

APPLICATION: MA/09/1569 Date: 28 August 2009 Received: 1 December 2009

APPLICANT: Mr J Gammie, Computer Sciences Ltd

LOCATION: PEGASUS PLACE, LODGE ROAD, BOXLEY, MAIDSTONE, KENT, ME14 5EH

PARISH: Boxley

PROPOSAL: Proposed new plant room building with ancillary use to the existing data centre together with new energy compound and permanent erection of acoustic fencing around chiller compound as shown on drawing nos. 1226/01/P2 (Existing car park plan), 1226/02/P6 (Proposed new energy compound), 1226/02/P4 (Proposed new generators, switchroom and fuel tanks), 1226/03/P2 (Proposed GA elevations roof plan & section A-A), 1226/04 (Site location plan), 1226/05 (Proposed energy compound elevation), 1226/200 (Existing site plan), 1226/201/P4 (New building proposed site plan), 1226/202/P3 (Proposed ground and first floor plans), 1226/203/P2 (Proposed elevations) 1226/204/P2 (Proposed elevations), 1226/204 (Proposed true elevation from western boundary and roof plan), 1226/208 (Proposed roof plan), 7no. un-numbered CGI images, Design and access statement and acoustic assessment received 01/09/2009, letter dated 2 November 2009 received 06/11/2009 and revised acoustic assessments received 09/11/2009 and 01/12/2009.

AGENDA DATE: 4<sup>th</sup> February 2010

CASE OFFICER: Steve Clarke

**The recommendation for this** application is being reported to Committee for decision because:

- Councillor Wooding has requested it be reported for the reason set out in the report

### **POLICIES**

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV35  
South East Plan 2009: CC1, CC4, CC6, BE1, NRM10  
Village Design Statement: N/A  
Government Policy: PPS1, PPS4, PPS9, PPG24

### **1: HISTORY**

MA/09/0928: Erection of acoustic fencing for a temporary period of two years: APPROVED 28/07/2009

MA/06/0658: Installation of mechanical and electrical equipment in external compounds adjacent to existing building to enhance data processing capacity of facility: APPROVED 17/07/2006

MA/88/0868: Submission of approval of reserved matters in planning consent MA/87/1911 plus revised details to building 1: APPROVED 08/08/1989

MA/87/1911: Construction of a computer centre: APPROVED 03/03/1988

### **2: CONSULTATIONS**

2.1 **Boxley Parish Council:** Confirmed 17/09/2009 that 'they do not wish to object' to the application.

2.2 **MBC Environmental Health:** Originally commented as follows on 1 October 2009

2.2.1 'I refer to the comments made in the memo for application MA/09/0928 dated 6<sup>th</sup> July 2009. These are relevant due to the history of previous noise complaints from this site. That particular application has since been granted planning permission. I was content at that time to recommend this acoustic fencing around the existing sunken chiller compound as I believed that it was the best solution to reduce the nuisance element from these units. I attended a site meeting earlier in the year when there was a mention of a further application which was in connection with a future UPS, as existing power supplies were coming to the end of their serviceable lives. I have read through the accompanying paperwork submitted, in particular acoustic report ref: 09313/001/js with this application and am surprised to see the planned construction of a new building in a

position nearer to the perimeter than existing main building, as I was informed that any new development was planned for the car park area.

2.2.2 Whilst I do not take any issue with the submitted acoustic report, its calculations and predictions from a technical viewpoint, I am concerned that this development may continue to perpetuate noise complaints from an already highly-sensitised number of local residents.

