

Item No. 11**SCHEDULE B**

APPLICATION NUMBER	CB/09/05548/FULL
LOCATION	Linpac GPG International, Luton Road, Dunstable, LU5 4LN
PROPOSAL	Erection of two linked data centre buildings (incorporating data storage equipment servers and associated plant) Erection of boundary and secondary 3.0m high inner security fence with security gates and gatehouse. Erection of substation building to rear with associated car parking, buried fuel tank storage, loading bay and perimeter service road. (Revised application CB/09/05002/TP)
PARISH	Dunstable
WARD	Icknield
WARD COUNCILLORS	Cllr John Kane & Cllr David McVicar
CASE OFFICER	James Clements
DATE REGISTERED	05 August 2009
EXPIRY DATE	04 November 2009
APPLICANT	Mr J Rooney
AGENT	Arcadium Associates Ltd
REASON FOR COMMITTEE TO DETERMINE	Called-in by Ward Councillor Kane
RECOMMENDED DECISION	Grant subject to Conditions and Section 106 Agreement

To authorise the Assistant Director Development Management to issue the grant of PERMISSION subject to the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure - Contributions towards Bedfordshire Police, sustainable transport measures, public art and a carbon offsetting fund.

- 1 The development 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 **Before development begins, a scheme for the parking of cycles on the site 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.**
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.

3 Before development begins, a landscaping scheme including the management of the landscaping to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).

4 The plans and particulars submitted in accordance with Condition 3 above shall include:

- (a) A plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above, and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

REASON: to comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard the existing trees on the site.

(Policy BE8, S.B.L.P.R).

5 Before development begins, a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.

REASON: To safeguard the amenity of the area.

(Policy BE8, S.B.L.P.R).

6 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority’s approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be

intercepted and disposed of separately so that it does not discharge into the highway.

REASON: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 7 **Before development begins, details of the levels of the proposed buildings, parking areas, landscaped areas and access roads shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented accordingly.**
REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8, S.B.L.P.R).
- 8 Details and samples of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.
REASON: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match/complement the existing building(s) and the visual amenities of the locality.
- 9 **Prior to the commencement of development, a Code of Practice for Construction shall be submitted to and approved in writing by the Local Planning Authority. The Code of Practice would relate to demolition, site clearance, ground works, preparation and construction phases and include detail upon:-**
a) **Community relations, including a local point of contact and progress updates**
b) **Hours of working**
c) **Temporary hoardings**
d) **Access, including emergency service vehicles**
e) **Artificial lighting**
f) **Highway Management, including delivery times, traffic routes, wheel/road washing**
g) **Provision to accommodate all site operatives', visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period**
h) **Environmental controls to protect the environment from dust, air pollution, land contamination, asbestos, noise and vibration, water and effluent, pest control.**
The development shall be implemented in accordance with the approved Code of Practice unless otherwise first agreed in writing by the Local Planning Authority.
REASON: To ensure that construction takes place in an appropriate manner with minimal inconvenience and disruption.
- 10 The office buildings hereby approved shall be ancillary to the main data centre use of the site.
REASON: To prevent the establishment of an independent office unit on the site.
(Policy BE8, S.B.L.P.R).

- 11 Prior to construction above ground details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such detail shall include the location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance which does not change its details.
REASON: In the interests of visual amenity (Policy BE8, S.B.L.P.R).
- 12 The proposal hereby granted permission is for a *suis generis* use.
REASON: For clarification and to ensure the Local Planning Authority retains full control of the future use of the land/building(s) in the interests of amenity.
- 13 The development shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority, such a travel plan to include details of:
- Joint working with other local employers and shared travel plan activities.
 - Predicted travel to and from the site and targets to reduce car use.
 - Details of existing and any 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, 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 County Council guidelines.
 - Details of marketing and publicity for sustainable modes of transport.
 - Details of the appointment of a travel plan co-ordinator.
- No part of the development shall be occupied prior to implementation of those parts identified in the Travel Plan [or 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 therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
REASON: To promote sustainable modes of transport.
- 14 Prior to the commencement of above ground development of each building, independently verified certification confirming that the mechanical and engineering plant will be formulated and designed to achieve a design Power Usage Effectiveness of 1.7 or lower shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.
REASON: To ensure that the development is of optimum operational efficiency in order to minimise energy usage.
- 15 Prior to commencement of above ground development of each building, certification from an approved assessor demonstrating that the scheme has been designed to achieve a minimum of BRE Environmental Research Methods (BREEAM) Very Good standard for the main data storage buildings

and Excellent standard for the ancillary office buildings.

