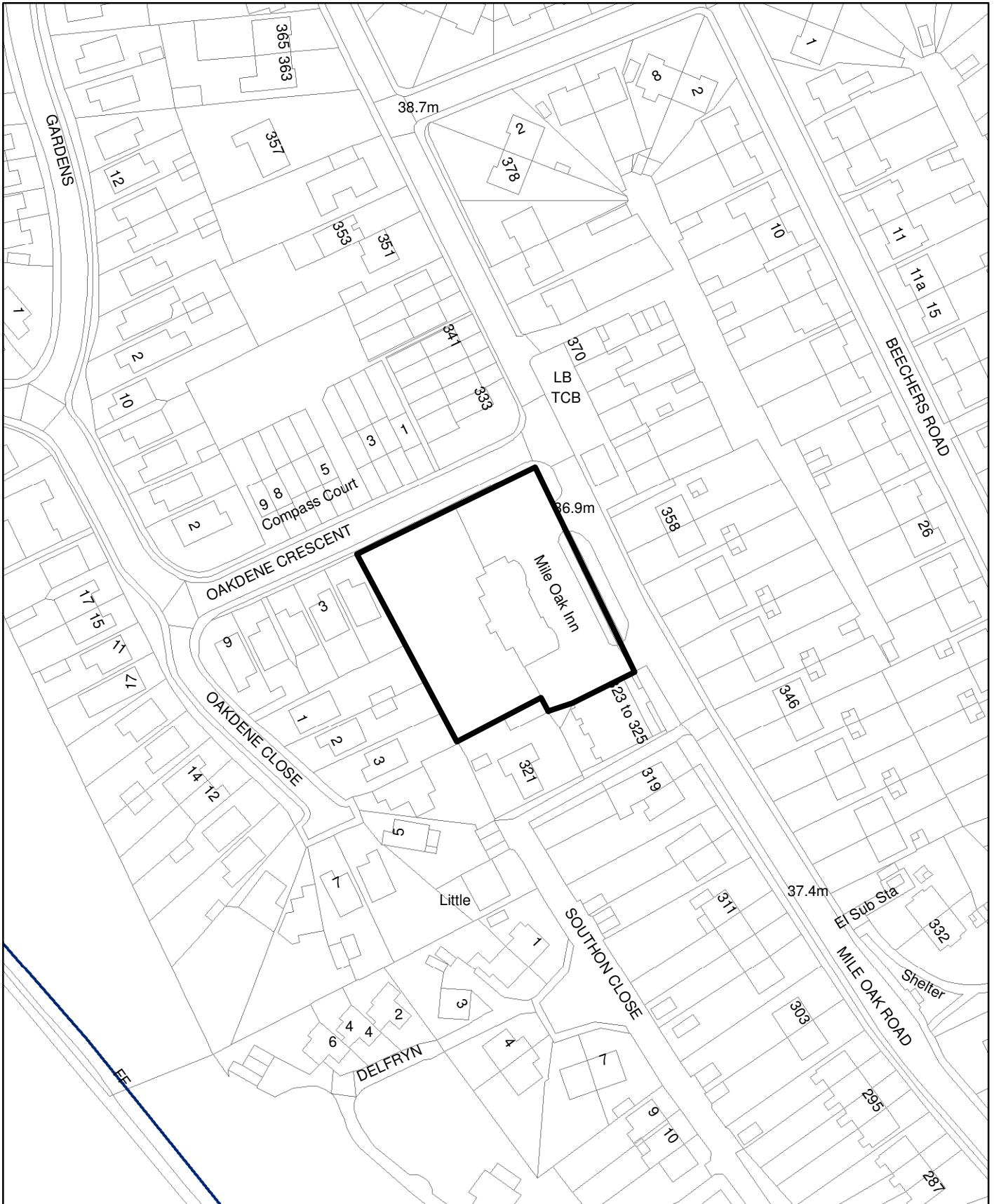


ITEM D

**Mile Oak Inn, Mile Oak Road, Portslade
BH2015 / 04564
Full Planning**

20 April 2016

BH2015/04564 Mile Oak Inn, Mile Oak Road, Portslade



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/04564	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Mile Oak Inn Mile Oak Road Portslade		
<u>Proposal:</u>	Erection of single storey side extension and erection of retail unit (A1) adjoining existing public house (A4).		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	17/12/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 February 2016
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>	Marrons Planning, 1 Meridian South Meridian Business Park Leicester LE19 1WY		
<u>Applicant:</u>	Punch Partnerships PTL Ltd, C/O Marrons Planning 1 Meridian South Meridian Business Park Leicester LE19 1WY		

