

**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):**

Mrs Faye Wright  
Forward Planning And Development  
The Studio@The Old Farmhouse  
29 Banbury Road  
Chacombe  
OX17 2JN

**Name and Address of Applicant:**

Mrs Alice J Tansey  
Bramingham Business Park,  
Unit C  
Enterprise Way  
Luton

**Date of Application:** 31st July 2023

**Application No:** 23/00907/FUL

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**PARTICULARS AND LOCATION OF DEVELOPMENT:**

Change of use from general industrial to flexible use as Classes E(g)(iii) and B8 uses.

Unit C, Bramingham Business Park, Enterprise Way, Luton

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**The proposal is in conformity with Policy(ies) LLP1, LLP13, LLP14, LLP25, LLP31, LLP32, 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):-**

- 1 The development hereby permitted shall be begun not later than the expiration of three 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 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: TP(00) 01, TP (00) 02, TP(10) 10, TP (11) 11, DC01 -REV A.
- 2 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*

6th October 2023  
See Notes for Applicants Attached.

  
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- 3 The buildings and/or site shall be used for Class E(g)(ii), E(g)(iii), and Class B8 and for no other purpose, including any other purpose within Class E specified in the schedule to the Town and Country Planning (Use Classes) Order 1987, (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.
- 3 *Reason: To enable the Local Planning Authority to exercise proper control over the development proposed in the interest of safeguarding and retaining employment use to deliver jobs in Borough in accordance with the Economic Strategy set out in the Luton Local Plan.*
- 4 The external sound level (Rating Level) emitted from plant, machinery or equipment at the development hereby approved shall be lower than the background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.
- 4 *Reason: To ensure a satisfactory standard of development and to safeguard the amenities of the surrounding area.*
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) none of the development as permitted shall benefit from provisions within the GPDO which allow for a change of use. The use of the development hereby permitted shall be restricted to the uses proposed in this application and for no other purpose.
- 5 *Reason: To enable the Local Planning Authority to exercise proper control over the development proposed in the interest of safeguarding and retaining employment use to deliver jobs in the Borough in accordance with the Economic Strategy set out in 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](http://www.eplan.luton.gov.uk) by entering 23/00907/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 "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](http://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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