

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **4<sup>th</sup> OCTOBER 2016**

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

**APPLICATION NO. & WARD** : **16/00896/FUL  
BARNWOOD**

**EXPIRY DATE** : **21<sup>ST</sup> OCTOBER 2016**

**APPLICANT** : **LIGHTMOOR**

**PROPOSAL** : **VARIATION OF CONDITIONS 2, 9, 11 AND  
12 AND REMOVAL OF CONDITION 10 OF  
PLANNING PERMISSION 15/01428/FUL  
(WHICH GRANTS PERMISSION FOR  
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  
2. COMMITTEE REPORT (15/01427/FUL)**

**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 comprises offices and commercial floor space. To the east is Lloyds Bank's car park. Further to the south east is housing off Duncroft Road. There is a public footpath to the immediate south of the site between the building and Ley Court. This provides access to the houses to the south east.
- 1.4 The planning committee granted planning permission for the reconfiguration and extension of the data centre in February 2016 (15/01427/FUL). A copy of

the report to the February committee is appended. The applicant wishes to make some minor changes to the design of the scheme and discharge some of the conditions on the original permission. To do this, the applicant has submitted this application to vary a number of the conditions and remove another, as described below.

*Variation of the following conditions:*

Condition 2 – to allow minor changes to the design of the extended building

Condition 9 – to revise the design of the new boundary fencing

Condition 11 – the provision of a detailed surface water scheme that incorporates SUDS principles

Condition 12 – the provision of a surface water attenuation/storage scheme.

*Removal of the following condition:*

Condition 10 – the removal of the requirement to provide a lighting scheme to light the public alley on the south side of the site.

- 1.5 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 15/01428/FUL – planning permission granted in February 2016 for the reconfiguration of the data centre including two and single storey extensions, plant and alterations to access.

## **3.0 PLANNING POLICIES**

- 3.1 This part of the report identifies local and national planning policies that are relevant to the consideration of the application and considers the weight that can be afforded to them.

### Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*... due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'

- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who presided over an appeal relating to land at the Peel Centre. St, Ann Way (13/00559/FUL), ‘...its sheer age suggests it must be out of date...’ (par. 11 of the Inspector’s report).
- 3.5 The 1983 Local Plan is out-of-date and superseded by the National Planning Policy Framework and relevant local planning policy.

#### National Planning Policy Framework

- 3.6 The National Planning Policy Framework (“NPPF”) published in March 2012 is a material consideration of considerable importance. It sets out the Government’s planning policies for England and how these should be applied.
- 3.7 Annex 1 of the NPPF provides advice on the weight that should be afforded to adopted Local Plans that pre-date the NPPF, and emerging Local Plans.
- 3.8 Guidance on how to interpret the NPPF is provided by the online National Planning Practice Guidance (“NPPG”).
- 3.9 Paragraph 14 of the NPPF says that: ‘*At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking...*

...For decision-taking this means:

- *Approving development proposals that accord with the development plan without delay; and*
  - *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission, unless:*
    - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
    - *specific policies in the Framework indicate development should be restricted.’*
- 3.10 Section 1 of the NPPF, *Building a strong, competitive economy*, provides national policy on how to deal with proposals for business use. Other sections of the NPPF also apply and are referred to in this report where relevant.

#### Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

- 3.11 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (“JCS”) and Gloucester City Plan (“City Plan”).

- 3.12 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.
- 3.13 Paragraph 216 of the NPPF states that weight can be given 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 NPPF.
- 3.14 The JCS is part way through the Examination process and the Inspector published her Interim Report in May 2016. However, a number of proposed modifications will be made to the policies in the plan. The legal advice that the Council has received is that the JCS can be given limited weight at this time.

#### Gloucester City Plan

- 3.15 The City Plan will sit underneath the JCS and provide locally specific site allocations and development management policies, within the strategic context of the JCS. To date, consultation has taken place on Part 1 of the City Plan, which sets out the context, strategy and key principles; and Part 2, which sets out a draft City Centre Strategy and looks at potential site opportunities. The next stage will be the publication of a Draft City Plan for public consultation. This will include an updated Part 1 and Part 2, along with a range of locally specific Development Management policies. The City Plan can be given no meaningful weight at this time.

