



Planning Application Requirements (PAR)

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Overview

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO 2015) sets out that for a planning application to be valid:

- it should be submitted using the appropriate planning application form (1APP available from the planning portal website)
- the form should be completed online, the correct fee paid and information provided to meet national information requirements, and
- it should include additional information as required by the local planning authority and/or specified by the local planning authority on their local list of information requirements

The DMPO 2015 requires local planning authorities to review their local lists, if they have them, at least every two years to ensure that the requirements remain robust and justified.

In addition, the Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable by having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application.

Process for validating applications

Planning applications should be submitted online on the planning portal website. This will speed up the registration and validation process for your application. Where an application is deemed invalid, the applicant (or their agents) will be notified by letter or email and given 28 days to provide the required information.

If the information, or a notice challenging the need for the information, is not provided by the applicant within 28 days, the applicant (or their agents) will be given a further seven days to respond. If no response is received after seven days, your application will be disposed of.

Fees paid may be refunded (upon written request) depending upon how much resource has been expended by the council in handling the application to that point and a corresponding reduction in the refund will be made. The applications start date will commence when all required information is received and it is deemed valid.

Due to the number of Invalid applications received, from 1 April 2023, there will be an administrative charge for processing them. This guidance sets out the general requirements for submission of information, although you can utilise the council's pre-app service to establish the complete requirements for any application. Full details of the administration charges are on our website; these are separate to the statutory application fee.

Using the guidance and checklist

The checklist alerts you to information that may be required with your application. In more complicated cases you may need to provide justification if you do not provide all the information you may need as part of your planning submission.

The information required to be submitted will depend on the nature of the development and its location within the borough. The checklist includes references to the relevant Luton Local Plan policies which the information/proposal will be assessed against.

Each item make clear when that document is required. Having reviewed the list and you do not consider that a required document in accordance with these guidelines is necessary in the circumstances of your application, then a statement explaining why this has not be deemed necessary should accompany your submission.

What can you do if your application is deemed to be not valid?

You may challenge a request for information from the local list by submitting a notice, under article 12 (DMPO 2015), stating why you consider that the information is not necessary for a planning decision to be made.

We (the local planning authority) must then either confirm that (i) we no longer require the information by issuing a validation notice, or (ii) that we maintain there is a need for the information by issuing a non-validation notice. These notices must be served before the end of the relevant determination period for the type of application.

In practice it is more likely that a validation notice will be issued but, in these cases, especially if pre-planning application advice has not been sought, the applicant risks having the application refused for failing to provide the information.

Notwithstanding the published information requirements for validating planning applications, there will be occasions when further information is requested during the determination process, for example where requested by consultees or to overcome planning objections.

In any event, to avoid the risk of an application being refused planning permission for failure to provide sufficient relevant information, agents and applicants are advised to seek guidance at pre-application stage regarding information requirements.

Planning application requirements (PAR)

Submitting an application

Using the planning portal is recommended. In-app and pre-app requests should be made through the council's website and include the main planning application reference or site address in the description of development. Only one set of application documents is required unless advised by a planning officer through the PPA process or requested at validation stage for consultation purposes.

File type

All drawings should be single plans (not multiple pages) separately attached pdf (adobe acrobat) rather than tif files, jpeg, doc or xls files. We are unable to accept CAD files with unique plan numbers (a 4-digit plan number is recommended for example H004) and labelled correctly (eg existing, proposed, pre-existing). Photographs are not accepted unless part of a tree application.

Scaled plans

All plans must be to scale, with site address clearly stated on the plan. For a major application, a scale bar must be present with the paper size the drawing can be scaled to as a minimum. For any other form of application, drawings should clearly indicate all external dimensions (see below).

Payment

Pay at submission. Non-payment will mean your application will remain invalid. For major applications, a fee calculation must be provided. Failure to do so could result in delay.

Uploading documents

It is advisable to title all drawings with description and drawing number, for example H001 - Proposed first floor plan.

Data protection

All documents, plans and reports should avoid containing any signatures or other forms of personal data/information. Where this is for some reason unavoidable, it should be made clear that these may be published as submitted in the event that it is not possible to redact the information.

Please be advised that submission of document and/or plan will be treated as consent to publish that document and all included personal data/information. Please be aware that the submission of personal details/information may result in a delay in the validation of your application.

Medical information supplied for exemptions will not be published if marked clearly. If you see any personal information online that you wish removed, contact us at developmentcontrol@luton.gov.uk.

Check for planning constraints

Luton Council has an adopted Local Plan (2017) policies map (including town centre inset map) that should be considered in conjunction with this document as it provides details of potential

planning constraints that may affect your site and therefore affect the type of supporting documents and information that may be required to be submitted with your planning application.

Please refer to the [Local Plan 2011-2031](#), [Policies map](#) and [Town Centre](#) map.

National planning requirements

Application form

Completed application (all sections must be completed on the correct application form) which includes:

- the completed ownership certificate (A, B, C or D - as applicable)
- declaration that notices required as per Article 6 when certificates B, C or D have been given or published
- agricultural holdings certificate (as required by Article 7 of the GD Procedure Order 1995)

Accurate description of development – all aspects of the proposal included.

