particulars of the reserved matters referred to in condition 02 above shall be submitted to and approved in writing by the Local Planning Authority before any development of the outline element of the scheme is commenced (phases 2, 3 or 4). (Reason: To ensure a satisfactory standard of development in accordance with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).
- (04) The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and documents listed in Appendix 2, or as shall have been otherwise approved in writing by the Local Planning Authority. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP2, LLP6, LLP13, LLP14, LLP31, LLP32, LLP36, LLP37 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and the aims and objectives of the NPPF).
- (05) The development hereby permitted shall be limited to the following:
- 29,400sqm B1(a) office floorspace;
  - 13,000sqm flexible office/industrial floorspace;
  - 11,700sqm B2 general industrial and B8 storage;
  - 2,950sqm Technical Services Building;
  - 685sqm sui generis use comprising two buildings, one an energy centre and the other a recycling centre;
  - 7,200sqm (145 bedroom) hotel;

- 225sqm ancillary retail;
- Between 3,200 and 3,500 car parking spaces within New Century Park, the extended long stay car park and the relocated car hire facility in the Central Terminal Area;
- New and enhanced park (including refurbished Pavilion Building, children's play areas, skate park, parkland, footpaths, ancillary park furniture, orchard, woodland and shrub planting, and habitats); and
- Associated access, highways, structures (including bridge, retaining walls and embankments), public realm, landscaping and ancillary works.

(Reason: To ensure the development is carried out in accordance with the planning permission and to ensure that any development that is carried out is that which has been assessed. To accord with the objectives of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan 2011-2031 (November 2017)).

### **Archaeology condition**

- (06) No development shall take place until a written scheme of heritage asset resource management (SHARM) has been submitted to and approved in writing by the Local Planning Authority. The SHARM shall include provision for preservation and management in situ (where possible); archaeological investigation and recording and an outline strategy for post excavation analysis and publication. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme. (Reason: This condition is pre-commencement as a failure to secure appropriate archaeological investigation in advance of development would be contrary to paragraph 141 of the National Planning Policy Framework (NPPF) that requires 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 Policy LLP30 of the Luton Local Plan 2011-2031 (November 2017)).

### **Demolition/construction conditions**

- (07) No development shall commence until a detailed Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, 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 arrangements;
  - e. Details of piling operations and mitigation measures to be employed (including the acoustic screen adjacent to the Holiday Inn);
  - f. Details of hoarding;
  - g. Traffic Management Plan to reduce congestion (including route signage and travel demand management);

- h. Materials Management Plan (to include topsoil removal, storage and re-use);
- i. Provision of a Dust Management Plan (including control of dust during demolition, construction, earthworks and the control of dust and dirt on the public highway);
- j. Details of consultation and complaint management with local businesses and neighbours;
- k. Site Waste Management Plan;
- l. Mechanisms to deal with environmental impacts such as noise, air quality, light and odour.

The development shall be carried out in accordance with the Construction Environmental Management Plan as approved. (Reason: To enable the Local Planning Authority to exercise proper control over the development proposed, in the interests of securing a satisfactory standard of work and of highway safety and the control of environmental impacts. To accord with the objectives of Policies LLP1, LLP25, LLP31 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and to ensure the M1 Motorway continues to serve its purpose as part of a national system in accordance with section 10 of the Highways Act 1980).

- (08) No impact piling shall commence until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to control noise and measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Reason: To ensure adequate safeguards are taken during construction of the development, having regard to existing ground conditions, and to prevent pollution of the water environment and risk to other receptors. To accord with the objectives of Policies LLP1, LLP36 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).

### **Air quality conditions**

- (09) No development shall commence until a scheme of air quality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme prior to the first occupation of any buildings. (Reason: To prevent pollution of the environment and protect local air quality. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).
- (10) No development within Phase 3 or Phase 4 (as shown on drawing 089916\_050\_40 RevPL02) shall commence until a suitable Air Quality Assessment has been undertaken, submitted to and approved in writing by the Local Planning Authority to address the inclusion of any combined Heat and Power plant or similar installations. The assessment shall be undertaken in line with all current relevant guidance and standards. The report shall identify suitable measures to mitigate the impacts to any

sensitive receptors identified. The development shall be carried out in accordance with any approved plan or mitigation. (Reason: To prevent pollution of the environment and protect local air quality. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).

### **Unexploded ordnance condition**

- (11) No development shall commence until an Unexploded Ordnance (UXO) site safety and emergency procedures plan has been submitted to and approved in writing by the Local Planning Authority. (The Development shall only be carried out in accordance with the approved UXO site safety and emergency procedures plan). (Reason: To reduce risk from Unexploded Ordnance to an acceptable level, as the site lies within an area that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing).

