

Reference:	19/00237/FUL	
Ward:	Eastwood Park	
Proposal:	Demolish existing industrial buildings. Install two containers, 12 air conditioning units, generator enclosures, meter cabinets for use as data centre (class B8) and erect 2.4m high mesh fence.	
Address:	Land at 2-4 Brunel Road, Eastwood, Essex	
Applicant:	City Fibre	
Agent:	WYG	
Consultation Expiry:	07.03.2019	
Expiry Date:	05.04.2019	
Case Officer:	Charlotte White	
Plan Nos:	P1808_019-PL-001-A, PL1808_019-002-A, P1808_019-PL-003-B, P1808_019-PL-007-B, P1808_019-PL-004-A, P1808_019-PL-005-A, P1808_019-PL-006-B	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



The Proposal

- 1.1 Planning permission is sought to demolish the existing buildings on the site and to redevelop the site as a data centre.
- 1.2 The information submitted with the application states *‘The operation itself comprises a centralised repository for the storage, management and dissemination of data and information connected with the CityFibre network operations. The computer systems and associated components, such as telecommunications and storage systems will be located within two purpose-built single storey cabins (each measuring 12m x 4m) at either side of the site. The proposed cabins will be constructed in galvanised steel – goose wing grey (RAL7044)...Two 220 kVA emergency generators (within an enclosure and used in the unlikely event of a power cut) and a single, separate, smaller, meter cabinet...Due to the operation of a large number of computer systems, which are typically required to operate at low temperatures, additional air conditioning units will be required for the proposed cabins. The proposal includes the installation of six freestanding air conditioning units on the southern exterior of the western cabin and northern exterior of the eastern cabin. The units for each cabin comprises four 25Kw air conditioning units with dimensions of 0.7sqm and a height of 1.7m and two further 7.1Kw air conditioning units with dimension of 0.9m by 0.3m and a height of 0.8m. The proposed cabins, generators and associated equipment will be located within a purpose-built compound surrounded by 2.4m high palisade fencing. A single 1.5m wide single access gate will be provided to the compound from Brunel Road and a double 3m wide access gate will be provided from the existing footway running along the northern boundary of the site.’*
- 1.3 The plans submitted indicate that 2 trees at the frontage of the site onto Brunel Road and 4 trees on the western side of the site will be removed as part of this development.
- 1.4 The covering letter submitted with the application states *‘CityFibre is planning on expanding their Network within the wider Southend area which will transform the entire town’s digital landscape, bringing full-fibre connectivity within reach of nearly every building in the town. This will not only deliver extensive fibre but provide a step change in internet speed and quality, and a future proof platform for economic growth in the digital age. As part of this expansion, data centres, hosting high speed servers are being established including land at Brunel Road (the application site). The stand-alone compound use of the building in this manner is essential to the roll out of fibre internet connections across the town over the forthcoming months and years.’*
- 1.5 The application form indicates that the development will employ 9 full-time employees.
- 1.6 The application has been submitted with a covering letter, air conditioner information and a flood risk assessment.

2 Site and Surroundings

- 2.1 The site is on the northern side of Brunel Road and is currently occupied by a single storey industrial building with a mono-pitched roof with a flat roofed single storey, front addition.
- 2.2 The information submitted with the application states that the existing single storey industrial building which is arranged as 2 units was last used as a recycle centre for Cycle Southend. It is stated that the units are currently vacant. No's 2-4 Brunel Road will be demolished with the adjoining No's 6-8 retained with remedial works to the end wall to be undertaken.
- 2.3 The site is located within an area allocated for employment purposes within the Development Management Document Proposals Map and is located within flood zone 2. The site is located within an industrial/employment area within the Core Strategy Key Diagram.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, traffic and transportation considerations, impact on residential amenity and CIL (Community Infrastructure Levy).

4 Appraisal

Principle of Development

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2, KP3, CP1, CP3, and CP4, Development Management Document (2015) Policies DM1, DM3, DM10, DM11 and DM15 and the Design and Townscape Guide (2009).

