

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

APPLICATION NO DC/19/2451/FUL

EXPIRY DATE 15 August 2019 (extension of time agreed until 11 October 2019)

APPLICATION TYPE Full Planning Permission

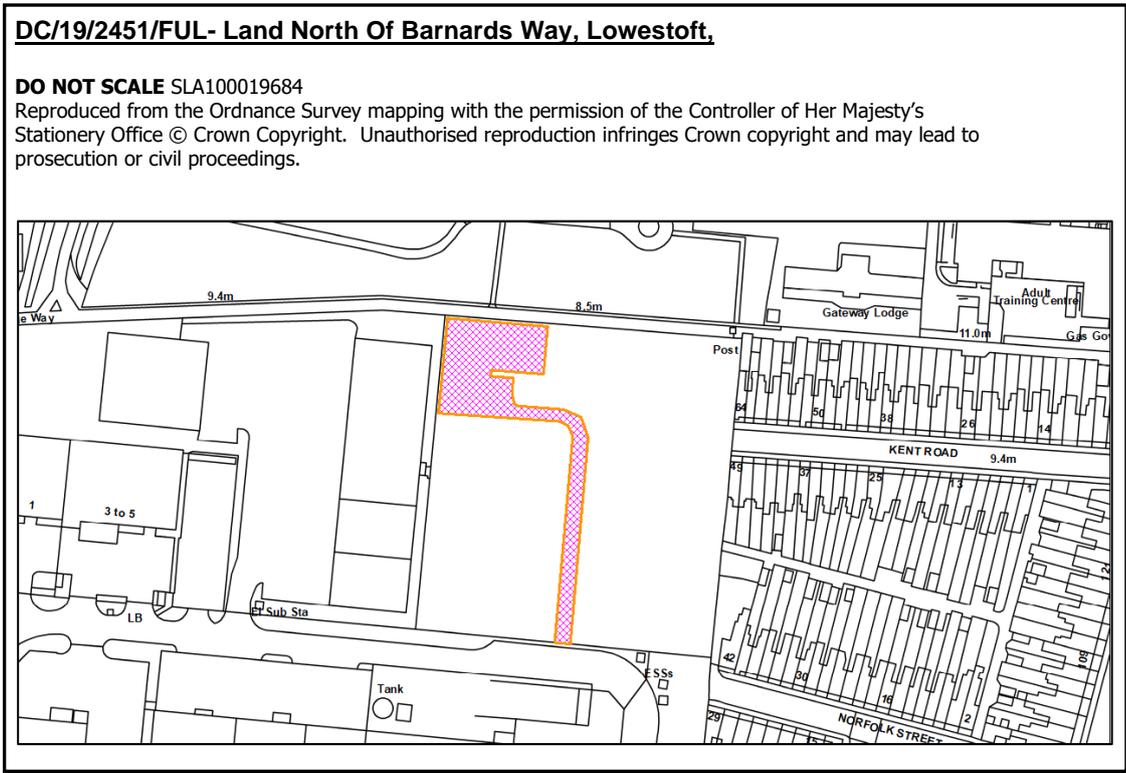
APPLICANT CityFibre

LOCATION Land North Of Barnards Way, Lowestoft

PARISH Lowestoft

PROPOSAL Siting of two containers, two generators and associated air conditioning equipment surrounded by 2.4-metre-high mesh fencing for use as a data centre (Use Class B8)

CASE OFFICER Matthew Gee
(including phone number & email) Tel: 01502 523021
Email: Matthew.Gee@eastsoffolk.gov.uk



1 EXECUTIVE SUMMARY

- 1.1 Planning permission is sought to change the use of a parcel of land along Barnards Way, Lowestoft, to a data centre to be used in connection with the roll out of high-speed internet across Lowestoft.
- 1.2 The Land for which the change of use would occur is owned by East Suffolk Council, and therefore as landowners the application is required to go before Planning Committee as set out in the Constitution.
- 1.3 The site is located within the existing employment area and is on an existing area of previously developed scrubland. The Council's Head of Environmental Health has raised concerns regarding emissions and noise from proposal and potential impact to neighbours. Further information has been requested in regards noise impact, and subject to this being considered acceptable by officers, it is deemed that the potential impacts would be outweighed by the greater good of improved internet speeds within the town. It is therefore recommended that the application be approved subject to the receipt of additional information.