### **Contamination/remediation conditions**

- (12) No phase of development shall commence until a remediation strategy to deal with the risks associated with contamination of the site for that phase has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
    - i. all previous uses;
    - ii. potential contaminants associated with those uses;
    - iii. a conceptual model of the site indicating sources, pathways and receptors considering both the current condition and proposed future usage of the site; and
    - iv. potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors (current and future) that may be affected, including those off site. This must include a detailed hydrogeological risk assessment using site specific groundwater level and quality data to assess risks to controlled waters considering the current site conditions and the anticipated conditions post development. In addition, the hydrogeological risk assessment must assess the potential for leachate mobilisation / expulsion caused by disturbance and changes in loading in the historical Eaton Green landfill area that may occur as a result of the development.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved. (Reason: The proposed development overlies land that has been historically utilised for potentially contaminative land uses. This condition is required to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with and in order to protect human health. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and paragraph 170 of the NPPF).

- (13) Before each phase of development is brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy for that phase, and the effectiveness of the remediation, shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. (Reason: The proposed development overlies land that has been historically utilised for potentially contaminative land uses that may have resulted in soil and or groundwater contamination. Where such contamination is identified to present an unacceptable risk to groundwater within the context of the conceptual site model (CSM), controlled waters risk assessment, remediation strategy and verification plan, a verification report is required to demonstrate the remediation of the site has been successful and that residual contamination at the site no longer presents a risk to controlled waters. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and paragraph 170 of the NPPF)
- (14) The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority. (Reason: The Addendum to the Environmental Statement (GL Hearn Ltd, August 2018) submitted in support of this application indicates that groundwater beneath the proposed development site is already impacted with contaminants associated with the historical usage of the site. The groundwater monitoring and maintenance programme will provide data to demonstrate that no further deterioration of groundwater quality beneath the site has occurred as a result of the proposed development. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).
- (15) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. (Reason: No



site investigation can completely characterise a site and contamination may exist or in areas where contamination was not expected and therefore not included in the original remediation proposals. To ensure that the development 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. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and paragraph 170 of the NPPF).

- (16) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason: The previous use of part of the proposed development site as a landfill receiving mixed inert, industrial, commercial and domestic wastes presents a high risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS) leading to pollution of controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal aquifer. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).
- (17) Piling and other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority with details to be submitted to and approved in writing by the Local Planning Authority (including details of a piling risk assessment to detail steps to prevent overlying contaminated materials from impacting the chalk aquifer). The development shall be carried out in accordance with the approved details. (Reason: Piling using penetrative methods can result in risks to groundwater from by introducing pollutants / turbidity, mobilising contamination, drilling through different aquifers and creating preferential pathways. Groundwater is particularly sensitive in this location because the proposed development site is located upon a Principal aquifer. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and with paragraph 170 of the NPPF).
- (18) A scheme for managing any redundant boreholes, shafts, tunnels and adits, including boreholes installed for the investigation of soils, groundwater or geotechnical purposes, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes, tunnels, shafts and adits are to be decommissioned and how any boreholes that need to be retained, post development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to of each phase of development. (Reason: To ensure that redundant boreholes, shafts, tunnels and adits are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework and Position Statement A8 of the Environment Agency's Groundwater Protection: Principles and Practice. If these ground penetrations are not decommissioned correctly they can provide preferential pathways for contaminant movement which poses a risk to groundwater quality. Groundwater is particularly sensitive in this location because the

proposed development site is located upon a Principal aquifer. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).

### **Drainage conditions**

- (19) Before each phase of the development commences, a detailed surface water drainage design for that phase shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The design should include a maintenance and management schedule for the lifetime of the development.

The surface water scheme should be generally in accordance with the submitted flood risk assessment and drainage strategy with subsequent amendments and associated drawings as follows: New Century Park, Luton Flood Risk Assessment by Pell Frischmann, dated Dec 2017; London Luton Airport Century Park Access Road and New Century Park Drainage Strategy by Pell Frischmann, dated Dec 2017; Century Park Access Road Proposed Drainage Layout KQ30131H146 and KQ30131H147, Wigmore Valley Park Drainage Layout 083075 CA 0 GF DR CE 001 P02; New Century Park Outline Drainage Strategy Revised surface water layout KQ30131H182, Revision P4; Wigmore Valley Skate park Surface Drainage Plan WGMR-DLP01; Addendum to Century Park Access Road and New Century Park Drainage Strategy, August 2018; New Century Park, Luton Addendum to Flood Risk Assessment, RE30131/V006/P4A, July 2018. The surface water drainage scheme shall be implemented in accordance with the approved design before occupation of that phase. (Reason: To prevent an increased risk of flooding and surface water pollution; to improve and protect water quality, improve habitat and amenity and to accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and the NPPF).