#### Gloucester Local Plan, Second Stage Deposit 2002

- 3.16 Regard is also had to the policies contained within the Gloucester Local Plan, Second Stage Deposit 2002 ("2002 Local Plan"). The 2002 Local Plan was subject to two comprehensive rounds of public consultation and was adopted by the Council for development management purposes.
- 3.17 However, the 2002 Local Plan was never subject to Examination and was never formally adopted. In this regard, the weight that can be given to the Local Plan is, therefore, limited. This view is supported by the Inspector who presided over the appeal at the Peel Centre, who commented that: '*The Gloucester Local Plan did not progress beyond the Second Stage Deposit of 2002; while its policies were adopted for development control purposes, they cannot carry any significant weight.*' (par. 12 of the Inspector's report) This approach is, however, contradicted by other appeal decisions where Inspectors choose to give policies in the 2002 Local Plan reasonable weight.

- 3.18 The main body of this committee reports refers to policies in the 2002 Local Plan where they broadly accord with policies contained in the NPPF, and are relevant to the proposal.
- 3.19 The 1983 Local Plan, JCS, emerging City Plan and 2002 Local Plan can be viewed at the following website address:-  
<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy>. The NPPF and NPPG can be viewed at the Department of Community and Local Government website:-  
<http://planningguidance.communities.gov.uk/>.

#### **4.0 CONSULTATIONS**

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

No objection – the variation of condition 9 to allow a different fencing design would have no impact on the highway.

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

No comments.

##### **4.3 Drainage Officer**

No objection – satisfied that the revised proposals will not impact on the previously agreed drainage system.

##### **4.4 Environmental Health Officer**

No comments to date.

##### **4.5 Police Architectural Design Advisor**

No comments to date.

#### **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 directly notified of the application in writing. No letters of representation have been received.

5.2 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=16/00896/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.

6.2 The principle of the reconfiguration and extension of the data centre is firmly established through the granting of the existing planning permission, 15/01428/FUL. The main issues relevant to the consideration of the current proposal are set out below.

### *Variation of condition 2 – changes to the design of the scheme*

6.3 The proposal seeks to vary the design of the remodelled building. The changes are relatively subtle and include the following:

- Reduction in height of the lower rear element next to Ley Court (Barnett Way side) from 7.5 metres to 6.2 metres
- Slight enlargement of the plant room next to Ley Court (Lloyds car park side) including an increase in height from 5.7 metres to 6.2 metres
- Addition of servicing doors and vents next to the alleyway on the south west elevation
- Variation of the cladding pattern on the main building
- Removal of windows from the south west elevation of the main building
- Change to the window design on the north west, north east and south east elevations
- Change to the materials for the service door on south east elevation
- New service doors on the north west elevation and removal of large service door from north west elevation

6.4 The proposed changes to the design of the building would maintain the design quality of the original scheme. The character and appearance of the area would not be harmed. The reduction in height of a section of the lower element of the building at the rear would reduce the impact on Ley Court. The enlargement of the plant room would not have a significant impact. The proposal is considered acceptable having regard to Policies BE.7 and BE.21 of the 2002 Local Plan.

### *Variation of condition 9 – changes to the design of the boundary fencing*

6.5 The applicant is proposing to use a Warefence security fencing system around the perimeter of the site. The images provided with the application show it finished in black and it would have a smart appearance. The design of the fencing is considered acceptable, having regard to Policy BE.7 of the 2002 Local Plan.

### *Variation of condition 11 – detailed surface water drainage scheme*

6.6 The LLFA considered the proposed surface water drainage scheme prior to the new application being lodged and provided confirmation that the submitted

scheme was acceptable. The LLFA has provided no comments on the current application and clarification is sought that they find the drainage scheme submitted with the application acceptable. Delegated authority is sought to approve the application subject to this issue being resolved.

*Variation of condition 12 – detailed surface water attenuation/storage scheme*

- 6.7 Similarly, clarification is sought from the LLFA that they find the submitted scheme acceptable. Again, delegated authority is sought to approve the application subject to clarification of this point.

*Removal of condition 10 – removal of requirement for lighting scheme*

- 6.8 The applicant says that since the application was approved, the lighting along the public alley on the south side of the site has been significantly improved by Gloucestershire County Council. The old street lights have been replaced by LEDs, which are much brighter and more effective at lighting the footpath. As such, the applicant would not be able to provide any lighting that would have any additional benefit in terms of crime prevention and safety. The Highway Authority has not commented on this issue and no comments have been received from the Police Crime Prevention Design Officer. Therefore, officers are unable to corroborate whether the lighting improvements have been carried out or whether the new lighting is acceptable.
- 6.9 The reason for condition 10 was in ‘the interests of crime prevention and safety.’ Delegated authority is sought for officers to resolve whether condition 10 is still required in consultation with the Crime Prevention Design Officer.