Correct fee

See the Planning Portal's [fee schedule](#) for more information.

Design and Access Statement (DAS)

A Design and Access Statement must accompany:

- applications for major development, as defined in article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015;
- applications for development in a designated area, where the proposed development consists of:
 - one or more dwellings; or
 - a building or buildings with a floor space of 100 square metres or more

The level of detail required in a design and access statement will depend on the scale, proportionality and complexity of the application and the length of the statement will vary accordingly.

Location plan

All applications must include copies of a Location Plan based on an up-to-date map. This should be at a scale of 1:1250 or 1:500. One copy is required (unless notified otherwise during a PPA or validation process).

Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site should be outlined in red. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, landscaping, car parking and open areas around buildings.

A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

Site / Block plan

Scale 1:100/200/500, showing direction of north. Existing and proposed. Showing the proposed development in relation to existing buildings on and adjoining the site, areas and boundaries of site, including details of access points, trees and hard surfacing (for example, parking spaces, driveways, footpaths).

Floor plans

Existing and proposed floor plans (scale 1:50/100). All floor plans must be clearly labelled. Where existing buildings or walls are to be demolished these should be clearly shown.

The drawings submitted should show details of the existing building(s) as well as those for the proposed development with all dimensions (in metric) including length, width and height on each floor/level and boundary lines on all sides.

New buildings should also be shown in context with adjacent buildings (including property numbers where applicable) and all boundary lines. Where there is a shared party wall it must be clearly demonstrated on the floor plan (this indicates a certificate B will be required and, a notice number 1 will need to be served on adjoining neighbours).

Where the proposal is for vehicle crossovers and/or change of use for grass verge, a photograph of the front of the property including the grass verge and, the following dimensions will be required and full dimensions of the extent of the works.

Elevations

Existing and proposed elevations (scale 1:50/100). All sides. Showing details of windows/doors/materials/finishes. Full height dimensions. Where there is a change to raise the roof, full height dimensions are required.

To include roof lights, dormers, and any street furniture where crossovers are proposed (for example, lamp posts, bus stops, trees, utility boxes, road markings etc).

Where a proposed elevation adjoins another building (for example, new dwelling/two storey extension, increased roof height), or is in close proximity, the drawings should clearly show the relationship between the buildings (street view/section) and detail the positions of the openings on each property.

Where a development would result in a material change to how the site and/or building(s) relate to either the adjacent site(s) and/or building(s), existing and proposed street scene elevations will be required (for example, additional storey, demolition and rebuild, change in roof form, etcetera.).

For wall/fence/gate proposals, length and all height dimensions are required.

Roof plans

To show the shape and materials of the roof(s) (scale 1:100). Required only where roof alterations are proposed.

Sections / Site levels

Where development involves a change in ground levels (scale 1:50/100) or if any of the elevations are obscured from view by existing structures. Sections are always required for any works that go into roof space and ground floor extensions.

Full information should be submitted to demonstrate how proposed buildings relate to existing site levels and finished floor levels and show the proposals in relation to adjoining buildings.

Fire statement (FS)

A fire statement (FS) must be submitted in support of a planning application for dwellings or for educational accommodation that would result in a form of development that either is 18 metres in height or has seven or more storeys.

As a minimum, FS should contain:

- the principles, concepts and approach relating to fire safety that have been applied to each building in the development
- the site layout
- emergency vehicle access and water supplies for firefighting purposes
- what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this
- how any policies relating to fire safety in relevant local development documents have been taken into account

The FS must be completed using the government's template. This can be found on the UK government's [Building safety: planning gateway one webpage](#), together with associated guidance and general information relating to the requirement.

Environmental Impact Assessment (EIA)

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out the circumstances in which an Environmental Impact Assessment (EIA) is required. Where an EIA is required, an Environmental Statement in the form set out in Schedule 4 of the Regulations must be provided.

An applicant may request a screening opinion from the planning authority to determine whether an EIA is required before submitting the application.

If an EIA is required many of the other supporting statements required, such as the biodiversity report, shall be included within the EIA and will therefore not have to be provided separately.

Where an EIA is not required, the local planning authority may still require the submission of environmental information. Where an EIA is submitted with the application, extra hard copies of all the document and discs must be made available at validation stage, the number of hard copies will be agreed with the local planning authority.

Biodiversity Net Gain (BNG)

In England, from 12 February 2024, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). BNG requires developers to ensure habitats are enhanced and left in a measurably better state than they were pre-development, delivering at least a 10% improvement in biodiversity.

What sites are exempt from BNG? Small-scale self-build and custom build residential development where the number of dwellings is between 1 and 9, or if this is unknown, the site area is less than 0.5 hectares and development that does not impact a [priority habitat](#) and impacts less than 25 square meters (eg 5m x 5m) of non-priority onsite habitat (such as modified grassland) or 5m for non-priority onsite linear habitats (such as native hedgerows).

