

PLANNING COMMITTEE: 24th September 2019
DEPARTMENT: Planning Service
HEAD OF PLANNING: Peter Baguley

APPLICATION REF: N/2019/0410

LOCATION: Land to North East of Sixfields Stadium, accessed from
Walter Tull Way

DESCRIPTION: Siting of 2no containers, 2no generators and associated air
conditioning equipment surrounded by 2.4m high palisade fencing
for use as a Data Centre (Use Class B8)

WARD: St James Ward

APPLICANT: CityFibre
AGENT: WYG

REFERRED BY: Head of Planning
REASON: Council owned land

DEPARTURE: No

APPLICATION FOR DETERMINATION:

1 RECOMMENDATION

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

The proposed development is considered acceptable and would not have an undue detrimental impact on the appearance and character of the area, neighbouring amenity, security and highway safety and accords with the aims and objectives of the National Planning Policy Framework, Policies S10, C1, E3 and BN9 of the West Northamptonshire Joint Core Strategy and Policy E20 of the Northampton Local Plan.

2 THE PROPOSAL

2.1 Planning Permission is sought for the siting of 2 containers, 2 generators and associated air conditioning equipment surrounded by 2.4 metre high palisade fencing with new access for use as a Data Centre (Use Class B8) off Walter Tull Way, Sixfields.

2.2 The proposed development would house computer systems and associated components such as telecoms and storage systems. The applicant City Fibre are hoping to expand to Northampton which will transform the town's digital landscape bringing full connectivity within reach of every building delivering an increase in internet speed and quality.

- 2.3 The proposal would provide significant benefits to local homes and businesses in the area through providing ultrahigh speed internet which will enhance the area. The operation comprises a centralised repository for storage, distribution and management of data and information connected with the City Fibre network operation.

3 SITE DESCRIPTION

- 3.1 The site consists of a vacant parcel of land close to Northampton Town Football Club and opposite a number of commercial properties including a gym, restaurants and bowling alley. The site is relatively flat and comprises an area of disused land, the site is not in a conservation area and not close to any listed buildings. The site is in the Enterprise Zone.

4 PLANNING HISTORY

- 4.1 Outline planning application (N/2014/0596) for mixed use development include retail, other commercial uses, petrol filling station, residential and extension to the west stand of Sixfields Stadium to form a conference centre and hotel. Approved in principle in December 2014.

5 PLANNING POLICY

5.1 Statutory Duty

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies.

6 National Policies

- 6.1 **The National Planning Policy Framework (NPPF)** sets out the current aims and objectives for the planning system and how these should be applied. In delivering sustainable development, decisions should have regard to the mutually dependent social, economic and environmental roles of the planning system. The NPPF should be read as one complete document. However, the following sections are of particular relevance to this application:

Paragraphs 108 and 109 - Safe access for all

Paragraph 112 - Supporting high quality communications

Paragraph 127 - Requires high standards of design and residential amenity

6.2 West Northamptonshire Joint Core Strategy (2014)

The West Northamptonshire Joint Core Strategy (JCS) provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. Policies of particular relevance are:

S10 - Sustainable Development Principles

BN9 - Planning and Pollution Control

C1 - Modal Shift

E3 - Enterprise Zone

6.3 Northampton Local Plan 1997 (Saved Policies)

Due to the age of the plan, the amount of weight that can be attributed to the aims and objectives of this document are diminished, however, the following policy is material to this application:

E20 Design of new development

6.4 **Supplementary Planning Documents**

Northamptonshire Parking Standards (September 2016)
Planning out Crime in Northamptonshire SPG 2004

7 **CONSULTATIONS/ REPRESENTATIONS**

Comments received are summarised as follows:

7.1 **Highways (NCC):** No comments to make.

7.2 **Environmental Health (NBC):** advise that standard conditions required for contamination and noise.

7.3 **Planning Policy (NBC):** advise that no objection in principle.

8 **APPRAISAL**

Main issues

8.1 The main issues to consider are the principle of development, the impact on the appearance and character of the area, neighbour amenity and highway safety/crime prevention.

Benefits of the proposed development

8.2 Section 10 of the NPPF sets out one of the key aims of Government which is to advance high quality and reliable communications infrastructure and identifies this as essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks, including next generation mobile technology. Policy C1 of the Joint Core Strategy requires new development to be accessed by fibre technology enabling access to superfast broadband. The proposal would bring about significant benefits to the local area providing enhanced internet connectivity speed.