- 4.1 Chapter 10 of the NPPF supports high quality communications. Paragraph 112 of the NPPF states *'Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.'*
- 4.2 Policy CP1 of the Core Strategy states, that, to promote economic regeneration, development will be expected to, amongst other things *'improve the level of service of broadband infrastructure and other state of the art information communication technology – including the opportunities of the pan-European fibreoptic network.'*
- 4.3 In providing network infrastructure, the proposal would significantly support this Council's strategic aim to deliver a Connected and Smart borough, as set out within the Southend 2050 Ambition.

- 4.4 As such, the principle of the proposed development is acceptable and in accordance with National and Local policy, which seeks to support the expansion of electronic communications, including full fibre connections. The development is acceptable in principle in this respect and no objection is raised to the development in this respect.
- 4.5 Policy CP1 of the Core Strategy states *'Provision is made for not less than 6,500 net additional jobs by 2011, and not less than 13,000 net additional jobs by 2021...Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, education and re-skilling opportunities...Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration. Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises...'*
- 4.6 Policy DM11 of the Development Management Document states *'The Borough will support the retention, enhancement and development of Class B uses within the Employment Area...'*
- 4.7 The existing use (formerly a recycle centre for Cycle Southend) is considered to constitute a B2 (general industrial) use and the proposed use constitutes a B8 use (storage and distribution). As such, the development would not result in the loss of Class B uses within the employment area. The information submitted with the application indicates that the development would result in the provision of 9 full time jobs; *'comprising of one city development manager, an approximately eight-person Operations team...'* As such the development is in accordance with National and Local planning policy in this respect.
- 4.8 Paragraph 155 of the NPPF states *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*
- 4.9 The application site is located within Flood Zone 2; medium annual probability of flooding.
- 4.10 The application has been submitted with a site-specific flood risk assessment, which states that the site is located within flood zone 2 and constitutes "essential infrastructure". It is stated that the site has never flooded. It is stated that the *'development is at medium risk of fluvial and surface water flooding from the watercourse to the north of the site. All other forms of flooding are deemed low risk.'* The FRA states that flood levels (including climate change) would be 29.00m AOD. The existing building to be demolished is set at a level of 28.73m AOD. As such the FRA recommends that the development is located at a minimum level of 29.30m OAD to ensure a 300mm freeboard (i.e. safety factor) above the predicted flood level.

If all equipment can be located above 29.30m then the risk of fluvial flooding can be mitigated to a low level and given that the proposed development will raise all equipment to a level of 29.30m the risk of surface water flooding can be mitigated to low. This can be controlled via a planning condition.

- 4.11 The submitted FRA concludes *'The proposed development should be located at a level of 29.30m to provide additional protection from fluvial and surface water flooding. The proposed development will not increase the risk of flooding on or off site and there will be no loss of floodplain as a result of the development. Given the sensitivity of the use flood resilient and resistant measures should be included to reduce the risks and consequences of any potential flooding. The existing watercourse and culverts should be kept cleared of debris to reduce the risk of blockage which could cause flooding close to the site.'*
- 4.12 The Environment Agency has considered the submitted FRA and has raised no objection to the proposed development. As such, subject to a condition requiring the equipment to be located at a level of 29.30m AOD, it is considered that the development would be at low risk from flooding and the development would not increase the risk of flooding elsewhere. The development is acceptable and policy compliant in this respect.
- 4.13 The principle of the development is therefore considered acceptable and policy compliant, subject to the detailed considerations discussed below.

Design and Impact on the character and appearance of the area.

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 4.14 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 4.15 Paragraph 124 of the National Planning Policy Framework states *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential to this."*

- 4.16 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.17 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.18 The existing buildings on the site are of a functional design and there is no objection to the principle of their demolition. The site is located within an employment area with a commercial and industrial character. The proposed buildings will have a height of some 3.6m and will be enclosed by 2.4m high mesh fencing. The proposed buildings would be some 3.1m lower than the existing buildings on the site. The development would retain the grassed area between the proposed built form and Progress Road and would retain the existing building line in Progress Road. The development would extend beyond the main front wall of No.6-8 Brunel Road to the east, but there are existing forward projecting, flat roofed additions in this location. As such the development would not appear prominent or out of keeping in Brunel Road. The mesh fence would not appear out of keeping within the wider commercial, industrial area. The development is of a utilitarian design, and a condition is required on any grant of consent, requiring details of the material to be used to ensure the development is of an acceptable appearance. Overall, subject to conditions, the development is considered to be of an acceptable design that would not be materially out of keeping or harmful to the character of the area.
- 4.19 The development would result in the loss of six trees on the site, however, these trees are generally relatively small and none of them are preserved. Their loss is not considered to result in any material harm to the character or appearance of the area and the trees have limited amenity value. The prominent and mature street tree in Progress Road will not be affected by this development. A condition can be imposed on any grant of consent requiring tree protection measures to ensure this nearest street tree in Progress Road, which adds to the visual amenity of the area is not affected as a result of the development. This approach is supported by the tree officers in the Council's Park's Team.
- 4.20 As such it is considered that, subject to conditions, the proposed development is of an acceptable overall design that would not result in any material harm to the character or appearance of the site or the wider surrounding area. The development is acceptable and policy compliant in the above regards.

