

APPLICATION NUMBER	CB/24/03164/FULL
LOCATION	Land to the East of Sundon Road B5790 and West of the A505, Houghton Regis
PROPOSAL	Construction of two data centre buildings, substation compound, car & cycling parking, access, landscaping, technical plant and associated works.
PARISH	Chalton
WARD	Toddington
WARD COUNCILLORS	Cllr Purser, Cllr Walsh
CASE OFFICER	Caroline Macrdechian
DATE REGISTERED	05 November 2024
EXPIRY DATE	04 February 2025
APPLICANT	Colliers Properties LLC
AGENT	Arup
REASON FOR COMMITTEE TO DETERMINE	Major development with a Parish Council objection that cannot be overcome through conditions or amendments.
RECOMMENDED DECISION	Full application - Recommended for approval subject to conditions and a S106 Agreement.
APPENDIX	No

Reason for Recommendation:

Full planning permission is sought for the erection of two data centre buildings, along with associated access, landscaping and parking.

The application site is located within the strategic allocation for the urban extension of Houghton Regis, which is detailed within Policy SC1 of the adopted Local Plan..

The report assesses the principle of development, highways matters, climate change and sustainability, the impact on the character of the area and residential amenity. It also considers matters relating to pollution and drainage. The report has assessed the proposal in detail and weighs the issues against the benefits associated with the proposed development.

The application is being considered at Development Management Committee as it is a major development and an objection has been raised by Chalton Parish Council.

For the reasons outlined in the report, the development is considered acceptable and is recommended for approval subject to conditions and completion of a S106 legal agreement.

Site Location:

The application site is an 8.7 hectare rectangular shaped parcel of land that is bound on all four sides by roads. The site falls within the strategic urban extension of North Houghton Regis Site 1, now referred to as 'Linmere' which benefits from outline planning permission. The land forms part of the Houghton Regis Sites 1 and 2 Strategic Commitment (referenced as Policy SC1), within the adopted Local Plan.

The site is bound to the north by the A5 Dunstable bypass beyond which is the M1 and associated transport connections. The southern part of the site is bound by Chantry Way and on the opposite side of the road is Lidl supermarket, residential development that is under construction and the Farmstead (comprising retail, office and community use). Woodside Link runs to the east of the site and beyond this is a distribution centre. The western boundary is bound by Sundon Road beyond which is Linmere park.

There are level differences across the site with the northern section sitting higher than the southern part of the site with a notable landscape bund on the northern section of the site.

The Application:

The application seeks the erection of two data centre buildings with a combined internal floorspace of approximately 51,300 sq. metres. As per the application form, the use would fall within Use Class B8 (storage and distribution). The development also consists of a substation compound that is centrally located along the southern boundary of the site with the data centre buildings situated on either side. The buildings are referenced on the proposed layout plan as Building A and B, with A on the western side and B on the eastern side of the site.

Vehicular access would be taken from Chantry Way. The development also includes provision of landscaping in the form of perimeter planting and a larger area of planting on the north-eastern side of the site. Sustainable urban drainage in the form of an attenuation pond is also included and parking for each unit that includes EV charging points, accessible spaces and cycle shelters.

The application is supported by the following documents:

- Planning Statement
- Design and Access Statement
- Transport Statement
- Landscape Visual Impact Assessment
- Flood Risk Assessment and Drainage Strategy Report
- Ecological Impact Assessment
- Biodiversity Net Gain Assessment Report
- Sustainability Statement
- Noise Impact Assessment
- Air Quality Assessment
- Arboricultural Impact Assessment and Method Statement
- Site Lighting Design Report
- Written Scheme of Archaeological Resource Management
- Travel Plan
- Statement of Community Involvement
- Application plans

During the application process amended plans were submitted and a summary of the key changes is set out below:

- Removal of the secondary access - area will be landscaped and the gated access replaced with fencing.
- Secondary access now provided by turning right upon entering the site from the main entrance.

In response to the consultation comments from Highways, a separate footpath application to provide a widened pedestrian/cycle path along Chantry Way and

enhanced crossing facilities was submitted and has subsequently been approved (ref. CB/25/00665/FULL). This is discussed in further detail in the main body of the report.

All papers and information considered in this report are to be found on the Central Bedfordshire website and there are no other background papers, which are not in the public domain.

All consultation responses have been published on the Council's website.

Decision making context:

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise.

RELEVANT POLICIES:

Central Bedfordshire Local Plan (CBLP) - 2021

SP1: Growth Strategy
SP2: NPPF - Presumption in Favour of Sustainable Development
SP7: Windfall Development
SC1: Houghton Regis North Sites 1 & 2 Strategic Commitment
T1: Mitigation of Transport Impacts on the Network
T2: Highways Safety and Design
T3: Parking
T5: Ultra Low Emissions Vehicles
EE1: Green Infrastructure
EE2: Enhancing Biodiversity
EE3: Nature Conservation
EE4: Trees, Woodlands and Hedgerows
EE5: Landscape Character and Value
CC1: Climate Change and Sustainability
CC3: Flood Risk Management
CC5: Sustainable Drainage
CC6: Water Supply and Sewerage Infrastructure
CC8: Pollution and Land Instability
HQ1: High Quality Development

Neighbourhood Plan Policies

Houghton Regis Neighbourhood Plan - adopted, however there are no policies applicable to this application.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (August 2023)
Electric Vehicle Charging Guidance SPD (2022)
Highway Construction Standards and Specifications Guide (2019)
Houghton Regis North Framework Plan (2012)
Parking Standards for New Developments (August 2023)
National Design Guide
Planning Practice Guidance

National Planning Policy Framework (NPPF) (December 2024)

- 2: Achieving sustainable development
- 4: Decision-making
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 14: Meeting the challenge of climate/coastal change, flooding
- 15: Conserving and enhancing the natural environment

Relevant Planning History:

Application Number	CB/24/03450/NMA
Description	Non-material amendment to planning permission CB/12/03613/OUT (Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans). Amendment sought: Pursuant to Condition 36 of the OPP; - Amending the description of development to remove the reference to a data centre; - Amending the Development Parameters text to reflect the removal of the data centre use; and - Amending the Development Parameter Plans 1 – 6, to remove development from the 'Island site'; and • In respect of Condition 10 of the OPP, amending it to remove reference to a data centre.
Decision	Granted
Decision Date	7 January 2025
Application Number	CB/24/01976/SCN
Description	EIA Screening Opinion for Linmere Island Site.
Decision	EIA not required.
Decision Date	31 July 2024
Application Number	CB/23/03517/PAPC
Description	Pre-application advice other development – initial written advice and meeting: Construction of two data centre buildings, substation compound, car & cycling parking, access, landscaping, substation, technical plant and associated works.

Decision
Decision Date

Advice released
6 February 2024

Application Number
Description

CB/12/03613/OUT

Outline planning permission with the details of access, appearance, landscaping, layout and scale reserved for later determination. Development to comprise: up to 5,150 dwellings (Use Class C3); up to 202,500 sqm gross of additional development in Use Classes: A1, A2, A3 (retail), A4 (public house), A5 (take away); B1, B2, B8 (offices, industrial and storage and distribution); C1 (hotel), C2 (care home), D1 and D2 (community and leisure); car showroom; data centre; petrol filling station; car parking; primary substation; energy centre; and for the laying out of the buildings; routes and open spaces within the development; and all associated works and operations including but not limited to: demolition; earthworks; engineering operations. All development, works and operations to be in accordance with the Development Parameters Schedule and Plans.

Decision
Decision Date

Granted
2 June 2014

Outside red line boundary

Application Number
Description

CB/25/00665/FULL

Widening of an existing pedestrian footpath (footpath to the north of Chantry Way)

Decision
Decision Date

Granted
23 April 2025

Consultees:

External Consultees

Chalton Parish Council Response dated 15 May 2025

We note that the applicant has recently submitted a revised Sustainability Statement which includes a breakdown of the BRUKL (Building Regulations UK Part L) results. The BRUKL regulations are used to demonstrate the fuel and energy efficiency of a building and are required to ensure the development meets the necessary building regulations. These are also known as Simplified Building Energy Model (SBEM) reports.

SBEM calculations are designed to determine a building's overall energy efficiency to ensure BRUKL compliance. The report assesses the following elements:

- Hot Water
- Cooling
- Ventilation
- Lighting
- Heating

An Energy Performance Certificate (EPC) may also be prepared to demonstrate that the building's energy use

and running costs produce as little carbon as possible during both construction and operation.

We understand that these regulations refer primarily to buildings with standard anticipated cooling and ventilation, and not to any industrial or specialist machinery installed within or attached to the building — for which a further and more detailed, separate analysis is required.

In the revised Sustainability Statement, the applicant has provided a basic schedule of the energy consumed by the above items and has additionally included an equipment energy rating of 2,143.87 kWh/m². This figure is believed to include both the computer racks and the associated air filtration and refrigeration units, which are necessary for precise temperature control of the IT equipment.

As the BRUKL and SBEM reports do not account for the energy input to the IT racks and associated equipment, we consider it essential that the applicant submit an energy efficiency review, such as aPUE (Power Usage Effectiveness) report. This is a measure of the total energy supplied to the facility divided by the energy used by the IT racks and its associated equipment.

The applicant must demonstrate that the proposed data centre complies with the latest standards, including BS EN 50600, a European standard developed in conjunction with the British Standards Institution. This standard, which is now being adopted, recognises the issue of waste heat discharge from data centres, which poses a current and potential future environmental concern for the surrounding area.

In Europe, the European Energy Efficiency Directive (EU Directive 2023/1791) requires data centres generating over 1 MW to recover their waste heat. This is a significant development. We have asked the applicant to confirm the total power requirement of the data centre's IT load. We have also requested details of the power output of the 43 emergency generators, and the quantity of waste heat they will discharge into the atmosphere during both regular maintenance and full emergency load operation. The issue of noise emissions from the generator exhausts has also been raised but remains unanswered.

To date, we have received no response to these questions. It is not unreasonable to conclude that the applicant's reluctance to disclose this information suggests it may be detrimental to their application.

In our opinion, a planning application for a data centre cannot be fully considered without this critical information. With a proposed 132 kV power connection

— and no confirmed cable route — this data centre is likely to draw between 50 MW and possibly up to 100 MW from the Sundon substation. Consequently, the volume of waste heat discharged will be significant.