If a development impacts less than 25 square meters of non-priority habitat but 5m or more of non-priority linear habitat is negatively impacted, or vice-versa, then the exemption will not apply and all habitats will be subject to BNG.

How is BNG calculated? Developers must use the Biodiversity Metric tool which is available in the link below. This tool should be used by a competent person, normally an ecologist. It uses changes in the extent and quality of habitats as a proxy for nature and compares the habitat found on a site before and after development.

[Biodiversity net gain \(GOV.UK\) webpage](#)

[Biodiversity net gain \(GOV.UK\) blog](#)

[Biodiversity net gain what are the exemptions \(GOV.UK\) blog](#)

Local planning requirements

Accommodation Management Plan (AMP)

LLP24 – Education and other Community Facilities

Proposals for specialist housing, including (but not limited to) care homes, nursing homes, supported accommodation, student housing (for example, Class C2 or Sui Generis uses), require an Accommodation Management Plan (AMP) identifying the type of service users catered for, number proposed tenants, number of staff, detailing service user proposed needs and how the proposed accommodation meets the needs of their residents.

The AMP must include any staff living in the accommodation. The AMP must state where service users will be geographically catered for and where they are currently located and catered for, the expected number of visitors and staff, and impacts on surround amenity. Any details of the regulatory body should be included of the proposed accommodation.

Affordable Housing Statement

LLP16 – Affordable Housing

Proposals for 11 or more new residential units or on sites of 10 or less new dwellings that have a combined floorspace of more than 1,000 square metres must provide an Affordable Housing Statement setting out how this planning policy requirement will be met.

The statement should set out the percentage of affordable housing offered and where within the development these will be located. Details of the registered social housing provider can also be included.

If the affordable housing offer is to be provided as a commuted payment, details of how the quantum is calculated against the council's adopted policies shall be provided.

Air Quality Assessment (AQA)

LPP31 – Sustainable Transport Strategy

LLP32 – Parking

LLP38 – Pollution and Contamination

Schemes that may impact on air quality by virtue of the nature of the uses proposed, the associated transport generation or their location in or near to an Air Quality Management Area (AQMA) should provide an Air Quality Assessment.

This is for all major planning applications, or where a sensitive use (for example residential, schools, nurseries, hospitals, offices, allotments, etc) will either be introduced or intensified.

Luton has three AQMAs, details of which can be found on the UK Air Information Resource's (AIR) [Local authority details: Luton Council webpage](#).

Two are adjacent to the M1 Motorway corridor and a third has been declared around the A505 as it circles Luton Town centre.

Airport Safeguarding Zone Assessment (ASZA)

LLP6 – London Luton airport strategic allocation

LLP34 – Public Safety Zones

There may be restrictions on development within the vicinity of London Luton Airport for safety and/or operational reasons.

Safeguarding measures are designed to:

- protect the critical airspace surrounding the aerodrome through which aircraft fly by preventing penetration of the protected obstacle limitation surfaces (physical safeguarding)
- protect the integrity of air traffic navigational aids and associated communications installations by preventing obstructions and/or interference (technical safeguarding)
- protect visual aids such as approach and runway lighting to prevent them from being obscured, and regulate the installation of any other lights which may confuse pilots or air traffic controllers
- avoid any increase in the bird strike hazard risk to air traffic operations
- any development that during construction involves the erection of cranes within the London Luton Airport safeguarding zone due to their height and metallic content they can infringe the protected airspace and affect technical safeguarding

An Airport Safeguarding Zone Assessment (ASZA) will be required where the application proposes:

- a major form of development and will fall within the airport strategic allocation (LLP6)
- for any application proposed within the public safety zones (LLP34)

Please refer to the [Policies map of the Luton Local Plan 2011 to 2031](#) for confirmation of the site's location.

Arboriculture Impact Assessment (AIA)

LLP25 – High Quality Design

LLP27 – Open Space and Natural Greenspace

Proposals where trees may be affected on the application site, on the street or on adjoining sites should identify which trees are to be retained and the means of protecting these trees during construction.

Where trees are proposed to be removed as a result of the development, a tree survey should be provided setting out the health and longevity of the tree(s). A suitably qualified and experienced arboriculture professional should prepare this information.

Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 'trees in relation to construction – Recommendations'. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Archaeological survey (desktop study)

LLP30 – Historic Environment

Applications affecting land of known or suspected archaeological significance, including any land adjacent to the River Lea, should be accompanied by an Archaeological Desktop Study to consider the archaeological merit of a site. Advice should be sought from the council's archaeological advisors as to the scope of this assessment.

Archaeological Surveys should be undertaken by a suitably qualified individual or organisation and details of appropriate contractors can be obtained from the Chartered Institute for Archaeologists (CIfA).

Change of use of dwellinghouse to residential institution

LLP15 – Housing Provision

LLP31 – Sustainable Transport Strategy

LLP37 – Climate change, carbon, and waste reduction

Any application for development involving Class C2 residential institution(s) for children will need to address the loss of an existing large family dwelling house in relation to maximising the opportunity of the site to assist in delivering housing that would meet the identified need within the Luton Housing Market Area as established within the Luton Strategic Housing Market Assessment (if applicable).