2 SITE DESCRIPTION

- 2.1 The site is located within the settlement boundary of Lowestoft and comprises an L-shaped parcel of land to the north of Barnards Way. Barnards Way forms a cul-de-sac taken off Denmark Road largely serving commercial warehouses and providing servicing to North Quay Retail Park to the south. The site is bound by a vacant area of vegetation scrubland and surrounding employment uses, primarily including warehousing and distribution units (Use Class B2/B8) and retail (Use Class A1). To the north of the site is a cemetery.
- 2.2 The site is presently undeveloped and largely given over to low grade foliage bound by a two metre high palisade fence and 1.8-metre high chainlink fence. Existing 2.5-metre-wide access gates are present on the northern boundary of the site, taken from the small access road linking Rotterdam Road to Peto Way

3 PROPOSAL

- 3.1 The proposed works comprise the installation of two containers for the use as a data centre, together with associated air conditioning units. Two smaller enclosures will be situated adjacent to each container, housing the proposed generators on concrete bases. A single meter cabinet will be positioned along the north-western boundary. A 2.4-metre-high mesh fence on concrete ring beam will be erected around the site.
- 3.2 Existing access gates to the site are to be relocated as part of the new development. The proposed access will be taken from Barnard's Way, where the new gates will be positioned on the south-eastern corner of the site, accessed via a three metre-wide hardstanding access track with 12 x 6-metre turning area.
- 3.3 It is stated that the scheme would deliver enhancements to Internet connectivity speed as part of a wider roll-out across the town and forms an essential piece of modern infrastructure.

4 CONSULTATIONS/COMMENTS

- 4.1 Lowestoft Town Council: The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 9 July. It was agreed to recommend approval of the application.
- 4.2 Head of Environmental Health: Raised concerns in regards to the lack of information about the potential emissions from the proposed generators, and the potential noise implications of the proposed development.
- 4.3 Third Party Representations: None received

5 PUBLICITY:

- 5.1 No press notifications are required for this application.

6 SITE NOTICES

- 6.1 The following site notices have been displayed:

General Site Notice
Reason for site notice: General Site Notice.
Date posted 02.07.2019 Expiry date 23.07.2019

7 PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.
- 7.2 National Planning Policy Framework (NPPF) (2019)
- 7.3 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
- WLP1.3 – Infrastructure
 - WLP8.12 – Existing Employment Areas
 - Policy WLP8.29 – Design

8 PLANNING CONSIDERATIONS

- 8.1 The key considerations in the determination of this application are:
- Principle of development;
 - Design;
 - Amenity Impacts;
 - Highways;
 - Ecology
 - Other matters

Principle and use

- 8.2 Policy WLP1.3 sets out that Infrastructure investment will be encouraged in the district, additionally the site is located within the settlement boundary of Lowestoft and would comprise of the change of use of an area of current scrubland. The area is allocated as Existing Employment Area under Policy WLP8.12, were employment uses such as B8 are encouraged. As the proposal seeks to use an area of land within the existing employment area as a B use class it is considered acceptable. Therefore, subject to the adherence to other policies it is considered that the principle of the change of use is considered acceptable.
- 8.3 An inspector in a previous appeal (APP/Y0435/X/09/2103771 refers), concluded that there was nothing within the Use Class Regulations that identified that storage in association with B8 had to be of physical items, and therefore deemed that a Data storage centre would fall within the wider wording of the B8 use class. Officers have no reasons to disagree with this, and therefore for the purposes of this application it is considered that the proposed use falls within the B8 use class.

Design

- 8.4 Policy WLP8.29 sets out that development proposal should respond to local context and the form of surrounding buildings in relation to the overall scale and character, and by making use of materials and detailing appropriate to the local vernacular. The proposal seeks to position two containers, two generators and associated air conditioning equipment surrounded by 2.4-metre-high mesh fencing.
- 8.5 The land part of the Barnards Way/Denmark Road employment site, bordered by trees and fencing and presently surrounded by various employment land uses to the south and west, and a cemetery and public footpath to the north. The compound would be surrounded by 2.4-metre-high mesh fencing on a concrete ring beam for security purposes.
- 8.6 The proposed scheme is considered to be of functional in design and reflects its purpose. The site is also set within other industrial uses and is not widely visible from the surrounding area given the low nature of development. Therefore, whilst the proposal will have some visual intrusion within the landscape and street scene, it is not considered that the impact would have a significant or detrimental impact on the character and appearance of the surrounding area
- 8.7 The site would be partially visible from within the public cemetery to the north, however, given low level design, and existing view from the cemetery towards the application site, it is not considered that it would significantly alter the setting of the cemetery.

