

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **2<sup>ND</sup> FEBRUARY 2016**

**ADDRESS/LOCATION** : **SHIELD HOUSE, 2 CREST WAY**

**APPLICATION NO. & WARD** : **15/01428/FUL  
BARNWOOD**

**EXPIRY DATE** : **11<sup>th</sup> FEBRUARY 2016**

**APPLICANT** : **LIGHTMOOR**

**PROPOSAL** : **RECONFIGURATION OF PREMISES  
INCLUDING TWO AND SINGLE STOREY  
EXTENSIONS, PLANT AND ALTERATIONS  
TO ACCESS**

**REPORT BY** : **ED BAKER**

**NO. OF APPENDICES/  
OBJECTIONS** : **1. SITE LOCATION PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located on the corner of the junction of Crest Way and Barnett Way. The site is known as Shield House and comprises a data centre, which is currently unoccupied.
- 1.2 The site is broadly square shaped and is approximately 0.3 hectares in size. The site is relatively flat.
- 1.3 The site has a frontage onto Crest Way on its north side from which it is accessed. To the other side of the road to the north is the large Lloyds Bank building. To the west, the site is bound by Barnett Way, beyond which are further commercial uses. To the south, the site backs onto Ley Court, which provides offices and commercial floor space. To the east is Lloyds Bank's car park. Further to the south east is housing off Duncroft Road.
- 1.4 The application seeks full planning permission for the reconfiguration of the premises including two and single storey extensions, plant and alterations to the vehicular access on Crest Way. The building would continue to be used as a data centre.
- 1.5 The application follows pre-application discussions with officers.

1.6 The application is referred to the planning committee because the proposal entails more than 1,000 square metres of additional floor space.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 The application site has no relevant recent planning history.

## **3.0 PLANNING POLICIES**

3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development management purposes. The National Planning Policy Framework (NPPF) published in March 2012 is also a material consideration.

3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that, policies in a Local Plan should not necessarily be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 Policy contained in the National Planning Policy Guidance is explained and amplified by the online National Planning Policy Guidance.

3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policy is the most relevant:

|       |                           |
|-------|---------------------------|
| ST.1  | Sustainable Development   |
| ST.7  | Urban Design Principles   |
| FRP.6 | Surface Water Run-off     |
| BE.1  | Scale, Massing and Height |
| BE.2  | Views and Skyline         |
| BE.5  | Community Safety          |
| BE.7  | Architectural Design      |
| BE.12 | Landscape Schemes         |
| BE.20 | Extensions                |
| BE.21 | Safeguarding Amenity      |
| TR.31 | Road Safety               |

3.5 The site is unzoned in the 2002 Local Plan.

3.6 In terms of the emerging Development Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20<sup>th</sup> November 2014. Policies in

the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited: the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.7 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised local planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.

3.8 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

##### **4.1 Highway Authority (Gloucestershire County Council)**

No objection – subject to conditions

- The site is within 3km of the city centre. There are various amenities nearby. There are frequent bus services close to the site
- The vehicular access into the site is sufficient and would provide appropriate levels of visibility and is of sufficient width. There would be sufficient turning space within the site
- There would be sufficient parking spaces to serve the development
- Cycle parking is shown
- There will be little impact from traffic movements. The business would employ only a small number of staff and trips are unlikely to be great

Recommends the following conditions:

- Provision of visibility splays
- Limit use to a data centre only

#### 4.2 **Lead Local Flood Authority (Gloucestershire County Council)**

No objection – comments as follows:

- The applicant has submitted a drainage strategy/flood risk assessment which meets the requirements of Major applications
- Foul water disposal is a matter for the local sewerage authority
- The LLFA will give consideration to how SUDS will deal with the protection of water quality. Pollution control is the responsibility of the Environment Agency
- The future management and maintenance of SUDS is a matter for the Local Planning Authority

Recommends the following conditions:

- Submission and implementation of a SUDS scheme
- Details of water attenuation/storage works
- Requirement for a SUDS maintenance plan

#### 4.3 **Drainage Officer**

No objection – comments as follows:

- Satisfied with the surface water drainage proposals
- Please refer to the drainage design note and plan in the decision
- Does not recommend specific planning conditions
- Foul drainage can be dealt with by Severn Trent Water

#### 4.5 **Environmental Health Officer**

Comments as follows:

- The nearest properties are around 80 metres away and nearby businesses are much closer
- There is some concern about noise from the plant room and generators
- Further information is required about the design of the plant room, the number, specification and use of the generators
- Such plant rooms can produce a “hum” which can increase the background noise of an area and disturb businesses/residents

### 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through a press notice and the display of a site notice. In addition, eight properties have been notified of the application in writing.

