

BOROUGH OF LUTON

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
2015**

PLANNING PERMISSION NOTICE

Name and Address of Agent (if any):

Mr Gareth Wilson - Barton Willmore
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

Name and Address of Applicant:

Mr David Hartshorne - Luton And
Dunstable Hospital
Luton And Dunstable University
Hospital NHS Foundation Trust
Lewsey Road
Luton
LU4 0DZ

Date of Application: 11th February 2020 **Application No:** 20/00178/TEMP

PARTICULARS AND LOCATION OF DEVELOPMENT:

Temporary change of use of two sites to provide temporary car parking for staff at the Luton and Dunstable University Hospital with installation of associated furniture and landscaping works for a period of five years.

Land Rear Of 767-769 And 779-785 Dunstable Road, Luton, LU4 0HL,

The proposal is in conformity with Policies LLP1, LLP24, LLP25, LLP31, LLP32, LLP36, LLP37 and LLP38 of the Luton Local Plan 2011-2031. 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 the development described above in accordance with the details given in the application numbered above, subject to the following conditions:

- 1 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.
- 1 *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.*
- 2 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: 0001_P1, 0002_P1,



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See Notes for Applicants Attached.

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1010_P1, 1011_P1, 68600-P1, 68601-P1, DC01, DC02, DC03, DC04, DC08, DC09, DC10, DC11, DC12, LDH-MPA-96-00-DR-A-00001-P3, LDH-MPA-96-00-DR-A-00010-P2, LDH-MPA-96-00-DR-A-01010-P3, LDH-PER-ZZ-XX-DR-CE-0001b Rev. T3, LDH-PER-ZZ-XX-DR-CE-0002b Rev. T3, LDH-PER-ZZ-XX-DR-CE-0003 Rev. T2, LDH-PER-ZZ-XX-DR-CE-0004Rev. T2, LDH-PER-ZZ-XX-DR-CE-0009 Rev. T1, LDH-PER-ZZ-XX-DR-CE-0010 Rev. T1, LDH-PER-ZZ-XX-DR-CE-0011 Rev. T2, LDH-PER-ZZ-XX-DR-CE-0012 Rev. T1, 14380SI (Report) and 14380SI (Data and Background).

- 2 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 3 The car parks hereby permitted shall be used by staff of the Luton and Dunstable University Hospital only and shall at no time be available to the public.
- 3 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 4 No vehicular movements shall take place within the development hereby permitted within the hours of 22:00 to 07:00.
- 4 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of adjoining occupiers and the surrounding area.*
- 5 The boundary treatment, hard and soft landscaping, vehicular security barriers, demountable height restrictions and parking spaces, as indicated on plan Nos. 68600-P1, 68601-P1, LDH-PER-ZZ-XX-DR-CE-0001b Rev. T3 and LDH-PER-ZZ-XX-DR-CE-0002b Rev. T3, shall be installed, operational and ready for use prior to first use of the development hereby permitted.
- 5 *Reason: To ensure a satisfactory standard of development and to protect the amenities of surrounding residential occupiers.*
- 6 No development, including any works of demolition, shall take place until a Construction Method Statement (CMS) has been submitted in writing to the Local Planning Authority for approval. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local



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Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;

- (ii) the parking of vehicles of site operatives and visitors;
- (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;
- (ix) measures to control the emission of dust and dirt during construction; and
- (x) 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.

- 6 *Reason: To protect human health, the environment, the highway and the amenities of adjoining occupiers and surrounding uses.*
- 7 Notwithstanding the submitted plans, triangular pedestrian safety visibility splays of 1.8 metres x 1.8 metres shall be provided on each side of the vehicle access and egress points to the site. The splays shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splays so described shall be installed prior to first use and maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.



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- 7 *Reason: In the interests of highway and pedestrian safety.*
- 8 No motorised vehicular access to the car parks shall be permitted until a safety audit, examining the access and egress of the car park site, has been undertaken and submitted in writing to the Local Planning Authority for approval. Use of the car parks for the purposes of parking motorised vehicles shall not occur until the findings of that safety audit have been approved in writing by the Local Planning Authority.
- 8 *Reason: In the interests of highway and pedestrian safety.*
- 9 Prior to the first use of the development, a comprehensive scheme to provide site security measures to be in accordance with those stated within the submitted Operation and Security Statement (ref: DC02), 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 use and retained thereafter for the lifetime of the development.
- 9 *Reason: To ensure a satisfactory standard of development, to prevent crime and safeguard the living environment of surrounding residential occupiers.*
- 9 *Informative: The submitted lighting scheme shall be comprehensive, and at a minimum, provide both minimum and average LUX levels throughout all of the site, in addition to a statement of compliance with ILE Guidance.*
- 10 No above-ground works (excluding works of clearance and demolition) shall commence until a noise assessment relating to the car parks has been undertaken and submitted in writing to the Local Planning Authority for approval. The noise assessment shall identify all potential sources of noise likely to impact on surrounding residential occupiers, 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 surrounding residential occupiers. 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.
- 10 *Reason: To protect the amenities of adjoining residential occupiers.*