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the Mile Oak Inn, a detached Public House on the northwest side of Mile Oak Road at the junction with Oakdene Crescent. The pub has a car park in the forecourt and a substantial garden to the rear and north side. There is ancillary living accommodation above the pub.
- 2.2 The site lies opposite a small parade of shops, formed of 4 units. The parade operates on a local scale serving the surrounding neighbourhood with a small convenience store, barber and takeaways. With the exception of this row of shops, the area is largely residential with a range of detached, semi-detached and terraced houses and flats.
- 2.3 Mile Oak Road is the principal throughfare through this residential area and served by local buses.

3 RELEVANT HISTORY

BH2014/04148- Erection of single side extension and erection of single storey retail unit (A1) adjoining existing public house (A4). Refused 005/06/2015 for the following reasons:

- The proposed development, by virtue of its design, excessive footprint, positioning and extensive flank elevation fronting on to Oakdene Crescent*

is considered to represent an overdevelopment of the site. The building would appear crammed-in as it fails to take in to account building lines, plot and building sizes and the spaces between buildings which characterise the area. Furthermore the new development would present a largely inactive frontage to Oakdene Crescent to the detriment of the visual amenity of the area. The proposal is contrary to policy QD1, QD2 and QD3 of the Brighton & Hove Local Plan

2. *The proposed development, including storage area and external refuse yard would be located close to the neighbouring boundary with no.1 Oakdene Crescent. Given the proximity of the development to this boundary and the intensive use of the site proposed, it is considered that the development would significantly impact on the occupier's enjoyment of their house by reason of increased noise and disturbance. The development is considered contrary to policy QD27 of the Brighton & Hove Local Plan.*
3. *The lack of an assessment of parking accumulation from both the existing pub and proposed retail use, together with the fact that no on-street parking survey has been undertaken, has meant that the applicant has failed to demonstrate that the proposed development will not have a material negative impact upon road safety and parking amenity in the local area. The proposals have therefore failed to demonstrate compliance with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.*
4. *The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1, TR8 and QD28 of the Brighton & Hove Local Plan.*

BH2007/00740- Remove window & replace with door to gain access to patio area. Installation of retractable awning. Approved 29/05/2007

4 THE APPLICATION

- 4.1 The application is a resubmission following the above refusal and again seeks planning permission for the erection of a single storey retail unit (A1) within a side extension to the public house (A4). The retail unit would have a total floor area of 345sqm of which 250sqm would comprise the main retail floorspace. The extension also includes a new kitchen for the public house and an ATM to the north side elevation.

5 PUBLICITY & CONSULTATIONS

External Neighbours:

- 5.1 **Forty (40) letters have been received from 305, F9 323-325, 348, 357 (x2), 358, 360, 362, 376 (x3) Mile Oak Road; 4 Park Close; 16 Wickhurst Close; 15 Wickhurst Rise; 1, 9 Stanley Avenue; 2, 6, 14 Oakdene Close; 4 Oakdene Gardens; 1, 27, 127 (x2), 137 Oakdene Crescent; 1, 3, 6, 9 Compass Court Oakdene Crescent; 17 Beechers Road; 44 Wolseley Road; 59 Chalky Road; 72 Ridgeway; 4 Southern Close; F3 Northerlea Drove Road; 50 & 80a Graham Avenue; 19 Sefton Road; and Unknown (x2) objecting to the proposed development for the following reasons:**

