

<u>No:</u>	BH2022/02808	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	St Agnes Church Newtown Road Hove BN3 7BA		
<u>Proposal:</u>	Retrospective application for the Installation of ventilation ducts to north elevation at first floor.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	21.09.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	16.11.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.06.2023
<u>Agent:</u>	ABIR Architects Ltd Unit 1, Beta House St Johns Road Hove BN3 2FX		
<u>Applicant:</u>	Natural Fit Gym St Agnes Church Newtown Road Hove BN3 7BA		

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
Existing Drawing	0578.PL.1003	A	13 January 2023

2. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 + A1:2019. In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

3. No machinery and/or plant shall be used at the premises except between the hours of 07:00 and 21:15.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of the Brighton & Hove City Plan Part Two.

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. 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.

2. SITE LOCATION

- 2.1. The application site is an early 20th century church building on a corner plot, on the north side of Newtown Road and east side of Goldstone Lane. The main body of the building features a steep pitched roof with gable ends on the east and west elevations. The Newtown Road frontage is single-storey and features a flat roofed element. A contemporary glazed single-storey extension adorns the west end of the building, fronting Goldstone Lane, and this features the main entrance.
- 2.2. It is currently in lawful use as a gymnasium (planning use class E), but some unauthorised development has taken place in the form of the following:
 - (i) extraction equipment on the north elevation,
 - (ii) high-level ventilation grilles on the east and west elevations,
 - (iii) a doorway accessing the first floor flat roof on the south side of building,
 - (iv) handrails around the edge of said flat roof area, and
 - (v) external lighting on the south elevation.Items (iii) and (iv) have been installed to facilitate the use of the flat roof area as a terrace associated with the gymnasium use.

3. RELEVANT HISTORY

- 3.1. **BH2022/02810** Retrospective application for the installation of high level ventilation grilles to gable ends, handrail to parapet wall of roof and external up/down lighting to south elevation at second floor. Under Consideration
- 3.2. **BH2022/02809** Installation of translucent glazed privacy screens to south elevation at second floor. Under Consideration
- 3.3. **BH2021/03453** Insertion of high level ventilation grilles to gable ends, creation of new door opening and installation of screens, handrail and external lighting to second floor south elevation, to facilitate the permitted use of the terrace area as part of the gym planning unit. (Retrospective) Withdrawn
- 3.4. **BH2019/02794** Extension and alterations to existing structure adjacent to North boundary at lower ground floor level with alterations including new fire escape door. (Part retrospective) Approved

- 3.5. **BH2017/02960** Alterations incorporating creation of first and second floors, glazed entrance to side, new roof to South, fire escape and sun tunnels to North, solar panels to roof and associated works. Approved
- 3.6. **BH2000/01750/FP** Erection of 3no dwellinghouses. Approved
- 3.7. **3/78/0255** Change of use from church to gymnasium. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively under Section 73a of the Town and Country Planning Act 1990 for mechanical ventilation equipment on the north side of the church building at lower ground floor level. The equipment comprises three items; two of which are described on the submitted plans as Air Handling Inlet/Outlet Ducts, whilst the third is a smaller ventilation duct.
- 4.2. This application is one of three that have been submitted at the same time by the applicant for an assortment of works to the church building. They have been advised by the Local Planning Authority that it would be preferred for all the works to be assessed under a single application in the interest of simplicity and good planning but have decided to continue with the development split across three applications. However, the cumulative impact of the three aspects must be considered in deciding each of the applications.

5. REPRESENTATIONS

- 5.1. Three representations have been received, objecting to the proposal on the following ground:
 - Noise nuisance
- 5.2. A representation has also been received from **Ward Councillor O'Quinn**, objecting to the proposed development. A full copy of the email is attached to this report.
- 5.3. A representation has also been received from former **Ward Councillor Alcock**, objecting to the proposed development. A full copy of the email is attached to this report.

6. CONSULTATIONS

6.1. Environmental Health

No Objection. With reference to the Noise Impact Assessment there is no reason to question the methodology or conclusions made. At worst, the system fans, for which this request is detailing, would result in a -5dB below La90 at the three closest noise receptors. Throughout the assessment, it makes reference to the applicable British standard (BS4142), noise polices and international noise

guidelines. The noise survey itself, and the results gathered have been interpreted and applied to the proposal correctly.

6.2. UK Power Network

No Objection.

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- 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 Area Action Plan (JAAP) 2019.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP12	Urban Design

Brighton & Hove City Plan Part Two (CPP2)

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM40	Protection of the Environment and Health - Pollution and Nuisance

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development and the potential impacts on the amenities of local residents. A site visit was undertaken most recently in May 2023.

Principle of Development

9.2. The development has facilitated improvements to the sports/leisure offer at the site and this is of some public benefit, albeit limited and would be in accordance

with the aims of policy CP2 of the CPP2, which encourages improvements to existing businesses.

Design and Appearance

- 9.3. The development as carried out is not highly visible from the public highway and only limited views would be visible from private windows and gardens. This is due to their position down the side of the building where they are concealed by boundary fencing and the architecture of the church itself. It is considered that although they are functional, utilitarian additions to the building, they are sited with suitable discretion and no significant harm has been caused to the visual amenities of the host building or wider streetscene; there are no concerns in this regard.

Impact on Amenities

- 9.4. The Noise Impact Assessment submitted in support of the application has demonstrated that the development does not generate enough noise to constitute a statutory noise nuisance. It is considered that any potential harm can be successfully mitigated with planning conditions managing the noise output and the hours of use of the equipment.
- 9.5. The development as carried out is not considered to cause any harm in terms of overshadowing or loss of privacy; there are no concerns in this regard.

Other Considerations

- 9.6. To seek planning permission retrospectively is a valid course of action in the development process and has not been weighed against the developer in the assessment of the propriety of this proposal.
- 9.7. The cumulative impact of this scheme along with the other two developments on the site that are being considered concurrently is not considered harmful either in terms of appearance or impact on amenity.

Conclusion

- 9.8. The proposed development is considered to be acceptable in terms of appearance and the impacts it is anticipated to have on the amenities of local residents. Measures to manage the noise output of the equipment shall be secured by condition. For the foregoing reasons the proposal is considered to be in accordance with policies CP2 and CP12 of the Brighton and Hove City Plan Part One, and DM20, DM21 and DM40 of the City Plan Part Two.

- 10. EQUALITIES**
None identified.

- 11. CLIMATE CHANGE/BIODIVERSITY**
None identified.

