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Dear Michael,

NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF: 75111/APP/2020/1955, DATED 15-04-2021 (SITE CLEARANCE AND PREPARATION, INCLUDING THE DEMOLITION OF REMAINING BUILDINGS, AND THE REDEVELOPMENT OF THE SITE TO PROVIDE: A NEW DATA CENTRE (USE CLASS B8), A HV SUB-STATION, WORKS TO THE HIGHWAY, CAR PARKING, CYCLE PARKING, ASSOCIATED INFRASTRUCTURE, ENCLOSURES AND NECESSARY PHYSICAL SECURITY SYSTEMS, HARD AND SOFT LANDSCAPING (INCLUDING WORKS TO THE RIVER CRANE) AND ANCILLARY USES, AS WELL AS ASSOCIATED EXTERNAL WORKS (AMENDED BY NMA APPLICATION REFS. 75111/APP/2021/1601 DATED 28-05-21, 75111/APP/2021/3607 DATED 20-10-21, 75111/APP/2022/2049 DATED 10-08-22, 75111/APP/2022/3012 DATED 21-11-22, 75111/APP/2023/3024 DATED 30-10-23, AND 75111/APP/2023/3071 DATED 23-11-23)) TO AMEND CONDITION 2 (ACCORDANCE WITH APPROVED PLANS), INCLUDING AMENDMENTS TO DATA CENTRE BLOCKS 2 AND 3.

LAND AT BULLS BRIDGE INDUSTRIAL ESTATE, NORTH HYDE GARDENS, HAYES, UB3 4QQ

Savills is instructed by Ark Data Centres Ltd (Ark) to submit an application for a non-material amendment under Section 96A of The Town and Country Planning Act 1990 to the “Original Planning Permission” (ref. 75111/APP/2020/1955). The application relates predominantly to UP2 and UP3 but also provides the opportunity to capture a small number of site-wide matters.

Planning Background

The London Borough of Hillingdon (LBH) granted planning permission on 15 April 2021 for the redevelopment of Bulls Bridge Industrial Estate to deliver a data centre development (ref. 75111/APP/2020/1955). The description of development was as follows:

“Site clearance and preparation, including the demolition of remaining buildings, and the redevelopment of the site to provide: a new data centre (Use Class B8), two MV Energy Centres (including stand-by generation plant and gas storage), a HV Sub-Station, a visitor reception centre, plant, the creation of a new footpath and cycleway link to the canal towpath, works to the highway, car parking, cycle parking, associated infrastructure, enclosures and necessary physical security systems, hard and soft landscaping (including works to the River Crane) and ancillary uses, as well as associated external works”

A separate application, known as the “Slot-In” application, was submitted in March 2022 (ref. 75111/APP/2022/1007) seeking full planning permission for a revised scheme for the three energy centres, two visitor reception centres, and the canal access ramp.

To ensure compatibility between the Original Permission and the Slot-In permission, a Non-Material Amendment application (ref. 75111/APP/2022/3012) under Section 96A of The Town and Country Planning Act 1990 was submitted to amend the Original Permission to ensure compatibility with the Slot-In permission. The effect of this application was to amend certain plans so that they made no reference to the Slot-In permission, remove plans that were permitted as part of the Slot-In application, alter and remove certain planning conditions to make reference to the Slot-In permission, and amend the description of development to the following:

"Site clearance and preparation, including the demolition of remaining buildings, and the redevelopment of the site to provide: a new data centre (Use Class B8), a HV Sub-Station, works to the highway, car parking, cycle parking, associated infrastructure, enclosures and necessary physical security systems, hard and soft landscaping (including works to the River Crane) and ancillary uses, as well as associated external works."

