

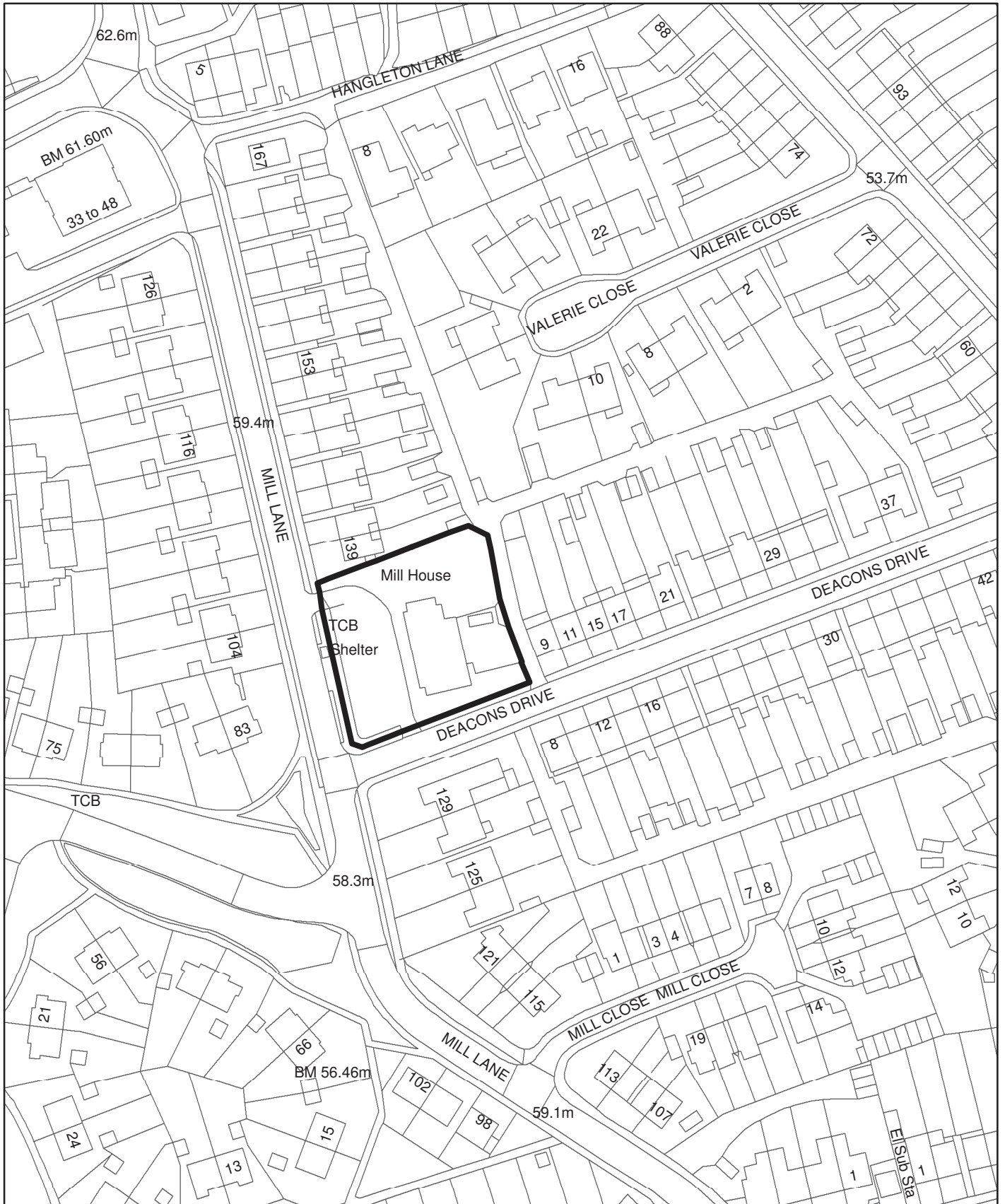
**PLANS LIST
ITEM F**

**The Mill House Public House, 131 Mill Lane,
Portslade**

**BH2013/01223
Full Planning**

17 JULY 2013

BH2013/01223 131 Mill Lane, Portslade



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2013/01223	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Mill House Public House, 131 Mill Lane, Portslade		
<u>Proposal:</u>	Erection of single storey rear extension with associated external alterations.		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	22/04/2013
<u>Con Area:</u>		<u>Expiry Date:</u>	17/06/2013
<u>Listed Building Grade:</u>			
Agent:	PLC Architects, Brankesmere House, Queens Crescent Southsea, Portsmouth, PO5 3HT		
Applicant:	TFRE2, c/o PLC Architects, Brankesmere House, Queens Crescent, Southsea, Portsmouth, PO5 3HT, Havant		

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 site is occupied by a two storey detached building forming a Public House on the ground floor with ancillary residential accommodation over. The building is situated on a corner plot at the junction between Mill Lane and Deacon's Drive. The front of the pub is set back from Mill Lane some 17 metres and there is surface car parking in front of the building. The side elevation of the building lines up with the building line established by the terrace houses in Deacon's Drive. The Public House has side and rear garden areas.
- 2.2 The pub building has a traditional appearance finished using brick and tiles. The roof is dual pitched with hipped ends and incorporates features including dormers and half dormers, and steeply sloping front and rear roof slopes with sprocketed eaves and decorative brick piers and brackets. The building has bay window features with tile hung waists and the fenestration is predominantly of timber sliding sash windows with a Georgian style glazing configuration featuring 6 over 6 and 8 over 8 pane subdivision.
- 2.3 The local area is predominantly residential. The public house is open and trading.

3 RELEVANT HISTORY

BH2013/00103 – Erection of single storey rear extension with associated external alterations. Refused 11 March 2013 for the following reason:-

The proposed development would, by reason of the scale, footprint, siting and design detailing, relate poorly and unsympathetically with the design and appearance of the recipient building, and would appear unduly dominant and prominent within the street scene, breaching the established building line in Deacon's Drive, having a detrimental impact on the character and setting of the