PLANNING COMMITTEE LIST – 20 APRIL 2016

- Unnecessary and unwanted development. Another supermarket in the area is not required
- The amendments have not addressed the previous concerns
- Increased vehicle movements would cause a significant danger to highway users, including pedestrians and children from nearby schools
- Insufficient parking will lead to careless, illegal or dangerous parking, which already occurs. 363 vehicles a day will only increase this
- Parking already obstructs residents driveways, including those of disabled residents.
- Parking is already out of hand
- Increased congestion
- The parking survey will not have taken account of the attraction of the supermarket in the entire Mile Oak catchment and is therefore invalid
- The parking analysis has taken a very narrow snap shot of the situation and as a result paints a rather biased picture of the impact the development will have
- Peak hours for the shop would be the same as for the pub, where the car park is never empty
- No guarantee deliveries would be outside of peak hours
- Improvements to the public house facilities will also increase traffic and parking need
- Parking surveys were carried out on a Tuesday and Wednesday, not peak times
- Additional staff parking will be required
- There is already parking pressure in the area when the pub holds an event,
- Loss of green space, including pub garden
- Additional parking affecting the local bus route and access for emergency vehicles
- Additional noise and disturbance with the plant and machinery,
- The proposed structure is much greater in footprint than the Mile oak Inn and is totally out of keeping with its surrounds
- The development would be out of scale and harmful to the character appearance of the surrounding area,
- The development appears crammed in and would be an eyesore
- A blot on the Downs on the edge of the National Park
- Concern over litter, anti-social behaviour and the sale of alcohol
- The development of the flats next door with no onsite parking has already resulted in parking problems
- Disruption from building works
- The relocation of the storage and refuse area will offer little reduction in noise pollution, vermin activity and disturbance
- Impact of storage and refuse area on quality of life at 1 Oakdene Crescent, being mainly used once the shop is closed after 11pm
- Additional traffic and noise harmful to residents amenity
- Loss of local shops
- Loss of community facilities at the public house

- 5.2 A petition of objection has been received with **155 signatories**. The reasons for objection are:
- The changes in the revised application are too small and unimportant to be relevant
 - The revisions give no extra thought to the local environment and community
 - The revised structure is still considerably larger than the pub itself and not in keeping with the surrounds
 - Noise, small and disturbance generated by the store and refuse area will carry in the wind
 - The existing 30 parking spaces will be reduced to 18, a 70% reduction
 - The applicant admits the shortage of parking will create problems
 - Deliveries will create access problems for emergency vehicles and customers
- 5.3 **Sixteen (16)** letters of support have been received from **321 (x2), 341, 346, 382 Mile Oak Road; 34 (x3) Beechers Road; 101 Downland Court; 66 Highdown; 49 Thornhill Rise; 43 Broomfield Drive; 66 Highdown; 93 The Crescent; Flat at Mile Oak Inn, and Mile Oak Inn**. The reasons for support are:
- The proposed shop would provide a better alternative to expensive existing local stores
 - There is no supermarket in walking distance to buy fresh goods
 - Increased employment
 - It will safeguard the future of the pub which is a focal point of the community
- 5.4 The landlord of the Mile Oak Inn public house has submitted an excel spreadsheet with a list of **169 addresses** in support of the scheme.
- 5.5 **Sussex Police: Comment**
Sussex Police raise concern over the numbers of parking bays and proposed deliveries, with the main retail delivery resulting in the loss of four parking bays and for around an hour and potentially blocking visitors vehicles access to the store.

Internal:

- 5.6 **Planning Policy No objection**
This is a resubmission of a previous application (BH2014/04148) for a similar development on the same site, which was refused in June 2015 for four reasons, none of which were policy related.
- 5.7 City Plan Policy CP4 relates to retail provision and states that applications for new edge and out of centre retail development will be required to address the tests set out in national policy, i.e. the NPPF and National Planning Policy Guidance (NPPG).
- 5.8 In line with the NPPF, para 24, the applicant has undertaken a sequential site assessment, however this was produced to support the previous application and dates from December 2014. The case officer has re-visited these parades

and has established that there remain no suitable vacant units at the present time. No concerns are therefore raised in relation to Policy CP4 and national policy.

5.9 Environmental Health No objection

The applicant has submitted an acoustic report which states that noise control measures may be required to achieve the levels identified by the report and it will be necessary to review plant selection. New plant will need separate planning consent and the applicant should ensure that it complies with the standard of 5dB below the background level as identified in the acoustic report.