Full details of the recognised need for the use within Luton should be submitted documenting the support of the appropriate service areas within Luton Council and addressing the sustainability principles of the development in terms of the support in place and people visiting the premises, setting out clearly what requirements there are.

Daylight and Sunlight Assessment (DSA)

LLP25 – High Quality Design

Statements will be required in support of all applications involving:

- buildings exceeding four storeys in height where adjoining other developed land or public open spaces
- where proposed buildings or extensions could lead to overshadowing of other proposed buildings or spaces within the same development site
- where the application site is itself subject to significant shading from adjoining buildings or trees

To assess the impact of proposals on adjoining properties, including associated gardens or amenity space in respect of loss of daylight and sunlight a daylight, vertical sky component, sunlight availability and shadow study, should be undertaken and assessed against the criteria set out in the BRE document.

The information included should be sufficient to determine the existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties the measures that will be taken to mitigate the expected impact of the proposed development.

For those sites where daylighting is going to be an issue, you are advised to seek pre-planning application advice.

Ecological Assessment (EA)

LLP25 – High Quality Design

LLP27 – Open Space and Natural Greenspace

LLP28 – Biodiversity and Natural Conservation

LLP29 – Landscape and Geological Conservation

All applications proposing major development and applications relating directly to areas of open space and/or of ecological sensitivity shall be accompanied by an Ecological Assessment. Information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of those impacts.

Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed.

Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the:

- [Wildlife and Countryside Act 1981](#)
- [The Conservation of Habitats and Species Regulations 2010](#)
- Protection of Badgers Act 1992

This information might form part of an EIA (Environmental Impact Statement) where one is required (refer below).

[Biodiversity and Geological Conservation Circular](#)

If there are to be alterations to a roof or loft space of a building as part of an application then a preliminary protected species survey will be need to be undertaken before determination, if there is a substantial amount of pre-existing external lighting or no vegetation surrounding the construction zone then a preliminary protected species survey

Applicants may also be interested in checking whether their proposals have implications for protected and priority species and whether their site is protected by using this link: [Wildlife Assessment Check](#)

Economic Statement (ES)

LLP1 – Presumption in Favour of Sustainable Development

LLP13 – Economic Strategy

LLP14 – Employment Areas

An Economic Statement is required for all major applications where new employment floor space is proposed, and all applications where it is proposed to develop existing employment land/buildings, for an alternative use.

Applications proposing new employment floor space should be accompanied by a report setting out the regeneration benefits of the proposed development, including:

- details of any new jobs that might be created or supported; and where relevant the sector for those jobs
- the relative floor space totals for each proposed use (where known)
- reference to any community benefits that might support the proposal

Applications involving the loss of land or buildings last used for employment purposes should be accompanied by a report setting out the following:

- evidence that the site has been marketed for the period of time stated in the relevant policy
- evidence of why the site is no longer capable of offering accommodation for employment uses
- evidence of why the use of the site for employment purposes raises unacceptable environmental or traffic problems
- a statement explaining why an alternative mix of uses offers greater potential benefits to the community, and explaining why the site is not required to meet economic development or local employment needs

Energy and Resource Assessment (ERA)

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

LLP37 – Climate Change, Carbon and Waste Reduction and Sustainable Energy

The purposes of an Energy and Resource Assessment (ERA) is to demonstrate that climate change mitigation measures are integral to the schemes design and evolution, and that they are appropriate to the context of the development.

The statement will be expected to address current local plan policy and requirements of the National Planning Policy Framework (NPPF) and must demonstrate how the energy hierarchy has been taken into account in the design and layout of the scheme and how the proposal will meet the applicable carbon reduction targets, together with the efficient use of all resources. An ERA should be provided in support of all major applications.

Assessments should appropriately consider:

- the production of renewable energy
- the reduction of energy and water demand
- conservation and best-use of generated resources
- mitigation against wastage
- details of management, maintenance and servicing of measures to tackle climate change

The statement should set out the predicted energy demand of the proposed development and the degree to which the development meets current energy efficiency standards.

Development proposals should make the fullest contribution to minimising carbon dioxide emissions on-site and the statement should describe measures proposed to maximise the

development's energy efficiency and reduce carbon dioxide emissions including:

- design
- orientation
- passive solar gain
- choice of energy supply
- use of renewable energy
- choice of heating
- ventilation systems
- control systems
- choice of materials

The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.

Financial Viability Appraisal (FVA)

LLP16 – Affordable Housing

LLP39 – Infrastructure and Developer Contributions

A Financial Viability Appraisal (FVA) is required for any application where the provision of on-site affordable housing and all necessary developer contributions are not proposed to be met by the planning application and this is known at the point of submission.

Where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment is necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.

A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.

The Financial Viability Appraisal must be an open book assessment and for publication on the council's planning register. An undertaking to fund the council's independent scrutiny of this submission must also be forthcoming. Benchmark data must be locally relevant for example, new builds within the relevant part of the borough as the proposed development site.

