

BOROUGH OF LUTON

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

PLANNING PERMISSION NOTICE

Name and Address of Agent (if any):

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BH7 7DU

Name and Address of Applicant:

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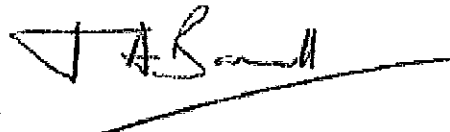
Date of Application: 3rd December 2012 **Application No:** 12/01400/FUL

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)

London Luton Airport, Airport Way, Luton, Bedfordshire

The proposal is in conformity with Policy(ies) LLA1, ENV9, ENV10, T3, T8, U3, NPPF, LP1, of the Luton Local Plan. 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 condition(s):-



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- 1 In respect of the matters to be considered where full details have been submitted, the development hereby permitted shall be begun not later than the expiration of five years beginning with the date of this permission.

- 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 In the case of any matter hereinafter reserved for the subsequent approval of the Local Planning Authority relating to the multi-storey car park and pedestrian link, approval shall be made not later than the expiration of (5) years beginning with the date of this permission and the development hereby permitted shall be begun not later than whichever is the later of the following dates:
 - (a) The expiration of (7) years from the date of this permission; or

 - (b) The expiration of (2) years from final approval of the matters hereinafter for the subsequent approval of the Local Planning Authority or in the case of approval on different dates, the final approval of the last such matter to be approved.

- 2 *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.*

- 3 No development shall take place until a scheme for the Phasing of Development as set out in Chapter 3 (Development Proposals) of the Environmental Statement shall be submitted to 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.

- 3 *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.*

- 4 No works or development shall take place until full details of a landscaping scheme to include all hard surfaces, grassed areas, tree and shrub plantings and the proposed times of planting, has been approved in writing by the Local Planning Authority. 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



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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 3.

- 4 *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.*

Design

- 5 No building within any phase of the development shall take place until details and or samples of the materials to be used in the construction of the external elevations, fenestration and roofs of the building(s), including the multi storey car park have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5 *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.*

Environment

- 6 Notwithstanding the surveys already carried out, prior to development commencing within any phase, a scheme shall be submitted to the Local Planning Authority for the safeguarding of Protected Species. The scheme shall include the carrying out of additional surveys to ensure that no material change will have taken place since any earlier survey upon which assessment and mitigation in the Environmental Statement is based. The details of any additional mitigation required as a result of the additional surveys shall be submitted for approval by the Local Planning Authority and implemented in full prior to the development of that phase of the development commencing.



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- 6 *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.*
- 7 No external lighting shall be installed within any 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.
- 7 *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.*
- 8 No demolition or development approved by this permission shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to the following details:
- (a) Lorry routing and traffic management (including control of delivery of materials)
 - (b) Noise control measures
 - (c) Dust control measures
 - (d) Site waste management
 - (e) Working hours
 - (f) Details of the local sourcing of materials
 - (g) Measures to prevent pollution of ground and surface water
 - (h) Measures to protect areas of vegetation and wildlife within the vicinity of the development during construction works
 - (i) Compliance with EA requirements relating to nature conservation specifically protected species
 - (j) Details of how the CEMP will be monitored on site



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Development shall thereafter be carried out in accordance with the details as approved and within agreed timescales.

- 8 *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.*
- 9 Prior to any excavation within any phase of the development commencing the applicant, or their agents or successors in title shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation including details of a phasing timescale. The scheme shall include access by any archaeologist nominated by the Local Planning Authority, to allow the observation of the taxiway extensions and other excavation works to facilitate the recording of any items of interest and finds within the site. The scheme as approved by the Local Planning Authority shall be implemented in accordance with the approved scheme and within identified timescales.
- 9 *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.*

Controls over operations

- 10 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.
- 10 *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.*

Noise



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- 11
- a) Prior to commencement of the development details shall be submitted to the Local Planning Authority of a Noise Control Scheme which shall control the noise of aircraft both during the day (0700 - 2300) and the night (2300 - 0700) period.
 - b) For the Night Quota Period (2330 to 0600) the scheme shall be based on the Noise Quota System count system (QC System) utilised by other UK Airports including Heathrow Airport.
 - c) The scheme shall include sanctions in relation to operators of aircraft which land or take-off in breach of the QC System and shall include exclusion of aircraft movements with a QC value in excess of QC2 during the night time (2300 to 0700), 6 months and more after commencement of the development. An 'aircraft movement' shall be either a landing or take off by an aircraft.
 - d) The scheme shall include details of the procedures to be adopted and shall include 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.
 - e) The scheme including the QC System shall be monitored and reviewed on a regular basis. Such a review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.
 - f) For the Night Quota Period (2330 - 0600) this shall have the following limits incorporated into the scheme:
 - (i) Total annual movements by aircraft (per 12 month period) shall be limited to 9,650;
 - (ii) The total annual noise quota in any 12 month period shall be limited to 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.
 - g) For the Early Morning Shoulder Period (06.00 - 07.00) this shall have the following limit incorporated into the schemes: Total annual movements by aircraft in any 12 month period shall be limited to 7000.
 - h) The actual and forecast total number of aircraft movements for the preceding and next 12 month periods shall be reported to the Local Planning Authority every three months



