

APPLICATION NUMBER	CB/23/01784/VOC
LOCATION	Vauxhall Aftersales Warehouse, Luton Road, Chalton, LU4 9TT
PROPOSAL	Variation of condition numbers 4, 13, 16, 20, 30 and 31 of planning permission CB/21/05254/OUT (Application on sites that cross local planning authority Boundaries: Outline Application: Hybrid planning application comprising: for the demolition of the existing buildings and the redevelopment of the site to provide flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8) and associated access, servicing, parking and landscaping (all matters reserved accept access) Full planning application for the proposed site accesses and landscaping along the site's frontage with Luton Road) Variation sought to increase floor area by 18,549sqm and increase height parameters by 1m
PARISH	Chalton
WARD	Toddington
WARD COUNCILLORS	Cllr Purser, Cllr Walsh
CASE OFFICER	Peter Vosper
DATE REGISTERED	31 May 2023
EXPIRY DATE	30 August 2023
APPLICANT	Goodman Logistics Developments (UK) Ltd
AGENT	Barton Willmore now Stantec
REASON FOR COMMITTEE TO DETERMINE	Major Application and an Objection from Chalton Parish Council
RECOMMENDED DECISION	Variation of Condition - Recommended for Approval
APPENDIX	1. Luton Borough Council Delegated Report and Decision Notice for Variation of Condition application 23/00604/VARCON

Reason for Recommendation:

Conditional planning permission was granted under reference CB/21/05254/OUT for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8).

Subsequently a non-material amendment application under reference CB/23/01788/NMA was approved to remove reference to the floorspace figure of 116,000 sq m in the description of development approved by application CB/21/05254/OUT. The maximum floor space parameter is still controlled by Conditions 16 and 30 attached to planning permission CB/21/05254/OUT. The acceptability of the variation of Conditions 16 and 30, and Conditions 4, 13, 20 and 31, to increase the maximum total floorspace to 134,549 sq m (i.e. an increase of 18,549 sq m of floorspace), and to increase the height parameter by 1m for discrete elements, is considered by the current application.

The proposed amended development parameters would present a proposal which would acceptably relate to the existing local surroundings, are not objectionable in a highway context, and are not anticipated to cause any adverse impacts to residential amenity.

Overall the proposal is compliant with the National Planning Policy Framework, September 2023, the relevant policies in the Central Bedfordshire Local Plan 2015 - 2035, July 2021, and the Central Bedfordshire Design Guide, August 2023.

The proposed variation of Conditions 4, 13, 16, 20, 30 and 31 of planning permission CB/21/05254/OUT is therefore recommended for approval.

Site Location:

The application site of 23.41 hectares was occupied by a large three-storey warehouse building used for the storage and distribution of automotive parts by Vauxhall Aftersales (use class B8) and a series of ancillary buildings, including offices. As part of the restructuring of Vauxhall's operations the facility has closed, and the warehouse and other buildings demolished.

The site is accessed via Luton Road. There is an existing strip of landscaping along the Luton Road frontage and further areas of landscaping on the site boundaries.

To the immediate north east the site is bound by the Midland Main Line railway from Luton to Bedford with industrial development beyond. To the south east lies the existing North Luton Industrial Estate and Luton Road (the B579) is located adjacent to the south west boundary with the M1 (J11A) beyond. To the north west of the site is Panattoni Park Luton, which accommodates two large warehouses.

A vacant field to the south west of the site between Luton Road and the M1 is the subject of a current undetermined planning application for a commercial employment scheme (reference CB/21/04483/OUT). This site is part of Strategic Allocation SA1 (North of Luton) as outlined in Local Plan Policy SP1 (Growth Strategy).

The site is shown on the Policies Map for the adopted Central Bedfordshire Local Plan, September 2023 as an existing employment area.

The site is mainly in Central Bedfordshire with a small area to the south (1.31 hectares) in Luton Borough.

The Application:

Conditional planning permission was granted under reference CB/21/05254/OUT for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8).

Subsequently a non-material amendment application under reference CB/23/01788/NMA was approved to remove reference to the floorspace figure of 116,000 sq m in the description of development approved by application CB/21/05254/OUT. The maximum floorspace parameter is still controlled by Conditions 16 and 30 attached to planning permission CB/21/05254/OUT.

An application has now been submitted to vary Conditions 4, 13, 16, 20, 30 and 31 of planning permission CB/21/05254/OUT to refer where relevant to an updated Parameter Plan F0025 Rev K (updated from Parameter Plan F0025 Rev J approved by application CB/21/05254/OUT), which provides for amended development parameters to incorporate revised floor area and height parameters, as follows:

- An amended floor area parameter comprising an increase in maximum total floorspace to 134,549 sq m (i.e. an increase of 18,549 sq m of floorspace), of which 65,000 sq m is specifically identified as a data centre (B8 Use Class); and,
- An amended height parameter comprising an increase of 1m for discrete elements.

Conditions 4, 13, 16, 20, 30 and 31 are sought to be varied as follows. Additional text proposed is in bold, with text that is proposed to be deleted underlined.

Condition 4:

For the avoidance of doubt, this permission does not extend to the central vehicular access to the site (shown as a roundabout and identified as an Outline element only on the Parameters Plan (F0025 Rev J **K**), and representing a third access to the site). If a third access is required, details of this access, including an updated Stage 1 Road Safety Audit, shall be included within a reserved matters application for the review and approval by the Local Planning Authority.

Reason: To ensure the proposed development does not give rise to unacceptable highways impacts
(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

Condition 13:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P00001 Rev C, F0029 Rev C, P0002 Rev C, F0025 Rev J **K**, 21066-BGL-XX-XX-SK-S-00005 Rev P9, 21066-BGL-XX-XX-SK-S-00006 Rev P8, 21066-BGL-XX-XX-SK-S-00007 Rev P9, 21066-BGL-XX-XX-SK-S-00008 Rev P11, 21066-BGL-XX-XX-SK-S-00009 Rev P5, 21066-BGL-XX-XX-SK-S-00011 Revision P1, and 02 Rev H.

Reason: To identify the approved plans and to avoid doubt.

Condition 16:

An application for approval of the reserved matters shall be made in accordance with the approved Parameters Plan (F0025 Rev J **K**), that establishes the following parameters:

A. Amount - up to 116,000 **134,549 sq m of floorspace comprising up to 69,549 sq m of flexible Class E(g)(iii)/B2/B8 uses and up to 65,000 sq m of Class B8 data centre use** to be accommodated within a minimum of two units and up to seven units, across a developable area of 22.52 hectares.