These issues must be fully addressed before this planning application can be properly considered.

Response dated 5 March 2025

Subject: Further Comments in addition to Chalton Parish Council's objection letter to CB/24/03164/FULL

We have reviewed the latest amendments to the Linmere Data Centres application and remain seriously concerned about the impact of this proposal. Additionally, we note that our request for information from the Agent TFA Ltd, regarding energy consumption, losses, and overall efficiency has yet to be addressed. This lack of response raises further concerns about transparency in assessing the wider implications of the development.

Key Concerns:

1. Deviation from the Agreed Linmere HRN1 Development Plan - This proposal undermines the original community and developer-accepted plan for the site as an employment zone, which was intended to provide several hundred jobs across different skill levels, including training opportunities for young people and some community usage. If major developments like this are allowed to ignore the carefully agreed-upon 10- to 15-year framework that secured planning approval for the Linmere HRN1 project, then what is the point of having such long-term plans in place at all?
2. Limited Community Benefit - The proposal offers little in the way of genuine benefit to the local community. While the application cites the creation of 70 jobs, these highly technical roles do not provide meaningful re-employment opportunities for those previously engaged in local industries, such as car manufacturing. It does not provide the training and employment opportunities originally envisaged for the immediate, especially younger, residents. The suggestion that this project supports local employment is therefore misleading. Furthermore, as this will function as a global data centre, the tangible benefits to the community remain unclear. While the development may contribute to economic activity on a broader scale, there is little evidence to suggest it will provide meaningful advantages—such as employment, infrastructure investment, or community facilities—for local residents.
3. Concerns Over Generators, Noise, and Pollution - We are particularly concerned about the number and size of generators required to support the data centre. If,

as suspected, the facility is drawing approximately 40MW, each generator will likely be around 1MW in capacity. The potential noise and pollution emissions need to be fully examined before any planning decision is made. A comprehensive impact assessment should be conducted to determine the environmental and health implications for local residents.

4. Uncertainty Over Cable Routes - The cable routes required to connect the data centre to the grid remain a looming concern. This unresolved issue hangs over local residents. The uncertainty surrounding these routes and the disruption they may cause to local infrastructure, homes, and businesses must be addressed transparently before any approvals are granted.

5. Inappropriate Cladding and Design - The proposed cladding and its colour scheme are more suited to a desert or sandstone environment rather than the scree GREEN chalk downland landscape characteristic of this location. The design fails to integrate with the surrounding area and should be revisited to offer a more site-sensitive and visually appropriate solution.

6. Excessive Visual Intrusion and Impact on PRowS - The siting and height of the proposed building, combined with the reduced berm height and inadequate screening, result in a development that will excessively visually intrude on the Public Rights of Way (PRowS) to the north of the site. The structure will obstruct views toward the Chilterns and Dunstable Downs, effectively destroying the visual setting and character of these PRowS. One is an historic, probably prehistoric, track – the ‘Theedway’.

7. Shading and Sunlight Impact - The developer has not adequately tested the potential impact of the building’s height on local light conditions. Given its scale, the structure has the potential to cast dark shadows when the sun is low, particularly during late autumn and winter, creating an oppressive environment in surrounding areas. A proper shadow study should be conducted to assess these effects before any approval is granted.

8. Alternative Site Considerations - Given the scale and infrastructure requirements of the proposed development, we question whether the former Vauxhall site on Luton Road – a currently vacant location – was seriously considered. This site has existing industrial connections and could have been a more appropriate alternative, rather than re-purposing an area that had a different community-agreed vision.

Given these significant issues, we urge further consideration of alternative locations, a reassessment of the design to ensure it integrates more sensitively with the environment, and a clearer demonstration of real

community benefit. We also request an overdue response from the applicant regarding our original queries on energy consumption and efficiency losses.

Response dated 11 December 2024

Objection

On behalf of Chalton Parish Council, we wish to express significant concerns about the above proposed development and the associated community consultation process. We were surprised to learn that a full planning application has been submitted, especially considering that the applicant does not have an approved and legally guaranteed cable route to the site. Below are the key issues that require immediate attention:

1. Community Consultation Exclusion - The consultation process appears to have overlooked Chalton Parish residents, particularly those in Hillside and Hillcrest, Luton Road, Chalton LU4 9UB. This exclusion, compounded by numerous inaccurate statements in the applicant's documentation suggesting the site lies within Houghton Regis, undermines the credibility and inclusiveness of the process and fails to reflect a genuine effort to engage with all impacted stakeholders .

2. Deviation from Original Land Use Designation - The site was initially allocated for light industrial purposes, which included facilities like a small-scale data centre (5,000 sq. metres), a petrol filling station, and a car showroom; likely to provide several hundred employment opportunities. The current proposal, encompassing a 50,000 sq. metre data centre, represents a tenfold increase in scale, straying significantly from the original intention, considerably reducing immediately local employment opportunities, and dramatically altering the scope and impact of the development.

3. Scale and Overbearing Impact - The proposed building's massive size, height and prominent location on elevated land make it highly visible from immediately adjacent rural Green Belt areas such as the Bounds Way Footpath and Chalton Village and nearby Toddington and Upper Sundon villages; this underscores the applicant's misleading observation that its *“ . . . surrounding area . . . is characterised by a mix of warehouse and industrial uses that are currently under development / recently built”*, ignoring the northern rural aspect.

This overbearing structure will dominate the landscape, clashing with the rural character and scale of the surrounding, existing and future agreed, housing environment. Furthermore, the bund initially intended to mitigate visual impact will be rendered ineffective due to its reduced size with the current proposal.

4 Energy Usage and Inefficiency - The development includes 43 generators, but critical information regarding energy consumption and sustainability is lacking. Specifically, we request clarification on the following points:

Total Energy Consumption - What is the total energy consumption for the operations, including the cooling systems?

- Energy Inefficiencies: What are the expected energy inefficiencies, and can the potential wastage be estimated (e.g., 20-30%)?
- Carbon Footprint and Environmental Sustainability: What is the carbon footprint of the facility, and what specific environmental sustainability measures will be in place to mitigate these impacts?

Generator Details:

- What is the power output of each generator?
- As the generators are presumably diesel-fuelled, what emission reduction technologies will be fitted?
- What volume of exhaust gas will each generator emit?

Given that the emergency generators are likely to be operated for maintenance purposes for approximately 30 minutes every fortnight, this is equivalent to all generators running for approximately 10 hours per week. What is the anticipated pollution profile during this time?

Energy Balance:

- What percentage of the total power will be consumed by electronic equipment?
- What percentage will be consumed by air conditioning, handling, and filtration equipment?
- What percentage of power will be discharged as waste heat into the atmosphere?

While there are a few solar panels on the roof, the design does not include any energy recirculation systems. Such systems are essential for reducing the overall carbon footprint, improving energy efficiency, and aligning with sustainability goals.

The absence of these features in the application suggests that the proposed structures are neither forward-thinking nor future-proof in terms of energy efficiency.

The critical details outlined above are essential to accurately assess the environmental impact of the proposed development and to ensure that all aspects of energy usage are thoroughly considered.

5 Noise and Air Pollution - The prevailing southwest wind is likely to carry noise and emissions from fans,

generators, and other equipment to residential areas, particularly Hillside and Hillcrest. Noise levels are not adequately addressed in the proposal, and existing concerns from traffic noise on the nearby link road underscore the potential for this to become a significant issue.

6 Lighting and Light Pollution - The proposed lighting scheme repeats the misinformation about the site being surrounded by a mix of commercial warehouse/industrial buildings and some housing. It does not address the potential spillover, and impact on wildlife, to the immediate rural north of the site with the potential for direct and general glow visibility from Chalton, Sundon and Toddington villages and their surrounding elevated Green Belt landscape.

7 Environmental and Ecological Impacts - The loss of long-established hedgerows, shrubs, and trees (including orchard trees) as part of the development would obliterate vital habitats for birds and other wildlife. The Environmental Impact Assessment (EIA) largely overlooks the impacts on small mammals (e.g., voles and mice), amphibians and reptiles (e.g., lizards and toads), invertebrates (e.g., beetles, moths, and spiders), and lower plants (e.g., fungi, lichens, mosses, and liverworts). The desktop study did not incorporate specific Bedfordshire (Biodiversity Recording and Monitoring Centre). The ornithological studies did not account for passage or over-wintering species and were conducted during an unusually abnormal 2024 spring and summer season. Similarly, the invertebrate surveys were limited (no light-trap or sweep net surveys reported), as were the mammal surveys (no trap survey), and amphibian and reptile surveys. The proposed mitigation measures will not sufficiently retain or replace all current habitats and bird breeding sites.

8 Construction Impact - No journey management plan or construction traffic strategy has been submitted, leaving significant questions about how the heavy construction vehicles will operate, manage road usage, and avoid disruption to the local community.

9 Architectural and Design Concerns - The design and external finish of the building is inconsistent with the character of the area and nearby recent large-scale structure. Its modern, industrial style is out of place among the rural greenbelt surroundings and other existing structures.

10 Lack of Archaeological Consideration - Basic archaeological investigations have not been detailed, which is concerning given the potential historical significance of the area.

11 CB/24/03450/NMA

It has been recognised by the Houghton Regis Management Company (HRMC) that the proposed data centre is significantly larger in area than that originally scheduled as acceptable in the operative part of the Outline Planning Permission (OPP). The OPP was the subject of considerable discussion and community debate which resulted in the so called "island area" being scheduled for smaller, multiple commercial units. The proposed construction of a large data centre constitutes a major change in the OPP and as such cannot reasonably be considered a Non-Material Amendment (NMA). Accordingly, we believe this NMA should be rejected.

Conclusion and Request

The proposal as it stands does not align with the principles of sustainable development or community integration. It fails to address critical environmental, logistical, and social considerations, presenting a design that is incompatible with its setting. We urge the developers to:

- Conduct a more inclusive consultation process.
- Address the issues listed above in detail.
- Reconsider the scale and design to better integrate with the local environment and community needs.

We look forward to a transparent and collaborative approach moving forward.

Natural England

No objection - based on the plans submitted, NE considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Luton Borough Council

No response received.

Anglian Water

Response dated 15 January 2025

Informative to be included indicating that Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Based on the assessment of Dunstable water recycling centre (WCR) can accommodate the flows from the proposed growth.