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i) Within six months of the commencement of development and in accordance with the approved Noise Control Scheme the maximum Noise Violation Limits (NVL) for all aircraft, as recorded by departing aircraft at the fixed noise monitoring terminals, shall be reduced to values which are determined by the noise classification of individual aircraft as follows:

Aircraft Classification on Departure	NVL (dBA)
QC 4 (daytime only)	85
QC 2	82
QC 1	79
QC 0.5 and below	76

j) 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:

- (i) 85 dB(A) from the date of the commencement of development
- (ii) 82 dB(A) from 1st January 2015
- (iii) 80 dB(A) from 1st January 2020

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 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 15.2km² for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and for night-time noise to 31.6 km² for the area exposed to 48dB(A) Leq8hr (2300-0700) and above.



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From the 1st January 2014 forecast aircraft movements and consequential noise contours (Day, Night and Quota Periods) for the forthcoming calendar year shall be reported on the 1st December each year to the Local Planning Authority, which shall utilise the standard 92 day summer contour.

- 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 Within 6 months of the development hereby permitted commencing a Noise Control Monitoring Scheme for the airport shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme or scheme review as applicable shall include, but shall not be confined to, the following:
- (i) Details of the fixed noise monitoring terminals and track keeping system (vertical and horizontal).
 - (ii) Details of the complaint handling system.
 - (iii) Sanctions to be imposed on infringement by aircraft in respect of noise limits and track keeping.
 - (iv) Arrangements for the verification of the submitted information.

Within six months of either commencement of development or the approval of the scheme by the Local Planning Authority, whichever is the later the scheme shall be implemented as approved. Such a review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.

- 13 *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.*

Ground Noise

- 14 Before any part of the development hereby permitted is commenced a scheme concerning ground noise associated with aircraft at the airport shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but not be confined to, the following:



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- i) Measures to limit the ground running of aircraft propulsion engines within Luton Airport between 2300 and 0700
- ii) Preferential use of stands and taxiways for arriving/departing aircraft between 2300 and 0700
- iii) Steps to limit the use of auxiliary power units (including the provision of fixed electrical ground power to stands and or suitably quietened ground power units)
- iv) No ground running of aeroplane engines for testing or maintenance purposes between 2300 and 0700 and designation of areas for such testing between 0700 and 2300.

Within six months of either commencement of development or the approval of the scheme, (or which ever is the later) by the Local Planning Authority, the scheme shall be implemented as approved. A review shall take place, not later than the 1st and 4th year after introduction and every subsequent 5 years.

- 14 *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.*

Drainage and contamination

- 15 The development hereby permitted shall not be commenced until such time as a Comprehensive Surface Water Management Strategy to outline the options for the monitoring and management of surface water runoff has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include:

- Methods to effectively manage acute and chronic pollution events.
- Requirements for additional storage or flow balancing to effectively deal with contaminated surface water runoff and provide details of effluent treatment infrastructure to handle effluent prior to disposal.
- Details of the proposed phasing.



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-Techniques to continuously monitor the quality and quantity of surface water runoff from all points of discharge to either groundwater or to surface waters.

The scheme shall be implemented as approved by the Local Planning Authority.

- 15 *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.*
- 16 No 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 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) 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.
- 16 *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.*
- 17 No development in respect of any phase of the development shall be commenced until a scheme to deal with potential contamination on the site of that phase shall be submitted to and approved, in writing, by the Local Planning Authority including:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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 that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy



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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 express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

- 17 *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.*
- 18 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.
- 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 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 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.
- 19 *Reason: Intrusive investigations will not necessarily capture all contaminants present, hence the need to appropriately address any new source discovered*



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during excavation and development. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.

20 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.

20 *Reason: To protect groundwater. To accord with the objectives of policy ENV14 of the Luton Local Plan and the National Planning Policy Framework.*

21 No 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.

21 *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.*

22 Before the development hereby permitted is commenced a scheme for the protection of existing monitoring boreholes shall first be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented.