- (20) Before each phase of the development is brought into use, a set of 'as built' drawings of the above drainage scheme together with a written statement by a suitably qualified person should be submitted to the Local Planning Authority, confirming that the scheme operates as designed. (Reason: To prevent an increased risk of flooding and surface water pollution; to improve and protect water quality, improve habitat and amenity and to accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017) and the National Planning Policy Framework (NPPF)).

- (21) No phase of the development shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from that phase of the development have been completed; or - a commercial buildings and infrastructure phasing plan has been agreed with the Local Planning Authority (in consultation with Thames Water) to allow additional buildings to be occupied. Where a commercial buildings and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed

commercial buildings and infrastructure phasing plan. (Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any network reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. To accord with the objectives of Policies LLP1 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).

### **Noise conditions**

- (22) Noise emitted from any fixed plant on site shall be at least 10dB lower than the existing background noise level as measured at the nearest noise sensitive location outside the site and the measurement should be made in accordance with BS4142:1997. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).
- (23) No development shall commence until details of the acoustic screen associated with the proposed New Century Park Access Road to the west of the Holiday Inn hotel (illustrated on drawing D-Q30131-H-0101 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include acoustic reduction properties, height, materials and colour. The scheme shall be implemented in accordance with the approved plans and thereafter permanently retained and maintained. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).

### **Design and sustainability conditions**

- (24) Details of a Design Code for the light industrial quarter (Phase 2), the office quarter and the hybrid quarter (both Phase 3), as shown on drawing 089916\_050\_01 RevPL02, shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the details reserved for subsequent approval for each phase. The Code shall identify all details to maximise the quality and legibility of the spaces, to help reinforce local character and accessibility, the details should ensure that these areas would be high quality. The construction of the proposed development shall then be carried out in accordance with the details set out within the approved Design Code. (Reason: In order that the Local Planning Authority may be satisfied as to the details of the development relating to appearance in the interest of the visual amenity of the area and having regard to the site's sensitive location. To accord with the objectives of Policies LLP1, LLP25 and LLP30 of the Luton Local Plan 2011-2031 (November 2017)).
- (25) No above ground works associated with the New Century Park access road shall take place until details of all structures (including embankments, retaining walls, bridges, fences and walls) have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason: In order that the Local Planning Authority may be satisfied as to the details of the development relating to appearance in the interest of the visual amenity of the area and having regard to the site's sensitive location. To accord with the objectives of Policies LLP1, LLP25 and LLP30 of the Luton Local Plan 2011-2031 (November 2017)).

(26) No above ground works within a phase of the development shall take place until a detailed scheme of feasible on-site sustainability measures covering:

1. The sourcing of materials to be used in the construction of and fitting out of the buildings (involving reuse, recycling and other sustainable sourcing);
2. Certification that the hotel, industrial units and offices would achieve a BREEAM Very Good rating and that the Technical Services Building would achieve at least a BREEAM Good rating;
3. The use of passive ventilation and other passive measures;
4. Reducing carbon emissions from the total energy needs (heating, cooling and power) by 25% from the 2010 Part L Building Regulations Standards for the overall outline phases (including from the on-site generation of renewable energy);
5. Details of arrangements to allow future connection to a centralised energy centre either on the site or in the locality (district heating network); and
6. Rainwater harvesting  
has been submitted for each phase and approved in writing by the Local Planning Authority. The scheme as approved for each phase shall be implemented prior to occupation of that phase unless otherwise approved in writing by the Local Planning Authority and retained and maintained thereafter.
7. Within 3 months of first use of the buildings a BREEAM Post Construction Certificate for the relevant buildings, issued by the BRE or equivalent licensing organisation, must be submitted to the Local Planning Authority to demonstrate that BREEAM targets in (b) above have been achieved. All the measures integrated shall be retained for as long as the development is in existence.

(Reason: To prevent an unsatisfactory form of permanent development. To accord with the objectives of Policies LLP1, LLP25 and LLP37 of the Luton Local Plan 2011-2031 (November 2017)).

(27) No above ground works within a phase of the development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority, giving details of how the buildings, open spaces and car parking address 'Secured by Design' principles. Each phase of the development shall be carried out in full accordance with the approved details and maintained thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).

