



East Herts Council
Wallfields, Pegs Lane
Hertford, Herts
SG13 8EQ
Tel: 01279 655261

Town & Country Planning Act 1990

D E C I S I O N N O T I C E

Mr Robert Burke,
Arcadium Associates
14, Dufferin Street
London
EC1Y 8PD

App no: 3/08/0593/FP
LITTLE HADHAM

Erection of 2 no. data centre buildings containing data handling computers, associated plant areas, technical support services and ancillary office area. 2 no external compounds, substation building and associated site works.
Bury Green Farm, Bury Green, Little Hadham, Herts, SG11 2HE

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

GRANT PERMISSION SUBJECT TO CONDITIONS, as undermentioned:-

for the development proposed in your application dated 28 March 2008 and received with sufficient particulars on 16 April 2008 and shown on the plans *as submitted/*as amended accompanying such application.

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.
Reason
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Detailed plans, showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason
To ensure that the development is properly related to the levels of adjoining development in the interests of amenity.
3. Details of all boundary walls, fences, to include details of any security fencing or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. All such approved means of enclosure shall be erected prior to the first occupation of any dwellings commensurate therewith, and shall thereafter be retained to the satisfaction of the Local Planning Authority.
Reason

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- In the interests of privacy and visual amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.
- 4. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
Reason
• In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.
- 5. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent.
Reason
• In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.
- 6. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason
To secure the protection of and proper provision for any archaeological remains, in accordance with Government advice set out in PPG16 'Archaeology and Planning' and in accordance with policy BH2 of the East Herts Local Plan Second Review April 2007.
- 7. Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development ; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.
Reason
To accord with Hertfordshire Waste Local Plan policies 7 and 8.
- 8. Prior to the commencement of development, a detailed survey and assessment of the site shall take place to determine if the land is contaminated and, if so, what remediation measures are necessary. Any necessary remediation shall include measures to decontaminate the site (specifying actions and target levels relating to any contaminants found) and prevent pollution of groundwater and surface water. All details of any survey, assessment and proposed remediation works (complete with a timescale) pursuant to this condition shall be submitted to and agreed in

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- writing by the Local Planning Authority and development shall only take place in accordance with the agreed details.
Reason
To minimise and prevent pollution of the land and the water environment and in accordance with policy SD5 of the East Herts Local Plan Second Review April 2007.
- 9. Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities, shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.
Reason
To prevent the tracking out of materials onto the highway in the interests of highway safety.
- 10. All existing trees shall be retained, unless shown on the approved drawings as being removed. All trees on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
Reason
To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.
- 11. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction of the Local Planning Authority in accordance with relevant British Standards. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable, and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.
Reason
To ensure the continuity of amenity afforded by existing hedges and hedgerows, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

- 12. All existing trees, shrubs, natural and historic features not scheduled for removal, shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.3 metre minimum height metal fencing (i.e. weld mesh) to BS5037 (2005) securely mounted into the ground. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity, in accordance with policy ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

- 13. No burning of materials shall take place where it could cause damage to any tree or tree group to be retained on the site or on land adjoining.

Reason

To protect the health of trees to be retained in the interests of amenity, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

- 14. The soil levels within the root spread of trees/hedgerows to be retained shall not be raised or lowered.

Reason

To avoid damage to health of existing trees and hedgerows, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

- 15. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) Implementation timetables

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in

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accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

16. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

17. Before any works commence on site, details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

Reason

In the interest of maintaining the amenity value of the area, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

18. No plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason

To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

19. Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the plant and machinery that are to be installed or operated in connection with the carrying out of this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the plant and machinery does not, at any time, increase the ambient equivalent continuous noise level.

Reason

In order to protect the amenity of residential development in the nearby area in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

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20. No site clearance works - building demolition, tree and shrub removal, and ground vegetation clearance – should be conducted during the period 1st March – 30th August.
Reason
In order to protect breeding birds, their nests, eggs and young in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.
21. Prior to the commence of development there shall be submitted to, and agreed in writing by the LPA a construction methodology which shall include details of: means of access to the site during construction; times during which construction shall take place; details of locations within the site where materials (either for construction, use in the final development, or disposal) shall be stored. Once agreed, construction shall take place in accordance with the agreed methodology unless any variation to it is agreed in writing by the LPA.
Reason
In order to protect the amenity of residential development in the nearby area in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.
22. Prior to the commencement of development there shall be submitted to and agreed in writing by the LPA full details of any material to be removed from the site as a result of the recontouring of the site (cutting in of the development) proposed. Those details shall include the level to which the site is to excavated; whether any material is to be brought onto the site as a result of the level change; what volume of material is to be removed (if any); where any surplus material is to be disposed of; the method of disposal; and the timescale over which any such works (including full disposal from or bringing onto the site of material) will be carried out. Once agreed, any such works shall only take place in accordance with the approve details unless any variation to them is agreed in writing by the local planning authority.
Reason
In order to protect the amenity of residential development in the nearby area, in order to ensure that the visual impact of the development is kept to an acceptable minimum and to ensure that no inappropriate deposition of material takes place at the site in accordance with policies GBC4, EDE3 and ENV24 of the East Herts Local Plan Second Review April 2007.
23. Once the site is in use for its intended purpose, all vehicular access to the site shall be from the existing access to the site from the north, linking to Millfield Lane, and from no other route.
Reason

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- For the avoidance of doubt and in order to protect the amenity of residential development in the nearby area in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

- 24. The development hereby permitted shall only be used for the purpose of a 'data centre' as described in the introduction to the Design and Access Statement submitted with application 3/08/0593/FP and for no other purpose.
Reason
For the avoidance of doubt and in order that the local planning authority can consider the consequences of any alternative proposed use in accordance with the relevant planning policies currently in force and depending on the alternative use proposed.

- 25. The proposed development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Flood Risk and Run Off Assessment for proposed redevelopment Phase 2 Bury Green Farm, CD1000/010, June 2008) and the following mitigation measures detailed within the FRA:
 - 1. Limiting the surface water run-off generated by the 1 in 100 (plus climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Greenfield run-off rate is to be achieved by retention in a pond or vegetated swale.
Reason
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007.

This decision relates to Plan Numbers

AGD/A 0024B.G., SK001, SK002 RevB, SK003 RevB, SK004 RevB, SK005, SK006, SK007, SK007 RevA, SK000 RevB

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, GBC4, EDE2, ENV1, ENV16, ENV19, ENV21, TR20. The balance of the considerations having regard to those policies is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request (or £25 where the related permission was for extending or

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altering a dwelling house) for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

Director of Neighbourhood Services
(Development Control)
Wallfields
Pegs Lane
Hertford SG13 8EQ

Dated: 10 July 2008

Signed:



 Stephen Emery

SEE ATTACHED NOTES