22 *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.*

23 Before the development hereby permitted is commenced, 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.

23 *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.*



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Travel and Transportation

- 24 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. The car parking areas within each phase shall be constructed and managed in accordance with a scheme to be submitted for approval in writing by the Local Planning Authority prior to the development of each phase. The scheme as approved shall be implemented in full prior to that phase coming into operation.
- 24 *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.*
- 25 Details of the surfacing and drainage of any car parking area(s) provided in accordance with the requirements of this permission shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The development shall be implemented in accordance with the approved details prior to the car park coming into use.
- 25 *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.*
- 26 A scheme comprising a Framework Travel Plan shall be submitted to the Local Planning Authority prior to the development commencing. The scheme shall include the following:
- Review of the Framework Travel Plan
 - Passenger Travel Plan
 - Details of monitoring and improvements
 - Targets to be met
 - Penalties for failure to meet target



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The scheme as approved shall be implemented in full and be subject to a review following the 1st and 3rd year and subsequently each following 5 years, the details of which shall be submitted to and approved by the Local Planning Authority.

26 *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.*

27 No development hereby permitted shall commence until detailed drawings for the construction of the following highway improvement schemes have been submitted to and approved in writing by the Local Planning Authority:

- (i). Improvements to the airport access road
- (ii). Improvements to the Percival Way roundabout

The highway improvements shall be carried out in accordance with the plans approved by the Local Planning Authority.

27 *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.*

28 The extensions to the passenger terminal hereby permitted shall not be brought into use for passengers until the approved highway improvement schemes referred to in Condition 27 have been carried out and completed in accordance with the approved details.

28 *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.*

Renewable energy provision

29 The extensions to the terminal building shall be designed to minimise carbon emissions and energy demand in accordance with the objectives of the Design and Access Statement and Sustainability Statement. No development shall be carried out until details of a scheme for renewable or low carbon energy generating shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall propose measures to be taken with the purpose



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of achieving wherever practicable at least 10% of the total energy requirement of the extensions hereby approved being derived from renewable or low carbon sources. The development shall be carried out in accordance with the approved details.

- 29 *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.*

Approved drawings

- 30 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.
- 30 *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.*



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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 12/01400/FUL 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 "Associated Documents" tab and comprise the following Luton Borough Council numbers:-

Drawing number	LBC reference	Drawing Name
S1-01	31	Existing Site Plan
S1-02	32	Existing Site Location Plan
S1-03	33	Planning Application Boundary Plan
S2-01	34	Existing Lower Ground Floor Plan
S2-02	35	Existing Lower Mezzanine Floor Plan
S2-03	36	Existing Ground Floor Plan
S2-04	37	Existing First Floor Plan 1:500
S2-05	38	Existing Upper Mezzanine Floor Plan
S2-06	39	Existing Ground Floor Mezzanine Plan
S2-101	40	Existing Lower Ground Floor And Lower Mezzanine Area Plans
S2-102	41	Existing Ground Floor Area Plan
S2-103	42	Existing First Floor Area Plan
S2-104	43	Existing Upper Mezzanine Floor Area Plan
S3-01	44	Existing New Terminal Building And Link (Building A Elevations)
S3-02	45	Existing New Terminal Building East Elevation
S3-03	46	Existing Pier A And Immigration Hall Elevations 1 Of 2
S3-04	47	Existing Pier A And Immigration Hall Elevations 2 Of 2
S3-05	48	Existing Walkway A Elevations
S4-01	49	Existing Roof Plan
S5-01	50	Existing New Terminal Building Internal Long Section
S5-02	51	Existing New Terminal Building And Link Building A Cross Sections
S5-03	153	Existing Pier A Cross Sections
P1-02	01	Proposed Site Location Plan
P2-01 (P2-101 on drawing)	02	Proposed Lower Ground Floor General Arrangement Plan
P2-02	03	Proposed Lower Ground Mezzanine General Arrangement Plan
P2-03	04	Proposed Ground Floor General Arrangement Plan
P2-04	05	Proposed First Floor General Arrangement Plan
P2-05	06	Proposed Upper Mezzanine General Arrangement Plan
P2-06	07	Proposed Ground Floor Mezzanine General



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		Arrangement Plan
P2-701	09	Proposed Multi Storey Car Park Outline Plan
P2-1001	10	Proposed Lower Ground Floor And Lower Mezzanine Area Plans
P2-1002	11	Proposed Ground Floor Area Plan
P2-1003	12	Proposed First Floor Area Plan
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	143	Planning Supporting Statement
	144	Draft S106 Heads Of Terms
	145	Sustainability Statement
	146	Waste Management Statement
	147	Statement Of Community Involvement
	All documents within 148-ES	Environmental Statement Including The Following Assessments;
Chapter 1		Introduction
Chapter 2		Site Description
Chapter 3		Development Proposals
Chapter 4		Alternatives Considered
Chapter 5		Environmental Issues And Methodology
Chapter 6		Air Quality And Climate
Chapter 7		Cultural Heritage
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Chapter 9		Community And Economic
Chapter 10		Ground Conditions
Chapter 11		Landscape And Visual Impact Assessment
Chapter 12		Noise And Vibration
Chapter 13		Traffic And Transport
Chapter 14		Water Environment
		Non Technical Summary

Reasons for Granting Planning Permission:

1) Policy

The planning application was assessed against relevant national, regional and local planning and aviation policy, including the:

Plan for Growth 2011, National Planning Policy Framework 2012, Aviation Policy Framework 2013, National Infrastructure Plan 2013, Luton Local Plan 2001-2011 (saved policies). Section 143 of the

Localism Act 2011 inserts a new element into Section 70 (2) of the Town and Country Planning Act 1990 (as amended) and now reads:

'In determining planning applications the Local Planning Authority shall have regard to
(a) the provisions of the development plan so far as material to the planning application;
(b) any local finance considerations, so far as material to the application; (c) and to any



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other material considerations'.