Traffic and transportation

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP4, CP3; Policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 4.21 Policy DM15 of the Development Management Document states *'Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generate in a safe and sustainable manner.'*
- 4.22 The existing site does not benefit from any off-street parking and the proposed development will similarly not benefit from any off-street parking. The proposed use constitutes a Class B8 use and the adopted parking standards set a maximum standard of 1 parking space per 150sqm for B8 uses. The previous use of the site as a recycle centre is considered to constitute a class B2 use (general industrial). The adopted parking standards set a maximum standard of 1 space per 50sqm for B2 uses. As such the existing development would equate to a maximum of 5 parking spaces, and the proposed development would equate to a maximum of some 3 spaces. As such the development would result in a reduction of the on-site parking requirements. Given the reduction in the parking requirements and given that there is currently no parking on the site, the development is considered acceptable in this respect and would not result in any material harm to highway safety. It is also noted that the Highways Team has raised no objection to the proposal. The development is therefore considered acceptable and policy compliant in this respect.
- 4.23 The cycle parking standards for B8 uses requires a minimum of 1 space per 500sqm for staff plus 1 space per 1000sqm for visitors. As such the development is required to provide a minimum of 2 cycle spaces. No cycle parking details have been submitted, however, a condition can be imposed on any grant of consent in this respect.
- 4.24 Subject to conditions, the development is acceptable and policy compliant in respect of parking and highway safety matters.

Impact on Residential Amenity

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009)

- 4.25 Policies DM1 and DM3 of the Development Management Document and Policy CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours.

Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. policy DM1 of the Development Management requires that all development should (inter alia):

“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight;”

- 4.26 The site is located within an employment area and is significantly removed from the nearest residential unit. The nearest residents are located in Rayleigh Road to the north of the site and in Gipson Park Close to the east, over 100m away from the site. As such given the location of the site and the nature and scale of the development, it is considered that the proposal would not result in any material harm to the residential amenity of those nearest occupiers in terms of dominance, an overbearing impact, loss of light and outlook, a material sense of enclosure, loss of privacy, overlooking or noise and disturbance. Environmental Health have commented that because the nearest noise sensitive receptor is a considerable distance away and because the site is located in an industrial area, they do not expect any noise nuisance impact.
- 4.27 The development is acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

Charging Schedule (2015)

- 4.28 As the development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Conclusion

- 4.29 It is considered, having taken all material planning considerations into account that the proposed development would comply with the Development Plan. There is no objection to the principle of the development including demolition of the existing buildings and the proposal would not increase flood risk. The development, creates employment, would have no material adverse impact on nearby residents, and would not harm highway safety.

Whilst the design is functional, conditions can be imposed to ensure the overall design and appearance is appropriate for the area and when weighed against the significant benefits of the proposal by reason of the significant improvements to fibre connectivity within Southend, the utilitarian design is significantly outweighed by the benefits of the proposal. The proposal is therefore recommended for approval, subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2019).
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM10 (Employment Sectors), DM11 (Employment Areas) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Traffic and Transportation

- 6.1 There are no highway objections to this proposal.

Environmental Health Team

- 6.2 A cover letter with information containing air conditioning technical data with noise specification at 65db the data centre is to operate for 24 hours, however the nearest sensitive receptor is a considerable distance hence a BS4142 noise survey has not been included in this application.