Amenity

- 8.8 Policy WLP8.29 also sets out that proposed development should "*Protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development*". The site is located approximately 50m from the nearest residential receptors at Norfolk Street and Kent Road located east of the site, with the submitted planning statement noting that "*the air conditioning units*

generate the equivalent noise to a typical fridge and are therefore not expected to cause any impacts upon amenity as the site is distant from any sensitive receptors". The Head of Environmental Health has raised concerns in regard to the noise levels from the proposed development, given the number of AC units and generators proposed, and as such have requested further noise information and mitigation measures to reduce potential impact.

- 8.9 The applicant has agreed to provide this additional information, and it is expected that this would be submitted prior to Committee. Therefore the recommendation would be subject to the submitted additional noise details identifying that no additional adverse impact would occur to neighbours receptors, and this information and any mitigation measures required being considered acceptable by officers.
- 8.10 Additionally, the Head of Environmental Health has raised concerns regarding the potential emissions from the two proposed generators and the impact on the wider air quality, the applicant has been unable to provide details on the emissions as they are not published by the manufacturer. Whilst this impact is noted, the applicant has detailed that the generators would only be used in extreme cases such as disruption in power supply, and that they would only be tested once per month for no more than 15 minutes. Therefore, whilst the potential impact on air quality is noted, the infrequency of the use and distance to neighbouring residential dwelling is not considered to result in an adverse impact on their amenity. Therefore, in this instance it is not considered that the impact would warrant refusal of this application on its own merit.

Highways

- 8.11 The proposal is to relocate the existing access gates to the site, and create a new access taken from Barnard's Way. Gates are proposed on the south-eastern corner of the site, and it would be accessed via a 3-metre-wide hardstanding access track with 12 x 6-metre turning area adjacent to the site. The proposal seeks to make no amendments to the highway network, except for the creation of a new access, and is unlikely to generate a significant increase in vehicle movements, as such it is not considered that the proposal would result in any adverse implications to the highway network.

Ecology

- 8.12 The existing site is scrubland, which has the potential to support important or protected flora and fauna. As the proposal is to clear the site of existing trees and overgrown vegetation to facilitate the development, it has been considered necessary for an ecological report to be undertaken. The report is broadly accepting of development on this site, subject to the mitigation measures outlined being completed, which could be ensured via an appropriate condition.
- 8.13 The report also recommends that a reptile survey be carried out to establish the presence and distribution of reptile species within the site. It is understood that this report is currently being undertaken and should be completed before this application is presented at committee, and members will be updated on this at committee. Therefore, subject to the council's ecologist having no issues with the reptile report, it is considered that the proposal would have an acceptable impact on ecology.

Other matters

- 8.14 The site is located within Flood Zone 1, and is at low risk of surface water flooding, as such it is not considered that the proposal would have any adverse impacts on flooding issues.
- 8.15 The site is also located a sufficient distance from any Listed Building that it would not have a material impact on the setting of those protected buildings.

9 CONCLUSION

- 9.1 In conclusion, whilst the proposal may result in some infrequent impact on air quality and minor impacts visual amenity impacts, it is not considered that these impacts would be significant. In addition, the proposal would help in the roll out of improved internet speeds to both the Town and Suffolk. Therefore, on balance it is considered that the greater economic improvement outweighs the marginal environmental impact arising, and the application is recommended for approval subject to the receipt of acceptable additional information.

10 RECOMMENDATION

AUTHORITY TO APPROVE subject to the reptile survey and further noise details and mitigation measures being submitted and considered acceptable by officers, and subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with:
 - P1808_054-PL-007-B, received 18/06/2019
 - P1808_054-PL-006-B, received 18/06/2019
 - P1808_054-PL-004-A, received 18/06/2019
 - P1808_054-PL-003-A, received 18/06/2019
 - P1808_054-PL-002-A, received 18/06/2019
 - P1808_054-PL-001-B, received 18/06/2019
 - P1808_054-PL-005-B, received 18/06/2019
 - PRELIMINARY ECOLOGICAL APPRAISAL, received 09/09/2019

for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

BACKGROUND INFORMATION: See application ref:
at www.eastsuffolk.gov.uk/public-access