Water Network Objection - objects to the connection into our foul network from the proposed development, due to capacity constraints and pollution risk. To overcome the objection the applicant needs to consult AW in the form of a pre-development enquiry.

Trade effluent - consent is required to discharge trade effluent to a public sewer.

Bedfordshire Fire and Rescue	Fire hydrants shall be installed within 90 metres of any building at the developer's cost. An alternative water supply should be provided where certain criteria apply. Ensure appropriate access for fire appliances.
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Ramblers Association Active Travel England	Standing advice issued
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Bedford Internal Drainage Board	No comment to make as the site is outside the Boards district.
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Chiltern Society Rights of Way Group	Pleased to see that there will be a path along the north of the landscaped area, connecting with the current path on the east side. Together with the existing footpaths/cycleways that will make it possible to walk a circuit on the perimeter of this development plot. This rich network of paths for walking and cycling will be an asset to the people who live and work in this part of Houghton Regis North. There are two existing ROW around this plot: on the west is Chalton FP6 and a cycleway to the A5; on the North, Chalton FP7. Its not clear whether the circuit described in the application will use the ROW or create new parallel routes. If its the latter there should be points where there is access between the ROW and new recreational path ideally near the two corners on the north.
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Internal Consultees
CBC Trees Officer

Application requires the removal of an entire hedgerow belt running through the middle of the site and also the felling of category B and C trees including tree groups. That said, it is accepted that there will be extensive replanting of trees and shrubs within the site, as shown on the landscape proposal drawing.

Some parts of the development will involve tree protection measures that will require particular care and this poses long term risk to two affected trees. This applies to T23 and T24 (Category B trees) due to the construction of a gabion wall in close proximity.

If minded to approve then this should be subject to conditions.

CBC Archaeology

Development site lies within n area known to contain archaeological remains.

Planning condition 20 of CB/12/03613/OUT requires the implementation of an approved Written Scheme of Archaeological Resource Management (WSARM) for each area of HRN1. Although a WSARM has been submitted with the application, the WSARM must be prepared by the recognised archaeological specialist who will undertake the works. This must be completed prior to commencement of the development.

CBC Rights of Way	Public Footpath No. 7 runs to the north of the site but is outside the site boundary and is unaffected by the proposed development. Therefore no further comments to make.
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CBC Investment	Business	No response received.
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CBC Highways	<u>Response dated February 2025</u>
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The emergency access on the western boundary of the application site has now been removed from the proposal. The red line application boundary did not connect that emergency access with the adopted highway. Landscaping is now proposed to fill the gap left by removal of the emergency access.

A new internal access is now proposed to provide an alternative secondary / emergency access. No new access from the public highway or into the application site is proposed. This second internal access is located to the right (east) of the access off Chantry Way. Its width scales at approximately 5m and tracking diagrams show that service vehicles could be accommodated. It would be gated and used only in the event that there are issues at the main security gate. The submission describes that the operation of the secondary access would be manned during those periods. The secondary access requires the relocation of five car parking spaces which is reflected on the plans.

I suggest a condition be imposed on any planning consent to limit the use of the secondary / emergency access to emergency use only. Whilst the covering letter, Design & Access Statement and Transport Statement describe the intended use of that access, the submitted plans do not appear to label it 'emergency access' and hence I consider that a condition is necessary. Should the secondary / emergency access be used more routinely and concurrently with the main access, there would be conflicts between vehicle movements in the immediate vicinity of the access off Chantry Way which could result in impacts that could extend to affect the safe and efficient operation of the highway.

I understand that the requested footway widening across the site's frontage (west of the access) and the crossing point over the northern arm of the Sundon Road / Chantry Way roundabout is to be proposed via a separate planning application, with the Section 106 Agreement tying this development to that improvement (completion of the works prior to occupation).

Summary

I offer no objection to the application in highway terms

subject to the following conditions (please to also include a condition requiring accordance with the Council's Construction Code of Practice).

Response dated December 2024

Pre-application discussion has been held with the applicant and the Transport Statement (TS) submitted with the planning application has been scoped with HDM and is all broadly agreeable. Unlike a typical B8 land use, data centres have relatively few employees and relatively few deliveries. Vehicular movement is therefore modest. A first principles approach has been undertaken with respect to parking provision and trip generation estimates, based on approximately 100 staff being present at any one time. All staff are assumed to drive as a worst case and hence 100 car parking spaces are proposed. Two visits by HGVs are expected per day. Each data centre building is proposed with a delivery bay. I would recommend that a condition is attached to any planning consent to restrict use of the site to a data centre, as alternative uses of the building are likely to result in a higher trip generation and parking requirement.

The internal site would be retained privately, and the secure perimeter would preclude access by the general public. The internal workings of the site would have little impact therefore on the public realm or operation of the public highway. Tracking diagrams have been provided that demonstrate vehicle types expected to need to take access can negotiate the site access and internal layout. Cycle parking is also incorporated into the proposals, although a condition is needed to secure a suitable form of cycle parking as this detail has not been provided with the application.

Access to the site is proposed via the already-built signal-controlled crossroads off Chantry Way (B5790). The junction includes controlled pedestrian and cycle phases to allow safe access across Chantry Way.

As set out in the TS, trip generation and capacity assessment of the local road network was undertaken as part of the outline planning application for the Linmere development. The application site was at that time identified for mixed uses and the trip generation of the proposal would be significantly lower than assessed. Based on assumed shift patterns, 12-13 trips are expected during the AM peak hour and approximately seven trips in the PM peak hour. Even if shift patterns deviated from that presented, trips would not be expected to exceed the numbers assessed in the outline planning application for Linmere. Additionally, anticipated trip generation is low enough to have confidence that queues would not extend from the security gates to affect the operation of the highway network.

Abnormal Indivisible Loads would be required to deliver large equipment during construction of the development, and for the ad hoc replacement of equipment through the life of the development. These deliveries would need to be coordinated by the Council's Streetworks team to enable the required licenses and traffic management to be put in place.

I do consider it appropriate that the applicant be required to improve pedestrian and cycle access to the site. Currently, there is only a footway on the northern side of Chantry Way. There are no facilities to cross the northern arm of the Sundon Road / Chantry Way / Waterslade Way roundabout. Any employees walking or cycling from the Chalton direction, or northern areas of Linmere, would currently have to deviate from their desire line to cross safely at the signalised junction with Hockett Street. I would require the developer to widen the northern footway to a minimum of 3m to allow shared use with cyclists, and for a crossing to be provided at the splitter island of the northern arm of the roundabout. This would provide connectivity to the existing shared footway / cycleway on the western side of Sundon Road. Details for approval may be secured by condition. However, currently it appears that the footway falls outside of both the current adopted highway and the red line boundary of the application, and so a planning condition could not currently be attached to a consent. The public highway records should be confirmed, and the red line boundary may need to be amended.

There is a similar issue with the red line application boundary in relation to the proposed emergency access (via the roundabout). The application boundary does not appear to join with the adopted highway.

I offer no objection to the application in highway terms, but this should be subject to relevant, standard highway conditions; a condition that secures the said pedestrian / cycle improvements; resolution of the red line boundary matter; a condition restricting the use of the site to data centre uses; and a condition in regard to requirements around the abnormal loads. I will be able to provide these conditions on request or when the issues have been resolved.

CBC Pollution

Response dated March 2025

The applicant has stated in the noise assessment that general operation will be within specified noise limits. In emergency scenarios there may be a significant increase in noise levels above background at the nearest receptor, however the frequency and duration of the emergency scenarios is likely to be minimal.

Response dated 19 February 2025

Note that the temperature of the lighting has been confirmed at 3000K.

Noise - applicant seeks to ask for more noise within the limit set out in the condition. No explanation for this and it appears to be a weakness in the design and specification. Previous conditions apply.

Response dated December 2024

Regarding *Policy CC8 "Pollution and Land Instability"*; the applicant has submitted noise impact and lighting assessment reports to support this application.

"Noise Impact Assessment" report (19 June 2024) identifies planned dwellings 60m to the south of the development and to the west. Background sound levels have been sampled and the report aims to guide applicant to comply with the CBC Design Guide regarding ordinary use. There is also information for neighbouring commercial premises to demonstrate a performance that could be suitable for offices.

There is a substantial amount of plant and equipment to operate on site and some this will provide back-up power in the case of an outage. Operating scenarios are shown to comply with the Design Guide with no margin or tolerance for the designer, suppliers of equipment and the constructor.

In an emergency, with back up generators operating, noise levels are predicted to be three decibels higher than the ordinary Design Guide limit and for the reasons explained in Section 4 of the report seem reasonable. And the authors conclude there is sufficient control for the Lidl commercial premises, which is a private matter with the applicant and Lidl in our opinion.

"Site Lighting Design Report" (dated 7 October 2024), sets out a design to comply with the Design Guide on the reduction of obtrusive light. This identified Environmental Zone E3 "Suburban" surroundings which appears consistent with the location and type of residential developments planned nearby. Light contour rendering shows confinement to the site with low levels at the site boundary.

Regarding colour of the light, which is relevant consideration in landscape and visual qualities, in our opinion this should appear warm and not exceeding a temperature of 3500 K (kelvin). Please ask the applicant for confirmation on this.

CBC SuDS

No objection raised subject to conditions.

CBC Strategic Transport

An updated Travel Plan should be secured through a condition.

CBC Ecology

Response dated 28 February 2025

Further information required.

Accept that no further planting along the eastern boundary is feasible and that the existing scrub on this edge is being retained and will provide connectivity.

Previous comments noted that the tree supporting the Kestrel nest was not identified on plans. Further information has been provided and the nesting tree is being retained, which is welcomed.

Details of the translocation of soil for the grassland will be provided within the LEMP and CEMP is acceptable.

A site for skylark mitigation has been proposed. The site is 5km away from the application site which is disappointing but acceptable. Mitigation should be secured via legal agreement.

Supplementary PRF inspection surveys did not find any evidence of bats. One tree has a roost. No further surveys are required.

Lighting plan has been updated but further information required to determine the lighting impact on the tree with a confirmed bat roost.

Biodiversity Net Gain

Updated information provided but some of the appendices are missing.

Scheme now results in 28.7% loss in habitat units and 74.84% gain in hedgerow units.

Shortage of units will be addressed through the purchase of units via registered habitat bank. The site is outside the LAP but within the same National Character Area.

