

BOROUGH OF LUTON

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

PLANNING PERMISSION NOTICE

Name and Address of Agent (if any):

Neil Trollope
Everdene House Deansleigh Road
Bournemouth
Dorset
BH7 7DU

Name and Address of Applicant:

London Luton Airport Operations
Limited
London Luton Airport
Navigation House
Airport Way
Luton

Date of Application: 25th June 2015

Application No: 15/00950/VARCON

PARTICULARS AND LOCATION OF DEVELOPMENT:

Full planning application for dualling of Airport Way/Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) 12/01400/FUL - Variation of Condition 11 (i) - Noise violation limits.

London Luton Airport, Airport Way, Luton, Bedfordshire

The proposal is in conformity with (saved) Policy(ies) LP1, LLA1, ENV9, ENV10, T3, T8 and U3, of the Luton Local Plan, Plan for Growth 2011, National Planning Policy Framework 2012, Aviation Policy Framework 2013, National Infrastructure Delivery Plan 2016-2021, Luton Local Plan 2001-2011 and Emerging Luton Local Plan 2011-2031 (pre-submission version October 2015). Therefore, in pursuance of their powers under the Town and Country Planning Act 1990, the Council of the Borough of Luton HEREBY GRANT CONSENT for



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See Notes for Applicants Attached.

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the development described above in accordance with the details given in the application numbered above, subject to the following condition(s):-

- 1 Phase 1 of the development shall be carried out in accordance with the Phasing Scheme approved on 23 April 2015 (ref: 15/00159/DOC) and Phases 2 and 3 shall be carried out in accordance with the Phasing Scheme approved on 28 October 2016 (ref: 16/01484/DOC). Otherwise no development of any phases shall take place until a scheme for the Phasing of Development shall be submitted to the Local Planning Authority. The scheme as submitted shall include the timescales for commencement of each of the phases. The scheme as approved shall be implemented in full and in accordance with the agreed timescales.
- 1 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.*
- 2 The landscaping scheme shall be carried out in accordance with details approved on 21 May 2015 (ref: 15/00449/DOC). 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, damaged, diseased or defective, another tree or shrub of the same species and size as that originally planted shall be replanted in the same location or as otherwise detailed in the scheme. The scheme as approved shall be implemented in full within the first planting season following completion of each of the agreed phases within Condition 1.
- 2 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.*
- 3 The buildings shall be constructed in accordance with the details and samples approved on 12 November 2015 (ref: 15/00160/DOC).
- 3 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of*



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Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.

- 4 Phase 1 of the development shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 28 January 2015 (ref: 14/01471/DOC) and Phases 2 and 3 shall be carried out in accordance with the details contained in the Protected Species Management Plan approved on 8 May 2017 (ref: 17/00459/DOC).
- 4 *Reason: To safeguard any populations of these protected species on the application site. To accord with the objectives of Policies LP1 and ENV5 of the Luton Local Plan and the National Planning Policy Framework.*
- 5 Lighting associated with Phase 1 of the development shall be carried out in accordance with the details approved on 4 June 2015 (ref: 15/00451/DOC). No external lighting shall be installed within any subsequent phase of the development, other than in accordance with a scheme to be submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented in full and shall be subject to review in accordance with such agreed scheme.
- 5 *Reason: In the interests of amenity, aircraft and public safety. To accord with the objectives of Policies LP1, ENV9 and ENV10 of the Luton Local Plan and the National Planning Policy Framework.*
- 6 Phase 1 of the development shall be carried out in accordance with the Construction Environmental Management Plan approved on 14 August 2015 (ref: 15/00452/DOC) and Phases 2 and 3 shall be carried out in accordance with the Construction Environmental Management Plan approved on 8 May 2017 (ref: 17/00460/DOC).
- 6 *Reason: To minimise the environmental impact and disturbance to existing residents, vegetation and wildlife during construction of the development in accordance with Policies LP1 and ENV5 of the Luton Local Plan and the National Planning Policy Framework.*
- 7 The development shall be carried out in accordance with the archaeological Written Scheme of Investigation approved on 24 December 2014 (ref: 14/01496/DOC)



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- 7 *Reason: To ensure that the development allows for the recording of potential archaeological information. To comply with Policy ENV6 of the Luton Local Plan and the National Planning Policy Framework.*
- 8 At no time shall the commercial passenger throughput of the airport exceed 18 million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.
- 8 *Reason: To enable the Local Planning Authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy LP1 of the Luton Local Plan and the National Planning Policy Framework.*
- 9 The development shall be operated in accordance with the Noise Control Scheme approved on 2 March 2015 (ref: 14/01519/DOC).