5.2 No letters of representation have been received.

- 5.4 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01428/FUL>

## **6.0 OFFICER OPINION**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

### **Whether this is a sustainable location for commercial expansion**

- 6.2 It is understood that the existing building was constructed as a data centre in the 1980s. The site is located on an established business park with good transportation links to the city, motorway and beyond. The nature of the business is such that traffic generation is likely to be low.
- 6.3 The proposal would make effective use of a brownfield site within the established urban confines of the city.
- 6.4 For these reasons, the site is considered a sustainable location, in principle, for the proposed expansion of the data centre. The proposal is considered to accord with Policy ST.1 of the 2002 Local Plan.

### **Economic benefit**

- 6.5 The existing building was constructed as a data centre although it has apparently been empty for some time. Electronic commerce is a very important and growing sector of the UK and world economy. The applicant notes that Gloucester is located between the Bristol/Bath and Great Malvern technology clusters. In particular, the Great Malvern cluster (also known as "Cyber Valley") specialises in cyber security, which is centred around GCHQ, Cheltenham.
- 6.6 The purpose of the data centre is to store electronic data. The site is accessible to the national fibre figure of eight and is able to serve vast amounts of dark fibre across the whole of the UK, including nearby Bristol/Bath, Birmingham, Swindon, Oxford and Cardiff.
- 6.7 It seems evident that the proposal would support economic commerce and the proposal represents not insignificant investment in upgrading and extending the existing building. It is expected that the expanded data centre will employ ten full time people.
- 6.8 Paragraph 17 of the NPPF cites as one of the planning system's core principles, to '*proactively drive and support sustainable economic development... business and industrial units, infrastructure and thriving local places that the country needs.*'

- 6.9 Paragraph 19 goes onto say: *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*
- 6.10 The proposal would involve welcome investment in the site and local area, and is consistent with the aims of the NPPF. The economic benefits of the proposal should be given significant weight. The proposal is considered to accord with Policy ST.1 of the 2002 Local Plan.

## **Design**

- 6.11 Paragraph 56 of the NPPF says: *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*
- 6.12 The site is located on the corner of Crest Way next to the busy Barnett Way. It is a prominent and important site within the business park. The existing building appears somewhat tired and dated, and of its time. The proposal would extend and reconfigure the design of the existing structure, and to all intents and purposes it would appear a new building.
- 6.13 The front portion of the building would be extended to two storeys and would be cube shaped. Its height would be increased from around 5.5 metres to 13 metres. The single storey rear element would also be extended and effectively doubled in height from 3.5 metres to 7 metres. However, the resulting building would not be substantial for its context, particularly in view of the significant and much larger Lloyds Bank building to the north, and its spacious setting with the open car park to the east and wide thoroughfare of Barnett Way to the west. The scale and massing of the building would be keeping with other nearby buildings, and the character and appearance of the area.
- 6.14 The building would be clad in gold anodised expanded metal, giving the building a modern but organic appearance. The building would have new tall but narrow windows, with deep recesses, giving it some vertical emphasis. These windows would no doubt be lit up at night and would be quite attractive. The rear of the building would be clad in dark brick to complement the dark rough cast render on the lower section of the building's east side. The applicant has confirmed that the brick will have a Flemish bond to give the brick finish some variety and interest.
- 6.15 There would be a 2.4 metre high anti-climb, anti-cut powder coated perimeter mesh fence surrounding the site. The provision of such tall fencing is a little unfortunate from a design point of view but the applicant says it is necessary to provide security. The photographic example of the type of mesh that is proposed is reasonably smart for its type and the fencing would be finished a black colour to have a recessive appearance. If some form of fencing is required then the proposed design is probably as appropriate as any in visual terms.