If your proposal relies on a viability appraisal to demonstrate why a policy compliant scheme cannot be provided, you must submit:

- the viability appraisal which includes the information outlined above
- a written assurance confirming that you will cover all reasonable costs associated with the assessment of such an appraisal
- details of costs attributed to the development in relation to those that have been

- submitted to other local planning authorities within the south east/surrounding London
- the names of the applicants, any agents, consultants, parent or holding companies, development managers or other interested parties involved/likely to be involved in the development must be clarified on submission of the viability appraisal in order for any potential conflicts of interest to be identified

Freedom of Information and publicity

As the viability assessment will be submitted in support of your application, the council are required to make it available as a publicised public document along with other supporting documents.

Furthermore, in the event of a freedom of information request being received by the council, all the information submitted as part of your viability appraisal will be released. If however, the document contains any commercially sensitive information, a second version of the document should also be submitted. The second version of your appraisal should address the following:

- any commercially sensitive information redacted
- and a clear explanation of why the redaction is appropriate having regard to the tests in the Information of Freedom Act

If the above requirements have been met, it will be the second redacted version that will be publicised along with the rest of the application rather than the original version.

Flood Risk Assessment (FRA)

LLP25 – High Quality Design

LLP36 – Flood Risk

LLP37 – Climate Change, Carbon and Waste Reduction and Sustainable Energy

Flood Risk Assessments will be required in Luton for all development proposals of one hectare or greater and all proposals for new development located in flood zones 2 and 3. Details of flood zones can be found on the environment agency's web site on the [Flood Map for Planning](#)

A Flood Risk Assessment (FRA) should identify and assess the flood risk to property and people both now and taking into account climate change and demonstrate how these risks from all sources of flooding will be managed. It should identify opportunities to reduce the probability and consequences of flooding.

The assessment should include the design of surface water management systems including Sustainable Drainage Systems (SUDs) and address the requirement for safe access to and from the development in areas at risk of flooding.

The Flood Risk Assessment should form part of an environmental statement when one is required.

The planning practice guidance provides comprehensive advice in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere. Additional information is available on the [Environment Agency](#) website.

Surface Water Drainage Strategy must be set out within the FRA for all new development

applications, including a single dwelling.

The applicant's plans for the management of surface water need to meet the requirements set out by:

- [Luton Strategic Flood Risk Assessment](#)
- [Part H; drainage and water disposal](#)
- [Thames Region Land Drainage Byelaws](#)
- [The requirements of the approved building regulations](#)
- [NPPF Technical Guidance](#)
- [Luton Council's Suds Design Guidance](#)

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding, address the requirement for safe access to/from the development in areas at risk and the provision of flood compensation storage for displaced flood water in zone 3 and 3b.

The FRA should include the design of sustainable drainage systems with reduction of surface water discharge to greenfield run-off rate of 5 l/s/ha from all impermeable areas.

The FRA should be prepared by an applicant in consultation with the local planning authority, statutory consultee (where necessary) and LLFA and refer to the Local Plan Policies, Surface Water Management Plan, Local Flood Risk Management Strategy, Strategic Flood Risk Assessments and Local/National Land Drainage Bylaws.

Flooding (sequential test)

LLP25 – High Quality Design

LLP36 – Flood Risk

Sequential test is needed for any major new development, if the site is located within Flood Zone 2 and 3 which is classified as having a medium/high risk of flooding. In order for the development to be considered appropriate in this location a sequential test should be undertaken as detailed within the planning practice guidance [Flood Risk and Coastal Change](#).

For the site to pass the sequential test it must be satisfactorily demonstrated that there are no alternative sites available for this development at a lower risk of flooding.

Heritage Statement (HS)

LLP25 – High Quality Design

LLP30 – Historic Environment

Applications proposing development within a conservation area, within the setting of either a statutory or locally listed building or directly adjacent to the River Lea shall be accompanied by a Heritage Statement (HS) that is proportionate to the significance of the development and/or the significance of the relevant heritage asset.

Applications for demolition within conservation areas should also include the supporting evidence and justification required by paragraph 193 to 195 of the National Planning Policy Framework.

For applications that affect listed buildings the heritage statement should include:

- a schedule of works to the listed building(s)
- an analysis of the history and character of the building/ structure using photographic, map, archival and fabric evidence
- the principles of and justification for the proposed works, and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings

The Heritage Statement should be accompanied by a photographic record, showing the site context and spaces and features which might be affected by the proposal, preferably cross-referenced to survey drawings.

It should include an assessment of the architectural, historical or other significance of the asset. It will also normally be necessary to include an assessment of the impact of the proposed works on the significance of the asset, and a statement of justification for those works, together with details of any mitigation measures proposed.

A structural survey may be required in support of an application that involves substantial demolition.

The services of an appropriately qualified and experienced historic environment professional maybe needed. The Institute of Historic Building Conservation (IHBC) should be able to advise.