For the purpose of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Luton Local Plan 2001 -2011 adopted in 2006(saved policies). The policies from the Local Plan that were relevant to the consideration and determination of this application were Policies LP1, ENV5, ENV6, ENV7, ENV9, ENV10, ENV14, T3 and T8

2) **Principle of Development**

The principle of the proposed expansion of London Luton Airport is considered to be acceptable as it accords with the objectives of both national and local planning policy. The proposal broadly complies with the development land use plans in the adopted Airport Development Brief SPG which supports the principle of the expansion of the Airport. This is also in line with the Development Plan Policy LLA1 of the Luton Local Plan subject to six provisos which this development is considered to accord with. The proposal would not result in aircraft noise levels above the 1999 level. The proposed development incorporates sustainable transportation measures. The proposed development provides car parking facilities that comply with the Airport Surface Access Strategy. The current plans for the next phase of the Airport's development will address the existing constraints and provide significant benefits to passengers, airport businesses the local economy and provide for the development of the Airport for the future. The NPPF notes with regard to airports that "*plans should take account of their growth and role in serving business, leisure, training and emergency service needs. Plans should take account of this framework as well as the principles set out in the relevant national policy statements and the Government Framework for UK Aviation*" (paragraph 33). The Government's current aviation policy is set out in the APF of March 2013. This has as a key priority the making better use of existing runway capacity at all UK airports. This is to be achieved through a suite of measures to improve performance, resilience and passenger experience, together with encouraging new routes and services and better integrating airports into the wider transport network. The principle of the proposed development accords with the national aviation policy. The proposed development is not therefore considered to be in conflict with national aviation policies.

3) **Sustainability**

The Environmental Statement carried out an evaluation of the current and predicted sustainability performance of the Airport, using both qualitative and quantitative information. The issues were grouped together and analysed under the following key themes, based on key issues identified at the Airport and topics discussed in the Sustainable Aviation Progress Report 2011, to provide a focus for the Airport's sustainability performance in terms of contribution to the local economy, addressing climate change, managing noise, addressing emissions to air, reducing waste



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generation and water use and supporting the community. The conclusion of the assessment was that the development as proposed performed very well in relation to the economy and community, and will lead to a number of significant beneficial effects in these areas. However, it performed less well in relation to the environment, with potential adverse effects identified in areas such as noise, climate change, waste generation and water use, although it should be noted that the majority of these effects would not be significant. These effects largely arise as a result of the increase in aircraft movements and a range of recommendations were provided to mitigate these potential adverse effects. Overall it is considered that the proposed development performs well in the context of the sustainability requirements of the NPPF. The opportunities to minimise the environmental effects have been identified that will seek to ensure that the gains are not at the expense of the environment. The proposed development will afford the opportunity to improve the Airport's operational efficiency, allowing its capacity to be optimised without significant physical expansion and so reducing the potential adverse environmental effects. The proposal is therefore considered to accord with the objectives of the NPPF in terms of sustainability and Local Plan Policies LP1 and U3.

4) Capacity

The information provided within the ES in respect of the existing capacity did not provide sufficient detail to be able to carry out a full assessment and establish with any certainty that the proposed expansion would not result in a capacity in excess of 18mppa. As such further information was requested in order to establish the existing operational capacity of the Airport, having regard to a number of initial consultation responses that raised concerns that this had not been fully established. The Council therefore carried out an independent assessment of the existing capacity prior to assessing the proposed expansion. This assessment acknowledged that airport capacity is not a single rigid number, that there are different approaches to estimating capacity and that at best capacity determination is an approximate science. In considering the supporting information regarding the proposal to develop the Airport to facilitate an increase in capacity to 18mppa and thereby secure the future of the Airport, The report that accompanied the ES carried out a detailed assessment of the airspace, runway and taxiway, apron, passenger terminal and surface access capacity. It came to an overall conclusion that the constraint to the overall capacity caused by the individual capacities of Airport operation were such that the levels of delay would in the longer term be unacceptable and that there was no short term solution available. This would support the view within the ES that the proposed expansion of the airport capacity is critical to the long term vitality and viability of the Airport.