B. Use - Use Classes E(g)(iii) light industrial/ B2 general industrial/ B8 storage and distribution (**including Data Centre**) and ancillary office accommodation.

C. Scale - Maximum building to ridge height of 24m, with a finished floor level of 129-130m AOD (+/- 2m) and a maximum AOD building ridge height of 153-154m AOD (+/- 2m) **plus discrete elements of equipment with a height to maximum of 25m and height at maximum of 154-155m AOD (+/- 2m).**

Reason: To control and limit the form and design of development.

Condition 20:

In accordance with the submitted Sustainability Statement (Eight **Versa Associates**, reference 6049 - Vauxhall Luton - Sustainability Statement-2110-07gd.docx 10392 - Vauxhall Luton - Sustainability Statement-2305-18nv), an application for approval of the reserved matters shall include:

- A detailed BREEAM strategy demonstrating that the proposal will achieve BREEAM Excellent rating must be submitted with the reserved matters application.
- A Post-Construction Verification Report with evidence that the BREEAM Excellent Certification has been achieved must be submitted within 12 months of completion of the development.

Reason: To demonstrate high quality sustainability standards.
(Policy CC1, CBLP July 2021, and Sections 2 and 14, NPPF July 2021)

Condition 30:

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P00001 Rev C, F0029 Rev C, P0002 Rev C and F0025 Rev J K.

Reason: To identify the approved plans and to avoid doubt.

Condition 31:

If a third central vehicular access to the site (shown as a roundabout and identified as an Outline element only on the Parameters Plan (F0025 Rev J K)) is required, details of this access, including an updated Stage 1 Road Safety Audit, shall be included within a reserved matters application for the review and approval by the Local Planning Authority.

Reason: To ensure the proposed development does not give rise to unacceptable highways impacts
(Policy T2, CBLP July 2021, and Section 9, NPPF July 2021)

As stated above, the site is mainly in Central Bedfordshire with a small area to the south in Luton Borough. In line with the National Planning Practice Guidance (NPPG) (paragraph 011 Ref ID: 14-011-20140306), where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority. An identical application has been submitted to Luton Borough Council (reference 23/00604/VARCON) and the Variation of Condition was approved on 29 September 2023; the Delegated Report and Decision Notice are appended to this report.

Relevant Policies:

National Planning Policy Framework (NPPF), September 2023

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change
Chapter 15: Conserving and enhancing the natural environment

Central Bedfordshire Local Plan 2015 - 2035, July 2021

Policy SP1: Growth Strategy
Policy SP2: National Planning Policy Framework - Presumption in Favour of Sustainable Development
Policy EMP1: Small and Medium Employment Sites
Policy T1: Mitigation of Transport Impacts on the Network
Policy T2: Highway Safety and Design
Policy T3: Parking
Policy T5: Ultra Low Emissions Vehicles
Policy T6: Movement and Management of Freight
Policy EE1: Green Infrastructure
Policy EE2: Enhancing Biodiversity
Policy EE4: Trees, Woodlands and Hedgerows
Policy CC1: Climate Change and Sustainability
Policy CC3: Flood Risk Management
Policy CC5: Sustainable Drainage
Policy CC6: Water Supply and Sewerage Infrastructure
Policy CC8: Pollution and Land Instability
Policy HQ1: High Quality Development
Policy HQ7: Public Art

Neighbourhood Plan

Chalton: Not designated

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide, Supplementary Planning Document (SPD), August 2023
Parking Standards for New Developments, Supplementary Planning Document (SPD), August 2023

Relevant Planning History:

Application Number	CB/23/01788/NMA
Description	Non-material amendment to planning permission CB/21/05254/OUT. Amendment sought comprises a change to the description of development.
Decision	Non-Material Amendment Approved
Decision Date	21 September 2023
Application Number	CB/23/01803/SCN
Description	EIA Screening Opinion: Redevelopment of the Vauxhall Aftersales Warehouse with new commercial buildings
Decision	Opinion adopted that an Environmental Impact Assessment is not required
Decision Date	19 June 2023

Decision Variation of Condition Approved
Decision Date 29 September 2023

Application Number 23/00603/AMEND
Description Hybrid planning application comprising: Outline planning application (all matters reserved except access) for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sqm of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8) and associated access, servicing, parking and landscaping; and Full planning application for the proposed site accesses and landscaping along the site's frontage with Luton Road. Non-Material Amendment of Planning Permission No. 21/01668/OUT dated 19th October 2022 - (change to description)

Decision Non-Material Amendment Approved
Decision Date 23 June 2023

Application Number 21/01668/OUT
Description Hybrid planning application comprising: Outline planning application (all matters reserved except access) for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sqm of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8) and associated access, servicing, parking and landscaping; and Full planning application for the proposed site accesses and landscaping along the site's frontage with Luton Road.

Decision Conditional Planning Permission
Decision Date 19 October 2022

Other Relevant Planning History:

Site Land to the west of Luton Road and east of the M1, Luton
Application Number CB/21/04483/OUT
Description Outline planning application, with all matters reserved except access, for a commercial employment scheme with ancillary offices, car parking, landscaping and service yard areas
Decision Pending
Decision Date

Site Land between Luton Road and the M1, Luton
Application Number CB/21/04213/DB
Description Development Brief relating to CB/21/03979/PPA - Commercial employment scheme with ancillary offices, car parking, landscaping and service yard areas.
Decision Development Brief Endorsed
Decision Date 6 May 2022

Site Land To The North And East Of Houghton Regis, Sundon Road, Houghton Regis
Application Number CB/19/04263/RM
Description Reserved Matters for access, appearance, landscaping, layout and scale (pursuant to Outline planning permission CB/12/03613/OUT) for provision of up to 125,000m2 of Class B8 storage and distribution use.) - Lidl distribution

Decision	warehouse
Decision Date	Conditional Planning Permission 13 March 2020
Site	M1 junction 11a to A6 Barton Road Sundon Chalton Streatley
Application Number	CB/19/00887/FULL
Description	Construction of a new single and dual carriageway 2.75 miles (4.4km) road linking the M1 and the A6 between the M1 junction 11a and the A6 Barton Road. Comprising intermediate junctions, overbridges, underbridges, cycle paths, revisions to the Public Rights of Way network, drainage and landscaping
Decision	Conditional Planning Permission
Decision Date	9 January 2020
Site	Houghton Regis North Site 1, Land on the northern edge of Houghton Regis
Application Number	CB/12/03613/OUT
Description	Outline planning permission to deliver up to 5,150 dwellings (Use Class C3) and up to 202,500 sqm gross floorspace of additional employment, retail, data and energy centre and leisure use
Decision	Conditional Planning Permission
Decision Date	2 June 2014

Consultees:

Chalton Council response)	Parish (first	The Applicant highlights that the VOC is for the construction of mezzanine floors within units 1, 2 and 3 increasing the usable area by 18,549 sqm. Although the construction of internal warehouse structures would not normally be of concern, we note from the information provided that there will be an increase in height for discrete elements. The term discrete elements is vague, do these elements refer to plant and machinery installed on the roof e.g. cooling fans, ducting etc. or to a general increase in height of the warehouse roof?
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The construction of the mezzanine floors increases the total floor space of units 1, 2 and 3 to 65,000 sqm which have been specifically identified as a data centre.