Recommended conditions:

1. Construction hours shall be restricted to 8am-6pm Monday to Friday, 8am to 1pm Saturday and not at all on Sundays or Bank Holidays.
2. During any construction and demolition there shall be no burning of waste material on site. **[Officer comment: this is covered under separate legislation.]**
3. Since the nearest sensitive receptor is a considerable distance away, Environmental Health does not expect any noise nuisance impact because it is in an industrial estate.

Environment Agency

6.3 No objection to the application.

The applicant may require an Environmental Permit in order to undertake their work.

Flood Defence Consents now fall under the new Environmental Permitting (England and Wales) Regulations 2010 system (EPR). The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the Eastwood Brook, designated a 'main river'.

The EPR are a risk-based framework that enables us to focus regulatory effort towards activities with highest flood or environmental risk. Lower risk activities will be excluded or exempt and only higher risk activities will require a permit. Your proposed works may fall under an either one or more of the below:

- 'Exemption,
- 'Exclusion',
- 'Standard Risks Permit'
- 'Bespoke permit.

Anyone carrying out these activities without a permit where one is required, is breaking the law. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward.

Parks Team

6.4 There is a large red oak outside the site on Progress Road which is a highway tree. Although this tree is located off site it could be damaged by the development as the site is within its RPA (root protection area) and the grassed area within the site is likely to be very favourable for root growth given the surrounding hard surfaces. It is also likely that the grassed area may be used for the storage of machinery, etc.

A tree protection plan to demonstrate the tree will not be damaged is therefore necessary and justified.

The trees/ shrubs to be removed from within the site are insignificant.

Public Consultation

6.5 A site notice was displayed and 13 neighbour letters were sent out. No letters of representation have been received.

6.6 Council Aylen has called the application in for consideration by the Development Control Committee.

7 Relevant Planning History

- 7.1 11/00427/BC3M – Demolish existing buildings, erect nine two-storey office units (Class B1) and fourteen two-storey industrial units (Class B2), layout parking and landscaping – planning permission granted. This consent is no longer extant (expired 25th 2014).

8 Recommendation

8.1 MEMBERS ARE RECOMMENDED TO GRANT PLANNING PERMISSION, subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02 The development shall be carried out in accordance with the approved plans: P1808_019-PL-001-A, PL1808_019-002-A, P1808_019-PL-003-B, P1808_019-PL-007-B, P1808_019-PL-004-A, P1808_019-PL-005-A, P1808_019-PL-006-B.

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of the tree protection measures to be used in relation to the street tree to the west of the site in Progress Road have been submitted to and approved in writing by the local planning authority. The agreed tree protection measures shall be in place before the development is commenced and the development shall be carried out only in full accordance with the approved tree protection measures.

Reason: This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 04 The data centre electrical equipment to be installed as part of the approved development shall be located at a level no lower than 29.30m AOD (above ordnance datum).

Reason: To ensure the approved development is safe and does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2019) and Core Strategy Policies KP1, KP2 and KP3.

- 05** Prior to the first use of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking for a minimum of 2 cycles. The approved cycle parking facilities shall be provided in full and made available for use by the users of the site prior to the first use of the development hereby approved and shall be retained as such in perpetuity.

Reason: To ensure the provision of adequate cycle parking in accordance with Policies DM3, DM8 and DM15 of Development Management Document.

- 06** Hours of construction works associated with this consent shall be 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and The Design and Townscape Guide (2009).

- 07** Notwithstanding the information submitted, no development above ground level shall be undertaken until full details of colour and detailing of the fencing and samples of the materials to be used on the external elevations of the buildings hereby approved have been submitted to and approved by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details before it is brought into first use.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the guidance contained within the Design and Townscape Guide (2009).

- 08** The development hereby approved, for purposes falling within Class B8, shall be limited to a data centre within Use Class B8 only and shall not be used for any other purposes, including any other use falling within Use Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) nor any change of use permitted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders.

Reason: To determine the scope of the permission and in the interests of the character and appearance of the area and the residential amenity of nearby occupiers in accordance with the National Planning Policy

Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informatives

- 01** You are advised that as the development equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.
- 02** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.
- 03** The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8m of the river and of any flood defence structure or culvert of the Eastwood Brook, designated a 'main river'. Anyone carrying out these activities without a permit where one is required, is breaking the law. Please contact our National Customer Contact Centre to assess which category your proposed works fall under. They will then be able to tell you the classification of your application, the fee associated with your application, and how to proceed forward.