

APPLICATION: MA/10/1192 Date: 7 July 2010 Received: 6 August 2010

APPLICANT: Mr J Gammie, Computer Sciences Ltd

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

PARISH: Boxley

PROPOSAL: An application for Variation of condition 9 of MA/09/1569 as approved under MA/10/0285 to facilitate the removal of the approved roof to the transformer enclosure adjacent to the main plant room and the raising of the acoustic screen from 6.1m to 6.245m in height and its cladding in materials to match the main plant room as shown on drawing nos. 1226/04, PL1, PL2, PL3, 503/C2, 600/C3, 700/C3, 800/C3 and acoustic information received 08/07/2010 as amended by further acoustic assessment received 06/08/2010.

AGENDA DATE: 14th October 2010

CASE OFFICER: Steve Clarke

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

- Councillor Sellar requested it be reported for the reasons set out in the report

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV35
Government Policy: PPS1, PPG24

2. HISTORY

- MA/10/0285: Application to discharge conditions relating to MA/09/1569 (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) - submission of details received on 19 February 2010 and as amended by further details of the acoustic fencing received 24/03/2010, further details relating to the acoustic details of the transformer enclosures received 01/04/2010 and revised landscaping plan 2794-A101revA received 08/04/2010, pursuant to condition 2 (materials), 3 (landscaping), 7 (details of acoustic fencing) & 9 (details of transformer enclosure and cooling equipment): APPROVED 20/04/2010

- MA/09/1569: 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: APPROVED 19/02/2010
- 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

3. CONSULTATIONS

- 3.1 **Boxley Parish Council:** 'Wished to see approved as the Parish Council is extremely concerned about the impact of the noise from the site on local residents. It was hoped that this application will finally resolve the noise problems disrupting residents' lives and lead to the conclusion of noise monitoring having to be undertaken in residents homes.'

Boxley Parish Council subsequently simply noted the additional acoustic information received on 6 August 2010 that provided further information on the predicted noise levels arising from the proposed changes to the transformer enclosures.

- 3.2 **MBC Environmental Health:** Originally objected due to the lack of information regarding the likely impact of the changes. The following comments were made after the receipt of the further acoustic information received on 06 August 2010.

'Further information to justify the proposed variation has been submitted since my memo dated 22nd July 2010. This information is in the form of a letter and attached to it are a series of sound power levels with predicted sound levels at 4 locations in Bargrove Road. There are a number of variables present to arrive at a level for each locality for all the transformers (with the ceiling removed). The overall noise propagation calculations are then presented as a noise level at ground floor and first floor height. Once again these results are consistent with what the applicant has been telling us previously, i.e. that the levels expected at these properties are such that they should not pose a problem. I am in no position to disagree with the methodology used and the results obtained. We are told that these readings demonstrate that not only will this not make the noise heard any

more than previously predicted, but will in fact reduce it to less than that predicted when the transformers were enclosed – I have no reason to doubt this statement based on this evidence. I am therefore satisfied that there is sufficient evidence to show that removing the roof from the transformer enclosure will not increase the noise levels heard at the nearest properties – my disagreement centres around the levels actually heard at these properties and the discrepancy that exists between that predicted and actually measured noise.

Recommendations: No objections to this variation, for the reasons explained above.'

4. REPRESENTATIONS

4.1 **Cllr Sellar** has requested that this application is reported to the Planning Committee due to the following reasons:-

'Due to the long-term contentious nature of this project and for clarification regarding the effect that it may have on the existing noise problems to residents in the vicinity and the visual changes that will result from the proposed works.'

4.2 **Six** letters have been received from local residents and the warden of the Vinters Valley Nature Reserve. Residents are still concerned about noise from the site and how this will be monitored. It is stated that the noise from the plant on the site goes upwards and is not heard in Vinters Valley but is heard at the closest residential properties on the east side of Bargrove Road that back onto the reserve and whose rear elevations face towards the CSC site, as a constant noise varying in volume depending on the weather. It is also stated that the Council should act more in favour of the residents and ensure that they have peace and quiet.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is located on the north side of Lodge Road off New Cut Road within Boxley Parish and is occupied by CSC Ltd. CSC are a data storage and management company.

5.1.2 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

- 5.1.3 The dwellings on the east side of Bargrove Road ranging from about number 49 to 79 (odd) back onto the nature reserve and 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 and separated from it by the nature reserve which lies in a valley.
- 5.1.4 Sited to the north/north east of the application site is located the Maidstone Studios complex.
- 5.1.5 The application site currently comprises a detached office building of approximately 8880m² 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.
- 5.1.6 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.
- 5.1.7 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. The temporary fence was erected in an attempt to provide a short-term solution to noise whilst the current development on the site is undertaken. The fence will be largely removed once the current buildings are occupied and in use. As permitted under application reference MA/09/1569, a section of the fence will be permanently retained and re-sited to the edge of the existing sunken chiller compound.
- 5.1.5 The development approved under MA/09/1569 (a plant room/UPS building, back-up generators and a switch room) are currently under construction. The external shells of the main UPS building and the switch room for the generators are largely complete with internal equipment to be installed. The back-up generators have also been installed and remain to be commissioned.
- 5.1.6 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.

5.2 Proposal

- 5.2.1 This application proposes to amend condition 9 of planning permission MA/09/1569 the application that permitted the new plant building, switch room

and generators currently under construction on the site. Condition 9 related to the three ancillary electricity transformer enclosures located on the west side of the main plant building which comprised the major element of that application.

5.2.2 Condition 9 states as follows

'The development shall not commence until details of the location, design and specification of the acoustic enclosure and cooling equipment to the transformer units have been submitted to and approved by the local planning authority. The subsequently approved enclosure and cooling equipment shall be erected prior to the first use and occupation of the plant building 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.'

