

ITEM D

**Kings School Lower School, Mile Oak Road,
Portslade**

**BH2014/03268
Full planning**

18 FEBRUARY 2015

BH2014/03268 Kings School Lower School, Mile Oak Road, Portslade.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03268	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Kings School Lower School Mile Oak Road Portslade		
<u>Proposal:</u>	Revised kitchen servery incorporating installation of ventilation system. (Retrospective)		
<u>Officer:</u>	Sonia Gillam Tel 292265	<u>Valid Date:</u>	14 October 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 December 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Rusell Education Trust, Ms Fran Stewart, Manor Court, 1 The Crescent, Leatherhead KT22 8DY		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a single storey kitchen building, located at a school site in Portslade. The site is bounded by Mile Oak Road and High Street to the north, residential properties in Applesham Way to the east, Maplehurst Road to the south and Melrose Avenue to the west.

3. RELEVANT HISTORY

BH2014/03760 Application for Approval of Details Reserved by Condition 4 of application BH2013/01620. Under consideration.

BH2013/02789 Application for approval of details reserved by conditions 4 and 5 of application BH2013/01620. Split Decision 01/11/2013.

BH2013/02705 Provision of temporary car parking for 20 cars over 3 years. Approved 04/11/2013

BH2013/01620 Erection of single storey temporary modular classroom. Approved 18/07/2013.

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of a ventilation system for a revised kitchen servery. The application is retrospective.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** Five (5) letters of representation have been received from nos. **21(x2), 23(x2) and 29 Maplehurst Road** objecting to the application for the following reasons:
- Noise
 - Odour
 - Unsightly equipment

Internal:

- 5.2 **Environmental Health:** Support. The application is retrospective and the system has been operating since September 2014. Complaints were received about noise and odour from the system and that the units were being left on at night and were noisy. No statutory nuisance was identified. With regards to the odour no diaries have been returned so the assumption is that the matter has been resolved.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

SU9	Pollution and nuisance control
SU10	Noise nuisance
QD14	Extensions and alterations
QD27	Protection of Amenity

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the siting of the development and its impact upon the amenity of adjacent occupiers, and the design and its impact upon the appearance and character of the building and wider area.

Design and visual amenity:

- 8.2 The development is sited on the roof of a single storey kitchen block to the south of the site. The equipment can be seen in views from the properties and gardens of Maplehurst Road and in longer views from outside of the site to the east and west.
- 8.3 However the equipment is sited at a low level on the roof and is further shielded, to an extent, from the nearest properties by a parapet wall. Additionally due its low visibility from public areas, it is considered that the equipment does not have a significantly detrimental impact on the site or the visual amenity of the area. Accordingly, it is considered that no visual harm is derived from the development by reason of its siting and surroundings.

Impact on residential amenity:

- 8.4 Policy QD27 states that planning permission for any development 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 Policy SU10 of the adopted Local Plan requires that new development minimise the impact of noise upon occupiers of neighbouring properties and the surrounding environment.
- 8.6 The application is retrospective and the system has been operating since September 2014. Representations have been received from neighbours objecting to the equipment with regard to noise and odour. The Council's Environmental Health team have also received complaints on the same grounds which have been investigated; no statutory noise nuisance has been identified.
- 8.7 With regards to odour the Environmental Health team have advised that as the complaints are not ongoing, the assumption is that the matter is resolved. Therefore there is no objection to the application. However it is noted that whilst planning permission may be granted, this does not preclude the department

from carrying out an investigation under the Environmental Protection Act 1990, should any further complaints be received.

9 CONCLUSION

- 9.1 The development does not have a significantly detrimental impact upon the character and appearance of the building or the wider area. Additionally there is no demonstrable harm upon the amenities of neighbouring residents.

10 EQUALITIES

- 10.1 None identified

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory 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
Site location plan			29/09/2014
Site location plan kitchen block			29/09/2014
Floor plan			29/09/2014
Layout of kitchen ventilation canopies	GB-VENT-1		29/09/2014
Kitchen design layout	CD 1699/101C		29/09/2014

- 2) The ventilation system hereby permitted shall be switched off when not in use. **Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

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- (ii) for the following reasons:-
The development does not have a significantly detrimentally impact upon the character and appearance of the building or the wider area. Additionally there is no demonstrable harm upon the amenities of neighbouring residents.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