For applications that affect known archaeological sites or lie within Archaeological Notification Areas (ANAs), heritage statements should include:

- the results of an archaeological desk-based study that as a minimum has been prepared using information obtained from the Central Bedfordshire and Luton Historic Environment Record (HER)
- a description of the significance of any heritage assets with archaeological interest that will be affected by the proposals
- an assessment of the impact that the proposed development will have on the significance of any heritage assets with archaeological interest at the site
- where a development may have an impact on the setting of designated sites such as scheduled monuments or registered parks and gardens, the heritage statement should include a consideration of the impact of the proposals on these sites

A statement may also be requested if the council identifies the building or site as a non-designated heritage asset of archaeological, architectural, artistic or historic interest during the pre-application or application process.

Applications for consent will not be validated or processed unless the heritage statement has been submitted.

The scope and degree of detail necessary in a heritage statement will vary according to particular circumstances of each application.

Please see the 'Photographs and Photomontages' section below for additional demonstrative requirements.

Housing Mix Assessment (HMA)

LLP15 – Housing Provision

LLP16 – Affordable Housing

Luton comprises a significant part of the wider Luton Housing Market Area (LHMA), which is an area used to determine the specific housing requirements within those relevant local authorities.

The prevailing [Strategic Housing Market Assessment \(SHMA\)](#) was published in 2015 and underpins the housing context within Luton. Progress in pursuance of this identified need is provided each year by the [Strategic Housing Land Availability Assessment \(SHLAA\)](#), the latest of which was published in November 2019.

Although progress has been made since the adoption of the Luton Local Plan 2011-2031 and the delivery of housing, both consented and 'in the pipeline' remains very strong, the latest data indicates that there remains an imbalance between the identified needs of the borough and the mix of additional housing that is being provided.

This presents a significant issue to Luton, which is both trying to provide for the local need, as well as accommodate the commuter overspill from London. The LPA recognises this tension and strives to ensure that an appropriate mix of housing is provided, consistent with Section 5 of the NPPF.

To assist in considering each development on its own merits, a Housing Mix Assessment (HMA) is, therefore, required to be submitted in support of any major application that proposes a net increase of dwellings and does not meet the below criteria. The HMA will be required if it fails to meet/should include the following:

- details of the mix of housing (two-bedroom/four-person, etc) that is proposed, inclusive of the square metrage of each unit
- a detailed comparison of the proposed mix against the requirements of the SHMA and the historic delivery provided within the latest SHLAA
- an assessment of the proposed mix of housing against the SHMA/SHLAA in the context of the location of the application site, with regard given to: centrality, connectivity, sustainability and the prevailing pattern of residential accommodation
- where the overall mix of housing is below 60% of two-bedroom plus, and/or 40% of three- bedroom plus, justification for the proposed mix of housing in view of the well-identified needs of Luton

This could include, but is not limited to:

- a viability appraisal of iterations of the development that provide a greater mix of family housing
- professionally secured marketing evidence
- details around the take-up of family housing in that location
- where non-single-curtilage housing is proposed, design rationale explaining why family accommodation would not be achievable in view of the innovative approaches that could be adopted to securing family accommodation within non-traditional patterns of development

- details of the evolution of the options that have been explored and the evolution of the design approach that has been adopted to reach the mix of housing that is proposed

Land Contamination Assessment (desktop study)

LLP38 – Pollution and Contamination

If the proposed site is previously contaminated and located in a source protection zone then a desk top study should be submitted with your planning application when over 250 square metres in floor area.

The NPPF takes a precautionary approach to land contamination. Before the principle of development can be determined, land contamination should be investigated to see whether it could preclude certain development due to environmental risk or cost of remediation.

Where contamination is known or suspected, a desktop study, investigation, remediation and other works may be required to enable safe development (paragraph. 178-179 of the NPPF).

The environment agency's minimum requirements for submission with a planning application are a Preliminary Risk Assessment (PRA), such as a site walkover or conceptual model. If an application is submitted without an appropriate desktop study it is likely that they will object to the application.

Site investigation and remediation strategy reports may be required for submission with a planning application for sensitive land use types or where significant contamination or uncertainty is found.

Developers should follow the risk management framework provided in CLR11 Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

Landscaping scheme

LLP25 – High Quality Design

LLP27 – Open Space and Natural Greenspace

LLP29 – Landscape and Geological Conservation

Landscaping should be an integral part of the design concept for the site. All applications proposing major development should be accompanied by landscaping details and include proposals for long term maintenance and landscape management.

There should be reference to the landscaping details, which follow from the design and access concepts in the design and access statements. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Landscaping details should include:

- site survey
- site analysis
- a plan(s) showing the location of existing and proposed shrubs and trees, indicating which are to be retained and which will be removed
- landscape design proposals

- a planting plan
- hard landscaping details such as structures and surfaces and ancillary objects
- details of how retained vegetation will be protected during construction
- a maintenance and management plan

Lighting Assessment (LA)

LLP25 – High Quality Design

LLP30 – Historic Environment

LLP28 – Biodiversity and Nature Conservation

LLP29 – Landscape and Geological Conservation

All applications proposing major development, and applications for minor development (non-householder) for the erection, change of use or redevelopment of buildings within a conservation area and/or setting of a listed building and/or within and/or adjacent to open space/ecologically sensitive areas shall be accompanied by a Lighting Assessment (LA),

Average and minimum lux levels throughout the site are essential. So is confirmation of relevant ILE Guidance.