- 6.16 The proposal is considered consistent with paragraph 63 of the NPPF which says: *'In determining applications, great weight should be given to...innovative designs which help raise the standard of design more generally in the area.'*
- 6.17 The proposal would significantly enhance the existing building and make a very positive contribution to the character and appearance of the area. It is considered to comply with Policies BE.1, BE.2, BE.7 and BE.20 of the 2002 Local Plan.

### **Impact on neighbouring property**

- 6.18 The site has no immediate residential neighbours although there are a numbering of commercial buildings surrounding the site.
- 6.19 The adjacent commercial buildings likely to be most affected by the development are Lea Court to the immediate south. There is a large building that flanks the south boundary of the site, between which there is a public alley that leads to the houses and land to the south east.
- 6.20 The building at Lea Court facing the site is three storeys and it appears to be used as offices. The height of the proposed rear section of the building will approximately double from 3.5 metres to 7 metres. There is less than 10 metres between the facing elevations of the two buildings. The proposed extension will reduce the outlook from Lea Court and there would be some loss of light, although this would be limited by the offices being north facing. However, in terms of the physical relationship between the buildings, the ground floor relationship will remain the same and the first floor impact will be the same as at ground floor. Given these factors and the uses of the adjacent premises as offices (and not a more sensitive use such as residential), it is considered that the impact of the proposals on Lea Court would be acceptable.
- 6.21 The other buildings surrounding the site, including the Lloyds Bank building to the north, are further away and there would be no harmful physical impacts on these nearby buildings.
- 6.22 The Environmental Health Officer has some moderate concerns about noise impact from the plant room and generators (which are required to cool the building and electronic storage equipment). Further information is awaited from the applicant on this issue. This is unlikely to be a significant issue and so the recommendation of this report is to seek delegated authority to resolve this issue before issuing the decision.
- 6.23 The extension would have an impact on the public alleyway between the site and Lea Court and would likely make it darker and more unpleasant, but it is felt that the overall impact would not be significant compared to the existing situation. A condition is recommended to require that the alleyway is appropriately lit to make it feel safer and more secure.

- 6.24 Subject to issues around noise impact being addressed, the proposal is considered to comply with Policy BE.21 of the Local Plan.

### **Access and parking**

- 6.25 The Highway Authority offers no objection to the application. It advises that the proposed access arrangements are acceptable, that sufficient space for turning within the site would be provided, and the proposal is unlikely to generate significant levels of traffic.
- 6.26 The proposal provides 13 parking spaces including a disabled space. Whilst this level of parking is relatively low given the size of the building, the use would employ a comparatively low number of people due to the way data centres function. A condition is recommended to ensure that the building is used solely as a data centre because other uses within the same use class might require a higher level of parking. It is unclear as to whether a data centre falls within Use Class B1, B8 or is a use within its own right (*sui generis*). For example, a data processing centre is normally considered a B1 use, however, the agent suggests that the use is more akin to B8 as it involves storage. The condition can be appropriately worded to cover all these eventualities.
- 6.27 The proposal is considered to comply with Policy TR.31 of the 2002 Local Plan.

### **Drainage**

- 6.28 The proposal is for Major development and it is necessary to ensure that the site is appropriately drained. Sustainable Urban Drainage Systems (SUDS) should be incorporated which seek to replicate the drainage of natural, undeveloped land.
- 6.29 The applicant has provided a drainage design note. The existing impermeable surface area of the site is 2,278 square metres, which will increase to 2,610 square metres if development goes ahead.
- 6.30 The drainage scheme has been designed to allow for an increase of rainfall due to climate change of 30%. The site will be attenuated to a water run-off rate equivalent of a Greenfield site. Surface water drainage will be to an existing mains sewer, as well as to soakaways or permeable paving will be used. Pavements will have a porous construction. A petrol interceptor will be incorporated below ground to deal with pollution from vehicles. Attenuation storage will be by below ground tanks. Discharge will be 5 litres per second and attenuation volume will be 150 cubic metres.
- 6.31 Both the Lead Local Flood Authority (County Council) and the City Council's Drainage Engineer are satisfied with the drainage design note. Conditions are recommended to ensure that an appropriate drainage scheme that accords with the design note is implemented.
- 6.32 Foul sewage is to be disposed of via the mains sewer.



6.33 The proposal is considered to comply with Policy FRP.6 of the 2002 Local Plan.

### **Conditions**

6.34 Standard conditions for the timing of implementation of the permission and requiring the development to be built in accordance with the approved drawings are recommended.