Data centres of this magnitude will use considerable energy and require a significant cooling plant. Details of the cooling plant which could comprise refrigeration and large potentially noisy fin fan condensers (generally installed on warehouse roofs) should be provided in order for the VOC to be adequately discussed. There will also be a requirement for enhanced lighting and security which could affect the general area.

The energy assessment provided by the Applicant specifically avoids and excludes any information about the energy consumption and heating that would result from the installation of the data centre equipment.

We know from previous planning applications that power connections with the Sundon substation which lies on the opposite side of the M1 motorway are physically restricted and if not, a planning matter could nevertheless limit the power available to connect to connect to these data centres.

The Applicant argues “that Section 73 of the Town and Country Planning Act (1990) (the ‘Act’, as amended) allows local authorities to approve amendments to planning approvals where there is a relevant planning condition that can be varied.

They further argue “While details of appearance, layout and scale will be reserved for determination at later date, the updated Parameter Plan continues to provide for maximum development parameters in respect of building heights, development areas and areas of strategic landscaping for future Reserved Matters proposals to accord with.”

In our view the proposed use of units 1, 2 and 3 as data centres is a material factor that affects the outline planning permission which is for primarily for warehouses. Full details of the data centres, cooling plant types, siting (particularly on roofs) power consumption should be provided for consideration at this stage and not left as future reserved matters.

Chalton Parish Council (second response)

Chalton Parish wish to add additional comments to our response made with our letter 14th June that opposed the above amendments and variation of condition.

Due to the magnitude of the data centre we pointed out in our earlier comments that without details of the cooling plant we cannot adequately discuss this VOC and we would expect to see a noise generation mitigation strategy.

We also note the statement on likely staffing levels across the day and wonder, as part of a sustainable transport approach, what measures are proposed to mitigate/reduce reliance on private motor vehicles to enable staff to access the site over the full 24 hours and including weekends. We consider the suggested reduction in traffic movements (120 movements during the AM peak and reduction of 69 movements during the PM peak with an overall reduction of 1,146 over a 12-hour period) are highly speculative and not a reason to ignore the transport infrastructure impact in the VOC application. Further, the submitted Transport Statement employs out-of-date traffic movement data – since 2011 there has been considerable domestic and some commercial development that has led to a great increase in locally-sourced vehicular movements. Statement 2.20 “The traffic generation as presented and accepted in the Transport Assessment is therefore robust and no further assessment is required.” must be considered suspect.

The parish council argue that full details of the data centres, cooling plant types etc, should be provided for consideration and not left as future reserved matters which by their nature restrict public consultation and community input.

Meanwhile, given the cumulative impact on, and consequent loss of hedgerows, in the parish within the entire Linmere development we would be interested to know what measures will be taken to protect and later enhance the hedgerows abutting the Vauxhall site re-development.

With regard to the Landscape and Visual Impact Addendum we are not convinced that the visual mitigation is adequate; for comparison the difference in external cladding and colouring between the Lidl and Panattoni developments is a case in point. The former is excellent, the latter is a dreadful visual intrusion even obvious from the Toddingdon ridge to the north and Lords Hill to the west on the lowest chalk escarpment.

H i g h w a y s *Drawing No.19208 F0025 Revision K [Parameters Plan]*
(Development *Drawing No.19208 F0027 Revision K [Illustrative Site Layout*
Management) (first *Plan]*
response) *Transport Statement (ref.SJT/TM/JA 23165-05a; 4th May*
2023) prepared by DTA

The proposal is to increase the overall floor area at the site by 18,549m², to a total of 134,549m², through the use of mezzanines. Of this, 65,000m² is proposed to accommodate a data centre. The submitted Transport Statement (TS) discusses how data centres exhibit lower trip rates than more conventional B8 land uses, and this point is agreed. The TS sets out how a net reduction in vehicular trips is envisaged in comparison to that which was set out in the original planning application for the redevelopment of this site.

The TS also sets out how shift patterns associated with data centres do not necessarily coincide with the traditional highway network peak hour periods, although to an extent this is also true of conventional B8 uses.

Whilst the TS does not discuss parking, car parking requirements are also likely to be less than conventional B8 uses. Otherwise, there would be a concern regarding how an increase in parking requirements at the site could be accommodated. Notwithstanding, parking is a reserved matter.

In light of the general findings presented in the TS, I would be content that the proposed increase in floor area would not give rise to additional trip generation above that assessed for the original planning application. However, this is only by virtue of the data centre use and a condition must therefore please be included with any planning consent issued requiring a minimum of 65,000m² of data centre uses. If such a condition was not included and the additional 18,549m² was occupied by more conventional B8 uses then there could be expected to be a

not-insignificant increase in trip generation of 62-66 two-way vehicle trips in each peak hour period (based on agreed trip rates).

I do make the observation that the Illustrative Site Layout Plan does not include a building of 65,000m², which begs the question where the data centre would be accommodated. However, this plan is indicative and I understand that future reserved matters applications would better reflect the proposal described.

On the basis of the above, I offer no objection subject to a condition being imposed requiring a minimum of 65,000m² of data centre uses.

H i g h w a y s Further to my comments of 23rd June 2023, the applicant has
(D e v e l o p m e n t been in touch to point out that the 65,000m² data centre use is
M a n a g e m e n t) a maximum, and so too is the 69,549m² of flexible
(second response) E(g)(iii)/B2/B8 uses. Accordingly, this VOC application would
not allow for more than 69,549m² of the higher vehicle trip
generating uses and the exercise presented in the submitted
Transport Statement represents a worse case in terms of trip
generation. This showed a likely net reduction in trip generation
compared to the current planning consent.

Accordingly, I withdraw my request that a condition should be imposed on any planning consent for this VOC requiring a minimum of 65,000m² of data centre uses and confirm no objection to the VOC application as presented.

G r e e n No comments.