The conclusion reached in determining the application is that the capacity at the Airport with the proposed developments would be between 18mppa and 20mppa. The range reflects the many normal uncertainties in capacity assessments, with the greatest of these being whether the existing patterns of traffic will continue (the lower end of the range), or whether historic peak ratios will return (the higher end of the range). While it



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is acknowledged that airport capacity is not a single rigid number, and that there are different approaches and variables to estimating capacity and that at best capacity determination is an approximate science, it is considered that the most effective way of achieving a certainty of the throughput would be in the form of a limit on the annual passenger numbers. This would be best achieved through the imposition of a condition limiting the passenger numbers to 18mppa, which would also safeguard the amenities of the surrounding area and thereby accord with the objectives of Local Plan Policy LP1 and the NPPF.

5) **Noise and Vibration**

The noise assessment within the ES examined the potential for noise effects during the construction of the proposed development; for increased noise during the operation from aircraft arriving and departing from the Airport; aircraft taxiing and manoeuvring on the ground and road traffic accessing the Airport. Within the ES for the current development proposals the assessment of the predicted airborne aircraft noise has indicated that the increase in noise associated with the proposed development would be approximately 1 to 3 dB and as such the number of people within the daytime 57 dB contour and the 48 dB night time contour is predicted to increase compared to 2011. The assessment of ground noise predicted an overall increase in general ground noise levels of less than 2 dB as a result of the increased aircraft movements which would not significantly increase disturbance. No more than a 1.3 dB increase in road traffic noise was predicted and as such it was considered that there will be no significant effects in terms of road traffic noise as a result of the proposed development. The Airport currently operates a Noise Action Plan which includes 55 measures designed to manage noise associated with aircraft. This was published by LLAOL in January 2012, following approval by DEFRA and was prepared in response to the Environmental Noise Directive (2002/49/EC), which required all Member States within the EU to produce Noise Maps and Action Plans for the main sources of environmental noise, including larger airports.

The ES proposed that this would continue but would be supplemented by a package of additional control measures including: a quota on the total level of aircraft noise during the night time period; restrictions on the noisiest aircraft; penalties for breaches of Airport noise limits; and initiatives to ensure that aircraft stay within preferential routes to minimise the potential noise impact. A new noise insulation grant scheme would also be introduced as a result of these proposals. It was considered that this package of mitigation measures would be compatible with best practice in the UK. It was considered that with the imposition of suitable conditions and S106 requirements the proposal therefore reflects both the aspirations of the APF and the NPPF and as such was considered acceptable.

6) **Traffic and Transport**

The Transport Assessment (TA) submitted as part of the ES examined in detail the



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existing surface access arrangements for the Airport together with the impact on them of the proposed expansion. The emphasis was on maximising the opportunities to promote the sustainable transport facilities that already exist in accommodating the proposed growth in passenger numbers. Rail, bus and coach usage currently accounts for just over 32% of all passenger journeys to and from the Airport and this is forecast to increase to just under 41% by 2028 resulting in a more than doubling (118% increase) in the number of passengers travelling by these modes. By comparison, the mode share for car use by passengers is predicted to decrease from a current level of around 51% to approximately 43% resulting in a much smaller increase (46%) in the number of passengers travelling by car. It is recognised that these are challenging targets but it is considered that they can be achieved through a range of initiatives. The S106 includes measures to be taken through travel plans. These include a Framework Employee Travel Plan (FETP) and further development of the statutory Airport Surface Access Strategy (ASAS). This will build on recent and planned improvements to public transport facilities in addition to those proposed as part of this application.

In addition, the methodology adopted for converting the forecast passenger numbers into vehicle trip generation data is considered to be an acceptable and robust model. In particular it uses a 'worst case' approach by combining the busiest period for non-airport background traffic (March/October) and a typical summer 'busy' day in August. Within the TA the proposed development included the following highway and transport improvements: Dualling of the access road from the Holiday Inn roundabout to the Central Terminal Area; Improvements to the Public Transport Hub adjacent to the terminal; Construction of a multi-storey car park on the western side of the existing Short Term Car Park, and an extension to the Mid Term Car Park. Additional highway and transport improvements are also proposed and include; A new all movements traffic signal controlled junction on Airport Way to provide access to the MTCP and a controlled pedestrian crossing of the proposed dual carriageway; revisions to the Holiday Inn roundabout to provide a traffic signal controlled junction linked to the MTCP junction and some controlled pedestrian crossing facilities; new traffic signal controlled junction will be provided at the junction of the improved Airport way with the revised circulatory carriageway/exit from the PTH, and the safeguarding of a corridor through the area to accommodate an onward route to link with Century Park if required. All of these improvements are to be provided either directly by the applicant by S106 agreement or via a S278 agreement directly with the Highway Authority. In summary, therefore, the focus will be on improving and maximising the public transport offer by building on recent improvements to the existing facilities through a range of measures linked to the FETP and ASAS. This is in line with Policy T1 of the Local Plan which seeks to promote development that encourages a shift in the modal split, with less reliance on the private car and enables greater use of sustainable transport. The focus for the highway improvements will similarly be on building on recent improvements to the East Luton Corridor and proposed M1 J10A improvement to continue to concentrate vehicular access via the M1 and, to a lesser extent, the A505



