

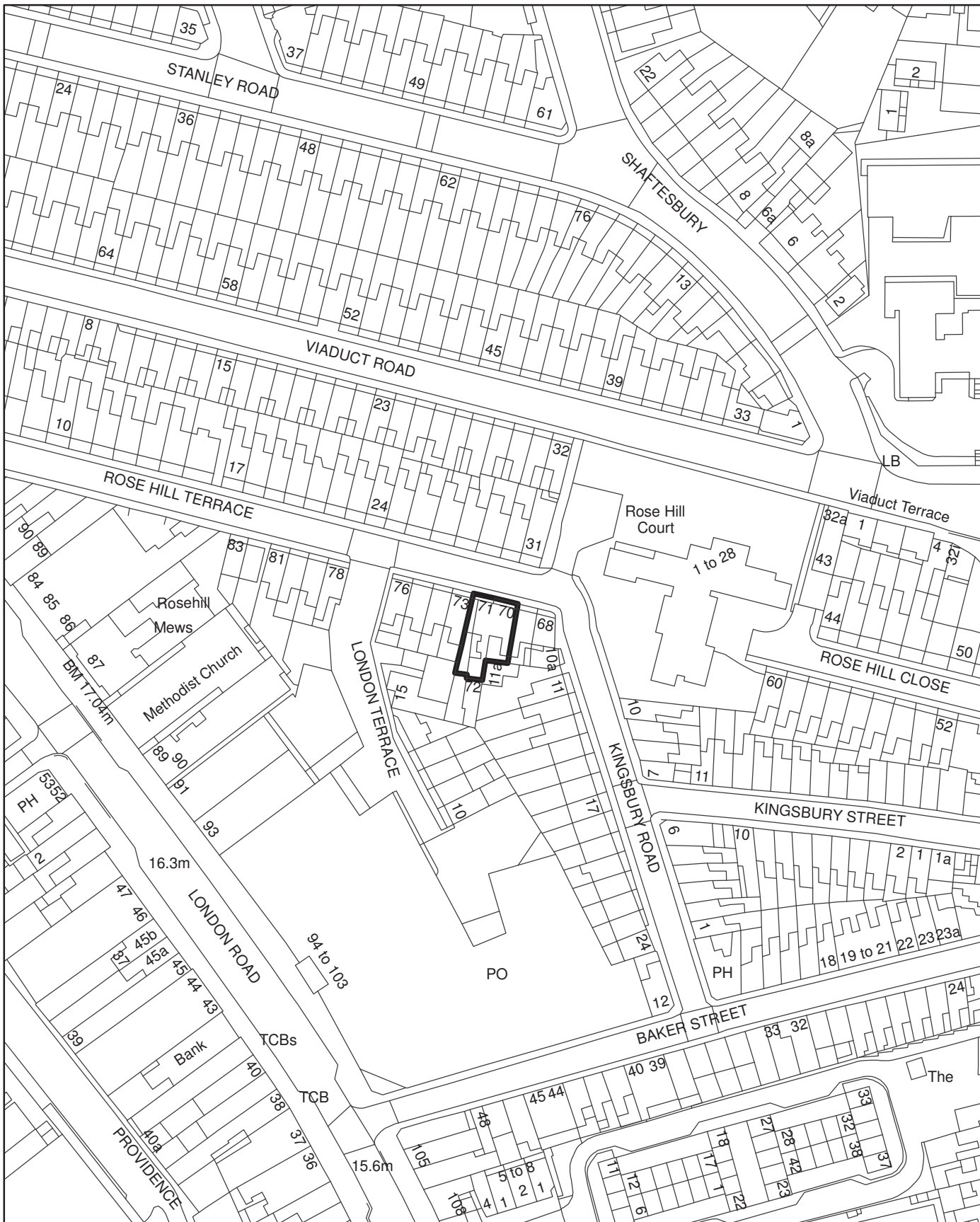
# **ITEM A**

**Rose Hill Tavern, 70-71 Rose Hill Terrace,  
Brighton**

**BH2014/03012  
Full planning**

**1 APRIL 2015**

# BH2014/03012 Rose Hill Tavern, 70-71 Rose Hill Terrace, Brighton.



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Scale: 1:1,250

<b><u>No:</u></b>	<b>BH2014/03012</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Rose Hill Tavern, 70-71 Rose Hill Terrace Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from Public House (A4) to form two residential units (C3). Reinstatement of railings and basement level window to front elevation and associated alterations.</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	17 September 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12 November 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Eskay Architects, 62 Parkside, Shoreham by Sea BN43 6HA		
<b><u>Applicant:</u></b>	Evenden Estates, Ms Joanne Harris, 14 Middleton Avenue Hove BN3 4PJ		