The assessment should include details of the location, type, number and intensity of any lighting and the proposed hours when the lighting would be switched on. As a bare minimum, a layout plan showing beam orientation and a schedule of the equipment should be submitted.

A more detailed lighting study may be needed for some proposals such as sports grounds or development, which is located close to housing, area of identified nature conservation / biodiversity value or within a rural area.

Micro-Climate Assessment (MCA)

LLP25 – High Quality Design

LLP37 – Climate Change, Carbon and Waste Reduction and Sustainable Energy

Where buildings of 10 storeys or greater are proposed, a micro-climate study shall be provided in accordance with the methodology of T. Lawson in 'Building Aerodynamics' (Imperial College Press, 2001).

Noise Impact Assessment (NIA)

LLP25 – High Quality Design

LLP38 – Noise and Pollution

A Noise Impact Assessment should be submitted for all major development applications and/or where the proposal would generate noise disturbance issues for adjoining occupants and for developments where noise pollution is already poor and could have an adverse impact on the proposed development.

The Noise Impact Assessment should confirm whether noise is an issue and demonstrate what mitigation measures will be implemented to ensure the inhabitants of the proposed development

are not negatively affected by the existing noise pollution.

For further information please visit the [Government Noise policy](#)

Occupation Statement (OS)

LLP15 – Housing Provision

LLP19 – Extensions to Dwellinghouses and Annexes

Whether a development comprises an annexe or a self-contained unit of residential accommodation is a judgement founded in tests of reliance upon and relationship with the main dwelling house within the relevant curtilage.

It is, therefore, necessary to ascertain the exactitude of the prospective use, and this is achieved through providing details relevant to the intended occupancy of an annexe, which would be considered under Policy LLP19[B].

As is made clear by that policy, any development that fails to meet the relevant criteria should be considered as an independent dwelling, and, therefore, Policy LLP15 would instead be relevant.

The statement should include:

- a declaration that the annexe in question shall be occupied only for purposes ancillary to the use of the main dwelling house
- details of the intended occupant(s) of the annexe
- details of facilities and services that are to be provided (water, gas, electric and internet/phone)
- a statement of compliance in relation to ongoing (year-on-year) monitoring
- any other information that might be considered relevant to the consideration of the application by the LPA

Open Space Assessment (Sequential Test)

LLP25 – High Quality Design

LLP27 – Open Space and Natural Greenspace

Where a change of use/development is proposed on designated open space and results in a net loss of open space, a sequential test to demonstrate there are no suitable and available alternative sites will be required. The site selection criteria and area of search should be agreed with the council prior to undertaking the Sequential Test. Applicants are advised to refer to the council's [Green Space Strategy Review \(2015\)](#).

Photographs and photomontages

LLP25 – High Quality Design

These provide useful background information and can help to show how large developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a conservation area or a listed building and may be captured within other **assessment documents** (ie HS, TVIA, DAS, etc).

Planning Statement (PS)

LLP1 – Presumption in Favour of Sustainable Development

A Planning Statement identifies the context and need for a proposed development and sets out the overall case for the proposal.

It should include an assessment of how the proposed development accords with relevant national, regional and local planning policies. It may also include details of consultation undertaken.

For small scale and minor developments, these issues may be covered in the design and access statement.

Larger schemes should include a phasing plan in their planning statement. Major applications should provide a non-technical summary of the planning statement suitable for a wider audience.

Retail Impact Assessment (RIA)

LLP2 – Spatial Development Strategy

LLP21 – Centre Hierarchy

LLP22 – Primary and Secondary Area and Frontages

LLP23 – District and Neighbourhood Areas and Shopping Parades

Applications proposing retail and leisure development over 1,000 square metres and situated outside of identified centres within the [Policies Map of the Luton Local Plan 2011 to 2031](#) shall be accompanied by a Retail Impact Assessment (RIA) as defined within Section 7 of the NPPF.

Smaller applications for development that is likely to have a significant impact upon existing centres may also be required to undertake an RIA.

Local guidance around the content and approach to RIAs is provided at [Chapter 7 \(para. 17.7\) of the Luton Local Plan 2011 to 2031](#).

Site Waste Management Plan (SWMP)

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

LLP37 – climate change, carbon and waste reduction and sustainable energy

All applications for major development should be supported by a Site Waste Management Plan (SWMP).

If, within residential development, communal bin stores are proposed, developers need to show clearly the dimensions of the bins store, location, number of general waste bins, cleaning and points of water access/cleaning stations, recycling bins for dry recyclables and glass and additional space for separate food waste bin.

SWMPs will also be required to be submitted in support of all applications proposing new or expanded food/drink outlets (Class E and/or Sui Generis). In addition to the management of waste within the site, the SWMP should also provide for consideration of the associated impacts of the development upon the wider area (for example, litter, etc).

Mitigation, such as the provision and promotion of bins at the premises and a method of tackling litter within the vicinity, should be indicated.