Impact on the appearance and character of the area and street scene

8.3 Local Plan Policy E20 sets out that the design of new development should adequately reflect the character of its surroundings in terms of layout, sitting, form, scale and use of appropriate materials. The need for good design is also emphasised under Policy S10 of the Joint Core Strategy and Paragraph 127 of the NPPF. The main part of the site would be set back from the Walter Tull Way and therefore not appear overly prominent in the street scene. The appearance and design of the equipment is one that would be expected of a commercial area. It is considered that the layout and design are acceptable.

Impact on amenity of other occupiers

8.4 Given that the nearest residential uses are some distance away i.e. 375m at Ross Road, it is considered that there would be no impact on neighbouring amenity in terms of noise, loss of light, outlook and overbearing. Although Environmental Health suggest details of noise be provided, as there are no nearby residential properties and other commercial uses are some distance away, there is no necessity for a noise control condition to be imposed on any approval in accordance with Policies BN9 and S10 of the Joint Core Strategy.

Highway safety and Access

8.5 Paragraphs 108 and 109 of the NPPF require safe access for all. In this case, the development would be accessed from an existing access point from Walter Tull Way with a 3 metre wide gated access leading up to the proposed plant/equipment. There is no designated parking area and there will be no staff working on site. The Local Highway Authority raise no objections.

Security and Crime Prevention

- 8.6 Policy S10 of the Joint Core Strategy and the County Council Supplementary Planning Guide on Planning Out Crime seek to encourage high standards of security and crime prevention in new development. The proposal includes the erection of 2.4 metre high palisade fence which would help to secure the site. In addition, the site access would be gated to deter unauthorised access to the site.

Land Contamination

- 8.7 In accordance with the comments from Environmental Health, a condition would be secured for contamination mitigation. This accords with Policies S10 and BN9 of the Joint Core Strategy.

Other issues

- 8.8 There are no trees on site and the loss of a small area of hard standing would not have any ecological impacts.
- 8.9 The site forms part of a previous major outline planning application (N/2014/0596) for mixed use development include retail, other commercial uses, petrol filling station, residential and extension to the west stand of Sixfields Stadium to form a conference centre and hotel. The application was approved in principle, following consideration by the Planning Committee in December 2014, subject to the finalisation of a S106 agreement to secure planning obligations. However, the S106 agreement was never finalised. Although the implementation of the current proposal would result in the loss of some car parking associated with the previous proposed scheme, it is considered that this would not significantly impact on the substantive proposal should the development comes forward in the future, bearing in mind it was an outline proposal.

9 CONCLUSION

- 9.1 The benefits of the scheme are recognised in its contribution to the local area and the proposal would have an acceptable impact. The proposal is acceptable and considered to be in line with Development Plan Policy.

10 CONDITIONS

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1808/038/PL/001B, 002B, 003C, 003B, 004B, 005B and 006A.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

- 3) The site shall be used as a data centre and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interest of amenity and to ensure that effective planning control is retained by the Local Planning Authority in accordance with the National Planning Policy Framework.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the use of the site shall not be changed without prior written consent of the Local Planning Authority.

Reason: In the interests of amenity as the site may not be suitable to be used for other B Use Classes development in accordance with the National Planning Policy Framework.

- 5) Prior to the first use of the development hereby approved, the new access shall be installed as per the approved drawings and shall be retained throughout the lifetime of the development.

Reason: In the interests of highway safety to accord with the aims of the National Planning Policy Framework.

- 6) No development shall take place until a desk top study in respect of possible contaminants within the site is completed and a site investigation has been designed. The scope and methodology of the desk top study and the site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation and appropriate risk assessments shall be carried out and the results shall be used to produce a method statement for the necessary remedial works (and a phasing programme), which shall be submitted to and approved in writing by the Local Planning Authority. All remedial works shall be fully implemented in accordance with the approved method statement and phasing programme. Confirmation of the full implementation of the scheme and validation report(s) shall be submitted to the Local Planning Authority within 2 weeks of completion (or within 2 weeks of completion of each respective phase).