5.10 All deliveries will occur during normal opening hours, primarily during the morning, and will, typically, comprise a general grocery delivery on weekdays and Saturday, frozen food deliveries on two days and smaller deliveries (fresh food, milk, bread and newspapers) on each day of the week. Deliveries are proposed between 7:00am and 6:00pm.

5.11 Sustainable Transport Team: No objection

The Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and that the applicant enters into a S106 agreement to contribute £21,250 towards sustainable transport measures in the local area.

5.12 Servicing & Deliveries (including goods & people pick up / drop off)

Deliveries to the store would occur from the existing pub car park. The applicant states that the delivery vehicle would enter the site from the northern access and exit via the southern access. Due to the nature of the road network this is not the most direct route to the site and does result in additional vehicle mileage. The applicant has stated that the store expects one main delivery per day. There will also be other deliveries of bread, milk and newspapers.

5.13 In order to ensure a vehicle can safely access the site the applicant has undertaken a swept path analysis of a 12m delivery vehicle entering the site and leaving again. The swept path demonstrates that a delivery vehicle can access the site. However, the swept path is undertaken on the basis that there are no vehicles parked opposite the site access on Mile Oak Road. If vehicles were parked on Mile Oak Road opposite the site access just to the south of the bus stop it would inhibit delivery access to the site. In order to ensure safe access to the site the Highway Authority would look for the applicant to fund the necessary TRO to implement Double Yellow Line parking restrictions opposite the northern site access.

5.14 The Highway Authority would also recommend that the need to produce a Delivery & Servicing Management

5.15 Vehicular Access

The site is to be served by the existing access points onto Mile Oak Road. The applicant is proposing minor adjustments including the provision of dropped kerbs and tactile paving at both the southern and northern access points. The Highway Authority has no objections to the proposed vehicular access

arrangements and these amendments should be secured via Grampian condition.

5.16 Car Parking

The applicant is proposing a total of 18 car parking spaces (1 of which is for the sole use of Blue Badge holders) to serve both the existing public house and retail unit. Currently the site has 20 marked bays but there is the potential for some informal parking outside of formal marked bays.

5.17 SPG04 states that the maximum car parking standard for an A1 retail use outside of a CPZ is 1 space per 30m² of gross floor space plus 1 car space per 3 staff. For this retail development of 345m² the maximum car parking standard is 14 spaces. While for the public house (264m²) the maximum car parking standard in SPG04 is 1 car parking space per 5m² of public area plus 1 car parking space per 2 full time staff members. Therefore the proposed level of car parking is in line with the maximum standards.

5.18 A similar application (BH2014/04148) was previously refused for the following reason:

“The lack of an assessment of parking accumulation from both the existing pub and proposed retail use, together with the fact that no on-street parking survey has been undertaken, has meant that the applicant has failed to demonstrate that the proposed development will not have a material negative impact upon road safety and parking amenity in the local area. The proposals have therefore failed to demonstrate compliance with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.”

5.19 In order to address this reason for refusal the applicant has commissioned two separate weekday on-street parking surveys in the local area which are broadly in line with the Lambeth Parking Survey Methodology but have been tailored to suit the proposed retail land use. The surveys were undertaken on two separate weekdays between 15.30 and 21.30 hours and covered a walk distance of 200m. The survey demonstrated that even during times of maximum on-street parking demand (21.30 on both days) there were still approximately 100 available spaces in the survey area.

5.20 The applicant acknowledges that if cars parked on both sides of the carriageway it would be reduced down to an extent that two cars could not pass. This adds further weight to the need for the developer to fund double yellow line parking restrictions on Mile Oak Road outside the site.

5.21 In order to assess the likely overspill car parking a survey has been undertaken of the existing demand for the pub car park. The existing demand has been added to the parking accumulation for a convenience store to forecast the likely demand for parking should the pub and convenience store both be operational. The proposals provide 18 on-site car parking spaces however the highest forecast parking demand is for 22 vehicles at 19.00. This would lead to overspill parking of approximately 4 vehicles. Given the availability of parking in the vicinity of the site the Highway Authority does not consider this level of overspill car parking to be significant nor warrant a reason for refusal.