BNG monitoring fee to be secured via a legal agreement, along with the required BNG gain plan and HMMP documents.

Response dated 10 January 2025

Objection - Further information required

Ecological Impact Assessment

Site comprises of species poor grassland on old arable land with an internal hedgerow that links to an area of scrub and woodland.

Majority of the grassland is to be lost, along with a section of hedgerow with trees and a boundary edge of the woodland block. Applicant is encouraged to plant new hedgerow along the eastern boundary linking the proposed hedgerow on the southern boundary to the central planting (retaining a commuting corridor).

Bat surveys identify bat roost potential within several trees on site. The 2022 surveys are out of date therefore updated surveys are required to determine if further roosts are not present on site. Surveys to be updated prior to determination. Information on the location of the trees and any lighting impacts must also be provided.

Information indicates that the development will result in the loss of breeding habitat for Skylark and the pairs present on site are likely to be displaced by the site. Off-site compensation is the proposed solution. Kestrel and Linnet may be retained on site if design incorporates elements to encourage this. It must be confirmed the location of the nest site and if the tree is to be retained.

Badgers were previously on the site but the setts were closed in Autumn 2022. No signs of badgers were seen on site - this is accepted.

Negligible risk to reptile populations within the local area. This is acceptable.

Site is within a green zone for great crested newt habitat. No ponds or ditches on site to support GCN. There are four ponds within 500m but these were only created in 2021 and therefore are unlikely to support GCN. Negligible risk to GCN.

A Construction Ecological Management Plan (CEMP) will be required via pre-commencement condition.

Biodiversity Net Gain

Metric spreadsheet needs to be provided.

Report indicates a loss in habitat units and a gain in hedgerow units. Overall, as the two unit types have not been achieved then the mandatory 10% requirement has not been met. Further information should be provided.

Lighting - Separate plans should be provided including lux contours. Retained woodland should be kept as dark as possible to retain its benefits to nocturnal species such as bats.

Place (commenting on behalf of CBC)	Services

In general, the overall appraisal of the elevations presented at pre-application stage, where the design comments were overall positive, was that the use of reds and browns subject to confirmation of buildings EAs supported and somewhat landscaped the present landscape and provided a visual buffer to the greenbelt edge and also the National Landscape (NL). Modules of perforated materials for the general elevations and the generator towers. Supportive of this, at pre-application stage noted that by utilising a structure of perforated materials and VBA, which applied the identified strategy largely positive.

Strongest supported the front of this substitution may help to soften the space and integrate this view to the public realm. However, the applicant successfully argues that, as they are delivering a landscaped buffer and responses not are the suitable locations for the transformed, it should be considered acceptable an acceptable level of active frontage is provided onto the southern edge of the site.

Breaking up of parking with shrubs and perennials is positive. Trees should be used in addition to plants and supporting soft buffer between the car park and acceptable from an Urban Design perspective. We would like to suggest the possibility of obtaining native plants for the hedge and planting order for south development of the residential best practice design practice, the Arboriculture Report also confirm that the optimum is the removal of 4 categories of trees. Accept that the additional planting to the north has been great with increased tree canopy diversity and that the diversity possible still remains short of the 10% and therefore justify the opportunity to retain and strengthen the tree types and the hedge line and to add to the biodiversity of the new connections to the built form. provide more detail of the associated hard and soft landscaping proposals.

Pleaser to see the inclusion of staff assessment areas located to the south which help mitigate the lack of active landscape institute methodology. Refine the colour palette accordingly. Note this is likely to incorporate the look of the agreement and materiality are required together with proposals for attractive connections to the

Consider providing higher quality perforated materials for the fencing integrated with the profiled perforated materials elsewhere on the building. In lieu of public art along the northern boundary of the site. A condition is encouraged.

- Enhance the planting to the front of the substation compound

Scale and massing is acceptable due to the proximity to a distribution centre of a similar mass and scale and the considerable landscape mitigation measures.

At pre-application stage it was suggested that the applicant complete an Environmental Colour Assessment to inform the proposed elevations. Rather than follow the Landscape Institute Technical Notes, a Colour Palette Analysis has been completed, which highlights the earthy reds and browns of the local form and natural greens, browns from the surrounding landscape. This has

Public Art	Given the proposed scale of development there would be a requirement for public art. If this cannot be delivered within the site, then a contribution towards the development and delivery of public art in the local area should be secured.
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Sustainability Team	Updated report confirms compliance with the requirements of Policy CC1. Verification report to be secured by condition.
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Other Representations:

Neighbours	One objection received raising the following points: • Application is inappropriate because there is not sufficient connection on the electricity grid station. • Not enough power at the grid to run a data centre.
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Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Climate Change and Sustainability
3. Impact on the Character of the Area
4. Highway Considerations
5. Neighbouring Amenity
6. Surface Water Drainage and Flooding
7. Ecology
8. Other Considerations
9. Sustainable Development

Considerations

1. Principle of Development

1.1 The application site falls within the strategic allocation for Houghton Regis North (HRN1) which is referred to as 'Linmere'. Policy SC1 of the Local Plan applies and sets out the principles for development across the Houghton Regis North allocation (referred to as Site 1 and 2). The outline consent for HRN1 forms 'Site 1'. The requirements of Policy SC1 are set out below:

- *Provides opportunities to assist in the regeneration of Houghton Regis through the timely delivery of supporting infrastructure that complements and supports existing facilities;*
- *Provides the opportunity for long term integration with Site 2 to facilitate the delivery of the wider strategic development for this area;*
- *Provides for efficient public transport routes that link with Houghton Regis town centre and the Luton and Dunstable Guided Busway as well as dedicated and safe pedestrian and cycle links from the new and existing neighbourhoods to local centres, employment opportunities and social and community infrastructure;*
- *Provides a green infrastructure network that links, preserves and enhances biodiversity, landscape, heritage, access and open space features within the existing urban area, the strategic allocation and the wider countryside;*
- *Designed to mitigate any harm caused to the significance of all designated*

heritage assets in the vicinity of the site. This is required in order to ensure that the public benefits of the development outweigh the any harm caused to the significance of all designated heritage assets affected by the development;

- Designed to preserve all designated heritage assets within the site and shall seek to mitigate the degree of harm to the significance of all designated heritage assets and shall deliver where necessary, relevant and reasonable measures to preserve those assets and their settings for future generations, to ensure the public benefits of development would outweigh the degree of harm to the significance of designated heritage assets;*
- Seeks to reduce flood risk along the Houghton Brook and further downstream in Luton by engaging with the Environment Agency to explore practical opportunities that manage flood risk and minimise surface water runoff; and*
- Incorporates measures to adapt to climate change, minimise energy use, and include renewable energy technologies in accordance with policies CC1, CC2, CC3 and CC5, and any other relevant policies in the Plan.*

1.2 The site benefits from outline permission for residential development for up to 5,150 dwellings and other development in the form of retail, offices, industrial and distribution, amongst other uses, plus a data centre. The outline permission was approved in 2014 under reference CB/12/03613/OUT.

1.3 The data centre proposed exceeds the floor area for such use consented in the existing outline planning permission for the overall site. The planning permission includes parameter plans, which identify the scale of uses allowed to be provided within each area of the site. The parameter plans for the outline permission identify that a data centre can be provided on areas C and D for up to 5,000sq.m as a maximum for the entire site.

1.4 Whilst the siting of a data centre in this area was considered acceptable in principle, the scale would exceed the original planning permission. The application seeks a data centre with a gross internal floorspace of 51,365 sq.m. Overall, it is acknowledged that the principle of such a use has been established by the existing outline planning permission, which constitutes a material planning consideration. The increased floorspace is considered acceptable and would not conflict with the objectives of Policy SC1, which seeks to deliver a mix of uses.

1.5 In January 2025 a non-material amendment was approved in respect to the original outline permission (CB/24/03450/NMA). The non-material amendment approved the following to the approved outline consent:

- Amendment to the description of development to remove reference to a Data Centre.
- Amendment to Condition 10 of the outline permission to remove reference to a Data Centre and to reduce the overall commercial floor space by 5,000sq.m (the amount originally allowed for a Data Centre).
- Amendment to Condition 36 of the outline planning permission to refer to the revised parameter plans and details as set out in the Amended Planning Application Booklet section 5.0 and 6.0 (removing the 'Island Site' from the parameters of the outline planning permission).

1.6 In determining the non-material amendment, it was concluded that the proposed changes would not alter the development from that described on the

planning permission (other than as described above), would not conflict with planning policy or an objection to the original application and within the context of the overall scheme, would not materially alter the development.

- 1.7 Overall, developing the site for the provision of a data centre meets the general requirements of Policy SC1 and is acceptable in principle. Further to this, paragraph 86(c) of the NPPF requires planning policies to '*pay particular regard to facilitating development to meet the needs of a modern economy....for uses such as data centres.*' Paragraph 87 requires decisions to address the specific locational requirements of different sectors, ensuring that facilitates and infrastructure support the growth of data centres.

2. Climate Change and Sustainability

- 2.1 Policy CC1 of the local plan requires that all new development is designed to:
- 1) *Increase its resilience to impacts of climate change.*
 - 2) *Take full advantage of opportunities to incorporate renewable energy technologies.*
 - 3) *Reduce carbon emissions; and*
 - 4) *Achieve the higher water efficiency standard of 110 litres per person per day.*
- 2.2 Policy SC1 requires strategic development that incorporates measures to adapt to climate change, minimise energy use, and include renewable energy technologies in accordance with policies CC1, CC2, CC3 and CC5 of the local plan.
- 2.3 At pre-application stage the applicant was advised to submit a Sustainability Statement at application stage in accordance with Policy CC1 and was encouraged to consider opportunities to provide waste heat from the data centre cooling processes to the neighbouring developments. The application is accompanied by a Sustainability Statement which identifies measures to reduce energy demand through implementation of design measures, provision of solar PV arrays to provide renewable electricity for the development. The development is also targeting a sustainability performance BREEAM rating of Excellent. Other sustainable measures includes minimising potable water demand and supporting active and sustainable modes of travel. These measures would be secured via a condition and a requirement to submit a Verification Survey prior to occupation of any building to ensure the measures as set out have been fully implemented.
- 2.4 The submitted information has been assessed by the Council's Sustainable Growth Officer who has confirmed that the information meets the requirements of Policy CC1. It is evident that further consideration of energy consumption would be dealt with through building regulation assessment. Whilst the Council have advised the applicant regarding waste heat measures at pre-application stage, the application is led by the Local Plan, notably the requirements of Policy CC1.
- 2.5 Chalton Parish Council have objected to the application and raised detailed concerns regarding the sustainability of the proposed development. These relate to energy efficiency, consumption and the resultant demand on local infrastructure, with specific reference to Sundon sub-station (located to the north of Chalton). Concerns have also been raised regarding the volume of waste heat discharge.
- 2.6 The Parish Council have stated that as the BRUKL and SBEM reports do not

account for the energy input to the IT racks and associated equipment, then a Power Usage Effectiveness report should be completed. For clarification, a BRUKL report shows whether a building meets energy regulations (Part L of the Building Regulations). SBEM assesses the energy performance of non-domestic buildings in the UK and calculates the energy required for heating, cooling, ventilation and lighting.