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Hitchin Road and Vauxhall Way. This approach accords with Policies T3 and T6 of the Local Plan which are concerned with the traffic implications of development and accommodate appropriate traffic management and highway improvements. The range of improvements proposed together with the additional measures proposed in the S106 and related conditions will address the predicted impact on the highway and transport network resulting from the growth in passengers. Regular monitoring of progress in meeting the mode share targets will also be key to assessing the success of the objectives as well as creating opportunities to review the measures through the Airport Transport Forum.

7) **Air Quality and Climate Change**

The air quality assessment carried out as part of the EIA primarily focused on the potential for effects on nitrogen dioxide levels at sensitive receptors in the vicinity of the Airport from increased aircraft movements and road traffic. It examined the potential for odours from aircraft on the ground and increased emissions of carbon dioxide from aircraft on the ground when taxiing or using auxiliary power units. It also examined the impact on air quality during construction in terms of dust. The detailed modelling assessment of the potential effects associated with the proposal related to changes to the Airport operations and traffic flows. The assessment concluded that it is unlikely that the annual mean nitrogen dioxide objective will be exceeded at residential properties on Eaton Green Road, the nearest residential receptor, as a result of increased emissions associated with the increase in traffic and aircraft movements arising from the proposed development. No significant effects on health are predicted as a result of the increase levels.

The proposed construction works are to be undertaken in areas that are remote from any residential properties and there are no residential receptors within 350m of the site boundary. Although the impacts of the construction activities including night time working are considered to be minimal, measures to mitigate dust emissions will be implemented during the demolition and construction phases of the development and this will be secured by way of a construction management plan that is to be secured by condition.

As there are no standard criteria that can be used to assess the significance of Climate Change emissions from individual airports. Emissions of carbon dioxide take place predominantly at altitude. The wider scale impacts are therefore relevant at the national and global scales that relate to emissions over a wider area than the Airport. The Committee on Climate Change produced a report on aviation in December 2009, agreeing that further growth in aviation could be reconciled with the Government's climate change objectives. The report considered that UK-sourced demand could grow by approximately 60% relative to a 2005 baseline. Although the proposed development would increase the carbon dioxide emissions above the baseline the increment to UK emissions represents an extremely small change. It is accepted that for those



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emissions outside the direct control of the Airport operator it will continue to work with all parties to facilitate continual improvements in the environmental performance. On that basis it is considered that the proposal meets the objectives of Policies LP1, LLA1 and the NPPF.

8) Ecology and Nature Conservation

The ES acknowledged that there are no nationally designated nature conservation sites within 2km of the Airport boundary. There are however 21 non-statutory designated sites within 2km of the site boundary. These are made up of 15 County Wildlife Sites (CWS) some of which are also designated as Ancient Semi-Natural Woodlands (ASNWs) or Plantation Ancient Woodland Sites (PAWS). An additional six sites are designated as ASNWs or PAWS. The closest of the CWS is Winch Hill Wood CWS and ASNW (to the east). This site along with George Wood and Withstocks Wood, which are both ASNWs and PAWS and located to the south of the Airport are considered to be of low ecological value. The ES considered that neither of these sites would be directly or indirectly affected by the proposed development.

Evidence of slowworms, smooth newts and common toads were found within the site during survey work in 2006 and 2012. The development of taxiway 'Foxrot' has the potential to result in the loss of habitat, currently occupied by the Bombardier Beetle, an invertebrate of County importance, which is rarely found, but is normally associated with coastal areas in south eastern England. Other varieties of beetle, crickets and weevil were also identified along with the Opomyzid fly (a species only scientifically identified in 1992). As a result of consultation with the Wildlife Trust and the Council's Ecologist, an additional habitat survey has been requested and it is further suggested particularly given the previous survey was carried out in March, which is not the ideal timing to capture ecological data for most species. The submission of this survey would update the information provided in the ES, rather than to identify potential new species. The ES also identified the need to carry out additional survey work in respect of the potential bat roosts within a number of out buildings within the site. Although clarification from the applicant has confirmed that the buildings in question have already been demolished. The condition, imposed on the permission will require additional survey work to be completed and submitted for consideration by the Planning Authority and this will safeguard any change in circumstances in the future. Further, the financial contribution in the S106 Agreement associated with the improved management of Wigmore Country Wildlife Site and habitat creation on site will help mitigate some of the local effects on nature conservation area within the application site. The proposals therefore accord with Policy EN5 of the Local Plan in terms of protection and enhancement of nature conservation.

