Development Management - Delegated Officer Report

Application Number: AWDM/0399/21 Recommendation – Approve

Site: Fishersgate Recreation Ground, West Road, Southwick

Proposal: New Fibre Broadband Exchange comprising two cabins, 10 air conditioning units, two separate generators and a meter cabinet, surrounded by a 2.4 metre high mesh fence

Date of site visit: Assessed using Google Maps and previous knowledge of site

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is located off West Road, to the rear of the former Eastbrook Primary School, which is at the junction of Gardner Road and West Road. The site abuts a car park (west) that serves Fishersgate Recreation Ground and Eastbrook Manor Community Centre. The surrounding area contains flats and dwellings, with industrial uses also present.

The site comprises an unused grassed area (formerly in use by the school) adjacent to the access to the recreation ground car park. It is enclosed to the west, south and east by 2 metre high metal palisade fencing. There is access to the east through a double gate, but no dropped kerb.

The application proposes to construct a new Fibre Exchange to accommodate high speed servers, to provide faster internet speed, together with better connectivity and reliability for Fishersgate and the surrounding area. It is being carried out as part of Adur & Worthing Councils' digital project with Cityfibre.

The proposed works require the construction of two cabins on concrete bases, with 10 associated air conditioning units. Two standalone generators are proposed to power the site, together with a meter cabinet. The operational area of the site will be secured by a 2.4 metre high mesh fence and eight collapsible bollards. As amended, access to the site will be from the access road leading to the recreation ground car park. 11no. collapsible bollards will be located in front of the access gate to prevent people from parking in front of the access. The existing car park height barrier is to be relocated further into the recreation ground as a result of the re-sited access.

The supporting statement advises that "*once the site is active, access to the site will only occur approximately once a month for maintenance. No further activity will happen on the site.*

The 10 free-standing air-conditioning units are required to keep the temperature within the containers low, to facilitate the computer systems. Each air conditioning unit will be 0.9m by 0.3m, with a height of 0.8 metres.

*From a practical standpoint, the noise creation of each unit is equivalent to a typical fridge. The fibre broadband will connect to the existing network along West Roa*d."

Relevant Planning History

ADC/0011/09 - Change of use from part of public open space adjoining Eastbrook Primary School to recreation areas to be used in conjunction with adjoining primary school (and enclosure by 1.8m high metal palisade fencing) (WSCC Reg 3 application)

Consultations

West Sussex County Council: The **Highways Authority** comments that the proposed access and the removable bollards will be situated on an existing layby serving several vehicles. The proposed access works must be constructed under a licence obtained by WSCC Highways to a specification agreed with them. I have consulted the WSCC Highways Engineer regarding the proposal, who has advised that licence for an access in this location would not be granted due to the presence of the layby. The bollards are also going to be a maintenance liability as they are often hit.

Across the southern boundary the site abuts a private access track leading onto West Road, serving an existing parking area. This track is also recorded as Public Right of Way (PRoW) no. 5So. The applicant may be able to construct an access exiting onto the private access track as an alternative design, however they would need to seek consent from the private proprietor of the track prior to any alterations. Should the applicant decide to go down this route, the LHA should be re-consulted on any alterations concerning the access.

<u>Other matters</u>

The proposed works are situated within the site confines and will not be placed on land considered as highways. The proposed is not anticipated to obstruct visibility for vehicle users along Station Road.
Part of the site's western boundary is recorded as public footpath no. 5So. The applicant must take into consideration the following advice during/after the works associated with this development.
Safe and convenient public access is to be available at all times across the full width of the PROW. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
Access along the PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right. If the path surface is considered damaged as a result of the development then the applicant may be required re-surface the path to a standard satisfactory to West Sussex County Council's Rights of Way team.

The statutory undertaker will need to submit the necessary notification to the Highway Authority independently and any traffic management will need to be agreed with WSCC Highways prior to works taking place.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. From a highway safety perspective, the LHA cannot justify an objection as there are no overriding safety concerns, however WSCC Highways confirmed that they will not grant a licence due to their policy.

Subsequent comments following receipt of amended plans: The revised plan demonstrates gated vehicle access existing onto the private access road. There are no proposed alterations to the existing layby. The applicant should communicate with the owner of the private access road to obtain right of use of the access road. Due to the presence of the public footpath, I have consulted WSCC PROW Team regarding the proposed access. If additional comments are required, their response will be sent out in due course.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Adur and Worthing Councils: The **EHO (Public Health):** The Noise report contains two separate noise assessments. One assessment models the cumulative noise from all AC units operating simultaneously and assesses the impact at the nearest residential dwellings, the other assesses noise from the emergency generators + the AC units.