2.2.3 The previous 2006 (MA/06/0658) permission had stipulated a perimeter noise level of 43 dB(A) and there is no evidence of any exceedences of this level, however this did not prevent numerous noise complaints being made – largely due to nature of the noise and its persistence rather than the actual noise levels. I have visited several complainants to experience the noise for myself, as also have some of my colleagues. There is no doubt that whilst there is no evidence that the noise levels are not actually in excess of BS 8233 guidelines at or in these properties, they continue to aggravate these residents – many of whom continue to have their windows open at night throughout the year. This development seems to have missed an ideal opportunity to have positioned the new chiller units on the opposite side of the new building as proposed – thus affording a considerable screening effect from this position. Despite the installation of a proposed 3 metre high acoustic screen around the units, I am uneasy that there is too much reliance on the previous perimeter noise levels, as these have been shown to be less than adequate to prevent noise nuisance complaints. I note that they are being proposed again for this development. If permission is granted for this facility, the actual noise heard from both in operation will be the acid test for whether complaints will be made in future. Noise has not yet been assessed from the construction of the temporary acoustic enclosure, as requested in the memo for application MA/09/0928, so the effect of the acoustic enclosure on existing plant is still unclear; I am aware of at least two enquiries from local residents since permission has been granted. I remain uneasy about recommending planning permission for this development, as it has been presented, until further information and reassurances has been obtained from the applicant and/or their acoustic consultant, ideally backed up by measurements showing the effectiveness of the first acoustic enclosure on existing chiller units.

2.2.4 **Recommendation:** Refusal to the scheme in its present form for the reasons explained above subject to the following condition. I await a response from the architect on the above points that I have raised with him in an email

**Condition**

- Satisfactory evidence that the acoustic fence outlined in MA/09/0928 has been completed.
- A satisfactory acoustic assessment has been submitted, as required in MA/09/0928, which shows the effectiveness of the previously planned acoustic enclosure (when constructed).'

2.2.5 Further comments were received dated 3 December 2009 as follows;

'Further to my memo of 1<sup>st</sup> October 2009 I have now been sent a further acoustic assessment, carried out at the end of November. I have also since attended a site

meeting at CSC and it has been explained why the new proposed building is how it is and why it is to be located where it is. The latest assessment consisted of three monitoring points; one near the chiller units, the second as before near the site boundary and the third in a bedroom at 75 Bargrove Road. The acoustic data was backed up by meteorological data (wind speed and direction). Unfortunately the monitor did not record any data in the bedroom, but the other two monitors again demonstrated compliance with the predicted readings at the boundary and hence vindication of the acoustic fence erected in September/October. There was also very little difference between readings taken when the wind speed exceeded the normal limit of 5 metres/second and when it did not. As before, I have no argument with the assessment methodology and the readings and results obtained and therefore cannot object to this proposal. However, the issue of noise nuisance is still unresolved and will need to be pursued with perhaps more monitoring. That is outside the planning remit for this application as I am now satisfied that this should not exacerbate the current noise climate.

**Recommendation:** No objections to the proposed scheme proceeding, as my previous planning-related concerns have now been addressed.'

#### 2.2.6 **Natural England:** Have commented as follows

'Whilst the hibernation period for bats is one of the critical times for these animals when disturbance should be kept to a minimum, from my understanding of the application, the noise emanating from the site will be no greater than that which is currently consented. We would however expect robust and enforceable conditions to be appended to the consent to ensure that the noise modelling and mitigation proposals are effective in ensuring no increase in noise results from the amended proposal.'

### **3: REPRESENTATIONS**

3:1 **Cllr Wooding** has requested that the application be reported to the planning Committee in view of the on-going concerns of local residents in Bargrove Road regarding noise from the site.

3.2 **Twelve** letters have been received from local residents, the Vinters Valley Trust and also on behalf of the Vinters Park Residents Association. Comments made are (summarised) as follows.

