

<b><u>No:</u></b>	<b>BH2019/02862</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Fairway Trading Estate Eastergate Road Brighton BN2 4QL</b>		
<b><u>Proposal:</u></b>	<b>Repositioning of existing security hut and installation of 2no air conditioning units and extraction grille on Unit 2 (retrospective).</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	23.10.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	18.12.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Grumitt Wade Unit 3 Tungsten Building George Street Portslade Brighton BN41 1RA		
<b><u>Applicant:</u></b>	Custom Pharma Services Unit 2 Fairway Trading Estate Eastergate Road Brighton BN2 4QL		

## 1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Other	Air Con Units Brochure	-	22 October 2019
Report/Statement	Acoustic Report	-	8 January 2020
Location Plan	SMM/01	-	25 September 2019
Block Plan	SMM/02	-	25 September 2019
Block Plan	SMM/03	-	25 September 2019
Proposed Drawing	SMM/04	Rev A	23 October 2019
Proposed Drawing	SMM/05	-	22 October 2019
Proposed Drawing	SMM/06	-	23 October 2019

2. Within three months of the date of this decision, the pre-existing security hut shall be removed from the site, and any necessary remediation works to make good the underlying surface shall be completed.

**Reason:** In the interests of the appearance of the site and the wider area and to comply with policy CP12 of the Brighton and Hove City Plan Part One.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision

on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to the Fairway Trading Estate, accessed from Moulsecoomb Way via Eastergate Road.
- 2.2. Retrospective planning permission is sought for the erection of a new security hut and removal of the existing security hut, and the installation of 2no air conditioning units and 1no extraction grille on the side elevation of Unit 2.

## **3. RELEVANT HISTORY**

- 3.1. **BH2015/02410** - Installation of 4no evaporative cooling units and 2no extract fans to roof. **Approved**

## **4. REPRESENTATIONS**

- 4.1. **Nine (9)** representations have been received, objecting to the proposal for the following reason:
  - Noise disturbance

## **5. CONSULTATIONS**

- 5.1. **Environmental Health:** No objection  
An Acoustic Report has been submitted which demonstrates that the noise levels including the 2no additional plant do not amount to a statutory nuisance.
- 5.2. There are no complaints about noise from the site currently registered with the Environmental Protection Team.
- 5.3. **Sustainable Transport:** Verbal comments: No objection  
The proposed security hut location would not negatively impact the highway.

## **6. MATERIAL CONSIDERATIONS**

- 6.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
  - Shoreham Harbour Joint Action Area Plan (adopted October 2019)
- 6.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP12	Urban design

#### Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
SU10	Noise Nuisance
QD27	Protection of amenity

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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## 8. **CONSIDERATIONS & ASSESSMENT**

- 8.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development, the impact of the proposal on neighbouring amenity and sustainable transport matters.

### **Design and Appearance:**

- 8.2. The plant and grille are located to the side (east) elevation of the building, adjacent to an existing larger bank of plant of a similar design. The high retaining wall immediately to the east obscures views of this elevation of the building from the public realm, and as such the plant and grille is considered to have no significant impact on the appearance of the building or the wider area and is not objectionable in design terms.
- 8.3. The new security hut is equally functional in appearance compared to the pre-existing security hut, with a similar footprint, height and materiality. The new location is considered not to be significantly more prominent than the

pre-existing location and as such this element of the scheme is considered to be of a neutral visual impact.

**Impact on Amenity:**

- 8.4. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.5. The 2no new plant units that are the subject of this application are located nearby to the residential properties on the western side of Friston Close, albeit at a distance of approx. 15m from the rear elevation of the properties and on significantly lower ground. Public representations have been received that raise concerns over the potential for the 2no additional plant to result in increased noise distance for occupiers of these properties.
- 8.6. There is a pre-existing bank of 12no similar-sized plant units in this location, in addition to several roof-mounted plant units approved under BH2015/02410. An Acoustic Report by Acoustic Associates has been submitted, which monitored sound levels in the rear garden of no. 6 Friston Close, and included both the pre-existing 12no units, the 2no new units and the roof-mounted units.
- 8.7. The Acoustic Report found that the plant at ground floor level on the eastern elevation (which includes the 2no plant which are the subject of this application) did not cause noise amounting to a statutory nuisance, and indicated that the roof-mounted units were the most likely to be the cause of any noise disturbance for occupiers of Friston Close.
- 8.8. The Environmental Health team have reviewed the Acoustic Report and have raised no objection to the proposal, and have also confirmed that there are no complaints about noise from the site currently registered with the Environmental Protection team.
- 8.9. The repositioned security hut is considered not to have a significant impact on the amenity of neighbouring uses in terms of overshadowing, overbearing impact or noise disturbance.
- 8.10. As such, it is considered that the 2no additional plant, the extract grille and the repositioned security hut do not have a significant detrimental impact on neighbouring amenity.

**Sustainable Transport:**

- 8.11. The plant and grille would have no significant transport implications.
- 8.12. The new security hut location would have no negative impact on the operation or use of the highway and as such is considered acceptable in transport terms.

**Other Considerations:**

- 8.13. No planning history has been identified for the existing 12no units on the east elevation, however based on photographs from the site visit for BH2015/02410 it appears that these plant units have been in place for more than four years and as such are immune to enforcement action.

**9. EQUALITIES**

None identified.