- 5.22 The Highway Authority would however seek a contribution from the applicant to implement double yellow line restrictions on Mile Oak Road in front of the site to prevent vehicles parking on the western side of the road.
- 5.23 Trip Generation/Highway Impact
The applicant has interrogated the industry standard software package TRICS to forecast the likely trips associated with the existing public house and proposed retail store. It is noted that the Highway Authority did not recommend a reason for refusal on the basis of the forecast trip generation for the previous application (BH2014/04148).
- 5.24 Based on the survey findings from the TRICS database the applicant forecasts that for a store of this size (345m²) the daily two way vehicle trips could be 728. Whilst the daily total person trips forecast to be associated with this development could be 2808 trips. The transport consultant has also obtained customer interview survey data from two local stores in Surrey. This recorded the proportion of trips based on the nature of the shopping trip. These were allocated as daily items, top up shopping and main food shop. This provides an indication as to the type of shopping trip likely to be associated with the retail store. The TRICS database has then been used to forecast the likely modal split and then these modal splits have been applied to the type of shopping trip (daily items, top up shop and main shop). This provides an indication of the type of shopping trip and how many trips for each mode will take place.
- 5.25 The applicant then concludes that as the shopping facility is a local convenience store for local residents the majority of the trips will already have been occurring in the area and will therefore already be on the transport network. The applicant discounts various trips by type of shop and mode and considers that only main shop vehicle trips would add new trips onto the network and that all other trips currently occur on the network.
- 5.26 The Highway Authority acknowledges that a proportion of the trips would already be taking place on the transport network and not all trips would be newly created trips. The proportion of newly created trips could be higher than forecast by the applicant. It is also noted that the new store will have a localised increased impact as people divert from one area of the network to travel to this new store. It is also noted that there are deficiencies in the existing pedestrian network.
- 5.27 There are existing deficiencies in the local pedestrian network. Several crossing points have full height kerbs and no tactile paving. As the proposed store is a local facility serving the residential areas in the immediate vicinity there is likely to be a large proportion of walking trips to be associated with the store. If the Local Planning Authority are minded to grant this application the Highway Authority would recommend that a S106 agreement is entered into requiring a contribution of £21,250 towards pedestrian and public transport improvements in the local area.

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:
- 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 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP4 Retail provision
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP11 Flood risk
- CP12 Urban design

Brighton & Hove Local Plan (retained policies 2016):

- TR7 Safe development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- QD5 Design – street frontage
- QD14 Extensions and alterations
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- HO20 Retention of community facilities

Supplementary Planning Guidance

SPGBH4 Parking Standards

Supplementary Planning Document

SPD03 Construction and Demolition Waste

SDP06 Trees and Development Sites

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the formation of the retail unit in terms of planning policy, the impact of the proposed development on the existing use in terms of the viability of the public house as a community facility, the design and scale of the external works, the impact of the development on the amenity of neighbouring occupiers, as well as the impact of the development in terms of traffic and transport and impact on the infrastructure.
- 8.2 **Planning Policy:**
The application site sits outside of the designated shopping centres of the city, and does not sit within a local parade. City Plan Policy CP4 relates to retail provision and states that applications for new edge and out of centre retail development will be required to address the tests set out in national policy (the NPPF and National Planning Policy Guidance). National planning policy sets out that a sequential site assessment should be undertaken but an impact assessment is not required for proposals under 2,500sqm unless the local authority have their own locally set thresholds. The City Plan Part 1 policy CP4 sets out a locally set threshold for 1,000 sqm for the requirement of a retail impact assessment.
- 8.3 In line with the NPPF, para 24, the applicant has undertaken a sequential site assessment, however this was produced to support the previous application and dates from December 2014.
- 8.4 The scope of the assessment carried out to support the previous scheme was considered to be 'proportionate and appropriate for the given proposal' in line with Paragraph 10 of the NPPG. It assessed whether there were any available units within small parades in the 1000m catchment area agreed during pre-application advice. These parades are on Mile Oak Road (directly opposite the application site), Graham Avenue and Valley Road. From the site visit only one unit within these parades was vacant (on Graham Avenue) however the small size of the unit is not comparable to the size of the retail unit sought under this application. As such it remains that there are no suitable sequentially preferred vacant units in the vicinity of the site, and policy CP4 has been satisfied accordingly. The principle of placing a retail unit on the site is therefore accepted.
- 8.5 **Impact on the existing use of the site**
The existing public house has function room facilities which are to be retained as part of the proposals, along with the public house itself. Accordingly it is not considered that the proposed development would result in the loss of community facilities, in accordance with policy HO20 of the Brighton & Hove Local Plan. Concerns regarding the loss an area of pub garden have been noted however an

adequate garden area would be retained and it is not considered that a reduction in the size of the garden would affect the viability of the public house. The applicants have identified that the proposal would support the continued viability of the existing public house however in the absence of any further detail this carries little weight in the determination of the application

