

<u>No:</u>	BH2023/02441	<u>Ward:</u>	West Hill & North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Hare And Hounds 75 London Road Brighton BN1 4JF		
<u>Proposal:</u>	Creation of roof terrace within existing span of roof and construction of new pitched roof section on above south-east elevation, new door opening at ground floor level to provide level access to outdoor space and reconfiguration of public space and managers flat at first floor level.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	04.09.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	30.10.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	28.02.2024
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Chris Bloomfield C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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
Location Plan	22-73-01		4 September 2023
Proposed Drawing	22-73-22	A	4 September 2023
Proposed Drawing	22-73-15	C	16 November 2023
Proposed Drawing	22-73-16	B	4 September 2023
Proposed Drawing	22-73-17	C SCREEN RE-LO	1 November 2023
Proposed Drawing	22-73-18	C	16 November 2023
Proposed Drawing	22-73-19	A	4 September 2023
Proposed Drawing	22-73-20	A	4 September 2023
Proposed Drawing	22-73-21	A	4 September 2023
Proposed Drawing	22-73-22	A	4 September 2023
Proposed Drawing	22-73-23	B	1 November 2023
Report/Statement	Acoustic report	1174.001R.3.0JP	20 November 2023

2. 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.
3. Prior to first use of the roof terrace, details of secure cycle parking facilities for the employees of the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities 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 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 DM33 of the Brighton & Hove City Plan Part Two.
4. The roof terrace hereby permitted shall not be used except between the hours of 11:00 and 22:00 on Mondays to Fridays, 10.00 to 23.00 on Saturdays and 10.00 and 22.00 on Sundays, including Bank or Public Holidays. No maintenance or cleaning should be carried out between the hours of 23.00 and 09.00 on any day.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part Two.
5. Prior to first use of the roof terrace hereby permitted, the works shown on the approved ground floor plan (ref. 23-73-15 rev C) to provide a level access to the outside courtyard and adaptations to the booths to provide wheelchair accessibility shall be implemented in full and maintained thereafter.
Reason: To improve accessibility of the ground floor seating area and enable all patrons to have a choice of inside and outside spaces at the premises
6. No background music shall be played in the roof terrace outside area at any time and no events, live music or use of a PA system (or similar device) shall be undertaken in the roof terrace at any time.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part Two.
7. The roof terrace hereby approved shall not be first brought into use until a management plan for its operation and supervision of roof terrace users is submitted to and approved in writing by the Local Planning Authority. The management plan should specify how premises management will ensure that noise is kept to a minimum through regular checks and robust procedures to deal with any patrons not complying with management requests to keep noise to a minimum. Once approved, the management plan, should be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part Two.
8. The development hereby permitted shall incorporate at least three (3) swift boxes within the external walls of the development and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and

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 premises management should ensure that once the revised layout is in effect there is clear and functional signage directing patrons to the toilets on the first floor. An additional sign is recommended for the accessible toilet door to remind patrons of the toilets at first floor.
3. Where asbestos is found/suspected on site, it will fall under the Control of Asbestos Regulations 2012, overseen by the Health and Safety Executive. Further information can be found here: HSE: Asbestos - health and safety in the workplace.
4. To be in line with Policy DM33 of the City Plan cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Local Highway Authority's preference is for a purpose-built secure cycle store (e.g., Tri-metal). Alternatively stores such as sheds made from other materials such as wood must be covered and include a concrete base with Sheffield type stands to ensure the main frame of the bicycle can be securely stored. All must be spaced in line with the guidance contained within the Manual for Streets section 8.2.22
5. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.

2. SITE LOCATION

- 2.1. The application site is the Hare and Hounds Public House at 75 London Road. The pub is located on the Preston Circus junction with elevations fronting London Road to the south-west and Viaduct Road to the north. The building is two storeys in height with a pitched roof over, and is roughly triangular in shape, expanding to the rear (south-east) of the site. It has a significant presence at the junction owing to its prominent location and the size of the building and makes a positive contribution to the visual character of both London Road and

Viaduct Road. There is a large rooflight serving the events space on the first floor.

- 2.2. The application site is not a listed building and does not lie within a conservation area but there are listed and locally listed buildings sited in close proximity to the north of Preston Circus. The site does fall within the London Road Local Centre.