Infrastructure

Landscape

Drawings or documents reviewed within this application:
Parameters Plan F0025 K, Illustrative Site Layout Plan
F0027K, LVIA addendum May 2023.

Landscape character views and visual amenity:

Applicant has provided a LVIA addendum in support of the application. I agree with the following conclusions outlined in the document.

4.0 CONCLUSION

4.1 The conclusions previously established in relation to the likely effects on landscape character and visual amenity identified in the original LVIA dated 12/07/2021 (Ref: 2192-21-RP01B) remain valid for the purposes of the revised parameters considered in this addendum.

4.2 The changes from the approved Parameters Plan to the revised parameters considered in this LVIA Addendum, as listed in paragraph 3.1 above, will not change the level of effect originally attributed to each landscape and visual receptor.

Trees

Landscape

and I have examined the plans and documents relating to this VOC Application, when it has been noted that the increase in mezzanine floor space will be experienced inside the buildings,

and that these internal changes should not affect any external landscape and visual issues.

Therefore, in recognition that there would be no external change to the design of the original Illustrative Site Masterplan, as previously submitted as part of the approved Outline Application CB/21/05254/OUT, no objections to this VOC application will be raised.

Ecology The proposed additional floor space will be provided as mezzanine floor space within the buildings. There will therefore be no change to biodiversity net gain calculations and no adverse impact on ecology. As such, there is no ecological objection to the proposed variation of conditions.

Sustainable Growth No objection, the provided sustainability and Energy documents show that the development is able to achieve policy CC1 compliance.

SuDS Management Team The VOC does not intend changes that affect flood risk of drainage, therefore, we have no comment.

Public Art No comments.

Public Protection Topics considered:

Air quality
Noise

Compliant with:

Policy
Design Guide - subject to clarification / demonstration by condition

Reason for support:

Regarding *Policy CC8 "Pollution and Land Instability"*, the application is not to amend conditions on environmental performance such as (24) for fixed which is mainly a design matters to control at source. Considering the new uses include data centre which requires back up power supply, we ask for confirmation control or mitigation measure will also be adequate for the testing and operation of these. Regarding mobile plant or vehicle movements outside the buildings and on the premises, please ask the applicant for proportionate information demonstrating no change in the impact understood at the time of CB/21/05254/OUT compared to the noise assessment report dated 8th November 2021.

Regarding Air Quality, it is noted the proposed design amendments are not anticipated to impact air quality, and the conclusions drawn within the appended AQA remain applicable, except for the proposed data centre's standby generators, for which we ask for proportionate assessment to

demonstrate no adverse impact prior to commencement of development.

Conditions Required:

See above regarding air quality impact of back-up power generator.

Archaeology No comments.

Waste Services As the premises are not going to be used for residential purposes we have no comments to make. The landlord/occupier will have to make their own commercial waste collection arrangements as this is not a service Central Bedfordshire Council provides.

Natural England No comments.

National Highways Conditions 4, 13 , 20, 30 and 31 have no impact on the SRN and therefore National Highways (NH) has no objection on the variation of condition.

NH's previous response on 19/07/2022 sets out that the previous trip rates and distributions have been clarified in the applicants email on the 01/03/2022. The distribution discussed in that email was accepted.

The variation of this condition demonstrates how the data centre produces less vehicle trips than the previous application. If the prior approved trip distribution remains the same, then NH has no objection to the reduced vehicle trips contained within the transport statement of this application.

Anglian Water No comments.

Other Representations:

Neighbours No representations received.

Determining Issues:

The main considerations of the application are:

1. Principle of Development
2. Design and Layout, and Impact on Character and Appearance
3. Highway Considerations
4. Impact on Amenity of Neighbouring Occupants
5. Other Considerations
6. Conclusion

Considerations:

1. Principle of Development

- 1.1 The proposed redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (use classes E(g)(iii)/B2/B8) approved by application CB/21/05254/OUT was considered acceptable in principle. This was on the basis of the proposal making use of

previously-developed or 'brownfield' land, the site being shown on the Policies Maps for the adopted Central Bedfordshire Local Plan as an existing employment area, and the proposal meeting the following criteria in Policy EMP1:

1. The proposal would contribute towards meeting the overall employment needs of the district, or widening the range of employment opportunities;
2. The proposal would not conflict with neighbouring land uses; and
3. The location is appropriately accessible and the proposal would not result in unacceptable levels of traffic generation.

1.2 While the final occupiers of the proposed development are not known, the Planning Statement (Barton Willmore, November 2021) submitted in support of application CB/21/05254/OUT states that a proposal delivering 116,000 sq m of floorspace could create approximately 1,500 or more gross direct new employment opportunities at the operational stage, depending on assumptions regarding floorspace quantum and final mix of uses across the site.

1.3 The current application proposes an increase in the maximum total floorspace to 134,549 sq m of which 65,000 sq m is specifically identified as a data centre (B8 Use Class). The submitted Cover Letter (Barton Willmore now Stantec, 26 May 2023) does not outline the number of employment opportunities this increase in floorspace and the specific identification of 65,000 sq m as a data centre would create. However, the proposal would still, in accordance with Policy EMP1, make a contribution towards meeting the identified Objectively Assessed Need of 24,000 jobs within the Plan period (2015-2035), outlined in Policy SPA (Growth Strategy). Also, as with application CB/21/05254/OUT, the level of employment generation cannot be precisely determined until the site is operational and the final mix of uses and specific occupiers is known.

2. Design and Layout, and Impact on Character and Appearance

2.1 Local Plan Policy HQ1 (High Quality Development) seeks to ensure that all developments are of the highest possible quality and respond positively to their context.

2.2 The proposed variation of Conditions 4, 13, 16, 20, 30 and 31 of planning permission CB/21/05254/OUT is required to refer where relevant to an updated Parameter Plan F0025 Rev K, which provides for amended development parameters to incorporate an increase in maximum total floorspace to 134,549 sq m and an increase in building height of 1m for discrete elements. As such, while details of appearance, layout and scale will be reserved for determination at a later date, the updated Parameter Plan continues to provide for maximum development parameters in respect of building heights, development areas and areas of strategic landscaping for future Reserved Matters proposals to accord with.

2.3 The submitted updated Illustrative Site Layout Plan (F0027 Rev K) illustrates how a form of development similar to that submitted in illustrative form (plan F0027 Rev J) with application CB/21/05254/OUT could still be achieved, with the additional floorspace of 18,549 sq m now proposed provided as mezzanine floorspace within the buildings.