- No objection in principle to the building but it should only be permitted if it and the acoustic fencing solves the existing noise problems
- The company have failed to meet existing obligations to limit noise from the site and continue to cause problems for residents in Bargrove Road. The new buildings and compounds will not solve these problems and could generate additional noise and should not therefore be approved
- Residents are unable to open a bedroom window at night due to the noise/drone from the site. This is unacceptable

- Why cant the energy compound be situated to the east of the main building where it would be more shielded from Bargrove Road properties and would have less affect on Grove Green residents due to the traffic levels and noise along New Cut Road
- Testing of the generators should be done during the week rather than at the weekend
- The development could adversely affect the two winter bat hibernation sites within the nature reserve which are both within 100m, of the boundary of the application site with the closest being some 25 from the boundary. Bats are protected species and the proposed movement of the chiller units and the energy compound closer to one of the hibernation sites is a concern to the Nature Reserve Trust

## **CONSIDERATIONS**

### 4 Site location and description

- 4.1 The application site is located on the north side of Lodge Road off New Cut Road Maidstone and is occupied by CSC Ltd. CSC are a data storage and management company. The site currently comprises a detached office building of approximately 8880m<sup>2</sup> which is being used as a computer data and storage centre alongside office accommodation. The centre houses sensitive information held on behalf of Central Government and is in use 24 hours a day 7 days per week.
- 4.2 The building was erected following a planning permission granted in 1988 MA/87/1911 (with reserved matters approved under MA/88/0868) to Mobil Data Services for a total development comprising some 14,030m<sup>2</sup> in two buildings which envisaged development being phased over-time. The original and approval of reserved matters permissions both contained a condition restricting use of the premises solely to uses within Class B1 of the Use Classes Order 1987, which the current occupiers comply with. CSC have occupied the premises for approximately 10 years.
- 4.3 There is a parking area to the north and north east of the building and a significant amount of external computer related equipment such as chiller and UPS (Uninterrupted Power Supply) and generator units located to the west and south of the building some within an excavated area close to the office building. This excavated area was permitted under application MA/06/0658.
- 4.4 A temporary acoustic fence, some 3m to 3.5m in height, has been erected to the west and south of the existing building enclosing the external chiller and UPS units in an attempt to reduce the impact of noise from the site on the residents in Bargrove Road that lies west of the site. This was approved under application MA/09/0928.

- 4.5 To the south, west and northwest of the site is the Vinters Valley Local Nature Reserve and further to the west residential development in Bargrove Road. The land within the reserve is in the form of a valley and predominantly woodland with some open clearings and a stream running through the valley at its centre. The boundary of the site with the reserve is wooded and heavily planted. There is also a significant amount of landscaping within the application site, including tree planting and bunding along the boundaries with the Nature Reserve. A 2m high close boarded fence has also recently been erected on sections of the site boundary with the Reserve, without removing planting and bunding. Therefore currently only the top floor of the existing building is visible
- 4.6 The dwellings in Bargrove Road are at a similar level to the application site and its existing office building. The closest of these is approximately 120m from the site boundary.
- 4.7 To the north/north east of the site is located the Maidstone Studios complex.
- 4.8 The site is located within the Vinters Valley Area of Local Landscape Importance as defined under policy ENV35 of the Maidstone Borough-wide Local Plan 2000.

## 5 Proposal

- 5.1 It is proposed to erect a detached plant building located some 16m to the west of the existing office building and approximately 18m from the site's boundary with the nature reserve.
- 5.2 The building would be some 51.2m long (including a glazed entrance feature), 13.8m in width and 10.05m in height overall with a flat single-membrane roof hidden behind a parapet. The last 1.1m of the building would be set-in slightly (200mm approx.) from the main walls providing the parapet feature with overhangs provided to the roof that project approximately 500mm. The main entrance to the building would be on its northern side. This entrance core projects approximately 2.7m from the main building for its full width and is approximately 8.9m in height and would contain a lift and stairs. The main feature of this section is an 8m wide by 7.2m high glazed screen.
- 5.3 The proposed building is ancillary to the existing Class B1 business use in the main building and would be used to house IT and electrical equipment and would comprise two floors with UPS devices on the ground floor and battery and other switch gear on the first floor. Due to the need to keep the equipment within a controlled temperature range, the building is largely imperforate. The only glazing is to the entrance on the north elevation as described above. Otherwise, there are three personnel escape doors on the ground floor western elevation and on the east facing elevation, three sets of double doors (for movement of equipment) on the ground floor and a first floor escape stair. These face towards the existing data centre.