For the avoidance of doubt the controls within that scheme include:

- i) Measures with the purpose of phasing out of night time (2300 to 0700) operations by aircraft with a QC value of greater than 1 on either departure or arrival.
- ii) Monitoring and review of the scheme not later than the 1st and 4th year after its introduction and every subsequent five years.
- iii) Limits during the night time period (2330 to 0600) of:
 - a) Total annual movements by aircraft (per 12 month period) of no more than 9,650 movements; and
 - b) Total annual noise quota movements of no more than 3,500 which, using all reasonable endeavours, shall be reduced at each review until it reaches a point where it does not exceed 2,800 by 2028.
- iv) Limits for the Early Morning Shoulder Period (0600 to 0700) of not more than 7,000 movements in any 12 month period.
- v) Reporting of the actual and forecast total number of aircraft movements for the preceding and next 12 months to the Local Planning Authority every three months.



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- vi) Within six months of the commencement of the development, a progressive reduction in the night-time (2300-0700) maximum Noise Violation Limits (NVL) by the noisiest aircraft shall be implemented, as follows:
 - o 80dB(A) the date hereof
 - o 79dB(A) from 1st January 2020
 - o 77dB(A) from 1st January 2028
 - vii) Within six months of the commencement of the development, a progressive reduction in the daytime (0700 - 2300) maximum NVL by the noisiest aircraft shall be implemented, as follows:
 - o 82 dB(A) the date hereof
 - o 80 dB(A) from 1st January 2020
- 9 *Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.*
- 10 The development shall be operated in accordance with the Noise report approved on 2 March 2015 (ref: 14/01519/DOC), including providing details of forecast aircraft movements and consequential noise contours as set out in that report.
- The area enclosed by the 57dB(A) Leq16hr (0700-2300) contour shall not exceed 19.4 sq km for daytime noise, and the area enclosed by the 48dB(A) Leq8hr (2300-0700) contour shall not exceed 37.2 sq km for night-time noise, when calculated by the Federal Aviation Authority Integrated Noise Model version 7.0-d (or as may be updated or amended).
- Within five years of the commencement of development a strategy shall be submitted to the Local Planning Authority for their approval which defines the methods to be used by LLAOL or any successor or airport operator to reduce the area of the noise contours by 2028 for daytime noise to 15.2sq km for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and for night-time noise to 31.6 sq km for the area exposed to 48dB(A) Leq8hr (2300-0700) and above.
- 10 *Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.*



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- 11 The development shall be operated in accordance with the Noise Control Monitoring Scheme as approved on 2 March 2015 (ref: 14/01519/DOC).

For the avoidance of doubt the controls include:

- i) Fixed noise monitoring terminals and track keeping system (vertical and horizontal)
- ii) Complaint handling system
- iii) Sanctions to be imposed on infringement by aircraft in respect of track keeping and noise violation limits in accordance with condition 9 (parts vi and vii) of this permission
- iv) Arrangements for the verification of the submitted information

A review shall take place not later than the 1st and 4th year after introduction and every subsequent 5 years.

- 11 *Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.*

- 12 The development shall be operated in accordance with the scheme to control ground noise approved on 2 March 2015 (ref: 14/01519/DOC).

- 12 *Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.*

- 13 The development shall be implemented in accordance with the Comprehensive Surface Water Management Strategy approved on 18 May 2015 (ref: 15/00187/DOC).