REASON: To ensure that the development minimises waste, water, and energy consumption during demolition and operation phases.

- 16 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- i. A survey of the extent, scale and nature of the contamination;
 - ii. An assessment of the potential risks to:
 - Human health
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - Adjoining land
 - Ground waters and surface waters
 - Ecological systems
 - Archaeological sites and ancient monuments
 - iii. An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the management of Land Contamination, CLR 11'*.

REASON: In the interests of pollution control.

- 17 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- REASON: In the interests of pollution control and residential amenity.

- 18 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- REASON: In the interests of pollution control and residential amenity.

- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 19, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.
REASON: In the interests of pollution control and residential amenity.
- 20 The development shall not be occupied until a management regime for the diesel generators has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.
REASON: In the interests of residential amenity.
- 21 Fixed plant operating continuously associated with the proposed development must be designed to a level which is at least 5dB(A) below the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property.
REASON: In the interests of residential amenity.
- 22 Fixed plant operating under emergency conditions associated with the proposed development must be designed to a level which is no more than 5dB(A) above the existing LA90 background noise level as measured during the relevant time period. Any tonal, impulsive and/or irregular noise would be addressed by imposing a further 5dB penalty as per the methodology set out in BS 4142:1997. Noise limits for new plant are to apply at a position 1 metre from the closest affected window of the relevant noise sensitive property.
REASON: In the interest of residential amenity.
- 23 During construction of the development the working hours shall only be 08:00-18:00 Monday to Friday , 08:00-13:00 Saturday and no working on Sunday, Bank Holidays and Public Holidays.
REASON: In the interests of residential amenity.
- 24 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
REASON: There does not appear to be drainage plans detailing the foul and surface water system and so comments cannot be provided, until the requested information is provided.
- 25 This permission relates only to the details shown on Drawing Nos. A0.210A, A0.219A and A0.220A received 27/07/2009, A0.217B received 27/08/2009 and A0.218-B & A0.212-C received 07/09/2009 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved drawings and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

Regional Spatial Strategy

East of England Plan (May 2008)

SS1 - Achieving Sustainable Development

ENV2 - Landscape Conservation

ENV3 - Biodiversity and Earth Heritage

ENV7 - Quality in the Built Environment

ENG1 - Carbon Dioxide and Energy Performance

ENG2 - Renewable Energy Targets

T4 - Urban Transport

T14 - Parking

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

South Bedfordshire Local Plan Review Policies

E1 - Safeguarding B1-B8 Employment Land

BE8 - Design and Environmental Considerations

T10 - Controlling Parking in New Developments

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4.
 - Where remedial measures are necessary, they should be managed with Part IIA of the Environmental Protection Act 1990 in mind. Encapsulation of any contaminants should be made on the risk-based assessment so that they are unlikely to be subject to future release to the environment.
 - All ground investigations shall be risk based and have regard to BS10175:2001 *Investigation of Potentially Contaminated Sites - Code of Practice* and Environment Agency/NHBC R&D Publication 66 - *Guidance for the Safe Development of Housing on Land Affected by Contamination*.

- Where analyses are undertaken analytical laboratories should be accredited to MCERTS and where appropriate laboratory methods should also be accredited to MCERTS.
 - The applicants/agent's consulting engineers shall certify that decontamination and remediation of the site has been undertaken in accordance with any measures approved by the Local Planning Authority.
 - The applicant shall advise the Local Planning Authority of commencement of the works.
 - The applicant should also be made aware that the ownership of land shown to be contaminated may accrue legal and financial liabilities under Part IIA of the Environmental Protection Act 1990. Such liabilities are maximised when "pollutant linkages" engender "pathways" for the contaminants to reach "receptors".
 - Central Bedfordshire Council has published its Contaminated Land Inspection Strategy in line with the Environmental Protection Act 1990: Part IIA and its definition thereof. No land has yet been formally designated as being 'contaminated'. However, it should not be taken to imply that the property or adjoining land is free from contamination.
5. The applicant should have regard to the Mayor of London's Best Practice Guidance (BPG) The Control of dust and emissions from construction and demolition. The BPG cites mitigation measures commensurate with the risk rating of the site.

- [Note:
1. In advance of the consideration of the application, the Committee received representations made under the Public Participation Scheme.
 2. In advance of the consideration of the application the Committee were advised of consultation received as set out in the late sheet appended to these Minutes.]