9) Landscape and Visual Impact

The ES included an assessment of landscape and the visual impact of the development. Assessments were carried out from 14 publicly accessible locations



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around the Airport site. LLA is one of the highest airports in the UK and sits on a plateau. On a clear day, from certain viewpoints, some of the taller buildings in the Docklands area of London are visible. The Airport site is surrounded by a number of landscape designations including green belt and the Chilterns Area of Outstanding Natural Beauty. There is also a historic network of footpaths and bridleways (some of which may have previously linked across the site prior to the use of the site as an airport). During the assessment, 14 viewpoints were identified. These viewpoints included residential areas, footpaths, public roads, areas of public open space, Someries Castle (a scheduled monument) and Luton Hoo (a historic park and garden). The ES did consider the present effect of the Airport on the setting of both heritage assets, and considers the Airport activity is part of the surroundings in which the asset is experienced (and has been since the late 1930s). The new buildings are within the existing airport grouping, whilst the effects of changes to car parking, road layout and to signage or lighting will not be perceptible from the heritage assets. The increase in numbers of aircraft movements could be considered to have a visual impact on Someries Castle and Luton Hoo, but this is very difficult to quantify in terms of an assessment. The ES concludes that the proposed development would result in a slight adverse effect at Luton Hoo and a slight to moderate effect at Someries Castle through changes to the setting. In dealing with this aspect of the application the Council had regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which imposes a general duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their settings or any special architectural or historic interests which they possess. The NPPF (2012) also emphasises the importance of conserving the significance of heritage assets and their setting in chapter 12. It is considered that the main landscape and visual impacts have been properly assessed and the significant receptors identified. Whilst no mitigation is proposed, the addition of conditions that relate to the appearance of the multi-storey car park (the most visible structure), addresses the concerns raised by the consultees. The development is considered to comply with the objectives of Policies LP1 and ENV7 of the Luton Local Plan.

10) Water Environment

The ES considered the implication of the development on the surrounding water environment. In reviewing this three documents have been considered;

- Flood risk assessment (Jacobs, November 2012);
- London Luton Airport Surface Water Management Plan (Dec 2011-Dec 2012); and
- Phase 1 Environmental Assessment (WSP April 2006).

These technical reports informed a qualitative assessment of the likely impacts on the water environment and consider surface water runoff and impact on groundwater. In addition to the flood risk, there is also the need to prevent pollution of surface or groundwater during construction. A construction environmental management plan is to be prepared in accordance with the Environment Agency's Pollution Prevention



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Guidelines and this is secured by way of condition that requires the submission, approval and implementation. It is considered that the proposals therefore accord with Policy ENV14 of the Local Plan.

11) Cultural Heritage

The ES considered the implications for cultural heritage. An assessment was carried out to consider the historical context of the area and the potential for archaeology to be present. Given the secure nature of the site, the County Archaeologist noted that the site has not been surveyed in any detail previously, so the true implications are unclear, but it is possible that the site has potential for remains from the prehistoric period onwards. The ES referred to a number of flint tools being found at sites around the boundary of the Airport in 1995, which may have been associated with farming settlements, although there is no evidence to suggest that a prehistoric settlement lies within the boundary of the Airport. Coins and Roman pottery have also been previously found around Luton Hoo and given the location, close to the River Lea, Watling Street and Verulamium (St Albans), it is likely that Luton was occupied as an Anglo-Saxon settlement with suggestions of Roman activity. Central Bedfordshire Archaeology Unit, have proposed the imposition of a condition to require a more detailed survey to be carried out and allow access to the County Archaeologist during the course of works. The ES notes that a written scheme of investigation detailing a watching brief, particularly relating to areas of the site, which have been previously undisturbed, will be submitted. A condition has been imposed to address this point and this accords with the Local Plan Policy ENV6.

12) Impact on surrounding communities

The Airport sits at the heart of a growing, vibrant and diverse community and the airport operator is committed to engaging with the community to minimise adverse effects on amenity and enhance the quality of life of local people. The presence of a major international airport in close proximity to built up areas inevitably affects local environment and amenity and the Airport has been working with the community to address their concerns to the extent that the number of complaints has been declining steadily for several years. The Airport layout is such that there are no residential dwellings overlooking the aprons and taxiways. The main apron is shielded by a near continuous row of hangars and as such ground noise from auxiliary power units and taxiing aircraft is not therefore significant. Noise monitoring indicates that the dwellings on Eaton Green Road experience a much greater ambient level of noise from road traffic than ground noise associated with the Airport. Future noise control measures are included within the Airport's Noise Action Plan and the additional noise mitigation measures will help mitigate the potential effects on the local amenity on the community. The Airport operators are also proposing to provide a fund to be managed by the Consultative Committee that will provide grant funding to local residents for works such as noise insulation. This fund will be maintained on an annual basis as part of the ongoing development of the Airport. They will also continue to engage with relevant



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stakeholders, such as air traffic control, airline operators, local residents, MPs, environmental health officers and the Consultative Committee on a range of issues that have a direct impact on the surrounding community. The S106 Agreement includes obligations to this effect. Conditions are proposed to further address the noise implications of the development. It is therefore considered that the development as proposed complies with Local Plan Policies LP1, LLA1 and the NPPF.