5.2.3 The details subsequently approved under application MA/10/0285, indicated the electricity transformers would be sited in 3 separate enclosures (2 units in each resulting in a total of 6 units). Each of the three enclosures would have been sited 1m and separate from the main plant building on its western side. The transformer enclosures were fully bounded by 6.1m high screen panelling clad in the same material as the plant building and by a roof incorporating a mechanical cooler unit. The individual transformer units were shown to be approximately 3.5m in height inside the enclosure 'box.' Acoustic information relating to the performance of the enclosure 'box' and the mechanical cooling units was submitted with the details and indicated that the requirements for noise emitted from the site to be no more than 5dB above existing background noise levels determined to be 38dB between 2000hrs and 0800 hrs would be achieved.

5.2.4 The current application seeks to vary these approved details as follows

- Removing the roof and the mechanical cooling units
- Increasing the height of the enclosure panelling to 6.245m in height
- Infilling the 1m gap between the plant building and the transformer enclosures

The applicants have submitted the application on the basis that the enclosure of the transformer units, due to the levels of heat that they generate would necessitate the fitting of mechanical forced ventilation machinery to cool the units down. This machinery is a significant noise source in its own right. They have sought to demonstrate through the use of noise modelling that the removal of the roofs to the enclosures would not generate any more noise than the enclosures fitted with roofs and the ventilation machinery and provides a 'greener' solution.

5.2.5 As can be seen from the comments of the Environmental Health section set out in paragraph 3.2 above, acoustic information relating to the performance of the enclosures without roofs has been submitted as part of the application.

5.2.6 The transformers inserted into the enclosures would remain at approximately 3.5m in height. The external material for the three transformer enclosures remains as cladding which matches the adjacent plant building.

5.3 Noise

5.3.1 Members should be clear that consideration of this application is not related to the separate concerns of a number of residents in Bargrove Road and the Council relating to noise nuisance generated primarily by the chiller units approved in 2006.

5.3.2 The complaints relating to the noise emanating from the plant in the chiller compound have been investigated and a statutory nuisance identified. The nuisance is currently the subject of action by the Council which has served a formal notice under s18 of the Environmental Protection Act 1990 on CSC. The company have appealed against the notice.

5.3.3 The plant associated with the development currently under construction will continue to be bound by the following condition (number 5 of application reference MA/09/1569) which is not being changed as part of this application.

'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.'

The background noise level of 38dB was measured and agreed as appropriate between the company and the Council in 2006 when the chiller compound was approved. An increase in noise levels of 5dB is stated in BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas' as the point at which complaints become likely. This is why the 5dB limit was included within the condition.

5.3.4 The key consideration in relation to this application is whether the removal of the roof to the three transformer enclosures housing the units would result in greater noise levels at the properties on the east side of Bargrove Road closest to the site.

5.3.5 The applicants originally offered to totally enclose the electricity transformer units believing that this would help reduce noise emanating from the machinery. However, given the fact that electricity transformer units generate significant amounts of heat it was subsequently found to be necessary to provide a means

of mechanical ventilation to provide cooling for the enclosures. This machinery generated additional noise.

- 5.3.6 Whilst it was demonstrated in the details submitted in application reference MA/10/0285, that the roofs and mechanical ventilators would meet the noise level condition at the site boundary closest to the properties in Bargrove Road, the applicants have investigated on the grounds of reducing energy consumption and in addition reducing costs, the removal of the mechanical ventilators and using natural rather than forced ventilation.
- 5.3.7 The issue to be determined is whether the transformer enclosures with the roofs removed would result in greater noise levels than the approved details.
- 5.3.8 In this regard I would refer Members to the comments of the Environmental Health Section set out in paragraph 3.2 above. In essence, the information supplied and the modelling undertaken by the applicant's acoustic consultant is considered to be soundly based on accepted practice.
- 5.3.9 On assessing the data, the Environmental Health section state that they consider that noise levels without the enclosures being roofed will be no higher than as previously approved and may well actually be lower than previously identified largely due to the removal of the mechanical ventilation system.
- 5.3.10 I consider therefore that on balance, the proposed change is acceptable.

5.4 Visual Impact

- 5.4.1 The increase in height of the enclosures to the transformers from 6.1m to 6.245m and the infilling of the previous 1m gap between the enclosures and the main plant building will not result in any additional or harmful visual impact on the surrounding area or the Area of Local Landscape Importance subject to policy ENV35 of the Maidstone Borough-wide Local Plan 2000.

6. CONCLUSION

- 6.1 This application solely relates to a proposal to remove the roofs and the mechanical ventilation system from the transformer enclosures previously required by and subsequently approved under application reference MA/09/1569.
- 6.2 The submitted acoustic information has been fully considered along with the methodology used to provide the predicted noise levels indicated in that information. The Environmental Health section has confirmed that they accept the methodology used by the applicant's acoustic consultant and the findings set out in the submitted details. They have confirmed that they are satisfied that it

has been demonstrated that the removal of the roofs will not result in greater noise levels than the previously approved details.

- 6.3 Therefore, on balance, I consider the proposals to be acceptable and recommend accordingly.

7. RECOMMENDATION

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 hereby permitted shall be carried out in accordance with the following approved plans:
1226/PL1, 1226/PL2, 1226/PL3, 1226/503/C2, 1226/600/C3,
1226/700/C3,1226/800/C3;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of nearby occupiers and the Area of Local Landscape Importance in accordance with policy ENV35 of the Maidstone Borough-wide Local Plan 2000 and the advice in PPS1 and PPG24.

Informatives set out below

You are reminded that all other conditions relating to planning application MA/09/1569 remain in force and should be complied with as required.

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 there are no overriding material considerations to indicate a refusal of planning consent.