- 5.4 There would also be three external transformer enclosures enclosed by 3m high acoustic fencing on the west elevation and two external chiller units on the southern side of the building also enclosed by 3m high acoustic fencing.
- 5.5 Externally, the building would have a red brick plinth approx. 900mm in height with cladding above. This cladding would be coloured in a reddish/brown shade to compliment the brickwork of the adjacent data centre with a grey band denoting the floor division and with the roof and parapet also coloured in grey reflecting the slate roof on the adjacent data centre.
- 5.6 The building would sit approximately 1.5m below the eaves level of the adjacent data centre.
- 5.7 It is also proposed to install an energy compound located approximately 28m north west of the main existing building on part of the existing car park area. At its closest this would be approximately 5m from the site boundary. The compound would be enclosed by a 3m high acoustic fence and house a switch room (approximately 27m in length 6.25m wide and 5.277m high), five 1800kW emergency generators with space for a sixth, 3 fuel tanks and a fuel pump room serving the generators and space for a further 2 tanks. The generators and fuel tanks would be sited on a new concrete base.
- 5.8 The energy compound would be brought into use in the event of a National Grid failure but would be tested once a week.
- 5.9 The energy compound would result in the loss of 40 car parking spaces leaving 124 spaces on site of which, on a typical day it is stated that only 40 are used. Visitors' spaces would be unaffected.
- 5.10 Given the history of complaints to the environmental health section and on-going discussions between them and the company concerning the external equipment on the site and the recently erected temporary acoustic fencing have been subject to a number of acoustic assessments in an attempt to test their effectiveness. These have been submitted as part of this application.
- 5.11 If the application were to be approved all existing external equipment, other than in the chiller compound approved under application MA/06/0658, would be removed upon completion of the new building and energy compound.

## 6 Planning issues

### Background

- 6.1 Pegasus Place was constructed in the late 1980s and has been in operation as a computer and data centre since that time. The current occupants of the site have been on-site for around 10 years.
- 6.2 The use of the premises as a data centre has brought with it its own problems in terms of needing to keep the computers on site working throughout the year day and night. The equipment on site generates a considerable amount of heat and needs to be kept at a constant temperature and there has to be emergency back-up equipment in place in the event, for example, of a failure in the national grid. In order to provide this back-up a significant amount of equipment has been brought onto the site and which has been temporarily placed around the building and an excavated chiller unit compound has been constructed following the permission granted on 2006 (MA/06/0658). This permission was subject to a condition requiring a specific noise level at the site boundary 43dB (Background 38dB + 5dB) between 2000hrs and 0800hrs.
- 6.3 The Council's Environmental Health section has been in receipt of regular complaints from local residents, primarily from the Bargrove Road area, regarding the noise and disturbance this machinery causes. Whilst the properties in Bargrove Road are sited 120m or more west of the site boundary, they are at a similar ground level to the data centre and the noise travels across the valley.
- 6.4 A temporary solution to the problem was sought under application MA/09/0928 which allowed for the erection of acoustic fencing around the machinery and plant for a two year period pending the provision of a more permanent solution. This permission was subject to the same specific noise level at the site boundary condition as the 2006 permission.
- 6.5 This current application seeks to provide a more permanent solution to the problem by moving the equipment into two purpose built areas on the site, a plant and equipment building and an energy compound. Any necessary external plant would again be enclosed with acoustic fencing.
- Principle
- 6.6 In terms of the principle of the development, the site lies within the defined urban area and there are no objections to the principle of development on the site.
- 6.7 However, the site is additionally designated as part of the Vinters Valley Area of Local Landscape Importance under Policy ENV35 of the Borough-wide Local Plan. The ALLI designation does not preclude development but requires that particular attention is given to the maintenance of open space and the character of the landscape. The impact of the development is assessed in greater detail later in the report.