- 13 *Reason: To prevent surface and groundwater pollution. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*

- 14 The detailed surface water drainage scheme for Phase 1 shall be carried out in accordance with the details approved on 8 December 2015 (ref: 15/00291/DOC). No subsequent phase of development shall begin until a detailed surface water drainage scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be



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generally in accordance with the Flood Risk Assessment (FRA) prepared by Jacobs, reference B1074100/22.2, issue 3, dated November 2012,(within Technical Appendix J of the Environmental Statement submitted with application 12/01400) and the scheme shall include details of soakaways and a restriction in run-off and surface water storage on site. The scheme as approved shall be implemented in full before completion of the relevant phase.

- 14 *Reason: To prevent the increased risk of flooding and to improve and protect water quality, habitat and amenity. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*
- 15 Phase 1 of the development shall be carried out in accordance with the details approved on 24 March 2016 in relation to measures to deal with contamination (ref: 15/00756/DOC) and Phases 2 and 3 shall be carried out in accordance with the Contamination Risk Assessment Report approved on 7 April 2017 (ref: 17/00173/DOC).
- 15 *Reason The site is located in a sensitive groundwater area over a Principal Chalk Aquifer within a source protection zone 3. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*
- 16 No phase of the development shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase has first been 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 16 *Reason: To protect groundwater. To accord with the objectives of Policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*
- 17 If, contamination not previously identified is found to be present at the site during the construction of a phase of development, no further development of the phase shall be carried out until the developer has first submitted a



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remediation strategy for approval to the Local Planning Authority and that such a strategy shall have been approved in writing. The remediation strategy shall be implemented as approved.

- 17 *Reason: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered during excavation and development. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*
- 18 No infiltration of surface water drainage into the ground shall take place other than with the express written consent of the Local Planning Authority first having been obtained. The development shall be carried out in accordance with the approved details in accordance with an agreed timescale and phasing as applicable.
- 18 *Reason: To protect groundwater. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*
- 19 Phase 1 of the development shall be carried out in accordance with the details approved on 18 December 2015 in relation to piling (ref: 15/00756/DOC). No subsequent phase of the development which involves piling or other penetrative methods of forming foundations shall take place other than in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 19 *Reason: To protect groundwater. Piling can create new pathways for pollutants and introduce new contaminants into the subsurface. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*
- 20 Phase 1 of the development shall be implemented in accordance with the measures to protect existing monitoring boreholes approved on 11 May 2015 (ref: 15/00454/DOC) and phases 2 and 3 shall be carried out in accordance with the Borehole Protection Report approved on 28 March 2017 (17/00176/DOC).
- 20 *Reason: To safeguard the existing monitoring arrangements in the interests of the proper planning of the area. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*



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- 21 Phase 1 of the development shall be carried out in accordance with the foul drainage details approved on 14 August 2015 (ref: 15/00188/DOC).

Before the commencement of each subsequent phase, full details of the proposed means of foul drainage shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to each phase coming into operation.

- 21 *Reason: To prevent pollution of the water environment and to ensure a satisfactory form of development. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*

- 22 The car parking areas within Phase 1 shall be constructed and managed in accordance with details approved on 21 January 2016 (ref: 15/00659).

The scheme as approved shall be implemented in full prior to that phase coming into operation. The areas within the application site which are shown to be in use for car parking in the application details shall not be used for any other purpose other than the parking of vehicles by passengers, staff and contractors servicing the airport.

- 22 *Reason: To ensure that adequate provision is made for vehicles to park clear of the highway in the interest of road safety and to prevent unacceptable environmental impact on neighbouring residential areas. To accord with the objectives of Policies LP1 and T3 of the Luton Local Plan and the National Planning Policy Framework.*

- 23 The surfacing and drainage of car parking areas shall be carried out in accordance with the details approved on 22 September 2015 (ref: 15/00455/DOC).

- 23 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of policies ENV14 and T3 of the Luton Local Plan and the National Planning Policy Framework.*

- 24 The Passenger and Staff Travel Plan shall be implemented in accordance with the details approved on 23 September 2015 (ref: 15/00761/DOC).



