

Town & Country Planning Act 1990

Notification of Full Planning

Application Reference Number: 17/08760/FUL

Agent T Gent Esq. Savills 12 Windsor Place Cardiff CF10 3BY	Applicant Mr P Squire c/o agent
Particulars of Development: The erection of two data centres, a standby generation plant area, highway works, vehicle access, infrastructure, plant, enclosures, landscaping and other associated works	
At: Land at the South side of Spring Park, Westwells Road, Hawthorn, Corsham, SN13 9GB	

In pursuance of their powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for variation or non-compliance with a condition or conditions imposed on an earlier permission in accordance with the application and plans submitted by you.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to compliance with any condition(s) specified hereunder:-

Limits of permission

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- Total amount of gross floor area constructed on the site shall not exceed 27,976m².

REASON: For clarity and the avoidance of doubt.
- Notwithstanding the provisions of Part 3 to Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the development shall be used for B8 purposes only.

REASON: For clarity and the avoidance of doubt and because of the location of the development and particular nature and conclusions of the transport assessment undertaken.

4. The floorspace created on this site shall be used for data storage and processing (together with any ancillary uses) only and for no other purpose, including any other uses that may fall within class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: For clarity and the avoidance of doubt and because of the location of the development and particular nature and conclusions of the transport assessment undertaken.

Construction

5. Prior to the commencement of each plot or phase of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority. Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: In the interests of protecting the existing trees/hedges/shrubs on the site.

6. The building works required to implement this development shall only be carried out between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 12:30 on Saturdays, and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

7. No construction vehicles may arrive or depart, be loaded or unloaded at or from the site outside the hours of 08:00 to 18:00 Mondays to Fridays, and outside the hours of 08:00 and 12:30 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

8. No materials, goods, machinery, finished or unfinished products/parts of any description, skips, crates, containers, waste, or waste products shall be placed,

stacked, deposited or stored on any area of the site outside the buildings, unless otherwise agreed in writing by the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity and views across the site.

Noise

9. In accordance with the details hereby approved, all fixed and mobile plant to be installed on the site shall be enclosed. Any changes to the development which include proposals for external plant to be provided without enclosure shall be the subject of a separate planning application.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10. During normal operational conditions, all plant (including generation plant, air conditioning units, extraction systems or other air handling plant etc.) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

At the request of the Local Planning Authority (LPA), the plant operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. The consultant should use BS4142:2014 methodology to carry out the assessment and provide further details on the generators expected frequency of use and duration.

The standby generators shall be used only if mains power is not available and will be designed to achieve good internal standards set out in BS8233:2014 and WHO at the nearest sensitive receptors.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Drainage

11. Development shall be carried out in accordance with the submitted, and hereby approved, Flood Risk Assessment and Surface Water Drainage Strategy, prepared by Waterman Infrastructure and Environment Ltd. (August 2017).

REASON: To ensure that the development can be adequately drained.

Ecology

12. In accordance with the submitted Nature Conservation and landscape management Plan (Waterman, August 2017), there shall no development or any activity whatsoever within the identified protected ecological corridor, other than that previously permitted.

REASON: In the interests of securing a satisfactory mitigation strategy for protected species of bat and to ensure the long-term retention and management of the protected ecology corridor.

13. The Development and the long term operation of the site shall be carried out in complete accordance with the approved Nature Conservation and Landscape Management Plan (Waterman, August 2017, document reference WIE11565-100-R-3-2-2-NCLMP). The Nature Conservation and Landscape Management Plan shall be monitored with an annual report to the planning authority during construction and for a period of five years following completion of the development.

REASON: In the interests of securing a satisfactory long term nature conservation and management strategy.

14. External lighting at the site shall be installed and maintained in strict accordance with the details set out in the submitted External Lighting Report (dated 29th August, 2017 (Revision G), and lux levels shall be checked post-installation to ensure that they comply with those shown on the Proposed Lux Level Lighting Plot. No other external lighting shall be installed at the site, other than that shown in the External Lighting Report without the written permission of the Local Planning Authority.

REASON: In the interests of securing a satisfactory form of development that respects the acknowledged presence of protected species of bat.

Highways

15. Prior to the occupation of any development on each plot or phase hereby permitted, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plans shall be fully implemented in accordance with their provisions, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of providing a long term alternative way of accessing the site other than via the private car.

16. No part of the development hereby approved shall be first occupied until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

Approved plans

17. The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule:

- Location Plan (reference 17060-PL_01/00)
- Proposed P3 & P4 Site Plan (reference 17060-PL_06/00)
- P3 – Ground Floor GA Plan (reference 17060-PL_010/00)
- P3 – 1st Floor GA Plan (reference 17060-PL_11/00)
- P3 – 2nd Floor GA Plan (reference 17060-PL_12/00)
- P3 – Roof Plan (reference 17060-PL_13/00)
- P3 – Elevations (reference 17060-PL_14/00)
- P4 – Ground Floor GA Plan (reference 17060-PL_15/00)
- P4 – 1st Floor GA Plan (reference 17060-PL_16/00)
- P4 – 2nd Floor GA Plan (reference 17060-PL_17/00)
- P4 – Roof Plan (reference 17060-PL_18/00)
- P4 – Elevations (reference 17060-PL_19/00)
- Standby Generation Plant – Switchroom 01+02 Plans and Elevations (reference 17060-PL_21/00)
- Typical Generator – Plan and Elevations (reference 17060-PL_22/00)
- Detailed Soft Landscaping Proposals (reference WIE-AA-74-002/A02)
- Drainage Layout for P3, P4 and MV Generators Farm (reference WIE/SA/92/2011/A02)
- Flood Risk Assessment and Surface Water Drainage Strategy. Waterman Infrastructure and Environment Ltd. (August 2017)
- Construction Environmental Management Plan (Waterman, March 2017)

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

Signed



Director for Economic Development & Planning

Dated: 20 March 2018

NOTES

1. **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular the applicant is reminded of the following matters:-

- 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
- 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge)
- 1.3 The need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
- 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal – www.planningportal.gov.uk/planning/appeals). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been so granted otherwise than subject to the conditions imposed by the local planning authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

If the applicant wishes to have any further explanation of the reasons for the conditions imposed on this permission it will be given on request and a meeting arranged if necessary.

3. **Purchase Notices.** If permission to develop land is granted subject to conditions, whether by the local planning authority or by the Secretary of State for Communities and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
4. **Compensation.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
5. **Discharge of Conditions.** The Government introduced new fees for the discharge of planning conditions from 6th April 2008. The fee is payable per request and not per condition. The fees chargeable are set out on the Wiltshire Council website – www.wiltshire.gov.uk. The fee must be paid when the request is made, and cannot be received retrospectively. It does not matter when the permission was granted as long as it remains extant. The request, identifying the permission (with reference number) and the conditions concerned, should be made by using the 1 APP forms which are available on the Councils Website or the Planning Portal.

You are advised that the as local planning authority has up to 12 weeks to consider the request that you apply well in advance of when you intend to start work