- 2.7 In response to these concerns, the applicant has stated that the BRUKL assessment for this building is fully compliant with Part L of the Building Regulations and includes all areas of the building. The BRUKL assessment for any building is based on the efficiency of the systems supporting the operation of the building and does not cover the IT equipment or other equipment plugged in by the users of the building.
- 2.8 A further point raised by the Parish Council is in regard to the need for compliance with the latest British and European standards for energy. The applicant has acknowledged that the British Standard EN 50600 is a standard for a Power Usage Effectiveness report for a data centre but this standard is not currently included within the British Building Regulations or planning procedure, as such it would not normally be accepted as methodology for the calculation of energy efficiency of a building for the purposes of a planning application. In terms of European standards, the applicant has stated that the European Energy Efficiency Directive (EU Directive 2021/1791) is a move to improve the performance of data centre but the legislation does not currently apply to the UK.
- 2.9 The concerns raised by the Parish Council have been given full consideration and the applicant has responded to these concerns. The Local Planning Authority are satisfied that the planning requirements have been suitably addressed.
- 2.10 Overall, the proposal meets the requirements of Policy CC1 and SC1 of the local plan.

3. Impact on the Character of the Area

- 3.1 Policy HQ1 promotes high quality development that enhances or reinforces local distinctiveness, ensuring that the scale, massing etc of a development relates well to the existing local surroundings. It further states that high quality hard and soft landscaping should be used to integrate the proposal into the existing built environment. The layout should be designed to maximise surveillance and reduce opportunities for crime and where necessary, lighting should not have a detrimental impact on the surrounding area.
- 3.2 Policy EE4 and EE5 seek to ensure existing trees are accommodated or compensated for within the development and ensure the development retains, respects and enhances the character and distinctiveness of the local landscape.
- 3.3 The introduction of two large data centre buildings on a site that is currently grassland would impact on the character of the site and area. However, the site forms part of a strategic allocation and has outline permission for development. It is sited within an area that is undergoing significant change and therefore bringing forward development is deemed appropriate in the context of the changing character of the area.

- 3.4 In terms of the layout of the site, this incorporates a generous landscape buffer to the north with the two buildings located in the southern sections of the site separated by the substation compound. The visual impact of the building has been assessed through the LVIA and this is largely positive. The only key concern is the location of the substation compound due to the negative view to the public realm but it is acknowledged that there is no alternative location that is suitable. The layout incorporates parking areas, which are broken up through the provision of soft landscaping.
- 3.5 To accommodate the development there is a requirement to remove 6 no. trees, 3 no. hedges, 1 no. small group and part removal of 3 no. groups. Whilst the loss of trees on site is not ideal, the landscape proposals incorporate new planting that would compensate for this loss, thereby according with the requirements of Policy EE4.
- 3.6 The proposal has been assessed by the Council's Trees and Landscape Officer who acknowledges that trees and hedgerow would be cleared but there would be extensive replanting of trees and shrubs within the site. Due to the nature of works, notably the provision of a gabion wall, some parts of the construction phase will require particular care to ensure T23 and T24 (Category B trees) are suitably safeguarded. Overall, the Trees Officer is satisfied subject to conditions.
- 3.7 The buildings would have large footprints and are approximately 20 metres in height with smaller elements reaching approximately 25 metres. The feedback from Place Services considers that, on balance, this would be acceptable from an urban design perspective due to the location next to a distribution centre of a similar mass and scale, and the considerable landscape mitigation measures including the generous naturalised bund to the north.
- 3.8 In terms of material finish, metal cladding would be utilised at the lower level with the majority of the building finished in architectural feature cladding. The facade of the building would also include a number of louvres. The architectural cladding would be visually attractive and provide a layered facade that would mitigate the sense of weight from such large structures. The submitted details indicate that the cladding would be a mix of reds, browns with some greens and beiges. A colour palette analysis has been completed by the applicant. Concern has been raised by Place Services and Chalton Parish Council. The comments from Place Services emphasise the need for more greens to be incorporated in reference to the landscape. In response to these comments, it is considered appropriate for the colour finish to be reviewed and would be subject to a condition.
- 3.9 It is noted in the Place Services response that the approach to glazing provision takes into account comments provided at pre-application stage and this is positive. The provision of glazing, when taking into account the use of the building, is generous and the addition of vertically oriented windows provides visual interest.
- 3.10 Security fencing in the form of 2.4m high mesh fence and gates is proposed. Due to level differences across the site, a series of gabion walls are required along the north boundary of the bund, north edge of Building B and southern edge of the wetland. The supporting Design and Access Statement identifies that these would be ecology gabion walls constructed from timber, stone and terracotta. The southern face of the landscape bund would be retained by a green retaining wall. There are other green walls across the site, which are

used to screen the associated infrastructure such as the water tanks to the south of Building A. Further details should be secured by condition.

- 3.11 The application is supported by a landscape layout plan with further detail contained in the Design and Access Statement. There is an area of retained woodland within the central area of the site, along with the provision of additional planting around the perimeter edge, notably along the western and northern boundary of the site. Plus new areas of grassland habitat would be provided to supplement existing and retained grassland. A re-profiled bund with additional planting is sited on the northern section of the site, which would have a typical height of 20m. Other features include SuDS in the form of rain gardens, bioswales and wetlands. The details have been assessed by Place Services who have advised that the planting along the substation compound could be enhanced and stronger planting between parking spaces through the use of trees. In response, the applicant has confirmed that planting opportunities have been maximised on site and there is no room for additional planting without revisiting the site layout. This point is noted and overall the landscaping proposal are considered acceptable subject to a detailed planting plan and maintenance schedule to be secured by condition.
- 3.12 Overall, it is considered that the proposed buildings, having regard to the changing character of the area would be appropriate and accord with the requirements of the local plan. Conditions should be imposed to secure further details relating to the material finish, details of fencing, gabion walls and green walls.

4. Highway Considerations

- 4.1 Policy T1, T2, T3 and T5 of the local plan seek to promote sustainable modes of transport, mitigate the impacts of development on the highway network, ensure safety for all users and ensure appropriate parking is accommodated. Section 9 of the NPPF is relevant and is consistent with the objectives of the development plan.
- 4.2 National Highways were consulted on the application and have raised no objection. As such, no conflict arises with Policies T1 or T2 of the local plan in respect to the strategic road network.
- 4.3 Access to the site is from Chantry Way, utilising an existing signal controlled crossroads. The access arrangements are deemed appropriate.
- 4.4 Trip generation and capacity of the local road network was undertaken as part of the outline planning application for HRN1. At that time the site was identified for mixed use and the trip generation would be significantly lower than assessed. Anticipated trip generation is low enough that there is no concern that queues would extend from the security gates to affect the operation of the highway network.
- 4.5 During construction and the replacement of equipment during the life of the development would require the delivery of large equipment and this would require licences and traffic management to be put in place.
- 4.6 The submitted Travel Plan has been assessed by the Council's Travel Plan Co-ordinator who has proposed a condition. The applicant considers the proposed condition to be generally acceptable but seeks the updated Travel Plan to be submitted and approved prior to occupation as opposed to prior to commencement of works. This seems a reasonable amendment.

- 4.7 The Council's Highways Team requested improvements to the pedestrian and cycle access to the site along the northern side of Chantry Way. This involved widening of the northern footway to a minimum of 3m to allow shared use for cyclists and for a crossing to be provided at the splitter island of the northern arm of the roundabout. As the footway falls outside of the red line boundary and the adopted highway it could not be secured via a planning condition. As such, the applicant submitted a separate application for the footpath widening, which has been granted under reference CB/25/00665/FULL. The completion of the footway widening would be secured through a legal agreement, ensuring completion of the works prior to occupation.
- 4.8 Parking for 100 vehicles is accommodated on site to meet the worst-case staff demand which is based on all members of staff driving. The parking arrangements are deemed appropriate.
- 4.9 Cycle parking has also been provided within the site, but further detail should be secured via a condition.
- 4.10 In terms of the internal layout, this can appropriately accommodate all associated vehicle movements including the turning of HGVs. The original plans showed an emergency access on the western boundary of the site but this did not connect to the adopted highway. As such, this was removed, and a new internal access is now proposed to provide an alternative secondary/emergency access. This would only be used if there are issues at the main security gate. Nonetheless it is deemed appropriate to restrict the secondary access to emergency use only as there could be conflicts between vehicle movements if this is used more routinely in conjunction with the main access.
- 4.11 Overall, the scheme as amended addresses previous concerns raised by the Council's Highway Team and no objection is raised subject to conditions. No concerns have been raised by National Highways. As such, it is considered that the scheme complies with local and national planning policy requirements.

5. Neighbouring Amenity

- 5.1 Policy HQ1 seeks to ensure development does not have an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality.
- 5.2 Policy CC8 relates to pollution and requires all proposals for new development to have regard to national guidance and the Council's Design Guide. It further states, *'development proposals which are likely to cause pollution or land instability, or are likely to be exposed to potential unacceptable levels of pollution or land instability will only be permitted where it can be demonstrated that.....measures can be implemented to minimise the impacts of pollution and land instability to an acceptable level without compromising the quality of life of users and occupiers, which protects health, natural and historic environment, water quality, property, infrastructure and amenity'*.
- 5.3 The nearest residential dwellings are sited on the opposite side of Chantry Way and are currently under construction. Owing to the position and set back of the buildings no issues are raised regarding loss of light, visual intrusion or overlooking.