recipient building, the street scene and the visual amenities of the locality. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

BH2012/03129 – Erection of single storey rear extension with associated external alterations. Refused on 6 December 2012. The two reasons for refusal were:-
The proposed development would, by reason of the scale, footprint, form, siting and design, relate poorly and unsympathetically to the design and detailing of the recipient building, and would appear unduly dominant and incongruous within the site context, having a detrimental impact on the character and setting of the recipient building, the street scene and the visual amenities of the locality. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005. The proposed extension would increase the capacity and intensify the use of the land as a public house, likely to result in nuisance and increased disturbance to nearby residents, contrary to the requirements and objectives of policies QD27 and SR12 of the Brighton & Hove Local Plan 2005.

BH2007/01695 – Proposed fixed umbrella and barbecue stand. Approved 9 July 2007.

4 THE APPLICATION

- 4.1 The application seeks full planning permission for a single storey extension to the rear of the public house.
- 4.2 The extension would be connected to the main building by a 2m wide flat roofed link and the main part of the extension would have a pitched and hipped roof. The extension would provide an additional 117 square metres of floorspace, resulting in a total floor area of 342 square metres.
- 4.3 The extension is proposed to be used by seated customers having meals on the premises.
- 4.4 The extension would measure 15.1m in length and 6.4m in width (excluding the flat roof link) and would have a pitched and hipped roof 2.9m in height to the eaves and 5.2m in height to the ridge.
- 4.5 The extension would be set back from the road (Deacon's Drive) between 8.5m and 9.5m and the front elevation would line up with the side elevation of the main two storey part of the existing pub.
- 4.6 The extension would be constructed using similar and matching exterior finishes to those used in the construction of the existing building and would have three windows on the front elevation, two windows on the rear elevation, and no windows along the flank elevation.
- 4.7 A 1.8m high close boarded timber fence is proposed to fill the gap between the side of the extension and the boundary of the site with the garage access road along the side of 9 Deacon's Drive.