A series of applications for non-material amendments have been approved to the Original Planning Permission as set out in the table below:

Reference	Purpose
75111/APP/2021/1601	To amend substation and Visitor Reception 1 design.
75111/APP/2021/3607	To amend description of development to remove reference to gas storage
75111/APP/2022/2049	To amend trigger points of ground contamination conditions for part of site
75111/APP/2022/3012	To facilitate compatibility between Original Planning Permission and Slot-In
75111/APP/2023/3024	To amend UP1 design
75111/APP/2023/3071	To remove need to discharge Condition 13 (North Hyde Gardens Enhancement)

Requirement for Changes

The need for this application is effectively twofold:

Firstly, Ark has now secured occupiers for all three data centre blocks - UP1 and UP2 are to be occupied together by the same operator whilst UP3 will be operated by a separate operator. Given that the campus as originally approved was designed to be occupied by a single operator, there is a requirement to provide the necessary separation and security required to facilitate the occupation of the campus by two different operators.

Secondly, where the application was originally submitted in 2020 based on an advanced RIBA Stage 2 design, this has now progressed significantly to what is now effectively RIBA Stage 5 and the design has inevitably further refined and evolved in this time. Likewise, the design work for the permitted scheme was largely undertaken in 2019 and in the subsequent four years, data centre design has evolved significantly and that is reflected in the amendments that are proposed – effectively, there is the ability to deliver the same amount of floorspace as that was permitted previously with less white space.

Scope of Application

Submitted alongside this covering letter and the replacement plans is a Technical Note prepared by studioNWA which runs through each amendment to the scheme in turn., breaking them down into those changes that relate to the site layout, UP2, and UP3. These are described further below, using the change reference numbers from the studioNWA Technical Note:

Site Layout

2.1 Omission of Water Tank Platform to North – Improvements onsite rainwater harvesting combined with more efficient data centre cooling technologies means that there is no need for the water tank on the site's northern boundary with the proposal instead being for the loop road to be straightened and additional land made available for landscaping (details of which will be provided through the discharge of the landscaping condition). This is considered to be a betterment to the previously permitted scheme.

2.2 Addition of turning point – A hammerhead is proposed to be created at the western edge of the site. This would facilitate the future vehicular link to the proposed fourth data centre block to be delivered as part of the redevelopment of the former Addison Lee site;

2.3 Amendment to retaining structure – An adjustment is made to the balance of fencing and the concrete wall and security fencing for the eastern part of the site. Whilst this sits within a landscaped and not publicly visible context anyway, the overall reduction in height is considered to be beneficial.

2.4 Additional internal fencing – Additional 3.5m fencing is required to separate UP1 and UP2 and UP3 given that they will be occupied by different tenants. This fencing, with gates, sits within the secure fence line, effectively connecting from that fence line to the building to the south of UP2 and to the inner fence to the north of UP2. Given where this fencing is positioned and that it is within the secure fence line, it will not be visible from any publicly accessible parts of the site with the southern portion effectively screened by the EC3 building and the northern element not visible from any stationary views.

UP2

3.1 Omission of Top Storey – As permitted for UP1 under ref. 75111/APP/2023/3024, the proposal is to remove the fourth floor of the data centre building. The external treatment of the building's façade in this location remains the same. Due to improved data hall efficiency, this can be achieved without reduce UP2's IT load and does not impact the number of people that it is expected would be employed at the site.

3.2 Change to Roof Layout – Reflecting the above, the proposed roof layout is adjusted by virtue of the amendments. This has no impact on the use of PV panels or brown roofing. Updated landscaping and urban greening factor plans have been submitted to pick up on this amendment.

3.3 Internal Layout – Due to tenant requirements, there are a series of internal alterations required to the internal layout. These do not require planning approval but are included as part of this application for completeness.

3.4 Ground Floor Cladding - As permitted for UP1 under ref. 75111/APP/2023/3024, the proposal is to replace the brickwork at ground floor level with cladding to match the upper floors. The same approach is proposed for UP3.

UP3

4.1 Changes to Roof Layout – Whilst the proposal is not for the removal of the fourth storey of UP3, there are a series of roof alterations that are required with the quantum of brown roofing and energy from the PV panels remaining unchanged. There is also the requirement for the increase in the parapet of the ancillary block to the west of UP3 though no changes are proposed to the green walling of curtain wall glazing (albeit it is anticipated that a fourth data centre block will connect to this elevation as part of Ark's proposals for the redevelopment of the former Addison Lee site).

