

11th August 2010 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
7	Woodingdean Business Park Bexhill Road Adjacent to Falmer Road Woodingdean Brighton	BH2010/01454	<p>Since the original planning report has been written, continued dialogue has been held between the applicant and Environmental Health in order to address the specific issues related to contaminated land and noise. Additional modelling reports and clarified contamination information has been submitted and as such revised Environmental Health comments have been received as follows:</p> <p>“I write further dated 16th July 2010. This memo supersedes my last. I have since had correspondence from the Civil Engineering Practice, Ashdown Site Investigation and acoustic advice from Halcrow with regards to the application and my initial comments.</p> <p>I would comment that whilst my initial comments were based on phase 5 and the planning reference 2010/01454, that these new comments may also take into account phase 4 which I understand is also currently awaiting a planning decision. It is my understanding that since my last memo, background noise readings have been established to facilitate a further understanding of the noise climate in the area. These have also been used to address likely levels for the proposed wind turbine and building services plant. These indicate a very low night time level which could prohibit operations. Therefore a sensible approach has been taken to ensure that the levels are appropriate and indeed achievable.</p> <p>Concerns with regards to noise may be overcome through appropriate conditions as below.</p> <p>It is understood having read documents produced by Stuart Magowan of CEP that my comments and observations in respect of potentially contaminated land have also been addressed. Having discussed these CEP I am satisfied that whilst areas examined reflected appropriate areas for examination and past uses, the analytical suite chosen still did not include hydrocarbon analysis. There seems to be some uncertainty of whether there are in fact any underground tanks still remaining. I consider that there is limited benefit of any further site investigation and as such, a discovery strategy would be more appropriate given that the slab area is to be removed in its entirety when construction takes place. A condition would therefore secure this.</p> <p>RECOMMENDATION: Approval subject to conditions.</p> <ol style="list-style-type: none"> 1. The free-field noise level from the installation must not exceed L90, 10min

35dB(A) up to wind speeds of 10m/s measured at 10m above ground level at the turbine. The noise limits apply at 3.5m from the window of a habitable room in the façade of any neighbouring residential property. The measured noise level from the wind turbine should be corrected for the effects of background noise to give a free-field noise level which is not influenced by other noise sources in the vicinity. The above noise limit includes the noise effects of blade modulation but a penalty for tonal noise based on ETSU-R-97 Figure 16 should be added to the measured level if an audible tone is identified in accordance with the Joint Nordic Method described in ETSU-R-97

2. Plant Noise: The combined rating noise level of all plant and equipment associated with the proposed development, shall be 5dB below the typical background noise level when assessed in accordance with BS4142:1997 “Method for Rating industrial noise affecting mixed residential and industrial areas” or $L_{Aeq,T}$ 35dB whichever is higher. Noise levels shall be assessed at 3.5m from the window of a habitable room in the façade of any neighbouring residential property over a time period (T) of 1-hour during the day and 5 minutes at night.
3. The operations of the units shall be controlled through hours of use and these shall be as follows:
No works outside of 07:00 to 19:00 hours Monday to Friday
No works outside of 08:00 hours to 13:00 hours Saturdays
No Sunday, bank or public holiday working.
All deliveries and servicing of the premises shall be carried out within the hours listed above.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

Informative

The applicant should note that the grant of any potential planning consent does not guarantee against the department investigating the site/plant should complaints be received. Action could be taken under the Environmental Protection Act 1990, if the

local authority were satisfied of a statutory nuisance.”

Officer response:

The additional information that has been received has been carefully reviewed by **Environmental Health** and they are now content with the information and thus have no objections to the scheme, subject to a number of conditions.

The original officer’s report (as within the report pack) already includes a number of conditions on these matters, however, following the specialist advice received from Environmental Health, the following conditions on the officer’s report are to be removed from the recommendation – 17 (background noise), 23 (contaminated land) and 24 (unidentified contamination) – and replaced with the following:

1. The free-field noise level from the installation must not exceed L90, 10min 35dB(A) up to wind speeds of 10m/s measured at 10m above ground level at the turbine. The noise limits apply at 3.5m from the window of a habitable room in the façade of any neighbouring residential property. The measured noise level from the wind turbine should be corrected for the effects of background noise to give a free-field noise level which is not influenced by other noise sources in the vicinity. The above noise limit includes the noise effects of blade modulation but a penalty for tonal noise based on ETSU-R-97 Figure 16 should be added to the measured level if an audible tone is identified in accordance with the Joint Nordic Method described in ETSU-R-97.

Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

2. The combined rating noise level of all plant and equipment associated with the proposed development, shall be 5dB below the typical background noise level when assessed in accordance with BS4142:1997 “Method for Rating industrial noise affecting mixed residential and industrial areas” or $L_{Aeq,T}$ 35dB whichever is higher. Noise levels shall be assessed at 3.5m from the window of a habitable room in the façade of any neighbouring residential property over a time period (T) of 1-hour during the day and 5 minutes at night.

Reason: To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3. The use of the premises shall not be open to customers except between the hours of 07:00 to 19:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays and not at anytime on Sundays, Bank or Public Holidays. **Reason:**

			<p>To protect the amenities of the occupiers of the adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.</p> <p>4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants. Reason: To safeguard the health of future occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.</p> <p>In addition, the informative which has been recommended also forms part of the recommendation.</p> <p>The scheme is therefore considered to be acceptable in this regard.</p>
35	Westdene Primary School	BH2010/01382	<p>Fire Access- Southern corner of building is vulnerable and potentially not in reach of 45m hoses. Catherine Whitby (architect) is in discussions with Sussex Fire and Building Control about this. One fallback option would be a grasscrete path to north side of playing field to provide access from Dene Vale gate.</p>
55	8 Cliff Approach & 1 Cliff Road, Brighton	BH2010/00736	<p>Amend Section 5- Neighbour consultations to read:- Sixteen (16) letters of <u>objection</u> have been received from the occupiers of No. 3(x4), 4(first floor flat), 5 & 8 Cliff Road, 2, 6(x2), 13, 16, 18, 34 & 45 The Cliff & 5 Slinfold Close.</p>
106	24 Castle Street	BH2010/00336	<p>Economic Development: <u>No adverse comments</u> to make in respect of this application.</p> <p>A letter has been received from 7 Stone Street. They are in favour of the scheme providing suitable controls are put in place to control the construction works. These controls include all access to the building site must be made from Regency Mews, no deliveries in Castle Street between 8am – 6pm, no radios allowed, scaffolding size to be restricted, noise levels to be kept to a minimum and all dust from demolition and construction to be cleaned up.</p> <p>Officer Response: Castle Street is a relatively narrow street with limited parking. Therefore, the proposed construction works could potentially result in a disturbance to adjacent houses and businesses. To protect neighbouring amenity and in accordance with SPD8: Sustainable Building Design, the following additional condition is recommended:</p> <ul style="list-style-type: none"> • No development shall commence until confirmation has been submitted to and

121	City Park, Orchard Road	BH2010/00630	<p>approved in writing by the Local Planning Authority that the scheme has been registered with the Considerate Constructors Scheme. Reason: To protect the amenities of the neighbouring occupiers and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.</p> <p>The Guinness Trust <u>object</u> to the scheme on behalf of the residents of March House on the following grounds:</p> <ul style="list-style-type: none"> • How will the development affect March House in terms of blocking out light and overlooking of the flats? • There is concern that the length of time the proposed development will take and impact of noise on residents. • If March House car park is used during construction works, there could be potential problems with the disturbance this could create. <p>Officer Response: The impact of the proposal on the amenity of March House has been addressed in the report. To address concerns regarding the impact of construction works and in accordance with SPD08: Sustainable Building Design, the following condition is recommended:</p> <ul style="list-style-type: none"> • No development shall commence until confirmation has been submitted to and approved in writing by the Local Planning Authority that the scheme has been registered with the Considerate Constructors Scheme. The scheme shall thereafter be implemented. Reason: To protect the amenities of the neighbouring occupiers and to comply with Policies SU10 and QD27 of the Brighton & Hove Local Plan.
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).