This report has not considered the impact of noise at the school to the north of the site. I understand that this site is still owned by West Sussex County Council and is used by Shoreham Academy. Please could the applicant provide some discussion/assessment of the impact of noise at this site.

The recommendation provided in the report is specific to the residential receptors and involves the erection of a 2m high acoustic fence around the AC units on each of the proposed cabins. Modelling demonstrates that this will bring the noise level down to 36dB LAeq at the worst affected NSR, this is 2dBA above background levels. However, I accept the reasoning provided in Section 10.7 of the report and the levels are below guideline levels within BS8233:2014.

With reference to the emergency generators, I appreciate that these will only be tested once a month and used only in emergencies; however the noise levels are above existing daytime and night time ambient levels and would cause significant disturbance if they had to operate for extended periods, particularly during the night. The assessment does not appear to add any BS4142 corrections for the generator noise. The report indicates that these

are already housed in acoustic enclosures, please could the consultant model the impact of some further mitigation or perhaps repositioning to try to reduce noise levels at the nearest NSR and the school and add appropriate corrections to the noise rating level? I would advise the timing of any testing should be discussed with the school to minimise impact.

Subsequent comments: The applicant has provided a revised Noise Assessment Report (KD0804218NR Rev 1.0 dated 08/07/2021) which now considers the school as a potential noise receptor and has included the provision of a 3m acoustic fence around the proposed emergency generators.

He has also provided evidence to demonstrate the reliability of the UK power network and therefore the low likelihood of the emergency generators being used, particularly for extended periods. He has confirmed that they will liaise with the school about the most appropriate time to test the generators.

I accept this information and would advise the addition of the following condition:

The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment Report (KD0804218NR Rev 1.0 dated 08/07/2021) and all works which form part of the approved scheme shall be completed before the permitted use commences. Within one month of implementation, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the Noise Assessment Report. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.

Representations

Objection received from Adur Residents Environmental Action:

- Risk of noise pollution from the 10 air conditioning units and 2 generators on nearby residents
- Concerns about the access – This is a play area where children will be emerging from cars or entering via the access road. There is no indication on the plans or concerns raised by the highway authority about the number of employees who will be using the buildings, if any, and how often. Have concerns for the safety of the users of the community centre been considered?
- These buildings will infringe considerably on the amount of parking space available to community centre and play area users. Will the use of the community centre be constrained due to a reduction in the amount of parking, particularly for evening events? Will this make the centre less viable? It has had difficulties in the past.
- The plans contained no measurements for the height, depth and width of the buildings. They appear to be considerably higher than the 2.4m fence.
- The 2.4 metre high wire fence is an unattractive option compared to the palisade fence and will detract from the appearance of an area which is in need of physical enhancement.

- WSCC Highways has stated that, as the plans stand, no access will be granted due to the presence of the layby.
- Why has this site been chosen? Is it right to impact the safety and convenience of the users of the playground and the community centre when there may be sites in industrial and non- residential areas? Have other sites been investigated?
- Fishersgate is an area which needs visual and environmental improvements. The siting of these two potentially quite unattractive, utilitarian looking buildings and a wire fence in a community /playground setting sends a negative message to residents.
- If the council approves these plans, are they willing to make a commitment that any monies raised from the leasing of the site should go to improvements in the play area and community centre particularly in relation to planting trees and hedges to combat air and noise pollution and enhancing the area in general?

Relevant Planning Policies

Adur Local Plan 2017 Policy 2, 15, 29, 32, 33, 37
National Planning Policy Framework (February 2019)

Planning Assessment

Principle

Policy 33 (Planning for Sustainable Communities) states that development that involves the loss of existing social or community facilities will only be permitted where there is alternative provision available locally that is accessible, and at least equivalent in terms of quality, or the proposed development would provide an alternative social and community facility.

The supporting letter submitted with the application explains that:

"*the land subject to this application is not actively used by the Primary School and is separated from Fishersgate Recreation Ground and Car Park by the existing fencing and an access road. The open space itself no longer performs a function for the School. It has been identified by Adur and Worthing Councils as surplus to requirement. The Primary School is surrendering its lease on the playground (part of the site) as it no longer requires it and this land lies beyond the playground. Therefore, the School and Council consider the land has no community value*."