2.4 The height parameter approved by application CB/21/05254/OUT was for the proposed units to have a maximum height to ridge of 24m. The amendment now sought is to increase this by 1m to 25m for discrete elements, for example individual pieces of equipment or building features such as lift cores, only. The

maximum permitted height to ridge would remain at 24m. A Landscape and Visual Impact Appraisal Addendum (Barry Chinn Associates, ref. 2192-21-RP05 May 2023) has been submitted in support of the application. As stated in the Landscape consultation response, the conclusions of this document, i.e. the likely effects on landscape character and visual amenity identified in the original LVIA submitted with application CB/21/05254/OUT remain valid for the purposes of the revised parameters, and the changes from the approved Parameters Plan to the revised parameters would not change the level of effect originally attributed to each landscape and visual receptor.

2.5 Overall, the proposed amended development parameters would present a proposal which would acceptably relate to the existing local surroundings, compliant with Local Plan Policy HQ1 (High Quality Development).

3. Highway Considerations

- 3.1 As outlined in the Highways (Development Management) consultation response, the proposed 65,000 sq m of floorspace specifically identified as a data centre (of the proposed total floorspace of 134,549 sq m) would exhibit lower trip rates than more conventional B8 land uses. Overall, a net reduction in vehicular trips is envisaged in comparison to that generated by the 116,000 sq m of floorspace proposed by approved application CB/21/05254/OUT.
- 3.2 The car parking requirements of a data centre are also likely to be less than conventional B8 uses.
- 3.3 The proposed variations to the wording of conditions proposed by this application do not relate to the proposed vehicular accesses to the site from Luton Road.
- 3.4 Overall, the proposed amended development parameters are not objectionable in a highway context and accords with Local Plan Policies T1 (Mitigation of Transport Impacts on the Network), T2 (Highway Safety and Design) and T3 (Parking).

4. Impact on Amenity of Neighbouring Occupants

- 4.1 Local Plan Policy HQ1 (High Quality Development) seeks to ensure that all developments do not have an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality.
- 4.2 The Public Protection consultation response requests confirmation control or mitigation measures in respect of noise generated by the proposed data centre use as this would require a back up power supply. In terms of air quality, the response requests proportionate assessment to demonstrate no adverse impact from the data centre's standby generators.
- 4.3 The size of the floorspace occupied by a data centre and the number of units occupied by a data centre will not be known until the submission of Reserved Matters. Condition 24 requires a noise mitigation scheme, and the rating level of noise emitted by all fixed plant on the site. As such this condition can control the level of noise from the data centre's back up power supply. An air quality assessment of the operation of the data centre's standby generators will be required to be submitted at Reserved Matters stage.

4.4 In terms of noise generated by mobile plant or vehicle movements outside the buildings and on the premises, again this can be controlled by Condition 24.

4.5 In view of the above, and subject to the imposition of conditions and further detail submitted at Reserved Matters stage, it is not anticipated that the proposed amended development parameters would cause any adverse impacts to residential amenity.

5. Other Considerations

5.1 *Response to Parish Council Concerns*

Most of the concerns outlined are considered in the discussion and / or consultation responses above.

Power supply is a not a matter for the planning process to control.

Neighbours would be consulted on a subsequent Reserved Matters application or applications.

The proposed variations to the wording of conditions proposed by this application do not relate to the protection and enhancement of hedgerows.

The matter of appearance of the proposed units is for Reserved Matters consideration.

5.2 *Human Rights and Equality Act Issues*

Based on information submitted there are no known issues raised in the context of Human Rights / The Equalities Act 2010 and as such there would be no relevant implications.

5.3 *Construction Code of Practice*

The Council has adopted a Construction Code of Practice for Developers and Contractors in order to minimise the impact of construction work on residents who live near to development sites. The applicant has agreed to comply with the requirements of the Code, and compliance will be secured by condition.

6. Conclusion

6.1 *Sustainability Objectives*

The NPPF, September 2023 identifies at paragraphs 7 and 8 that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, namely economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

6.2 Economic and Social

The redevelopment of the site would provide significant economic investment through provision of modern commercial accommodation across a range of unit sizes. It would provide job opportunities at both the construction and operational stages of the development which would make a contribution towards meeting the identified Objectively Assessed Need of 24,000 jobs within the Local Plan period (2015-2035). It is also intended to support local

employment, skills development, apprenticeships, and other training opportunities in both the construction and end-use phases.

6.3 Environmental

The proposal would retain a landscape strip on the Luton Road frontage, and be subject to a Green Infrastructure Plan. The scheme would also be required to deliver net gains for biodiversity and is subject to a Sustainability Statement which proposes that the development would be designed and built to achieve BREEAM excellent certification.

6.4 *Planning Balance*

Conditional planning permission was granted under reference CB/21/05254/OUT for the demolition of the existing buildings and the redevelopment of the site to provide up to 116,000 sq m of flexible industrial, storage and distribution uses (Use Classes E(g)(iii)/B2/B8).

6.5 Subsequently a non-material amendment application under reference CB/23/01788/NMA was approved to remove reference to the floorspace figure of 116,000 sq m in the description of development approved by application CB/21/05254/OUT. The maximum floorspace parameter is still controlled by Conditions 16 and 30 attached to planning permission CB/21/05254/OUT. The acceptability of the variation of Conditions 16 and 30, and Conditions 4, 13, 20 and 31, to increase the maximum total floorspace to 134,549 sq m (i.e. an increase of 18,549 sq m of floorspace), and to increase the height parameter by 1m for discrete elements, is considered by the current application.

6.6 The proposed amended development parameters would present a proposal which would acceptably relate to the existing local surroundings, are not objectionable in a highway context, and are not anticipated to cause any adverse impacts to residential amenity.

6.7 Overall the proposal is compliant with the National Planning Policy Framework, September 2023, the relevant policies in the Central Bedfordshire Local Plan 2015 - 2035, July 2021, and the Central Bedfordshire Design Guide, August 2023.

Recommendation:

That the Variation of Condition application be APPROVED subject to the following:

RECOMMENDED CONDITIONS / REASONS

The following conditions relate to the FULL Planning Permission granted under reference CB/21/05254/OUT:

- 1 The development hereby permitted shall begin not later than 12 January 2026.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No building within the development hereby permitted shall be occupied until the scheme of highway works (comprising access arrangements, widening of the existing shared footway / cycleway, and new and relocated bus stops), as shown indicatively on plan ref 21066-BGL-XX-XX-SK-S-00008 Revision P11, has been constructed in accordance with the approved details, amended as necessary by the technical and safety audit process, and opened to traffic. In the event that the development proposed under application CB/21/04483/OUT proceeds in advance of or at the same time then, in addition to the works shown on plan ref 21066-BGL-XX-XX-SK-S-00008 Revision P11, the applicant shall provide the island in proximity to the southern bus stop (for northbound services) as a pedestrian refuge (as shown indicatively on plan ref 21066-BGL-XX-XX-SK-S-00006 Revision P8) rather than as a traffic island as proposed by that development.