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- 24 *Reason: To seek to reduce single occupancy vehicle trips to the site and to accord with the objectives of policy LP1 of the Luton Local Plan and the National Planning Policy Framework.*
- 25 The Highway Improvement Schemes (comprising [i] improvements to the airport access road and [ii] improvements to the Percival Way roundabout) shall be carried out in accordance with the details approved on 8 May 2015 (ref: 15/00456/DOC) or otherwise in accordance with the provisions of the agreement dated 11 November 2015 under Section 278 of the Highways Act 1980 (or any variation to or replacement of such agreement).
- 25 *Reason: To ensure that the public highway is not adversely affected by traffic arising from the development in accordance with Policies LP1 and T3 of the Luton Local Plan and the National Planning Policy Framework.*
- 26 The extensions to the passenger terminal hereby permitted shall not be brought into use for passengers unless and until either the approved highway improvement schemes referred to in Condition 25 have been carried out and completed by the applicant in accordance with the approved details or the applicant's obligations have fallen due under the agreement referred to in Condition 25 have been fully complied with.
- 26 *Reason: To ensure that the public highway is not adversely affected by traffic arising from the development in accordance with Policies LP1 and T3 of the Luton Local Plan and the National Planning Policy Framework.*
- 27 The development shall be carried out in accordance with the Renewable Energy Strategy approved on 23 September 2015 (ref: 15/00734/DOC).
- 27 *Reason: In the interests of sustainability and to reduce adverse environmental and energy impacts of the development. To accord with the objectives of Policy (ies) LP1, ENV9 and U3 of the Luton Local Plan and the National Planning Policy Framework.*
- 28 The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and specifications as set out in the schedule of documents and the Environmental Statement contained in the Terence O'Rourke letters dated 30th November and 14th December 2012 submitted with application 12/01400/FUL and with the following documents:



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- Noise Impact Assessment, Bickerdike Allen Partners dated 15 May 2015;
- Contour Methodology Update, Bickerdike Allen Partners dated 14 August 2015;
- Environmental Statement Addendum, Terence O'Rourke dated July 2015

28 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy(ies) LP1, LLA1, ENV9, ENV10, T3, T6, T8 of the Luton Local Plan.*

INFORMATIVES:-

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



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The plans/documents which are the subject of this decision can be viewed on the on-line planning system at www.eplan.luton.gov.uk by entering 15/00950/VARCON into the application search. Please note that the numbers given here are used so that the Document number and number on the decision notice are compatible. They are not the plan numbers on the drawings themselves used by the Applicant/Agent. The documents are viewable on the "Documents" tab and comprise the following Luton Borough Council numbers:-

PLAN NUMBERS AS SET OUT IN THE CONDITIONS ABOVE

NOTES

- 1.1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice or for certain applications from 01.10.13, within the following timescales:-

- a) within 28 days of the date of this notice for a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [see reference above]
- b) within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier if an enforcement notice is served relating to the same or substantially the same land and development as in your application
- c) within 12 weeks of the date of this notice for a decision to refuse planning permission for a householder application or for a minor commercial application
- d) within 8 weeks of the date of receipt of this notice for a decision to refuse express consent for the display of an advertisement

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

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

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

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

- 1.2 If permission to develop land is refused or granted subject to conditions, whether by



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the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he/she may serve on the Common Council, or on the Council of the District in which the land is situated as the case may be, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 1.3** In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him/her. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

2. Where this notice conveys the grant of planning permission, approval of reserved matters or discharge of condition(s):-

If the development involves the carrying out of works:-

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

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

Exceptions:

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

Any person who fails to comply with the above provisions is committing an offence and may be prosecuted.

- 3. This permission or approval does not exempt you from complying with Building Regulations and General Statutory Provisions in force in the District**



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and in particular does not override any public right of way which may exist.

4. The LPA takes a positive and proactive approach to development proposals with the aim of delivering quality outcomes to the benefit of the applicant, the Council and the community at large by providing access to development plan policies, offering a pre-application advice service and where practicable and appropriate through engagement with applicants/agents during the application process in accordance with the requirements of paras.186 and 187 of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2010 Article 31 (as amended) and having regard to the policies of the development plan and other material considerations. In this instance the LPA has worked in a positive way by assessing the application in a prompt and reasonable manner to achieve an acceptable outcome subject to the imposition of appropriate conditions and for the reasons stated above and as set out in the Case Officers report.

A handwritten signature in black ink, appearing to read 'J. A. B. Smith', with a long horizontal line extending from the end of the signature.

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