5 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: Seven (7) letters have been received from **14 Valerie Close; 14 and 27 Deacon's Drive; 32 Dean Close; 67 Coastal Place; 23 Dean Gardens; and 6 Badger Close**, objecting to the application for the reasons summarised as follows:-

- Not enough customers to make extension necessary.
- Building looks fine as it is.
- Noise from karaoke and football supporters.
- Noise and disturbance.
- Applicant has previously removed a protected tree.
- Loss of public house, which is a community facility.
- Increased parking, traffic and people.
- Not viable as a restaurant.
- The pub is for drinking, not for eating.

5.2 Brighton & Hove Archaeological Society: No objection

The proposed development may possibly reveal some vestige of the Saxon or medieval period.

5.3 County Archaeologist: No objection

Although this application is situated within an Archaeological Notification Area, any archaeological remains are not likely to be affected by these proposals.

5.4 Sussex Police Crime Prevention Design Adviser: No objection.

It is recommended the doors or windows in the new extension conform to LPSII75 SR2 with laminated glazing to a minimum thickness of 6.8mm. Consideration should also be given to any existing doors and windows ensuring they are fit for purpose and would not compromise the overall security of the building.

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) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

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) March 2012

Brighton & Hove Local Plan 2005:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- SR12 Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD11 Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

- SS1 – Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the design and appearance of the proposed extension; the impact on neighbour amenity; and transport considerations.
- 8.2 The concerns of residents in respect of the future use of the building as extended are noted. The application is for an extension to the pub to form additional seating and tables for customers taking meals on the premises. No change of

use of the land is proposed. As such the application must be considered on this basis.

Planning Policy:

- 8.3 Policy SR12 of the Local Plan relates to extensions to public houses with a total resultant public floorspace in excess of 150 square metres. For such development to be considered favourably in principle the following criteria must be met:
- a. the premises would not be within 400m of another establishment falling into the above category;
 - b. the premises do not, or will not, operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises;
 - c. that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
 - d. that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased level of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.
- 8.4 Policy QD2 of the Brighton & Hove Local Plan states that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account the local characteristics including:
- a. height, scale, bulk and design of existing buildings;
 - b. topography and impact on skyline;
 - c. natural and developed background or framework against which the development will be set;
 - d. natural and built landmarks;
 - e. layout of streets and spaces;
 - f. linkages with surrounding areas, especially access to local amenities, e.g. shops, community facilities, open spaces;
 - g. patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
 - h. natural landscaping.
- 8.5 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a. is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b. would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c. takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and

d. uses materials sympathetic to the parent building.

8.6 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.

Principle:

8.7 Policy SR12 of the Local Plan is applicable to the proposal because the extension would result in a Class A4 pub use with public floorspace in excess of 150 square metres. There are four criteria which are required to be met in order to comply with this policy.

8.8 However, exceptions to this policy may be permitted provided that any customer floorspace in excess of 150 square metres (as shown on approved plans) is for service to seated customers only, in the manner of a restaurant or café. The applicant proposes the extension to be used for seated customers having meals on the premises. As such a condition is recommended to ensure that no alcohol is sold or supplied except to persons who are taking meals within the proposed extension, and who are seated at tables.

Design and appearance:

8.9 In comparison with the previous application, the current proposal introduces improvements to the design including a pitched and hipped roof with additional space between the extension and the neighbouring house, 9 Deacon's Drive.

8.10 The scale of the extension has also been reduced and it would be set further back from the highway and in line with the two storey part of the original pub building. As a result, the extension would have a more subservient and less dominant appearance in relation to the existing building. The recessed link connecting the proposed extension with the existing pub building would serve to separate the extension from the main building visually.