Reason: To minimise danger, obstruction and inconvenience to users of the highway and of the proposed development accesses, and to encourage sustainable modes of travel.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 3 Details of the siting and layout of bus stop infrastructure, to be in accordance with Central Bedfordshire's Bus Stop Guidance and Design and to include real time information screens, for the bus stops identified in the scheme of highway works that are the subject to Condition 2, shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved scheme.

Reason: In the interest of pedestrian and cyclist safety and convenience, and the encouragement of public transport use by occupiers of the proposed development.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 4 For the avoidance of doubt, this permission does not extend to the central vehicular access to the site (shown as a roundabout and identified as an Outline element only on the Parameters Plan (F0025 Rev K), and representing a third access to the site). If a third access is required, details of this access, including an updated Stage 1 Road Safety Audit, shall be included within a reserved matters application for the review and approval by the Local Planning Authority.

Reason: To ensure the proposed development does not give rise to unacceptable highways impacts

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 5 Visibility splays shall be provided at the northernmost site access junction with the public highway before the development hereby permitted is brought into use. The minimum dimensions to provide the required splay lines shall be 4.5m (x-distance) measured along the centre line of the proposed access from its junction with the channel of the public highway, and 134m (y-distance; looking right [north]) and 139m (y-distance; looking left [south]) measured from the centre line of the proposed access along the line of the channel of the public highway. In the event that development under application CB/21/04483/OUT has taken place on the opposite (western) side of the road then the minimum y-distance may be reduced to 120m as shown on the indicative plan ref 21066-BGL-XX-XX-SK-S-00006 Revision P8. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 6 Visibility splays shall be provided at the southernmost site access junction with the public highway before the development hereby permitted is brought into use. The minimum dimensions to provide the required splay lines shall be 4.5m (x-distance) measured along the centre line of the proposed access from its junction with the channel of the public highway, and 137m (y-distance; looking right [north]) and 132m (y-distance; looking left [south]) measured from the centre line of the proposed access along the line of the channel of the public highway. In the event that development under application CB/21/04483/OUT has taken place on the opposite (western) side of the road then the minimum y-distance may be reduced to 120m as shown on the indicative plan ref 21066-BGL-XX-XX-SK-S-00006 Revision P8. The required vision splays shall for the perpetuity of the development remain free of any obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 7 Any gates provided shall open away from the highway and be set back a distance of at least 17m from the public highway (including footway / cycleways).

Reason: To enable vehicles to draw off the highway before the gates are opened.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the maximum gradient of the site accesses shall be 4% (1 in 25) for the first 15m measured into the site from the nearside channel of the public highway.

Reason: The interests of the safety of persons using the access and users of the highway.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 9 **No development hereby permitted shall take place, excluding any works of demolition, until a Construction Traffic Management Plan, associated with the development of the site, has been submitted to and approved in writing by the Local Planning Authority which will include information on the following, as may be relevant to this site:**

- **The parking of vehicles;**
- **Loading and unloading of plant and materials used in the development;**
- **Storage of plant and materials used in the development;**
- **The erection and maintenance of security hoarding / scaffolding affecting the highway if required**
- **Wheel washing facilities;**
- **Measures on site to control the deposition of dirt / mud on surrounding roads during the development;**
- **Footpath/footway/cycleway or road closures needed during the**

- development period;
- Traffic management needed during the development period;
- Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site;
- Details of escorts for abnormal loads;
- Temporary removal and replacement of highway infrastructure and street furniture;
- The reinstatement of any signs, verges or other items displaced by construction traffic; and
- Banksman and escort details.

The approved Construction Traffic Management Plan associated with the development of the site shall be adhered to throughout the development process.

Reason: To limit the impact of construction traffic, to ensure that the M1 continues to be an effective part of the national system of routes for through traffic, and to satisfy the reasonable requirements of road safety.

(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

- 10 In accordance with approved plan 02 Rev H (Luton Road Frontage Landscaping Plan), a planting specification shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be implemented in accordance with the approved specification and by the end of the full planting season immediately following the completion and / or first use of any part of the development (a full planting season means the period from October to March). The planting shall subsequently be maintained in accordance with the approved landscape maintenance scheme and management arrangements outlined in 'Maintenance and Management Statement' (Barry Chinn Associates, Reference 2192/21/RP04), and any which die or are destroyed during this period shall be replaced during the next planting season.

Reason: To ensure an acceptable standard of landscaping.

(Policies EE1 and EE4, CBLP July 2021, and Section 15, NPPF September 2023)

- 11 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/3

Reason: In order to minimise the impact of development on existing trees, landscape features and biodiversity.
(Section 15, NPPF September 2023)

- 12 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties.
(Section 12, NPPF September 2023)

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P00001 Rev C, F0029 Rev C, P0002 Rev C, F0025 Rev K, 21066-BGL-XX-XX-SK-S-00005 Rev P9, 21066-BGL-XX-XX-SK-S-00006 Rev P8, 21066-BGL-XX-XX-SK-S-00007 Rev P9, 21066-BGL-XX-XX-SK-S-00008 Rev P11, 21066-BGL-XX-XX-SK-S-00009 Rev P5, 21066-BGL-XX-XX-SK-S-00011 Revision P1, and 02 Rev H.

Reason: To identify the approved plans and to avoid doubt.

The following conditions relate to the OUTLINE Planning Permission granted under reference CB/21/05254/OUT:

- 14 Details of the layout, scale, appearance and landscaping and access, the latter only if a roundabout access to Luton Road is pursued, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 15 An application for approval of the reserved matters shall be made to the Local Planning Authority not later than 12 January 2026. The development shall begin not later than two years from the final approval of the reserved matters or, if approved on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 16 Any application for approval of the reserved matters shall be made in accordance with the approved Parameters Plan (F0025 Rev K), that establishes the following parameters:

A. Amount - up to 134,549 sq m of floorspace, of which no less than 18,549 sq m is provided as mezzanine floorspace, comprising up to 69,549 sq m of flexible Class E(g)(iii)/B2/B8 uses and up to 65,000 sq m of Class B8 data centre use to be accommodated within a minimum of two units and up to seven units, across a developable area of 22.52 hectares.

B. Use - Use Classes E(g)(iii) light industrial/ B2 general industrial/ B8 storage and distribution (including Data Centre) and ancillary office accommodation.