8.6 Design and Appearance:

The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

8.7 The area surrounding the site is residential in character, comprising largely terraced, semi-detached and detached houses and bungalows set in regular plots. The application site forms a two storey public house set on a large corner plot, recessed from the general building line to Mile Oak Road. The public house is of a traditional pitch roofed appearance, with a distinctive symmetrical form. The main frontage to Mile Oak Road is dominated by a hardstanding which formally caters for 18 parking bays accessed via two separate entranceways. A large garden sits to the north side and rear. Immediately adjacent to the south is a modern three storey block of flats which departs from the general suburban character of the street.

8.8 As before, the proposed retail unit would be set in a side extension to the north side of the public house, extending along the Oakdene Crescent site frontage. The extension has been revised in a number of ways that, although each relatively minor, cumulatively allow the addition to sit more comfortably adjacent to the public house and within the wider street scene compared to the previous scheme.

8.9 The extension has been reduced in length along Oakdene Crescent from 28m to 24.8m and set back from the street by an additional 1.3m so it now broadly aligns with the adjacent bungalows to the street. This setback and building length, although still large by comparison, would better respect the general character and layout of the street, with space to the front to allow for planting to help screen and reduce the impact of this flank elevation. The flank elevation would be punctuated by traditional windows that mirror those to the public house. To avoid an unduly blank, inactive and defensive elevation a condition is recommended requiring these windows to be unobscured at all times. This, in combination with the setback and planting, should ensure the large flank elevation does not unduly dominate or otherwise harm the appearance of the street. Final details of the landscaping would be secured by condition.

8.10 To the front, the extension would replicate the scale and materials to the public house without dominating its symmetrical two storey form. The form of the extension has been part separated from the main building to help achieve this. Large windows and doors would be set to this elevation providing a clear legibility

into the retail unit. Again, to avoid large graphics or shelving disrupting these windows, a condition is attached to ensure they remain unobstructed at all times.

8.11 Whilst the alterations to the extension are not necessarily considerable, the reduction in depth and setback, and improved articulation, is such that no significant harm is now identified. The extended building, already a departure from the general scale and tighter urban grain that characterises the wider area, would retain good sized space to the front, side and rear and a sense of spaciousness in the plot would remain, with planting to help soften the appearance further. Accordingly the proposal is considered to better respect the appearance of the site and layout and form of the wider area in accordance with policy CP12 of the City Plan Part One.

8.12 Impact on amenity

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.

8.13 The previous application was refused in part owing to the intensive use of the site and its proximity to 1 Oakdene Crescent having an adverse impact on the amenities of adjacent occupiers. Particular concern was raised at the proximity of the external refuse area to 1 Oakdene Crescent. This application has reduced the size of the retail unit and increased the separation of the refuse area from the site boundary by 1.8m. The refuse area would now sit 5.8m from the side elevation of 1 Oakdene Crescent and also be of a reduced size from the previous scheme. As previous, it is not considered that this area would impact on light and outlook to 1 Oakdene Crescent given its separation, position on lower ground level, and the extensive solid and vegetated boundary treatments between. This screening would also help to reduce noise from use of the refuse area.

8.14 The application confirms that deliveries would be carried out from the car park at the front of the site, with only refuse collections being carried out from the rear part of the site fronting Oakdene Crescent. This arrangement is secured by condition, with a further condition limiting use of the refuse area. Subject to these conditions it is not considered that the refuse area would result in significant harm to the amenities of adjacent occupiers, in particular those at 1 Oakdene Crescent.