3. RELEVANT HISTORY

- 3.1. No relevant history at the application site. However the below application is of note and is nearby to the application site:

- 3.2. **BH2022/01194 (2 Preston Road, currently operating as 'The Joker')** - Creation of roof terrace to provide additional seating area at rear of existing public house (Sui Generis) with associated roof alterations incorporating glass balustrade, fencing and replacement of existing fire escape steps with metal staircase with associated works. Approved 05.10.2022

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for the creation of a roof terrace within an existing span of roof and the construction of a new pitched roof section above the south-east elevation fronting Viaduct Road. A new door opening is also proposed at ground floor level to provide level access to the existing outdoor space which would be reconfigured to improve accessibility, as well as the reconfiguration of the manager's flat at first floor level to allow space to provide stairs to the roof terrace.
- 4.2. The scheme was amended during the life of the application to ensure that the design of the roof terrace was acceptable. An updated acoustic report has also been provided which reflects the new design, this version is the one considered in this recommendation.

5. REPRESENTATIONS

- 5.1. Representations from seven (7) individuals/groups have been received, including one from the Brighton Access and Disability Everywhere group (BADGE) objecting to the proposed development for the following reasons:
- Detrimental effect on property value
 - Increased noise and disturbance for adjacent and nearby neighbours
 - Overdevelopment of the existing pub-
 - Concerns raised with the robustness of the Acoustic report and no guarantees that sound mitigation measures will work.
 - Proposed capacity of roof terrace at 240 people is too many.
 - Potential for overlooking and loss of privacy
 - Increased height will result in loss of light / overshadowing to neighbouring properties,

- No disabled access to proposed terrace and only one disabled toilet on the ground floor,
- Concern with the scale and design of the proposal,
- The outside area is underused as existing and the extra capacity is not needed,
- Concern that the 'non-smoking' for the terrace will not be enforced,
- Current operation and management of the venue is poor.
- Concern about with the proposals meet building and fire regulations,
- Existing noise from property is already a concern,

6. CONSULTATIONS

Internal:

6.1. **Environmental Health:** No objection

Environmental Health Officers have reviewed the updated acoustic report submitted and agree with its conclusions. The recommended mitigation should be secured by condition, namely external area to close by 2300, signage to be displayed requesting that patrons respect residents and keep noise to a minimum, regular checks of external area by management, including asking those not complying with management request to minimise noise to leave, and music to be only low level background, kept to a minimum at all times.

6.2. **Sustainable Transport:** No objection

The transport officer notes that the proposals are likely to lead to a significant increase in person trips to and from the premises. However this is not considered to warrant refusal because they are linked to the existing location. A need for cycle parking has been identified (3 spaces) and details have been requested via condition. No objection is raised to the new fire exit onto Viaduct Road. The accessibility amendments are welcomed.

External:

6.3. **Sussex Police:** Comment

Sussex Police have reviewed the amended plans and repeat their suggestion that hours of trading are conditions and that a management plan is sought.

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 JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP6	Visitor accommodation
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
DA4	New England Quarter and London Road Area

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM12	Primary, Secondary and Local Centre Shopping Frontages
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the creation of a roof terrace and the other works in terms of the design and appearance and impacts on neighbouring occupiers.

Principle of the Development:

- 9.2. Policy DM10 gives protection to public houses against redevelopment or the change of use to other uses. This policy is grounded in the recognition of the community function they can offer.

- 9.3. The proposed works would increase the usable floor area of the pub and provide an expanded outside seating area, increasing the viability and vitality of the pub, according with policy support for the retention of public houses in the city.

Design and Appearance:

- 9.4. As submitted the conversion of the roof into a roof terrace included a bulky acoustic fence on the south-eastern elevation. This was considered to be of poor design that would have been visible from London Road and would have detracted from the appearance and character of the building and the wider surrounding area.
- 9.5. In response to the concerns raised the design was amended. The proposed acoustic fence was removed from the proposal and a 'dummy' roof section is now proposed. Visually this would continue the pitched appearance of the existing roof across the south eastern elevation, providing acoustic protection with an appearance that is more sympathetic to the existing building. It would relate better to the rest of the building and match the detailing of the existing roof, with matching materials and retention of existing chimneys. The staircase enclosures on either side of the 'dummy' roof would be lead clad.
- 9.6. The proposed seating on the south eastern elevation of the roof terrace has slightly reduced in depth as part of the amended scheme and is set slightly within the new dummy roof that is now proposed.
- 9.7. At ground floor, near the London Road entrance to the pub, the small ground floor window in the south-east elevation would be replaced with a larger opening to accommodate double doors. These double doors provide an accessible entry point for all to the ground floor area. The impact on the character of the area of this slight change is considered minimal and acceptable.
- 9.8. Overall, the proposal is acceptable in design terms and would not detract from the appearance and character of the existing public house and or the wider surrounding area, in accordance with policies DM18 and DM21 of the City Plan Part Two.
- 9.9. On the whole, the amended design with additional roof form to match the existing roof would deliver a greater design finish which would not detract from the appearance of the building or of it within the wider context of the London Road area.