6.8 I consider therefore that subject to the impact of the development on the ALLI being acceptable that no objections should be raised in principle to the proposals.

Design and impact on the character of the area

6.9 Firstly, turning to the larger plant and equipment building, this is sited close to the existing data centre on its western side. Given the proposed location of the building and the ALLI designation, the applicants were asked to justify why the proposed location has been chosen. The applicants have subsequently advised that the building can only be located in the proposed position for the following reasons:-

1. The external plant is currently located to the south of the building and the new equipment has to be commissioned before the temporary plant can be removed.
2. The northern side of the building was considered and rejected as the plant required to deliver the facility was not technically available.
3. The original planning permission was for a building with a second building physically linked to what is now the existing data centre located on its eastern side. This is still extant as the permission has been implemented.
4. The mains supply is located to the west of the building
5. All plant and equipment from the new building is required to connect to existing equipment on the western side of the main data centre building
6. The electrical equipment needs to be located as close as possible to the load to reduce voltage drop.

6.10 I have assessed the above statement. The submitted drawings clearly show the mains supply cable routed within the site to the west of the data centre building and it is generally accepted that cable-runs need to be as short as possible to avoid voltage drop. I have no evidence to dispute the applicant's claim regarding the technical problems that rule out a location to the north of the existing data centre. It is also logical that the existing equipment can't be removed until the permanent replacement is available, given the need to have back-ups in place at all times given the extent of the operations on the site. The original planning permission did approve the erection of a second building on the land east of the existing data centre and this aspect of the permission remains extant. In my view, the eastern side of the current data centre is more open and a building on this location would be more visible from Lodge Road and other public vantage points outside the site than the location currently proposed.

6.11 I am satisfied therefore that the proposed plant and equipment building can only be sited to the west of the main data centre.

- 6.12 It is acknowledged that the building is substantial in size. This has also been the subject of discussion. The applicants have demonstrated that the building is the minimum size it can be to accommodate the necessary plant and equipment and associated cabling and also to leave sufficient room for maintenance and plant replacement should it be needed.
- 6.13 The site is very well screened by existing planting and fencing within the site and the planting and woodland within the nature reserve even in winter months. Locating the building in the existing car park area to the north of the data centre would result in a more visually intrusive building as there is no bunding on the boundary of the car park at this point and the planting within the site and also the adjacent reserve is less dense than the currently proposed site.
- 6.14 Given the existing planting within the site, the fencing that has been erected and the planting within the nature reserve, I do not consider the proposed location of the building will adversely affect the character of the ALLI at this point. The data centre would still have well-landscaped space around it. Appropriate additional planting and the reinstatement of the land where the external plant and machinery is currently sited can be secured by condition.
- 6.15 In terms of its design, the building is subservient in scale to the data centre. The data centre is a building of some 8880m<sup>2</sup> over three-storeys, whilst the proposed plant building is approximately 1531m<sup>2</sup> over two floors. In addition, the building would be cut into the site at its northern end by between 0.5 and 0.8m lower than the data centre floor level and would sit 1.5m approximately below the eaves level of the adjacent data centre building which is approximately 15m high overall compared to the 10.05m of the proposed building. In my view the proposed plant building is clearly ancillary in terms of its function and design.
- 6.16 The reasons for the largely imperforate elevations are set out earlier in the report but in summary there is a need to manage the temperature inside the building and also reduce noise break-out from it. I raise no objections to the proposed colour of the cladding which seeks to reflect that of the data centre. Samples of the external materials can be secured by condition.
- 6.17 I therefore raise no objections to the design or visual impact of the plant building.
- 6.18 Secondly, in respect of the energy compound this is clearly significantly smaller in scale than the plant building and is located on an existing car park/hardstanding area. Even with the enclosing acoustic fencing, again I consider that sufficient open space around the data centre will remain so that the character and openness of the ALLI will not be adversely affected. I do not consider that harm will be caused to the visual amenity of the area as the

compound will not be adversely and unacceptably prominent from public vantage points.