C. Scale - Maximum building to ridge height of 24m, with a finished floor level of 129-130m AOD (+/- 2m) and a maximum AOD building ridge height of 153-154m AOD (+/- 2m) plus discrete elements of equipment with a height to maximum of 25m and height at maximum of 154-155m AOD (+/- 2m).

Reason: To control and limit the form and design of development.

- 17 An application for approval of the reserved matters shall include a Green Infrastructure Plan which shows how existing green infrastructure features will be protected and new green and blue infrastructure assets, including bioretention features, will be linked through and around the site providing connectivity to the wider landscape.

Reason: To ensure a net gain in green infrastructure.

(Policy EE1, CBLP July 2021, and Section 15, NPPF September 2023)

- 18 The detailed plans to be submitted for approval of reserved matters shall include details of boundary treatment.

Reason: To ensure the finished appearance of the development is acceptable.

(Policy HQ1, CBLP July 2021, and Section 12, NPPF September 2023)

- 19 An application for approval of the reserved matters shall include a Landscape and Ecological Management Plan (LEMP) and an updated biodiversity metric.

Reason: To ensure the development delivers net gains for biodiversity and these are managed in an appropriate manner.

(Policy EE2, CBLP July 2021, and Section 15, NPPF September 2023)

- 20 In accordance with the submitted Sustainability Statement (Eight Versa, reference 10392 - Vauxhall Luton - Sustainability Statement-2305-18nv), an application for approval of the reserved matters shall include:

- A detailed BREEAM strategy demonstrating that the proposal will achieve BREEAM Excellent rating must be submitted with the reserved matters application.
- A Post-Construction Verification Report with evidence that the BREEAM Excellent Certification has been achieved must be submitted within 12 months of completion of the development.

Reason: To demonstrate high quality sustainability standards.

(Policy CC1, CBLP July 2021, and Sections 2 and 14, NPPF September 2023)

- 21 **No development, excluding demolition, hereby permitted shall commence until a detailed surface water drainage scheme, to manage surface water runoff from the development for up to and including the 1 in 100 year event (+30%CC), via attenuation into a sewer authority system, and a maintenance and management plan for the scheme has been submitted to and approved in writing by the Local Planning Authority. The final detailed design shall be based on the agreed Flood Risk Assessment and Drainage Strategy (Burrows Graham, 21066-BGL-XX-XX-RP-D-00001 Version 3 and plan 21066-BGL-XX-XX-DR-S-00250, P3) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. Maintenance will ensure the system functions as designed for the lifetime of the development. Any variation to the connections and controls indicated on the approved drawing which may be necessary at the time of construction would require the resubmission of those details to the Local Planning Authority for approval. The discharge rate from the development will be limited by the sewerage undertaker.**

Reason: To ensure the approved system will function to a satisfactory minimum standard of operation and maintenance and prevent the increased risk of flooding both on and off site, and to ensure that drainage associated with the site does not impact on or cause damage to adjacent railway assets.

(Policies CC3 and CC5, CBLP July 2021, and Section 14, NPPF September 2023)

- 22 No building shall be occupied until the developer has formally submitted in writing to the Local Planning Authority a finalised 'Maintenance and Management Plan' for the entire surface water drainage system, inclusive of any adoption arrangements and/or private ownership or responsibilities, and that the approved surface water drainage scheme has been correctly and fully installed as per the final approved details.

Reason: To ensure that the implementation and long term operation of a sustainable drainage system (SuDS) is in line with what has been approved.
(Policies CC3 and CC5, CBLP July 2021, and Section 14, NPPF September 2023)

- 23 Prior to occupation of the development, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. The Public Art Plan shall be implemented in full and as approved unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority.

Reason: To enhance placemaking and quality in design.
(Policies HQ1 and HQ7, CBLP July 2021, and Section 12, NPPF September 2023)

- 24 **No development, excluding demolition, hereby permitted shall take place until a noise mitigation scheme which includes noise from the back up generators for the data centre use, and the rating level of noise emitted by all fixed plant on the site, has been submitted to and approved in writing by the Local Planning Authority. The predictions, measurement and assessment of the plant shall be included and be in accordance with BS 4142:2014+A1. The approved scheme shall be installed and retained in accordance with those details thereafter.**

**Reason: To protect the amenity of neighbouring occupants.
(Policies CC8 and HQ1, CBLP July 2021, and Section 12, NPPF September 2023)**

- 25 **No development, excluding demolition, hereby permitted shall take place until a Phase 2 investigation report, as recommended by the previously submitted Environmental Resources Management Ltd report dated 6th May 2020 (Ref: 0508378-04), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.**

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

(Policy CC8, CBLP July 2021, and Section 15, NPPF September 2023)

- 26 Prior to any permitted building being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

(Policy CC8, CBLP July 2021, and Section 15, NPPF September 2023)

- 27 **No development, excluding demolition, hereby permitted shall take place until a plan showing the locations of fire hydrants within the site have been submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied until the fire hydrants have been installed, and shall thereafter be retained.**

Reason: To ensure sufficient provision of fire hydrants to meet the requirements of the proposed development.

(Policy HQ1, CBLP July 2021, and Section 12, NPPF September 2023)

- 28 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Environmental Code of Practice' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning/3

Reason: In order to minimise the impact of development on existing trees, landscape features and biodiversity.

(Section 15, NPPF September 2023)

- 29 The development hereby permitted shall be undertaken in full accordance with the Council's adopted 'Construction Code of Practice for Developers and Contractors' https://www.centralbedfordshire.gov.uk/info/44/planning/674/codes_of_practice_for_planning.

Reason: In order to minimise the impact of construction work on the amenities of nearby residential properties.

(Section 12, NPPF September 2023)

- 30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers P00001 Rev C, F0029 Rev C, P0002 Rev C and F0025 Rev K.

Reason: To identify the approved plans and to avoid doubt.

- 31 If a third central vehicular access to the site (shown as a roundabout and identified as an Outline element only on the Parameters Plan (F0025 Rev K)) is required, details of this access, including an updated Stage 1 Road Safety Audit, shall be included within a reserved matters application for the review and approval by the Local Planning Authority.

Reason: To ensure the proposed development does not give rise to unacceptable highways impacts
(Policy T2, CBLP July 2021, and Section 9, NPPF September 2023)

32 An application for approval of the reserved matters shall include a scheme for the charging of electric and ultra-low emission vehicles, to accord with the Council's Adopted Supplementary Planning Document Electric Vehicle Charging: Guidance for New Developments, and shall include the following:

- Details of active charging posts or passive provision such as cabling and electricity supply for each dwelling
- Timescales / triggers for implementation of the scheme.