- 5.4 In terms of noise and disturbance, the application is accompanied by a Noise Impact Assessment, which has been assessed by the Council's Public Protection Team. The general operation of the data centre would be within specified noise limits. Some concerns were initially raised regarding noise resulting from the use of back- up generators in the event of a power outage. However, on the basis that the frequency and duration of the emergency scenarios is likely to be minimal this position is accepted.
- 5.5 In terms of light disturbance, the application is accompanied by a Site Lighting Report which has been assessed by the Council's Public Protection Team who have requested further information via a planning condition.
- 5.6 Overall, it is not considered that the development would have an adverse impact on neighbouring amenity and accords with the requirements of local and national planning policy.

6. Surface Water Drainage and Flooding

- 6.1 Policy CC3 of the local plan relates to Flood Risk Management and supports development that does not increase flood risk and takes into account the site specific flood risk. Policy CC5 of the local plan requires all major development to be accompanied by a Surface Water Drainage Strategy demonstrating how the detailed criteria in the policy can be met. The primary aim of the policy is to ensure appropriate SUDS methods are secured to reduce surface run-off and reduce overall flood risk.
- 6.2 The application site is within Flood Zone 1, which is at low risk of fluvial flooding. The application is accompanied by a Flood Risk and Drainage Strategy. This confirms that the site is within Flood Zone 1 and is therefore at low risk of fluvial flooding. The report concludes that the development will not increase flood risk elsewhere. The surface water drainage proposals include a network of permeable paving, swales, rain gardens and an attenuation pond. Designs provide resilience for all storm events up to and including the 1 in 100 year event, plus 40% climate change realised over that time period.
- 6.3 The submitted information has been assessed by the Council's SuDS and Drainage Officer who has raised no issues subject to conditions that secure a detailed surface water drainage scheme and a maintenance and management plan for the entire surface water drainage system.
- 6.4 Overall, it is considered that the proposal complies with the requirements of Policies CC3, CC5 and the requirements of Section 14 of the NPPF.

7. Ecology

- 7.1 Policy EE2 of the local plan specifies that development will be supported where negative impacts on biodiversity and geodiversity can be avoided and biodiversity net gain can be achieved through the enhancement of existing and creation of new biodiversity features. Policy EE3 emphasises that important habitats must be protected, maintained and enhanced and seeks up to date ecological surveys are undertaken.
- 7.2 The application is accompanied by an Ecological Impact Assessment, which was initially assessed by the Council's Ecologist. Some concerns were raised regarding the bat surveys as these were conducted in 2022 and therefore updated information was requested. Updated surveys were conducted in February 2025 and the information was deemed acceptable by the Council's Ecologist with no concerns raised. The survey has confirmed that one tree has

a bat roost and updated lighting plans show that this roost would not be unaffected by lighting.

- 7.3 There was evidence of skylark breeding on site, along with kestrel and linnet also breeding on site. In light of the loss of skylark breeding habitat, compensation in the form of off-site skylark plots must be secured to address the impacts, which the applicant has agreed to and will be secured through the legal agreement. The landscaping plans incorporate grassland, scrub and tree planting, which will provide opportunities for the kestrel and linnet therefore no issues are raised.
- 7.4 In terms of badgers, they were previously present on the site but the setts were closed in Autumn 2022. There was no evidence of badgers on site and this is accepted.
- 7.5 Reptile surveys have found no reptiles present on site or in the wider area. As such, the proposed development is deemed to have negligible risk to reptile populations within the local area. In terms of great crested newts (GCN), the site lies within a green zone for GCN habitat and there is negligible risk.
- 7.6 Following the receipt of additional information the Council's Ecologist is satisfied and no objection is raised subject to conditions that secure a CEMP and LEMP.
- 7.7 Overall, the application ensures that habitat loss can be mitigated and impacts on protected species are not a concern. The proposal accords with the requirements of local and national planning policy.

8. Other Considerations

8.1 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.

Codes of Practice

8.2

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 planning obligation.

The Council also has an adopted Environmental code of practice that sets out the expectations of development and their contractors to ensure that they follow best practice with regards to environmental protection. This will be secured by planning obligation.

8.3 Environmental Impact Assessment

Consideration has been given to the Environmental Impact Assessment Regulations 2017, and it has been determined that an Environmental Impact Assessment is not required for the proposed development. An EIA Screening Opinion was submitted by the agent in July 2024, and it was confirmed that an EIA is not required (ref. CB/24/01976/SCN).

8.4 Biodiversity Net Gain

The provision of Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990. In accordance with the Act, developers must deliver a BNG of 10%. Where proposals are shown to be exempt from requiring a 10% BNG, the adopted Central Bedfordshire Local Plan also requires the provision of a net gain in biodiversity with Policy EE2.

The scheme results in a 28.7% loss in habitat units and a 74.8% gain in hedgerow units. The shortage of units will be provided via purchase of units via a registered habitat bank. This site is located outside of Central Bedfordshire but is the same National Character Area so is acceptable.

Off site

The applicant has submitted a BNG assessment, including the BNG metric and off-site compensation details, to support the planning application. The application site would not be able to achieve the necessary BNG on site, which is the starting point for considering a planning application, due to loss in habitat units. Therefore, the applicant has considered off site options to seek to provide the necessary BNG. The submitted details identify that an area of off-set land, located at, would be enhanced to improve its biodiversity value and registered as a Habitat Bank with Natural England. The BNG provision would be secured via planning obligation/condition. As a result, the development would provide a BNG which complies with Schedule 7A of the Town and Country Planning Act 1990, the NPPF and Policy EE2 of the adopted Local Plan.

8.5 Chalton Parish Council Objection

Chalton Parish Council have objected to the application for a number of reasons as set out verbatim in the consultee section of this report. The key concerns raised are discussed and responded to below:

1. Deviation from the agreed Lymington HRN1 Development Plan - the deviation away from the approved plan has been questioned. In response, it is acknowledged that the proposal represents a change to that which was previously approved as part of the outline consent. However, this is reflective of changing demands and as set out in section 1 of the report data centre provision is a focus of national planning policy. It must also be noted that the outline planning permission did allow for data centre uses.

2. Limited Community Benefit - the Parish Council have highlighted that whilst 70 jobs would be created these are highly technical and offer limited opportunity for tangible community benefits such as employment or community facilities. In response, there are still likely to be social and economic benefits arising from the development.

3. Concerns over Generators, Noise and Pollution - concerns is expressed regarding the number and size of generators, therefore the noise and pollution parameters need to be fully examined. The submitted information includes a Noise Impact Assessment, which has been assessed by the Council's Public Protection Team. As set out in section 5 of the report, the findings of the impacts assessment have been accepted but conditions are put forward to ensure safeguards for future residents. It is acknowledged that the generators

could cause noise disturbance but this is balanced against the likely frequency and duration of use.

4. Uncertainty over Cable Routes - there is local concern regarding the uncertainty surrounding the routes and resultant disruption that may cause. This matter should be addressed before any approvals are granted. This point is noted, however, the assessment of the application focuses on the development proposed within the red line boundary. Any future application, which may be required for the cable route would be subject to appropriate assessment.

5. Inappropriate cladding and design - concern has been raised regarding the colour finish of the proposed cladding, which results in a proposal that fails to integrate with the surrounding area and should be revisited. A detailed design assessment of the proposal has been undertaken by Place Services on behalf of the LPA. This is summarised in the consultee section of the report and discussed in detail within section 3 of the report. To address concerns regarding the colour finish, a suitably worded condition is proposed.

6. Excessive Visual Intrusion and Impact on ProWs - The site is within an area that is undergoing significant change. Whilst the buildings are of substantial scale, measures have been incorporated through the use of materials and landscaping to minimise the visual impact.

7. Shading and Sunlight Impact - There is concern that the developer has not adequately tested the potential impact of the buildings height on local light conditions. This point is noted but given the distance from neighbouring properties it is not considered that undue harm would result.

8. Alternative Site Consideration - The Parish Council have suggested that alternative sites such as the former Vauxhall site on Luton Road should have been considered rather than using an area that had a community purpose. This point is noted but the application as submitted must be considered.

8.6 Pollution

No issues have been raised in terms of land contamination. The application is accompanied by an Air Quality Assessment, which concludes no significant effects as a result of the proposed development. The application has been assessed by the Council's Public Protection Team and no issues have been raised on these matters.

8.7 Public Art

As set out in the Design and Access Statement, public art is proposed along the northern boundary of the site which would be in line with the public art strategy for the HRN1 Side Wide Design Code. The statement identifies that the art would be developed in partnership with the local community. This would be secured via a planning condition as per the response from the Council's Public Art Officer.

8.8 Neighbour Objection

A neighbour objection has been raised regarding insufficient power capacity to run a data centre. This point is noted but is not deemed a material planning consideration that would prevent determination of the application.

8.9 Anglian Water Objection

An objection to the application was received from Anglian Water who stated that they object to any connection into their foul network from the proposed development, due to capacity constraints and pollution risk.

In order to overcome the objection the applicant was required to consult Anglian Water in the form of a pre-development enquiry. This would define a sustainable point of connection for the proposed development, which would avoid the constrained network and prevent pollution and flood risk downstream.

The applicant has engaged with Anglian Water and it has become apparent that whilst the site is within Anglian Water's network area, the connection would be into Thames Water infrastructure. Discussions are ongoing between the applicant, Thames Water and Anglian Water and an update will be provided.

The applicant has requested whether this matter can be resolved through a planning condition to ensure there are no further delays to determination of the application. It is evident that the applicant is willing to engage on this matter and as such a condition would be a suitable way forward.

9. **Sustainable Development**

- 9.1 The NPPF identifies 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, economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

9.2 Economic

As set out in the Planning Statement there are significant economic benefits associated with the data centre sector and its role in the UK's digital economy. The proposal forms part of the applicant's plans to invest £8 billion over the next five years in the UK data centre market. At the local level, the proposed development would provide at least 350 construction jobs over the 3 to 5 year construction period. Once operational 70 jobs would be created to maintain and operate the data centre. The Planning Statement also identifies the economic gains for the local economy.

- 9.3 Based on the foregoing, the proposed development would provide significant economic benefits to the area, which is afforded significant weight.

9.4 Social

The economic benefits set out above would, in turn, provide social benefits through the creation of new employment opportunities and benefits to the local economy.