13) **Economic Impact**

The Government published 'The Plan for Growth' in 2011, which recognises the need for improvements in the nation's infrastructure to facilitate economic growth. The National Infrastructure Plan 2013 continues to build on the Government's strategy for coordinating public and private investment in infrastructure. It recognises that the aviation sector is a major contributor to the economy, and that the Government supports growth with a framework which maintains a balance between the benefits of aviation and its costs (particularly noise and climate change). The Government believes that it is essential to maintain the UK's hub capability and to develop links from airports which provide point-to-point services. The adopted Local Plan identifies the Airport as one of a number of action areas and recognises the important contribution a successful airport can make to the regeneration and economic viability of Luton by the creation of new employment opportunities. Expanding the Airport will create opportunities for new routes and this would have significant beneficial effects for not only the local economy within Luton, but also within the wider area. The Section 106 includes an obligation for the Airport operator to commit to the support of a skills training service. It also requires them to commit to use reasonable endeavours to use local suppliers of goods and services from the local area and other local initiatives this in accordance with local policy including the Planning Obligations SPD adopted in 2007.

14) **Health Impact**

The Health Impact Assessment (HIA) considers the positives and negatives of the proposal and covers a wide range of topics, including changes to air quality, impact arising from sleep disturbance through to the benefits of a proposal through the wellbeing of the community for example, the creation of employment increasing personal finance, leading to opportunities to improve nutrition, self esteem and mental health. The HIA has been carried out in consultation with the Council's Health advisors, within the Primary Care Trust and is based on recognised published data which gives a profile of the community, its health, levels of deprivation and census data. The significant impacts that can be identified from the HIA are the impact from noise and air quality. Included within the HIA is an assessment of risk relating to communities living in or around the public safety zone (PSZ). As the safety record of aircraft has improved over time, with the modernisation of the fleet, a predicted fleet mix has been assessed within the HIA and whilst it shows a slight increase in length, the actual land occupied by the PSZ has decreased. Given that the increase in length predicted would currently



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extend over rural, less densely populated areas, the level of risk would decrease. It is therefore considered that the HIA element of the ES covers the issues of importance and within the proposed conditions and monitoring incorporated within a S106 agreement.

16) **Planning Obligations**

The application proposes that its impacts are to be mitigated by way of a comprehensive package of planning obligations to fund the improvements that are necessary as a consequence of development proposals at the airport to facilitate the increased throughput of passengers to 18mppa. A range of financial contributions including highway infrastructure improvements, community fund, noise insulation fund, skills training, environmental management together with a range of monitoring and management plans relating to securing the modal shift from car usage to public transport, commitment to the continuance of the Committees to monitor and manage the impact on the community. The proposed development would therefore mitigate external impacts and would accord with Policy IMP1 of the Luton Local Plan and the Supplementary Planning Document 'Planning Obligations' adopted in 2007.

17) **Environmental Impact Assessment**

The Environmental Statement, the subsequent submitted further information to the Environmental Statement and their various technical assessments, together with the consultation responses received from statutory consultees, other stakeholders and parties and the Council's own technical consultants enabled the Council to determine this application with the knowledge that subject to the imposition of conditions or mitigation measures secured in the S106 agreement the likely significant environmental impact of the proposed development can be mitigated to an acceptable level.

18) **Objections**

Whilst a large number of issues have been raised by objectors to the development proposals for the Airport, it is considered, for the reasons explained in the detailed analysis that planning permission should be granted for the development, subject to appropriate safeguards to ensure that necessary controls and mitigation measures are in place. This decision is taken on the basis of the proposed controls, mitigation measures and delivery commitments contained in the draft conditions and Heads of Terms for the S106 Agreement as set out in the committee report, which are considered to provide an adequate framework of control to ensure, as far as reasonably practicable, that the public benefits of the scheme will be realised in accordance with relevant planning policies, while providing mitigation measures and environment improvements needed to address the likely significant adverse impact of the development.

Having regard to these relevant policies of the statutory development plan and all other material considerations, including environmental information put forward under the EIA



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process, officers consider that subject to the completion of the S106 agreement and the imposition of conditions, the development will achieve the long-term viability and benefit for the local community. It is therefore considered that the development proposal is in accordance with National Planning Policy, National Aviation Policy and the save policies of the Luton Local Plan.

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 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



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



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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. Bannell', with a long horizontal line extending to the right underneath the name.

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