Further information on refuse and recycling on domestic properties please refer to [Luton's Waste and Recycling Strategy](#) and [Adept Making Space for Waste; Designing Waste Management in New Developments](#)

Statement of Community Involvement (SCI)

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

Some applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation. All major developments should have been through this process and an SCI provided upon submission.

The statement should demonstrate how the views of the local community have been sought and taken into account within the submitted scheme.

Statement of Need (Community Infrastructure)

LLP1 – Presumption in Favour of Sustainable Development

LLP24 – Education and other Community Facilities

A needs based justification is required for applications for community facilities (Classes E, F1 and F2, and Sui Generis), for both:

- new, intensified or replacement facilities
- release/loss of an existing facility

The locational justification should demonstrate that there are no sites available or affordable in town/local centre locations or provide an exceptions justification. Proposals should also demonstrate design and management practices that will ensure the space is multi-functional and suitable for a range of users.

Sustainable Drainage Strategy (SUDS)

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

LLP36 – Flood risk

All development should aim to reduce surface water run-off to greenfield rate. All major developments and any development falling within a critical drainage area (CDA) should be accompanied by a Surface Water Drainage Strategy (SWDS).

Sustainability statement

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

LLP37 – Climate Change, Carbon and Waste Reduction and Sustainable Energy

Major schemes should provide a Sustainability Statement outlining the elements of the scheme that address sustainable development issues, including the environmental, social and economic implications. These may include:

- building design: choice and sources of materials, energy and water consumption, carbon emissions, waste management and minimisation, and recycling, (including best practice standards for new development) and features to ameliorate anticipated future global temperature rises, the applicant shall have due regard to guidance from the [Building Research Establishment](#)
- resource use: use of sustainable natural and semi-natural resources should be considered (including water, especially where there is a known water scarcity problem), along with a materials use and purchasing strategy (green procurement) to cover sustainable construction management activities
- greenspace incorporating wildlife corridors

Town Visual Impact Assessment (TVIA)

LLP25 – High Quality design

LLP30 – Historic Environment

A Town Visual Impact Assessment (TVIA) will be required for all applications proposing major development two storeys or more above the predominant height of adjacent buildings within 100 metres of the application site and/or where the proposed development would exceed a height of seven storeys.

Please see the 'Photographs and Photomontages' section above for additional demonstrative requirements.

Transport Assessment/Statement (TA/TS)

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

LLP31 – Sustainable Transport Strategy

LLP32 – Parking

All developments will be expected to consider electric vehicle charging points (EVCP) and cycle parking, maintenance and cleaning facilities. Further guidance relating to EVCP and modal shift is provided within the [Transport Strategy and Local Transport Policies \(April 2021\)](#).

Any proposed development that will have implications for transportation in terms of car parking or traffic movements should be accompanied by a Transport Statement (TS) or Transport Assessment (TA). The coverage and detail of the TS or TA should reflect the scale of the development and the extent of the transport implications of the proposal.

For smaller schemes, a transport statement should outline the existing site conditions and the proposed transport aspects of the development (parking, site access points, servicing arrangements, access to public transport, cycle parking provision), while for major proposals, a transport assessment should give a more detailed appraisal of existing site conditions.

This may include:

- surveys and data analysis for parking
- public transport
- road safety
- pedestrian and cycling facilities
- assessments and forecasts of the road network
- trip generation

It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Thresholds and guidance for the submission of transport assessments/transport statements can be found at [Appendix 7 of the Luton Local Plan 2011 to 2031](#).

Further guidance can be found in the [Guidance on Travel Plans, Transport Assessments and Statements](#).

Travel Plan (draft) (TP)

LLP1 – Presumption in Favour of Sustainable Development

LLP25 – High Quality Design

LLP31 – Sustainable Transport Strategy

LLP32 – Parking

A draft travel plan should be submitted alongside planning applications that are likely to have significant transport implications. A travel plan should outline the way in which the transport implications of the development are going to be managed and in particular, car use reduced.

The plan should have a strategy for its implementation that is appropriate for the development proposal under consideration. It should identify the travel plan coordinator, the management arrangements for the plan (for example a steering group) and the development timetable. The strategy should also include activities for marketing and promoting the plan to occupiers, users, visitors and residents of the site.

The council currently use [Modeshift STARS for travel plans](#).

Thresholds and guidance for the submission of travel plans can be found at [Appendix 7 of the Luton Local Plan 2011 to 2031](#).

Further Guidance can be found at [Guidance on Travel Plans, Transport Assessments and Statements](#).

Works to protected trees

LLP1 – presumption in favour of sustainable development

LLP28 – biodiversity and nature conservation

Applications for works to protected trees (including within a Conservation Area) which include the felling of any tree(s) should include:-

A scheme for replacement semi-mature tree(s), including size/girth, species, location and a timing plan for replanting. The replacement tree should be no more than 2 metres away from the location of the felled tree unless written justification has been provided.

Failure to provide this information will result in an appropriate condition being attached to any consent requiring the submission of these details. The submission will attract the standard fee for Approval of Details as set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits)(England) Regulations 2012 (as amended)