4.2 Ground Floor Cladding - Ground Floor Cladding - As permitted for UP1 under ref. 75111/APP/2023/3024, the proposal is to replace the brickwork at ground floor level with cladding to match the upper floors. The same approach is proposed for UP2.

Proposed Planning Mechanism

It is suggested that the method for achieving these alterations is an application for a Non-Material Amendment under Section 96A of The Town and Country Planning Act 1990. This is to be achieved by varying the plans that are listed as being approved under Condition 2 (which again, has already been amended on a number of occasions). This is shown as per the table below with the approved plan in the left hand column and proposed revised plan in the right hand column. On the plans themselves, red bubbles are used to identify where elements are changed whilst a series of comparison plans are also submitted (but not proposed to be approved) allowing for a side-by-side comparison.

Approved Plan	Revised Plan
34 Concept Landscape 10G UGF Score	MWL-0471-SEW-GL-DR-L-000021 P01
NWA-0471-DC-00-DR-A-03-005 Rev. P05	NWA-0473-DC-ZZ-DR-A-03005P P07
NWA-0471-DC-01-DR-A-03-010 Rev. P05	NWA-0473-DC-ZZ-DR-A-03010P P07
NWA-0471-DC-02-DR-A-03-020 Rev. P05	NWA-0473-DC-ZZ-DR-A-03020P P07
NWA-0471-DC-03-DR-A-03-030 Rev. P05	NWA-0473-DC-ZZ-DR-A-03030P P07
NWA-0471-DC-04-DR-A-03-040 Rev. P05	NWA-0473-DC-ZZ-DR-A-03040P P07
NWA-0471-DC-05-DR-A-03-050 Rev. P05	NWA-0473-DC-ZZ-DR-A-03050P P07
NWA-0471-DC-XX-DR-A-03-700 Rev. P05	NWA-0473-DC-ZZ-DR-A-03700P P07
NWA-0471-DC-XX-DR-A-03-800 Rev. P05	NWA-0473-DC-ZZ-DR-A-03801P P07
NWA-0471-DC-ZZ-DR-A-27-060 Rev. P05	NWA-0473-DC-ZZ-DR-A-03701P P08
NWA-0471-SN-ZZ-DR-A-90-005 Rev. P05	NWA-0473-SW-ZZ-DR-A-93005SP P07
NWA-0471-SN-ZZ-DR-A-90-006 Rev. P05	
NWA-0471-SN-ZZ-DR-A-90-900 Rev. P05	NWA-0473-SW-ZZ-DR-A-93900SP P07
NWA-0471-SN-ZZ-DR-A-90-901 Rev. P05	NWA-0473-SW-ZZ-DR-A-93916SP P07
Not Previously Provided	MWL-0471-SEW-GL-DR-L-000022 P01
	MWL-0471-SEW-GL-DR-L-000023 P01

This is the same route that was successfully used to amend a number of design elements for UP1 under ref. 75111/APP/2023/3024.

There are no other planning conditions that make reference to any of the above approved plans and therefore there are no conditions other than Condition 2 that require amendment.

Application Consideration

During the consideration of the planning application, a series of comments were raised by LBH's Urban Design Officer. These were responded to in the Response Table which is now viewable under the application's tab on the Council's website.

Specific questions were raised in connection to changes 3.2 and 4.1. In response to these requests, the following documentation was provided:

- NWA-0473-XX-ZZ-TN-A-03500P S96a Additional Information on West Elevation;
- NWA-0473-XX-ZZ-TN-A-03500P Rev2 S96a Technical Note;
- NWA-0473-UP3-XX-DR-A-03702P Rev. P01; and
- NWA-0473-UP3-XX-DR-A-03702R.

It is not envisaged that any of the above referenced documentation would be listed as approved on a decision notice.

Conclusion

This application seeks approval for a non-material amendment under Section 96A of the Town and Country Planning Act to amend a series of approved plans in connection to UP2 and UP3. This letter, alongside the revised plans and supporting documentation, demonstrates that the changes proposed can reasonably be considered to no be material.

Yours sincerely

A handwritten signature in blue ink, appearing to read "N. Heard".

Nick Heard
Associate Director