8.11 The applicant proposes aluminium windows on the front and rear elevations with a design and glazing bar configuration that would be sympathetic to the character of the existing building. The predominant exterior finishes are proposed to be clay roof tiles and facing brickwork to match existing and this is considered acceptable.

8.12 The height, bulk, massing and design detailing of the extension is considered acceptable and would not have an adverse impact on the street scene or the character of the existing building.

Neighbour amenity:

8.13 The proposed extension would not be positioned near to any windows or other openings on neighbouring properties and the single storey height would not result in overshadowing of neighbours. The siting of the proposed extension as amended has been moved back from the boundary of the site with the shared track/drive and neighbouring houses in Deacon's Drive.

8.14 Previous concerns relating to the increased capacity and intensified use of the land as a public house may be overcome by imposing a planning condition requiring alcohol to be served only to seated customers taking meals within the proposed extension. Such a measure would meet the exception set out in policy SR12 and should help reduce potential increased nuisance and disturbance to nearby residents.

8.15 In these respects the proposal is considered to be compliant with the requirements of policies QD27 and SR12 of the Local Plan.

Transport:

8.16 There is surface car parking in front of the pub for 17 cars. The existing number of parking spaces falls below the maximum level of car parking set out in SPGBH4: Parking Standards, which could be up to 84 car parking spaces (total net bar areas would be approximately 210 square metres, 1 space maximum per 2.5 square metres).

8.17 To meet the minimum cycle parking standards set out in SPGBH4, the proposal should provide for a minimum of 2 cycle parking spaces. There is adequate space within the site to provide acceptable cycle parking spaces and these could be secured by condition in the event approval is granted.

9 CONCLUSION

9.1 To conclude, the proposal is considered to have overcome the reasons for the refusal of the previous application and the extension would be appropriately sited, designed and detailed in relation to the building to be extended, and would not have an adverse impact on visual amenity. Subject to conditions, the proposed development would not have a significant adverse impact on neighbour amenity. Accordingly approval is recommended.

10 EQUALITIES

N/A

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

2) 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 Survey	1639/01		16 Apr 2013
Existing Survey	1639/02		16 Apr 2013
Proposed Site Layout	12-1870-130	P2	16 Apr 2013
Proposed Ground Floor Layout	12-1870-131	P2	16 Apr 2013

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Proposed First Floor Layout	12-1870-132	P2	16 Apr 2013
Proposed Elevations	12-1870-133	P2	16 Apr 2013
Proposed Elevations	12-1870-134	P2	16 Apr 2013
Location and Block Plan	12-1870-135	P1	16 Apr 2013

- 3) The extension hereby permitted shall not be open to customers except between the hours of 9.00am and 11.00pm from Mondays to Saturdays inclusive, and from 10.00am until 10.00pm on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 4) No alcohol shall be sold or supplied to persons accommodated within the extension hereby permitted unless those persons are taking meals on the premises and are seated at tables.

Reason: To safeguard the amenities of the locality and to comply with policies SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

- 5) No machinery or plant (e.g. extraction and odour control equipment, air conditioning) shall be used in association with the use of the extension hereby permitted except between the hours of 9.00am and 11.00pm from Mondays to Saturday inclusive, and from 10.00am until 10.00pm on Sundays, Bank or Public Holidays.

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

11.2 Pre-Commencement Conditions

- 6) No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.

Reason: To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

- 7) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to the extension being brought into use and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 8) No development shall commence until details of secure cycle parking facilities for the customers, staff and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 9) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials samples.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

11.3 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
- (ii) for the following reasons:-
The proposal is considered to have overcome the reasons for the refusal of the previous application and the extension would be appropriately sited, designed and detailed in relation to the building to be extended, and would not have an adverse impact on visual amenity. Subject to conditions, the proposed development would not have a significant adverse impact on neighbour amenity.