- (28) No above ground works within a phase of the development shall take place until an external lighting strategy and details of CCTV for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. Lighting and CCTV for each phase shall be completed in accordance with the approved strategy for each phase prior to occupation of that phase, and shall be maintained in accordance with the approved details permanently thereafter. (Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).
- (29) No above ground works within a phase of the development shall take place until details of the arrangements for storage and collection of refuse and recycling for the approved buildings and uses, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to occupation of each phase, and shall be maintained permanently thereafter. (Reason: To ensure adequate provision is made for storage and management of refuse and recycling, and to ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP38 of the Luton Local Plan 2011-2031 (November 2017)).

#### **Landscaping and tree conditions**

- (30) Before any building or engineering works within a phase are commenced on site the existing trees, shrubs and/or hedges to be retained shall be safeguarded against damage or injury by the erection of fencing or other suitable protection at a distance of not less than 2 metres from the tree trunk(s) or shrubs or hedging, and no plant, materials or other objects shall be stored or placed against any of the trees, shrubs or hedges. The protection measures referred to above shall be maintained during the whole period of site excavation and construction. (Reason: To safeguard the existing trees, shrubs and/or hedges on the site. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).
- (31) The Wigmore Valley Park landscaping shown on the approved drawings (series WVP-CAP-DR-L-101 to WVP-CAP-DR-L-109) shall be undertaken within the first planting season following commencement of development and shall incorporate the tree, hedgerow, groundcover and grassland species and quantities set out in the submitted Planting Schedule and Specification (ref; WVP-CAP-DR-L-210).

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: To

enable the Local Planning Authority to monitor the implementation of the approved landscaping scheme. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).

- (32) The landscaping reserved matter for each phase (referred to in condition 02) shall include full details of all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting. The landscaping scheme approved for a phase shall be carried out by a date not later than the end of the full planting season immediately following the completion of building operations within that phase. 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: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).
- (33) A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for each phase of the areas covered by the outline permission for all hard and soft landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of above ground works in that phase. The maintenance schedule shall be for a minimum period of ten years (for each phase) and include details of the arrangements for its implementation. The landscape 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. To accord with the objectives of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (November 2017)).

#### **Transport and parking conditions**

- (34) No above ground works within a phase of the development shall take place until details of cycle parking in accordance with the Local Plan cycle parking standards for that phase have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented prior to occupation of buildings within that phase and maintained in perpetuity afterwards. (Reason: To maximise cycling as a mode of travel to the site. To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LLP1, LLP25 and LLP32 of the Luton Local Plan 2011-2031 (November 2017)).
- (35) No occupation of any phase of the development shall commence until details of parking in accordance with the Local Plan parking standards for that phase has been submitted to and approved in writing by the Local Planning Authority. Parking shall be provided in accordance with the approved details prior to the first use of the approved phase, with these facilities to be permanently maintained thereafter. (Reason: To avoid the

creation of traffic congestion on the highway in the interests of safety and convenience of pedestrians and other road users. To accord with the objectives of Policies LLP1, LLP2 and LLP31 of the Luton Local Plan 2011-2031 (November 2017)).

- (36) No phase of the development shall be brought into use until a Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be broadly in line with the Framework Travel Plan prepared by Pell Frischmann (December 2017) and 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;
  - 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 and its operation thereafter; and
  - Mechanisms to secure variations to the Travel Plan following monitoring and review.

The Travel Plan shall be implemented as approved before occupation of the development. (Reason: To avoid the creation of traffic congestion on the highway in the interest of safety and convenience of pedestrians and other road users. To accord with the objective of Policies LLP31 and LLP32 of the Luton Local Plan 2011-2031 (November 2017)).

- (37) No part of phase 3 or 4 (as shown on drawing 089916\_050\_40 RevPL02) shall be occupied until the New Century Park access road and the link to Eaton Green Road have been completed and are ready for use. The link road between the New Century Park access road and Eaton Green Road shall not be provided and available for use in advance of the completion and opening of the New Century Park access road. (Reason: To avoid the creation of traffic congestion on the highway in the interest of safety and convenience of pedestrians and other road users. To accord with the objective of Policies LLP31 and LLP32 of the Luton Local Plan 2011-2031 (November 2017)).
- (38) No buildings within the Office Quarter, the Hybrid/Industrial Quarter or the Hotel, identified on drawing 089916\_050\_01 RevPL02 (proposed illustrative masterplan), are to be occupied until such time as the effects of traffic generated by such development and any identified relevant mitigation measures have been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highways Authority and Highways England). The mitigation measures shall be carried out in accordance with the approved scheme. (Reason: To ensure the M1 Motorway continues to serve its purpose as part of a national system of routes for through traffic, to satisfy the reasonable requirements of road safety on the M1 Motorway and connecting roads in accordance with section 10 of the Highways Act 1980).