*Other matters*

- 6.10 The proposal also includes the installation of CCTV around the site; introduction of “hostile vehicle mitigation” blocks on the corner of Barnett Way/Crest Way; and retention of the existing 3.5 metre high brick wall along the southern boundary of the site, bordering the public alley. These elements are considered relatively inconsequential and acceptable.
- 6.11 The submitted drawings do not show levels and a levels plan is required; Members are advised that the granting of a variation of condition application under Section 72 of the Town and Country Planning Act 1990 creates a new standalone permission and it is necessary to ensure that all the appropriate drawings are included. A levels plan should therefore be sought.

## **7.0 CONCLUSION**

- 7.1 The proposed variation of conditions 2, 9, 11 and 12; and the removal of condition 10, are considered acceptable for the reasons set out in the report, but subject to further consultation with the LLFA and Police Crime Prevention Design Officer.

7.2 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**

8.1 That subject to resolution of the matters listed below, planning permission is granted with appropriate conditions. Delegated powers to be given to the Development Control Manager to prepare the required conditions.

- Clarification of the LLFA's position on the application with regard to conditions 11 and 12
- Consultation with the Police Crime Prevention Design Officer on whether additional lighting is still required to light the alleyway on the south west side of the site
- Receipt of a satisfactory levels plan

8.2 It is expected that the conditions will include the following:

### 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 following approved drawings

Drawings received on 29 October 2015 in relation to application 15/01428/FUL (drawing numbers listed)

1322\_300 (site location plan/red line)

Drawings received on 20 July 2016 (drawing numbers listed)

P.001.700A (block plan)  
P.001.701A (ground floor plan)  
P.001.702A (first floor plan)  
P.001.703A (roof plan)  
P.001.704A (elevations)  
P.001.705A (elevations)  
P.001.706 (plant room/compound)  
20160290-E-800 P0 (CCTV plan)



20160290-E-900 P0 (lighting plan)

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 fencing shall not be installed unless in accordance with drawing number SecSR1/04/11 Revision 0 (fence plan) and the manufacturer's specification received on 20 July 2016. The fencing shall have a black finish. The boundary fencing shall be retained as such at all times in accordance with the approved details and shall not be replaced with an alternative design or colour finish.

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

(Requirement for lighting scheme to light the public alley on the south side of the site – matter to be delegated to officers in consultation with the Police Crime Prevention Design Officer)

### Condition 11

(Requirement for a detailed drainage scheme incorporating SUDS principles – matter to be delegated to officers in consultation with the LLFA)

### Condition 12

(Requirement for surface water attenuation/storage works – matter to be delegated to officers in consultation with the LLFA)

### Condition 13

Noise levels attributable to services equipment and emergency plant shall not exceed the limits as set in the tables below.

Proposed Building Services Equipment:

Period	Maximum Acceptable 'Rating Noise Level' at the facade of the building	
	Kingstone Avenue (Residential)	Ley Court (Commercial)
Day 0700 - 1900	37 dB(A) $L_{Aeq}$ , 1 hr	47 dB(A) $L_{Aeq}$ , 1 hr
Evening 1900 - 2300	35 dB(A) $L_{Aeq}$ , 1 hr	N/A
Night 2300 - 0700	31 dB(A) $L_{Aeq}$ , 15 mins	N/A

Noise from the emergency plant, which may be used during power outages:

Period	Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest residential buildings (Kingstone Avenue)
Day 0700 - 1900	50 dB(A) $L_{Aeq}$ , 15 mins
Evening 1900 - 2300	46 dB(A) $L_{Aeq}$ , 15 mins
Night 2300 - 0700	43 dB(A) $L_{Aeq}$ , 15 mins
Period	Maximum Acceptable Noise Level from Emergency Equipment at the facade of the nearest commercial building (Ley Court)
Day 0700 - 1900	57 dB(A) $L_{Aeq}$ , 15 mins

Reason: To safeguard the amenities of the area, having regard to Policy BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

### Condition 14

No construction related activities, including deliveries to or dispatched from the development, shall be undertaken outside the following hours:

Monday to Friday            0800 to 1800  
Saturdays                    0830 to 1300

No such construction related activities or deliveries shall take place on Sundays or Public Holidays.

Reason: To safeguard residential amenity, having regard to Policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

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.

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. The Local Planning Authority has offered a pre-application service, and published relevant guidance and information on its website to assist the applicant. The proposal has been found to be sustainable development and no direct negotiations have been required.

Decision: .....

Notes: .....

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

**16/00896/FUL**

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

**Planning Committee**



**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 Communities 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**