The development shall be completed in accordance with these approved details including the agreed timescales / triggers.

Reason: To assist with the transition to low-emission vehicles.
(Policy T5, CBLP July 2021, and Section 9, NPPF September 2023)

33 **No development, excluding demolition, hereby permitted shall take place until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority, which shall identify each severable Phase. The development shall only be implemented in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure a satisfactory standard of development and to ensure the development takes place in a phased and timely manner.

34 The demolition hereby permitted shall be carried out in accordance with the Method Statement No: 01 (City Demolition, 7 October 2022), Environment Plan (City Demolition, 11 October 2022) and Ecological Assessment (Ecology Solutions, November 2021).

Reason: To ensure the impact of demolition on environmental matters is satisfactorily controlled.

35 **No development hereby permitted shall take place until a scheme for dust suppression for the construction phase to protect nearby properties has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved scheme.**

**Reason: To ensure that the impact of the development on the environment is satisfactorily controlled.
(Policy CC8, CBLP July 2021, and Section 12, NPPF September 2023)**

36 **No development, excluding demolition, hereby permitted shall commence until an updated Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority; such a Travel Plan shall include details of:**

- **Joint working with other local employers and shared travel plan activities across the local industrial area.**
- **Predicted travel to and from the site and targets to reduce car use for both visitors and staff.**
- **Details of existing and proposed transport links, to include links to pedestrian, cycle and public transport networks.**

- **Proposals and measures to minimise private car use and facilitate walking, cycling and use of public transport.**
- **Timetable for implementation of measures designed to promote travel choice.**
- **Plans for monitoring and review within 6 months of occupation and then annually for a period of 5 years at which time the obligation will be reviewed by the Local Planning Authority.**
- **Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.**
- **Details of site-specific marketing and publicity information, to include:**
 - **Site specific travel and transport information.**
 - **Incentives for sustainable travel.**
 - **Details of relevant pedestrian, cycle and public transport routes to, from and within the site.**
 - **Copies of relevant bus and rail timetables.**
- **Details of the appointment of a Travel Plan Co-ordinator.**
- **An Action Plan listing the measures to be implemented and timescales for this.**
- **Details of the transfer of the Travel Plan obligation to the future occupier.**

No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan as capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation shall be implemented in accordance with an agreed timetable and shall continue to be implemented as long as any part of the development is occupied.

Reason: To promote sustainable modes of travel and to reduce the potential traffic impact of the development on the local highway network.

(Policy T1, CBLP July 2021, and Section 9, NPPF September 2023)

INFORMATIVE NOTES TO APPLICANT

1. GDP Policy Informative – Central Beds Local Plan

In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in the Central Bedfordshire Local Plan and the National Planning Policy Framework (NPPF).

2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. The applicant is advised that in order to comply with the conditions related to highways and access works related to this permission it will be necessary for the developer of the site to enter into an agreement with Central Bedfordshire Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and

associated road improvements. You are advised to contact the Highways Agreements Officer, Community Services, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford SG17 5TQ. E-mail highwaysagreements@centralbedfordshire.gov.uk

4. The applicant is advised that no private surface water drainage system designed as part of a new development will be allowed to enter any existing highway surface water drainage system.
5. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained by contacting the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301.
6. The applicant is advised that the storage of materials associated with the construction of this development should take place within the site and not extend into or within the public highway without authorisation from the highway authority. If necessary the applicant should contact the Streetworks Manager, Central Bedfordshire Council, by contacting the Highways Helpdesk 0300 300 8301.
7. When submitting details to discharge Condition 21, the following points shall be addressed:
 1. We will require a full set of calculations for each phase and in total, providing evidence of all surface water retained on site for the 1 in 100 (+30%CC). Any exceedance should be shown with pathways, depths and velocity.
 2. We will require full drainage drawings showing all connections, control features, storage, inverts etc. and how it communicates with the development wide scheme.
 3. Culverting of existing watercourses will not be permitted.
 4. There should be a minimum 1m between the base of a soakage unit and the seasonal water table.
 5. Any watercourses within or adjacent to the site should be included in the maintenance and management plan, even if there is no discharge to them. This would be a riparian ownership issue but leaving it as such is no longer acceptable.
 6. Under Central Bedfordshire Council and IDB bylaws, any watercourse within or adjoining the site boundary will maintain a 9m development free easement (on the development side), unless otherwise agreed with the relevant drainage authority. This applies to all watercourses, where water is present for all or some of the year, including those not clearly stated on mapping, topography or planning documents.
 7. The connection of private surface water drainage systems to a highway system is not permitted.
 8. Permeable block paving should be laid to CIRIA C768 "Guidance on the construction of SuDS" guidelines. This guidance also stipulates following Interlay guidance.
 9. The Council does not, and is not required to, adopt any SuDS feature. It is the responsibility of the applicant to ensure that the surface water drainage system, in its entirety, will be effectively maintained in the long-term. We therefore expect confirmation of the proposed arrangements for maintenance to be provided with the final

detailed design, including the future maintenance and operational needs and the responsible bodies for undertaking maintenance (for all public and private drainage components).

10. The final detailed design including proposed standards of operation, construction, structural integrity and ongoing maintenance must be compliant with the 'Non-statutory technical standards for sustainable drainage systems' (March 2015, Ref: PB14308), 'Central Bedfordshire Sustainable Drainage Guidance' (Adopted April 2014, Updated May 2015), and recognised best practise including the Ciria SuDS Manual (2016, C753).
 11. Permission for connection from the sewerage undertaker (including discharge rate) must be included in detailed design.
8. Consideration should be given to ensuring that any new commercial premises are connected to an adequate broadband service and therefore engagement with a supplier of the applicants choice is recommended ahead of the build.
 9. Advice and considerations from the Environment Agency and Network Rail, to be reviewed and addressed with a reserved matters application submission, are appended to this Decision Notice.
 10. The widening of the existing shared footway / cycleway, as part of the scheme of highway works, required by Condition 2, shall include details of separation between the footway and cycleway.
 11. In terms of measures to facilitate and increase use of bus services required by the Framework Travel Plan (Condition 36), the applicant is advised to liaise with CBC Business Investment Officers in consideration of potential occupiers of the proposed development to identify potential numbers of staff and their travel patterns.
 12. Heavy Goods Vehicles (HGVs) associated with the occupiers of the proposed development shall not be parked on roads local to the application site at any time.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 6, Article 35

Discussion with the applicant during the course of the Variation of Condition application to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.