- 9.5 Off-site improvements to local cycle and pedestrian routes would be provided, as per application CB/25/00665/FULL. Additionally, a new section of publicly accessible footpath is proposed to facilitate improved pedestrian access around the site. These are matters that are attributed weight in the planning balance.

9.6 Based on the foregoing, the proposed development would result in social benefits to the area.

9.7 Environmental

As set out in the report, there are negative impacts resulting from the development such as loss of trees and hedgerows, loss of habitats and negative biodiversity net gain. However, mitigation measures are proposed that would reduce the impacts and enable off-site BNG to be secured.

9.8 The mitigation includes new tree planting, sensitive lighting and off-site BNG to be secured through the legal agreement. There would also be integration of a strategic drainage scheme including SuDS measures.

9.9 Overall, the negative environmental impacts would be suitably mitigated and as such are afforded limited weight against the proposal and are offset by the social and economic impacts.

10. Conclusion

10.1 The application site is located within an allocated site for strategic development. The principle of development has been accepted and there is national policy support for the provision of data centres.

10.2 In terms of impact on the character of the area, through suitable material finishes and landscaping, the development would integrate appropriately within the changing character of the area. The impact on neighbouring residents is deemed acceptable with noise matters being dealt with through conditions.

10.3 Subject to conditions and the footpath widening to be secured via a legal agreement, the highways impacts of the development are deemed acceptable. The parking and overall layout of the development ensures no off site highway impacts would result.

10.4 There are no identified impacts on protected species and suitable mitigation can be provided in the form of off-site skylark plots to be secured via a legal agreement.

10.5 In conclusion, the proposal accords with the requirements of the Central Bedfordshire Local Plan and the National Planning Policy Framework (NPPF).

Recommendation:

That Planning Permission be granted subject to a legal agreement that is required to be completed within 6 months of the committee resolution to secure off-site biodiversity net gains, off-site skylark mitigation, compliance with the Council's Construction Code of Practice and Environmental Code of Practice, implementation of the footpath widening and monitoring of the Travel Plan and conditions:

RECOMMENDED CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

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 development shall take place until the traffic and pedestrian signal phases that will provide safe access to and from the site off Chantry Way are operating to the satisfaction of the local highway authority.
(See Notes to the Applicant)

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises. (Section 9, NPPF)

- 3 Any gates provided shall open away from the highway and be set back a distance of at least 20 metres from the nearside edge of the adopted public highway.

Reason: To enable vehicles to draw off the highway before the gates are opened. (Section 9, NPPF)

- 4 Prior to occupation of Buildings A and B, a scheme for secure and covered parking for a minimum of 5 cycles per building on the site (including the internal dimensions of the cycle parking area and stands/brackets to be used), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

(See Notes to the Applicant)

Reason: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport. (Section 9, NPPF)

- 5 Sufficient turning space within the site for HGVs shall be available at all times to enable vehicles to leave in forward gear.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway. (Section 9, NPPF)

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any amendments thereto, the parking provision for the site as detailed on the approved plans shall not be used for any purpose other than as parking provision unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain adequate parking provision for the development hereby permitted without adversely affecting the convenience of site and road users. (Section 9, NPPF)

- 7 The gated internal route providing access towards the eastern building and located to the right (east) of the access off Chantry Way shall be used for emergency, construction and maintenance purposes only (including in the event of failure or blockage at the main security gate).

Reason: To reduce the potential for conflicting vehicle movements at the access, in the interest of highway safety. (Section 9, NPPF)

- 8 The active and passive electric vehicle charging spaces, as identified on

plan 302321-ARP-S-XX-DR-A-0011 Revision P02, shall be suitably equipped and made available for use in accordance with the Council's Electric Vehicle Charging SPD (December 2022) or any subsequent revision prior to the development hereby approved being brought into operation or being first occupied. The equipment shall be maintained available for use for the perpetuity of the development, with the passively equipped spaces brought into operation when necessary and / or as may be informed by the site's Travel Plan.

Reason: In the interest of encouraging sustainable forms of transport amongst users of the site. (Section 9, NPPF)

- 9 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development (excluding demolition and enabling works). The content of the LEMP shall include information required in a habitat management and monitoring plan (HMMP) as required to satisfy the BNG requirements. The contents will include the following.
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options and timings for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organization responsible for creating or enhancing the habitats, and who is responsible for the maintenance, management and monitoring of the plan.
 - h) Ongoing monitoring and remedial measures
 - i) When and how management proposals will be reviewed.
 - j) When and how monitoring results will be reported.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that species are appropriately safeguarded and to ensure a net gain in biodiversity is achieved from the development. (Section 15, NPPF)

- 10 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the

local planning authority. The CEMP (Biodiversity) shall be informed by the Ecological Appraisal (EA) supporting the application and include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm and disturbance to biodiversity features, including light sensitive species such as bats.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that species are appropriately safeguarded. (Section 15, NPPF)

- 11 Prior to above ground works commencing, a Public Art Plan shall be submitted to and approved in writing by the Local Planning Authority. Installation of Public Art shall commence on site prior to occupation. 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 quality in design and place making. (Section 12, NPPF)

- 12 Prior to use of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from normally operating plant, machinery/ equipment shall not exceed the typical existing background sound level in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at normal operating duty. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained with the exception of specific changes to the noise details that are requested by the Local Planning Authority in writing to address statutory nuisance.

Reason: In the interest of safeguarding the amenity of local residents. (Section 15, NPPF)

- 13 Prior to use of the development, details shall be submitted to and approved in writing by the Council to confirm that sound (Rating Level) emitted by

standby or emergency generators during power outages is mitigated as much as possible and ideally does not exceed the typical background sound level+10dB when assessed at the nearest and/or most affected noise sensitive (residential) receptor as measured or calculated according to BS4142:2014.

Reason: In the interest of safeguarding the amenity of local residents. (Section 15, NPPF)

- 14 Prior to commencement of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 1 for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Lighting colour shall be warm in appearance and not exceeding a temperature of 3500 kelvin (K). Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained with the exception of specific changes to the lighting details that are requested by the Local Planning Authority in writing to address statutory nuisance.

Reason: In the interest of safeguarding the amenity of local residents. (Section 15, NPPF)

- 15 No development 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 (+40%CC), via Attenuated discharge to a water authority system and infiltration if possible, is submitted and approved in writing by the local authority. The final detailed design shall be based on the agreed FRA & Drainage Strategy (Ref: ARUP, 302321-ARP-XX-XX-RP-Z-0006, P01, 7 October 2024) and DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018) and shall be implemented and maintained as approved. 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 to below greenfield rate, or an appropriate rate as agreed by the Bedford Group of Internal Drainage Boards.

The applicant should address the 16 points contained within informative 4.

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, in accordance with CBC Local policy CC3 to CC5 and NPPF Paras 165 to 175 Inclusive of foot notes 59 and 60 and its supporting technical guidance.

The applicant should address the 16 points contained within informative.

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, in accordance with CBC Local policy CC3 to CC5 and NPPF Paras 165 to 175 Inclusive of foot notes 59 and 60 and its supporting technical guidance.

- 16 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, in accordance with Written Statement HCWS161, 18th December 2014.

- 17 Prior to occupation of the development an updated Travel Plan shall be submitted to and approved in writing by the Council. The Travel Plan should 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 both 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 planning authority.
- Details of provision of cycle parking in accordance with Central Bedfordshire guidelines.
- Details of site-specific marketing and publicity information, to include:
 - a) Site specific travel and transport information
 - b) Incentives for sustainable travel
 - c) Details of relevant pedestrian, cycle and public transport routes to, from and within the site
 - d) 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. (Section 9, NPPF)

- 18 Tree removal undertaken to facilitate construction shall adhere to that specified in Section 3 'Tree Surgery Works' and be confined to that shown on the 'Existing Layout and Tree Works Plan' (Drawing No. 240463-P-11) and the 'Proposed Layout and Tree Works Plan' (Drawing No. 240463-P-12)

of the supporting document 'Arboricultural Method Statement' (Report Ref. 240463-PD-13) dated July 2024, as prepared by Tim Moya Associates.

Reason: To ensure that only tree removals required to facilitate development is undertaken, thereby avoiding unnecessary or unjustified tree removal, which would otherwise be to the detriment of the landscape quality, visual amenity and biodiversity value of the site. (Section 15, NPPF)

- 19 Prior to the commencement of development, all tree protection barriers shall be erected and positioned in strict accordance with Section 4 'Tree Protection Measures' and to comply with that shown on the 'Tree Protection Plan' (Drawing No. 240463-P-13), of the supporting document 'Arboricultural Method Statement' (Report Ref. 240463-PD-13), dated July 2024, as prepared by Tim Moya Associates. All tree protection barriers shall then remain securely in position throughout the entire course of development works.

Reason: To maintain a secure Construction Exclusion Zone around the designated Root Protection Area of retained trees, so as to safeguard their rooting systems and rooting medium from excavation, compaction and soil contamination damage. (Section 15, NPPF)

- 20 The construction of the Gabion Wall shall adhere to the required methodology being specified in Section 7 'Construction Activities' and shall relate to the excavation areas shown on the 'Tree Protection Plan' (Drawing No. 240463-P-13) of the supporting document 'Arboricultural Method Statement' (Report Ref. 240463-PD-13) dated July 2024, as prepared by Tim Moya Associates, with all works undertaken under the supervision and observation of the project arboriculturist.

Reason: To minimise damage to the rooting systems of trees T23 and T24, where construction encroachment is occurring within their designated Root Protection Areas. (Section 15, NPPF)

- 21 Throughout the course of development, all working methodology across the site shall strictly adhere to the working practices specified in Section 2 'Sequencing and Monitoring', Section 5 'Access and Logistics', Section 8 'Services, Drainage and Utilities', and Section 9 'Landscaping Activities' of the supporting document 'Arboricultural Method Statement' (Report Ref. 240463-PD-13) dated July 2024, as prepared by Tim Moya Associates.

Reason: To ensure that all working practices, as undertaken in the vicinity of adjacent trees being retained, shall conform to the requirements of good arboricultural practice. (Section 15, NPPF)

- 22 Prior to occupation, a detailed landscape planting scheme, planting and maintenance specification shall be submitted to the Local Planning Authority for approval, based on the indicative planting layout shown on the 'Site - Soft Landscape Plan' (Drawing No. 302321-ARP-S-XX-DR-L-2002 Rev P01), dated 22nd July 2024, as prepared by ARUP. The approved planting scheme shall then be implemented during the first planting season (November to March) following completion of development, and shall be maintained for a period of 5 years until satisfactorily established, with any losses replaced in accordance with the approved plans.