Policy 32 (Open Space, Recreation and Leisure) offers some protection for existing open space. The policy explains that should the need arise, development of open space for essential utilities infrastructure will be supported, where the benefit outweighs any harm or loss and it can be demonstrated that there are no reasonable alternative sites available.

The application site is open land but not part of useable open space as it is currently fenced off and has been for some time. There is therefore no loss of existing public open space and no intrusion into the existing recreation ground.

The application will "*significantly improve the existing broadband coverage for a built-up area that has now become more dependent on high-speed connection due to the recent pandemic and increased use of telecommunications at home rather than at an office. Therefore, improving the broadband coverage for Fishersgate and its surrounding areas has become an essential utility that is supported through Policies 2 (Spatial Strategy) and 37 (Telecommunications), and provides significant public benefit to support the location of essential infrastructure on this surplus land (Policy 32)*."

Visual amenity

The proposal will result in the loss of an area of open space and its redevelopment with unattractive equipment cabinets, with 3m high acoustic fencing. There is an existing 2.1m high palisade fence surrounding the site which does little to screen the cabinets and it is considered that some landscape planting is necessary to help soften the appearance and provide a screen.

The applicants have subsequently amended the plans to show the existing palisade fencing removed and new 2.4m high palisade fencing erected further back to allow for landscaping along the southern edge of the development, to screen the cabinets from the recreation ground. Planting had also been proposed along the western side of the site but it was discovered that this would have impeded a public right of way and the planting has had to be omitted from that side. It is considered that the provision of landscaping along the southern boundary will be of benefit though. Further planting is proposed to the south of the access road to prevent vehicular access onto the recreation ground following the resiting of the barrier further along the access road.

Details of landscaping are to be secured by condition. It is considered, taking into account the benefits of the development, that, while there will be some adverse visual impact in views from the road and flats to the east, the landscaping along the southern boundary will soften the impact when viewed from the recreation ground and, on balance, the proposal is acceptable in visual amenity terms.

Residential amenity

The supporting letter submitted with the application states:

"*the air conditioning units generate a noise level equivalent to a typical fridge, and therefore will not impact on the function of the Recreation Grounds, nor the amenity of nearby properties and/or Primary School. There is no lighting proposed on the site that could cause any light pollution issues*."

Notwithstanding this, the Environmental Health Officer was concerned at the potential for noise disturbance to residents of the flats to the east, as are local residents themselves. A Noise Impact Assessment has therefore been carried out and the results submitted to the Council. The EHO has considered the findings in the report and is satisfied that noise levels will not be harmful subject to compliance with the recommendations in the noise report. These

advise that mitigation will be provided in the form of 2m acoustic fencing to block the propagation of sound towards the nearest flats and adjacent school. Considerations were made for all plant equipment, including emergency generators, operating as representative of a mains power outage. For this scenario, Rating Levels were above the background sound levels and therefore portions of 3m fencing have been proposed to reduce Rating Levels as much as practically possible. Rating Levels do remain above background sound levels, however, when acknowledging the context of the generators' infrequent and unlikely operation, the potential noise impact is considered minimal in practice.

The EHO has considered this information and has concluded that noise impacts will not be harmful subject to compliance with the recommendations of the noise report.

Highway Safety

Following the receipt of amended plans the access into the site has been relocated to avoid the layby in West Road. Access will be from the access road to the recreation ground instead. Once installed, the cabinets will not be frequently visited and traffic movements will be low. The site is on the north side of the access road and the development will not affect the existing car park or the recreation ground itself. Users of the park and community centre should not therefore be inconvenienced by this proposal.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit
3. The development hereby permitted shall be carried out in full accordance with the recommendations of the Noise Assessment Report (KD0804218NR Rev 1.0 dated 08/07/2021) and all works which form part of the approved scheme shall be completed before the permitted use commences. Within one month of implementation, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the Noise Assessment Report. All plant shall be maintained in accordance with manufacturer's guidance and any future plant shall also meet the specified levels within the approved scheme.
4. Landscaping

Is recommendation contrary to letter(s) of representation? Y

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in

favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer:	Peter Barnett	Date: 15 July 2021
Authorised by:	Gary Peck	Date: 15 July 2021