6.35 The use of the building should be limited to a data centre only for the reasons previously given. The necessary visibility splay should be conditioned. Conditions requiring the provision of car and bicycle parking are also recommended.

6.36 Samples of materials should be provided. The depth of the window reveals should be controlled to ensure adequate articulation of the elevations. The mesh boundary fence should be finished a black colour as shown on a photograph provided by the agent.

6.37 A lighting scheme should be provided to ensure that the adjacent alley to the south is appropriate lit for safety reasons.

6.38 A drainage scheme that accords with the drainage design code should be sought and implemented.

## **7.0 CONCLUSION**

7.1 The site is a sustainable and accessible location for a business. The proposal would provide improved data storage facilities that would benefit e-commerce, and in turn the local and national economy.

7.2 The building is well designed and would have a positive impact on the character and appearance of the area. No harmful impacts on neighbouring property are identified.

7.3 The building would be served by a satisfactory means of access and sufficient parking would be provided within the site.

7.4 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, and having regard to the relevant Development Plan policies set out earlier in the report and other relevant material considerations, the proposals are considered acceptable.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

Subject to potential noise impact issues being satisfactorily resolved, delegated authority is sought for the Development Control Manager to grant planning permission with the following conditions.

### Condition 1

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawings 1322\_300, 1322\_304, 1322\_305, 1322\_306, 1322\_308 and 1322\_309 received on 29 October 2015; and drawing number 1322\_313 received on 01 December 2015.

Reason: To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

### Condition 3

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the premises shall not be used other than as an electronic data centre and shall not be used for any other purpose falling within Use Classes B1 or B8; without express planning permission.

Reason: Alternative use would require further consideration by the Local Planning Authority because of traffic/parking implications, having regard to the provisions of the Gloucester Local Plan, Second Stage Deposit 2002.

### Condition 4

The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to the provisions of the National Planning Policy Framework.

### Condition 5

The development shall not be occupied until visibility splays have been provided extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on

the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between the visibility splays and the carriageway shall be maintained at all times so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.6m and 2.0m at the Y point above the adjacent carriageway level.

Reason: In the interests of highway safety, having regard to Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002.

#### Condition 6

The development hereby approved shall not be occupied unless covered bicycle storage has been provided in the location shown on the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TR.33 of the Gloucester Local Plan, Second Stage Deposit 2002.

#### Condition 7

The building shall not be clad, rendered or faced in brick unless in accordance with sample panels, which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.

The approved sample panels shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

#### Condition 8

The external windows shall be recessed at least 225mm from the outer wall/exterior elevation.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

### Condition 9

The boundary mesh fence shall be finished in black.

Reason: In the interests of the character and appearance of the area, having regard to Policy BE.7 of the Gloucester Local Plan, Second Stage Deposit 2002.

### Condition 10

The development hereby approved shall not be occupied or operated until a lighting scheme to light the public alley on the south side of the site has been implemented in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be retained at all times.

Reason: To ensure that the adjacent alley is satisfactorily lit in the interests of crime prevention and safety, having regard to Policy BE.5 of the Gloucester Local Plan, Second Stage Deposit 2002.

### Condition 11

No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

### Condition 12

No development shall commence on site unless details of a surface water attenuation/storage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the submitted Drainage Statement by Momentum Structural Engineers, dated 08.01.2016, unless otherwise first agreed in writing by the Local Planning Authority.

The scheme shall include a programme for implementation of the works; and proposals for future maintenance and management.

The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy FRP.6 of the Gloucester Local Plan, Second Stage Deposit 2002. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

Notes

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 2

In order to discharge condition 11 (SUDS), the applicant is referred to the advice of the Gloucester City Council as Lead Local Flood Authority in its revised letter of 12 January.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework, the Local Planning Authority has worked with the applicant in a positive and proactive manner in seeking solutions to secure sustainable development which will improve the economic, social and environmental wellbeing of the area. In particular, the Local Planning Authority has negotiated issues relating to the suitability of the means of access, drainage requirements and noise impact.

Decision: .....

Notes: .....

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Person to contact: Ed Baker  
(Tel: 396835.)

**15/01428/FUL**

**Shield House**  
**2 Crest Way**  
**Gloucester**  
**GL4 3DH**

**Planning Committee 02.02.2016**