Impact on Amenity:

- 9.10. Policy DM20 of the City Plan Part Two states that planning permission for development will not be granted where it would cause unacceptable loss of amenity to the existing or proposed adjacent or nearby users, residents or occupiers.
- 9.11. The key consideration is therefore whether the proposed roof terrace would result in noise and disturbance to neighbouring properties. It is noted that the pub currently has a beer garden at ground floor level on the south eastern boundary which abuts residential properties.

- 9.12. The proposed terrace would be sited further away from neighbouring properties than the existing amenity space and would be set within the amended roof form.
- 9.13. The applicant has provided an acoustic report which sets out that noise levels at the boundary of the site will only show a very minimal increase (1Db) over existing background noise levels.
- 9.14. The proposal has been reviewed by Environmental Health who found the acoustic report acceptable and they support the scheme subject to the inclusion of conditions which ensure that the operation of the roof terrace is in accordance with the noise mitigation measures set out in section 6.4 of the acoustic report.
- 9.15. In respect of the physical creation of the roof terrace, the proposed roof is hipped away and has sufficient separation from the adjoining residents to the south east to ensure that there would be no significant loss of light, overshadowing or an overbearing or enclosing impact. The terrace would be set within the roof space and there would be no opportunity for any overlooking or loss of privacy to adjoining residents.
- 9.16. Sussex Police have not objected subject to conditions attached to secure hours of use and a management plan.
- 9.17. Subject to the proposed conditions discussed above the proposals would be in accordance with the development plan and have an acceptable impact on neighbouring amenity.

Standard of Accommodation

- 9.18. At first floor the application proposes to alter the layout to remove the ancillary pub spaces (store and office) and reduce the size of the existing management residential flat from three-bedrooms to two-bedrooms.
- 9.19. The existing events space at first floor, with bar area would be unaffected by the proposed layout changes at first floor. A new opening will be created internally to facilitated the flow of patrons between the staircases.
- 9.20. The reconfigured management flat would be a two-bedroom, four-person dwelling over a single storey. It would have an overall floor area of 96.66sqm which is above the 70sqm minimum indicated in NDSS which were adopted through CPP2 Policy DM1. The two bedrooms are large enough for double occupancy and meet the minimum width requirements. The layout, although smaller, would retain a similar character to the existing layout with separate kitchen/dining (20.42sqm) and living (16.5sqm) spaces with adequate circulation space. All habitable rooms would have windows for outlook ventilation and light. While it is regrettable that the bathroom would have no windows so would require mechanical ventilation, this is considered acceptable.
- 9.21. It is noted that the existing flat does not have private outdoor amenity space. This would remain the case following any reconfiguration so is not considered reasonable to refuse the application.

- 9.22. Overall, the reconfigured manager's flat would accord with policy DM1 of the City Plan Part Two and is considered acceptable in terms of the standard of accommodation provided.

Sustainable Transport

- 9.23. The proposals have been reviewed by the Transport Officer who has not raised any concerns that the increase in floor area would lead to a harmful impact on the locality in terms of pressure on the highway and transport networks.
- 9.24. The Transport Officer has observed that as existing there are no cycle parking opportunities on-site and that as a result of these proposals the number of staff would increase to 14. This level of staffing should be served by three secure cycle parking spaces. Details of the proposed cycle parking are secured by the recommended cycle parking condition to this application.

Accessibility

- 9.25. Internally, changes are proposed to the ground floor layout to increase accessibility by providing an accessible toilet and providing a ramp from the bar area linking with it. In addition, an accessible entrance would be created to the outside area at ground floor level, and the existing seating area outside would be adjusted to improve access for those with mobility issues, which would be secured by condition. Therefore while a lift could not be provided to the new roof terrace, accessibility to the existing facilities at ground floor level would be improved, which is considered beneficial to those reliant on wheelchairs and with other mobility issues.

Other Considerations:

- 9.26. The proposed new roof construction creates an opportunity for swift bricks to be incorporated into the new roof section in increase ecological outcomes at the site. This would be secured by condition and support the aims of CP10 of the City Plan Part One and DM37 of the City Plan Part Two.

10. EQUALITIES

- 10.1. During the determination of this application due regard has been given to the impact of this scheme in relation to the Equality Act 2010 in terms of the implications for those with protected characteristics namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication that those with any of these protected characteristics would be disadvantaged by this development.
- 10.2. As discussed above the ground floor has been subject to changes which improve access for all to the ground floor outdoor area. The stepped access has been replaced with level access and there is a route through the main bar area to get to an accessible toilet.