Reason: To secure the successful planting, aftercare and establishment of landscape planting in the interests of landscape quality, biodiversity net gain,

screening and amenity value. (Section 15, NPPF)

- 23 Part A: No development shall take place until a written scheme of archaeological resource management (WSARM) has been submitted to and approved in writing by the Local Planning Authority. The said development shall only be implemented in full accordance with the approved archaeological scheme and the WSARM shall contain the following components:

1. an outline method statement for the investigation of any archaeological remains that will be affected by the development
2. an outline method statement for the preservation in situ of any archaeological remains which cannot be fully investigated
3. an outline strategy for community engagement
4. an outline strategy for post-excavation assessment; analysis, publication, and archive deposition for the investigation stages of the project. This will include details of the timetable for each stage of the post-excavation works.

The said development shall only be implemented in full accordance with the approved archaeological scheme.

Part B: This condition shall only be fully discharged when:

1. all elements of the archaeological fieldwork have been completed and the date of completion has been confirmed in writing by the Local Planning Authority
2. a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design has been submitted to and approved in writing by the Local Planning Authority. This shall be done within 18 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority
3. the post-excavation analysis as specified in the approved Updated Project Design (if one is prepared) has been completed.
4. the preparation of the site archives (including the completion of the archive report) for deposition at stores approved by the Local Planning Authority has been undertaken and confirmed in writing by the Local Planning Authority. For the digital archive this will include confirmation of the intention to deposit with a CoreTrustSeal certified repository dedicated to storing archaeological archives.
5. the publication report text has been prepared for submission to either a recognised archaeological journal or an approved final report is submitted to the Historic Environment Record, and this has been confirmed in writing by the Local Planning Authority. Unless otherwise agreed in advance in writing by the Local Planning Authority, items 3, 4 and 5 of Part B of this condition shall be completed within 3 years of the archaeological fieldwork date of completion. Should the project not warrant the production of a Post Excavation Assessment report, an Updated Project Design and a publication text, Item 5 can be completed on the approval of the final archaeological report.

Reason: In line with policy HE1 of the Central Bedfordshire Local Plan 2015-2035 (adopted July 2021) and paragraph 211 of the National Planning Policy Framework (December 2023): to investigate and record any archaeological remains affected by the development, to safeguard the long-term future of the archive and to make the record of all the work publicly available. Part A of this condition is pre-commencement because

development works can have an irreversible impact on archaeological remains and an approved programme of investigation must be in place before the development starts. This is advice in line with Chapter 18 of the Central Bedfordshire Local Plan 2015-2035 (adopted 2021) and Chapter 16, NPPF (2023).

- 24 Prior to occupation, a Verification Survey shall be submitted to and approved in writing by the Local Planning Authority, which confirms that the measures identified in the Sustainability Statement (dated 25 April 2025 ref. 30321-ARP-XX-XX-RP-Z-0008) have been fully implemented.

Reason: In the interests of sustainability (Section 15, NPPF)

- 25 Notwithstanding the submitted details, a full colour palette with physical samples for the external finish of the buildings, shall be submitted to the Local Planning Authority for approval prior to installation of the cladding. The submission shall include an annotated elevation drawing showing the use of the proposed coloured cladding. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development respects and responds positively to the character of the area. (Section 12, NPPF)

- 26 Notwithstanding the submitted details, full details of the material finish and maintenance requirements for all retaining walls and green walls, shall be submitted to the Local Planning Authority for approval prior to installation of the walls. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development respects and responds positively to the character of the area. (Section 12, NPPF)

- 27 Prior to commencement of development, full details of the means of providing foul sewer connections into the local infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of agreement with the appropriate infrastructure provider. All works shall be undertaken in accordance with the approved details.

Reason: To ensure appropriate foul sewer connections are provided. (Section 15, NPPF)

- 28 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

-
- 302321-ARP-S-XX-DR-A-0001 Rev. P01 - Site Location Plan
- 302321-ARP-A-XX-DR-A-2100 Rev. P01 Building A General Arrangement - Level 1 and Mezz
- 302321-ARP-A-XX-DR-A-2200 Rev. P01 Building A General Arrangement - Roof Level
- 302321-ARP-A-XX-DR_A-4001 Rev. P01 Building A Elevations
- 302321-ARP-A-XX-DR-A-5001 Rev. P01 Building A Section A, B, C and D
- 302321-ARP-B-XX-DR-A-2000 Rev. P01 Building B General Arrangement - Level 0 and Mezz

- 302321-ARP-B-XX-DR-A-2100 Rev. P01 Building B General Arrangement - Level 1 and Mezz
- 302321-ARP-B-XX-DR-A-2200 Rev. P01 Building B General Arrangement - Roof Level
- 302321-ARP-B-XX-DR-A-4001 Rev. P01 Building B Elevations
- 302321-ARP-B-XX-DR-A-5001 Rev. P01 Building B Sections A, B, C and D
- 302321-ARP-C-XX-DR-A-0010 Rev. P01 Substation - Layouts, Sections and Elevations
- 302321-ARP-D-XX-DR-A-0010 Rev. P01 Gate House - Layouts, Sections and Elevations
- 302321-ARP-E-XX-DR-A-0010 Rev. P01 MV Buildings - Layouts, Sections and Elevations
- 302321-ARP-F-XX-DR-A-0010 Rev. P01 Water Sprinkler Pump House and Tanks - Layouts, Sections and Elevations
- 302321-ARP-S-XX-DR-C-0004 Rev. P01 Site - Existing Topographical Overall Plan
- 302321-ARP-S-XX-DR-L-5001 Rev. P01 Site - Landscape Concept Section South
- 302321-ARP-S-XX-DR-L-5002 Rev. P01 Site - Landscape Concept Section East
- 302321-ARP-S-XX-DR-L-5003 Rev. P01 Site - Landscape Concept Section North
- 302321-ARP-S-XX-DR-L-5004 Rev. P02 Site - Landscape Concept Section West
- 302321-ARP-S-XX-DR-L-0004 Rev. P01 Site - Existing Trees and Constraints Plan
- 302321-ARP-S-XX-DR-L-2002 Rev. P01 Site - Soft Landscape Plan
- 302321-ARP-S-XX-DR-A-0010 Rev. P01 Site - Proposed Layout Plan
- 302321-ARP-S-XX-DR-A-0010 Rev. P02 Site - Proposed Layout Plan
- 302321-ARP-S-XX-DR-A-0011 Rev. P02 Site - Parking Layout Plan
- 302321-ARP-S-XX-DR-A-4001 Rev. P02 Site - Proposed Elevations Overall
- 302321-ARP-S-XX-DR-A-5001 Rev. P02 Site - Proposed Sections Overall
- 302321-ARP-S-XX-DR-C-0001 Rev. P02 Site - Proposed Layout Plan and Levels Overall Plan
- 302321-ARP-S-XX-DR-C-0012 Rev. P02 Site - Earthworks Plan - Cut and Fill Analysis
- 302321-ARP-S-XX-DR-C-0070 Rev. P02 Site - Vehicle Tracking - General Vehicles
- 302321-ARP-S-XX-DR-C-0071 Rev. P02 Site - Vehicle Tracking - Construction Vehicles
- 302321-ARP-S-XX-DR-C-0071 Rev. P02 Site - Vehicle Tracking - 33.5m Vehicle
- 302321-ARP-S-XX-DR-C-1001 Rev. P02 Site - Surface and Foul Water Drainage - Overall Plan
- 302321-ARP-S-XX-DR-C-1002 Rev. P02 Site - Utility Connections Overall Plan
- 302321-ARP-S-XX-DR-L-0001 Rev. P02 Site - Landscape Layout Plan
- 302321-ARP-S-XX-DR-L-0004 Rev. P02 Site - Existing Trees and Constraints Plan
- 302321-ARP-S-XX-DR-L-2001 Rev. P02 Site - Hard Landscape Plan
- 302321-ARP-S-XX-DR-L-2002 Rev. P02 Site - Soft Landscape Plan

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. 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.

2. 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).

3. Highways Notes

The applicant is advised that in order to comply with the conditions related to highways and access works related to this permission it may 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.

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.

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.

The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with Central Bedfordshire Council's Parking Standards for New Development SPD (August 2023) or any replacement document.

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.

The applicant is advised that they will need to liaise with the Council's Streetworks Manager and any other relevant authority (e.g. police, National Highways) regarding any necessary works or procedures, such as routing, timing, temporary traffic orders, traffic management, escort vehicles, temporary infrastructure works (e.g. street furniture removal) etc., as may be

required to accommodate abnormal loads on the highway network in relation to the construction of the development or for future replacement of plant or machinery etc.

4. Drainage Notes

1. The surface water flood zone appears to intersect the pond area, this should not happen, existing flood zone and proposed storage should remain separate. There is enough space on site to mitigate this.
2. We will require evidence of individual systems.
3. 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 (+40%CC). Any exceedance should be shown with pathways, depths and velocity.
4. We will require full drainage drawings showing all connections, control features, storage, invert etc. and how it communicates with the development wide scheme.
5. We will require BRE365 infiltration test results, at least partial infiltration should be incorporated if feasible.
6. Culverting of existing watercourses will not be permitted.
7. All surface water storage units within flood zones should be bound so as to be impervious to flood water, anchored (as per manufacturers instruction) and vents protected from flood water entering.
8. There should be a minimum 1m between the base of a soakage unit and the seasonal water table.
9. Any watercourses (this includes culverted) 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.
10. The connection of private surface water drainage systems to a highway system is not permitted.
11. 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).
12. 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.
13. Permeable block paving should be laid to CIRIA C768 "Guidance on the construction of SuDS" guidelines. This guidance also stipulates following Interlay guidance.
14. 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).

15. 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).

16. Land drainage Consent under the Land Drainage Act 1991 must be secured to discharge surface water to an existing watercourse/ditch, and details of this provided with the full detailed design. An easement should be provided on the developable side of the watercourse to allow for access for maintenance, this should be 9m but may depend on the maintenance requirements considered appropriate.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be **Central Bedfordshire Council**.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and

Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - (i) consists of no more than 9 dwellings;
 - (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
 - 4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.