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- 10 *Informative: Details submitted in pursuit of discharging this condition should ensure that impacts and mitigation of engine idling are considered within the assessment.*
- 11 No above-ground works shall commence until an air quality impact assessment relating to the car parks has been undertaken and submitted in writing to the Local Planning Authority for approval.
- 11 *Reason: To safeguard the amenities of adjoining occupiers and in the interests of air quality.*
- 11 *Informative: Details submitted in pursuit of discharging this condition should ensure that impacts of engine idling are considered within the assessment.*
- 12 Pursuant to the satisfactory discharge of condition No. 11, and if the air quality impact assessment required by that condition has so indicated, an air quality management plan, including provisions for monitoring any specified actions and validating the outcomes, shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out only in accordance with the approved air quality management plan and the details therein shall be retained for so long as the development remains in existence.
- 12 *Reason: To safeguard the amenities of adjoining occupiers and in the interests of air quality.*
- 12 *Informative: Details submitted in pursuit of discharging this condition should ensure that mitigation of impacts resulting from engine idling are considered within the assessment.*
- 13 The development hereby permitted shall be carried out on in full accordance with the drainage strategy as indicated within plan/document Nos. DC08, LDH-PER-ZZ-XX-DR-CE-0003 Rev. T2, LDH-PER-ZZ-XX-DR-CE-0004 Rev. T2, LDH-PER-ZZ-XX-DR-CE-0009 Rev. T1, LDH-PER-ZZ-XX-DR-CE-0010 Rev. T1, LDH-PER-ZZ-XX-DR-CE-0011 Rev. T2 and LDH-PER-ZZ-XX-DR-CE-0012 Rev. T1. Site drainage shall be installed as approved prior to the first use of the development and shall be retained for the lifetime thereof.
- 13 *Reason: To prevent an increased risk of flooding.*
- 14 No infiltration shall be implemented and no soakaways shall be installed in contaminated ground.
- 14 *Reason: To prevent pollution of the water environment.*



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- 15 Prior to the commencement of works, confirmation of the appointment of a suitably qualified contaminated land practitioner(s), appointed to provide a watching brief, shall be submitted in writing to the Local Planning Authority for approval. That appointed person(s) shall be present from the commencement of ground works until the completion of hard surfacing hereby permitted.
- 15 *Reason: To prevent pollution of the water environment and protect human health and other receptors.*
- 16 Pursuant to condition No. 15, and should contamination be found, works are to cease immediately and a remediation strategy setting out a timetable of works and the proposed means of dealing with any contamination on site, including provisions of monitoring any specified actions and validating the outcomes, shall be submitted in writing to the Local Planning Authority for approval. The development shall then proceed in strict accordance with the remediation strategy thereby approved.
- 16 *Reason: To prevent pollution of the water environment and protect human health and other receptors.*

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The plans/documents which are the subject of this decision can be viewed on the on-line planning system at www.eplan.luton.gov.uk by entering 20/00178/TEMP into the application search. Please note that the numbers given here are used so that the Document number and number on the decision notice are compatible. They are not the plan numbers on the drawings themselves used by the Applicant/Agent. The documents are viewable on the "Documents" tab and comprise the following Luton Borough Council numbers:-

PLAN NUMBERS AS SET OUT IN THE CONDITIONS ABOVE

NOTES

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

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

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

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

Appellants seeking an inquiry are asked to give the Planning Inspectorate and local planning authority at least 10 days' notice that they intend to submit an inquiry appeal. In their email to you on 18 June, the Planning Inspectorate asked that you include reference to this pre-notification requirement in your decision notices, and that following receipt of a pre-notification, you should begin preparations for the inquiry, such as arranging legal and staff representation, take a view on whether you agree an inquiry is the appropriate procedure and identify suitable inquiry venues. More information can be found here

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



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which excuse the delay in giving notice of appeal.

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

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

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

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

If the development involves the carrying out of works:-

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

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

Exceptions:

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

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



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offence and may be prosecuted.

- 3. This permission or approval does not exempt you from complying with Building Regulations and General Statutory Provisions in force in the District and in particular does not override any public right of way which may exist.**
4. The LPA takes a positive and proactive approach to development proposals with the aim of delivering quality outcomes to the benefit of the applicant, the Council and the community at large by providing access to development plan policies, offering a pre-application advice service and where practicable and appropriate through engagement with applicants/agents during the application process in accordance with the requirements of paras.186 and 187 of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2010 Article 31 (as amended) and having regard to the policies of the development plan and other material considerations. In this instance the LPA has worked in a positive way by assessing the application in a prompt and reasonable manner to achieve an acceptable outcome subject to the imposition of appropriate conditions and for the reasons stated above and as set out in the Case Officers report.

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