Reason: To ensure the effective investigation and remediation of contaminated land sites and in the interests of health and safety and the quality of the environment in accordance with Policy BN9 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

11 BACKGROUND PAPERS

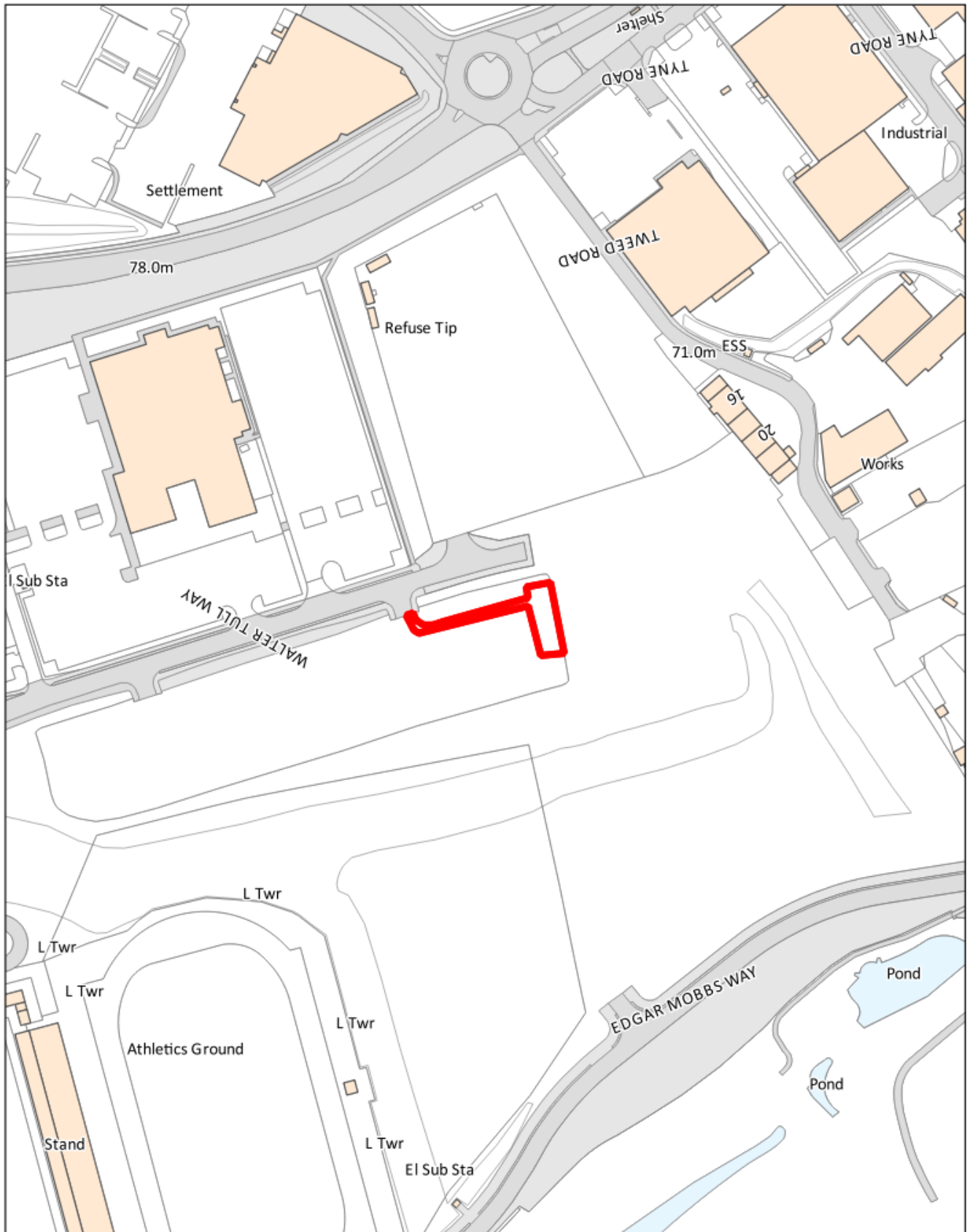
- 11.1 N/2019/0410.

12 LEGAL IMPLICATIONS

- 12.1 The development is not CIL liable.

13 SUMMARY AND LINKS TO CORPORATE PLAN

- 13.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Title: **Land North East of Sixfields Stadium**

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Date: 11-09-2019

Scale: 1:2,000

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