8.15 In terms of general traffic movements and deliveries at the front of the site, it is not considered that such activity on a main street frontage would be unduly intensive or harmful to the amenities of adjacent occupiers compared to the existing situation. Similarly use of the site from 7am to 11pm seven days a week would not introduce a level of activity that would unduly impact on neighbouring occupiers given the position of the retail unit's entrance and the similar evening opening hours to the adjacent public house. This view is supported by the Noise Assessment submitted with the application, which concludes that a noise impact, including that intermittently from deliveries, would be within the existing ambient traffic levels and would not result in a significant noise impact on nearby dwellings. The Report identifies that plant can be reasonably accommodated without disturbance to neighbouring residents, however this is subject to final

details of external location etc. As no details of plant units and location have been provided, this would need to be addressed under a separate application for planning permission.

- 8.16 Subject to the recommended conditions it is now considered that the proposed retail unit would not result in significant amenity harm to neighbouring occupiers, subject to the recommended conditions.

8.17 Sustainable Transport:

Parking demand

The public house as existing provides 20 formal parking spaces for patrons, plus additional informal parking, all accessed from Mile Oak Road. The proposal would reduce parking at the site to 18 formal bays for use by patrons of both the public house and retail unit. Access would remain via the two entranceways fronting Mile Oak Road. Delivery vehicles would use the main car park to park and offload.

- 8.18 The surrounding area is characterised by heavy levels of street parking during the day and evening, with street car parking along the eastern side of Mile Oak Road reducing the road to effectively a single carriageway. Whilst many of the properties on Mile Oak Road have on-site parking, a large proportion of those on Oakdene Crescent and Oakdene Close do not and rely on street parking. A significant number of the representations received raise concern at the levels of overspill parking that will occur and the associated impacts on highway safety.

- 8.19 The previous application was refused in part owing to a lack of detail within the Transport Statement in terms of parking surveys and the cumulative parking and highways impact of both the new retail unit and existing public house.

- 8.20 A new Transport Statement has been submitted that now includes parking surveys and an assessment of the cumulative impact of both the retail and public house uses. As detailed in paragraphs 5.11-5.23 above, Sustainable Transport officers have assessed the new data and consider that any overspill parking during peak evening demand would not be significant, calculated to be 4 vehicles in an area surveyed to have approximately 100 available on street spaces in a 200m radius. To ensure that no overspill parking occurs directly outside the site blocking the carriageway, double yellow lines are requested to be installed fronting the site on the western side of Mile Oak Road.

8.21 Deliveries

In terms of deliveries, the Transport Statement identifies that there would be one main delivery per day of up to one hour, with additional minor deliveries of goods such as bread, milk and newspapers. All deliveries would be undertaken at the front of the store.

- 8.22 A swept path analysis for a 12m delivery vehicle (likely to be the main daily delivery vehicle) has been submitted, showing how the vehicle would arrive from the north, manoeuvre and park within the car park, and exit to the south. Whilst the swept path shows a relative ease of access, it is noted that this does not take into consideration the vehicles parked onstreet opposite the site, which would

inhibit access for the delivery vehicle and consequently cause highway blockage. To overcome this Sustainable Transport officers recommend that the applicant fund the placing of double yellow lines opposite the accesses on the eastern side of Mile Oak Road, as well as double yellow lines directly outside the site. These double yellow lines would ensure that the carriageway is not overcrowded by parked vehicles, thereby improving both the existing situation as highlighted by residents, as well as ensuring delivery vehicles can access and exit the site in a safe manner. The placing of the eastern double yellow lines would be carefully managed to take into consideration the parking needs of those dwellings opposite the site who do not have their own onsite parking.

8.23 Pedestrian network

Sustainable Transport officers have identified a number of deficiencies in the local pedestrian network. Given that the development would service the local community, increased pedestrian movements are likely therefore a contribution of £21,250 is sought to install dropped kerbs and tactile paving at key junctions in the local area. This is secured in the s106 heads of terms. Subject to this contribution and the recommended conditions, the proposal would not result in significant harm to parking demand and highway safety in the wider area, in accordance with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

8.24 Sustainability:

The proposed retail unit would have a total internal floor area of 345sqm therefore in accordance with policy CP8 of the City plan Part One, a condition is applied to ensure the development meets BREEAM 'very good'.