#### Noise

- 6.19 The application seeks to try and mitigate the existing problems the site causes, by enclosing plant and machinery in buildings and acoustic enclosures designed to reduce noise impact. Acoustic assessments have been submitted as part of the application and have been considered by the Environmental Health Section. They are satisfied that the reports indicate that the proposed building and compound will meet the previous conditions imposing a decibel limit at the site boundary and have withdrawn their earlier objections to the proposals on this basis.
- 6.20 The evident concerns of the local residents are noted and are sympathised with. However, I am satisfied that with a suitable condition setting the same limit on noise levels at the site boundary, the proposed development may ameliorate the worst effects of the existing situation. On this basis I raise no objections to the development on noise grounds. It would be appropriate however, to impose a condition limiting the testing of the energy compound to weekdays rather than weekend or bank holidays. Testing currently takes place once a month on Saturday mornings. I am advised that whilst a condition is not possible with the current situation on site it would be possible once the new energy compound is in place and that the applicants are in agreement with a condition of this nature limiting use to weekdays except bank holidays once a month between the hours of 8:00am and 8:00pm. Clearly however, no condition can deal with their necessary use in an emergency.

#### Other issues

- 6.21 As set out earlier in the report, Natural England have commented that from their understanding of the application, the noise emanating from the site will be no greater than that which is currently consented. They have an expectation that robust and enforceable conditions are appended to the consent to ensure that the noise modelling and mitigation proposals are effective in ensuring no increase in noise results from the amended proposal. Members will have noted that appropriate conditions are recommended.

#### Conclusions

- 7.1 It is recognised that activity on the site has and continues to cause concerns to nearby residents. This application seeks to provide a new building and energy compound to enable the removal of the majority of the external plant. Given suitable conditions I consider the proposals are acceptable and that there will to be an unacceptably adverse impact on the ALLI or the adjacent nature reserve. The following recommendation is appropriate.

## **RECOMMENDATION**

### SUBJECT TO

A: The expiry of the period for re-consultation on additional details and the receipt of no representations that raise new issues not addressed in the report;

B: I BE GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to policies BE1 and CC6 of the South East Plan 2009.

3. No development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the site pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

5. The rating level of the noise emitted from the site shall not exceed the existing background noise level, determined to be 38dB, by more than 5dB between 2000hrs and 0800 hrs. The noise levels shall be determined at the site boundary nearest to a noise sensitive property. The measurements and assessment shall be made according to BS4142:1997.

Reason: To safeguard the amenity of the surrounding area and the occupiers of nearby neighbouring dwellings, in accordance with policy NRM10 of the South East Plan 2009.

6. Testing of the equipment within the energy compound shall only take place once a month between 0800 hours and 1800 hours Mondays to Fridays excluding bank or public holidays.

Reason: To safeguard the amenity of the surrounding area and the occupiers of nearby neighbouring dwellings, in accordance with policy NRM10 of the South East Plan 2009.

7. The development shall not commence until details of the location, design and specification of the acoustic fencing have been submitted to and approved by the local planning authority. The subsequently approved fencing shall be erected prior to the first use and occupation of the building and energy compound and maintained thereafter.

Reason: To safeguard the amenity of the surrounding area and the occupiers of nearby neighbouring dwellings, in accordance with policy NRM10 of the South East Plan 2009.

8. All existing plant and equipment shown to be removed on drawing no 1226/201/P4 shall be removed within two months of the first use of the energy compound and building hereby approved and the site reinstated in accordance with a scheme to be submitted in conjunction with the details of landscaping submitted pursuant to

condition 3 above.

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policies ENV6 and ENV35 of the Maidstone Borough-wide Local Plan 2000.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.