8.25 Other Considerations:

There has been some concern from residents regarding the impact of a new retail unit on the existing retail store on Mile Oak Road. Whilst the vitality of existing shopping areas is a material planning consideration, the competition between individual stores is not a matter which can be taken in to account. Discussion on the impact of the development on existing retail provision as a whole is discussed in the policy section of this report and deemed acceptable.

9 CONCLUSION

- 9.1 The proposed retail unit and associated extension to the public house are considered acceptable in policy and design terms and subject to conditions would not result in significant harm to the appearance of the site, amenities of adjacent occupiers and to parking capacity or highway safety, in accordance with development plan policies.

10 EQUALITIES

- 10.1 The retail unit would have a level threshold.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- £21,250 towards sustainable transport infrastructure in the vicinity of the site and the provision of double yellow lines along the eastern and western sides of Mile Oak Road fronting the site

11.2 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
Location plan and block plan	102	B	17/12/2015
Proposed Site plan	103	F	17/12/2015
Proposed elevations and street scene	104	D	17/12/2015
Proposed ground floor plan	105	G	17/12/2015

- (3) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
- (4) The retail unit hereby permitted shall not be open to customers except between the hours of 07:00 and 23:00 on Mondays to Sundays, including Bank or Public Holidays. No other activity within the site shall take place between the hours of 23.30 and 06.30 daily.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- (5) No servicing (i.e. deliveries to or from either premises) shall occur to the retail unit except between the hours of 07.00 and 18.00 Monday to Sundays (including Bank or Public Holidays).
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.
- (6) All deliveries to the retail unit hereby permitted shall take place within the public car park fronting Mile Oak Road using the service door to the

front of the extension hereby permitted, and shall at no time take place from the public highway. No deliveries shall be carried out at the rear of the building.

Reason: To safeguard pedestrian, bicycle and highway safety and the amenities of adjacent occupiers in accordance with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- (7) No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To ensure a satisfactory provision of onsite parking, to safeguard the amenities of the occupiers of adjoining properties and to comply with policies TR7, SU10 and QD27 of the Brighton & Hove Local Plan.

- (8) All new hard surfaces to the access and parking areas shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with CP11 of the City Plan Part One.

- (9) All windows to the Mile Oak Road and Oakdene Crescent elevations within the extension hereby permitted shall be fitted with clear glazing which thereafter shall be retained and kept unobstructed at all times.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

11.3 Pre-Occupation Conditions:

- (10) Prior to first occupation of the retail unit hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) details of all hard surfacing;
- b) details of all boundary treatments;
- c) details of all proposed planting, including numbers and species of plant, details of size and planting method of any trees, and
- d) details of all measures to protect all trees and vegetation to be retained within or immediately adjacent to the site throughout the duration of construction works.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One..

- (11) The cycle parking detailed on drawing no.103 rev.F received on 17 December 2015 shall comprise Sheffield stands unless an alternative means of securely locking bicycles has been submitted to and approved in writing by the Local Planning Authority. The stands shall be installed prior to the first occupation of the retail unit 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.

- (12) Prior to the first occupation of the retail unit hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries to both the retail unit and public house shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan.

- (13) Notwithstanding the submitted plans, prior to first occupation of the retail unit hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include 1.2m clear zones to either side of each bay, shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled occupants, staff and visitors to the site and to comply with policy TR18 of the Brighton & Hove Local Plan and SPG4.

- (14) Unless otherwise agreed in writing by the Local Planning Authority, the retail unit hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the retail unit built has achieved a minimum BREEAM New Construction rating of 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy CP8 of the City Plan Part One.

- (15) The amended vehicle crossover on Mile Oak Road and proposed dropped kerbs and tactile paving at both the northern and southern site access points on Mile Oak Road as detailed on drawing no.103 rev.F received on 17 December 2015 shall be constructed prior to the first occupation of the retail unit hereby permitted.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- (16) The retail unit hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

11.4 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. 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 proposed retail unit and associated extension to the public house are considered acceptable in policy and design terms and subject to conditions would not result in significant harm to the appearance of the site, amenities of adjacent occupiers and to parking capacity or highway safety, in accordance with development plan policies.
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.
4. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing

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street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.

5. The applicant is advised that a separate application for planning permission will be required for all external plant associated with the new retail unit and the kitchen to the public house.