## **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 site relates to a public house (The Rose Hill Tavern) located to the southern side of Rose Hill Terrace. It forms part of a terrace of similar two storey rendered dwellings with canted bay windows.
- 2.2 There is a green-tiled frontage to the ground floor with two entrance doors and two stained glass windows. The building is rendered at first floor level, with non-original windows (replacing the original bay windows) and a large hanging pub sign and pitched roof with chimneys to party walls. The original lightwells to the front elevation have been covered over and railings removed. There is a modern, single storey toilet block extension to the rear.
- 2.3 The upper floors of the building have a separate entrance and form ancillary accommodation to the public house. It is noted that the commercial kitchen to the public house is located at first floor level.
- 2.4 The public house has been included on the Council's List of Assets of Community Value.
- 2.5 The property is a non-designated heritage asset.

**3 RELEVANT HISTORY**

**BH2014/93/0681/FP** - Rear extension to form games room and relocation of toilets. Approved 31 November 1993.

**4 THE APPLICATION**

4.1 Planning permission is sought for the change of use of the ground floor and basement from Public House (A4) to form two residential units (C3). Reinstatement of railings and basement level window to front elevation and associated external alterations including the insertion of patio doors, and rooflights to side and rear.

**5 PUBLICITY & CONSULTATIONS**

**External:**

5.1 **Neighbours: Twenty five (25)** representations have been received from **Save The Rose Hill Tavern Action Group, 30 Gerard Street, 47 Mehetabel Road, 13B Whippingham Road, 83 Southover Street, 109 Vale Road, 232 Burrage Road, Holly Tree Cottage Brookhill Road, 57 Stanley Road, 8 Agnes Street, 59 Connaught Avenue, 8 Carola Court Francis Street, 103 Ditchling Rise, 10 Deacons Drive, 41 Preston Road, 16 St Giles Close, 21 Anchor Field Ringmer, The Yews Lewes Road, 62 Gardner Road, 85 Kingsdown Parade Bristol, 16 Warwick Road Nottingham, 32 Belgrave Street, 42 Montpelier Street and 52 Horsted Court Kingscote Way (x2) objecting** to the proposal for the following reasons,

- the loss of an important community facility,
- the public house has been listed by CAMRA as having a historic pub interior of local importance,
- public house part of the local vernacular,
- such traditional public houses add to Brighton's unique character and the loss would have a detrimental impact on the tourist economy,
- a viability case has not been adequately demonstrated,
- the UK has lost 25% of its pub stock within the last 30 years,
- ACV registration is a material planning consideration,
- Opening of Open Market and Co-op development will provide opportunity for increased customers improving viability,
- The public house could be successfully be run as cooperative by the local community.

5.2 **No. 72 Rose Hill Terrace** has commented that they own part of the alley way to the side of the public house and state that they require access to their property via this alley at all times.

5.3 **Councillor Pete West** objects to the application. His objection is attached.

5.4 **Caroline Lucas MP** has commented that she considers that there is a strong argument for the decision to be made by the Planning Committee – thereby allowing the local community to have a greater say in the matter.

- 5.5 A representation has been received from **28 Rose Hill Terrace** supporting the application for the following reasons;
- Family has had to endure loud music, fights and foul language for a number of years,
  - There is little support from people who live in the vicinity of the building to retain the building as a public house with support for the Save the Rose Hill Tavern Action Group being from people who do not live in the immediate vicinity,
  - They were not consulted on the plans to apply for a ACV despite living opposite,
  - Proposed private residence does not fit in the with the Council's need for affordable housing.

**Internal**

**Heritage Team:**

- 5.6 The loss of this historic pub, its function and its historic interior is extremely regrettable. No assessment has been submitted on the historic, architectural and townscape significance of this non-designated heritage asset. Notwithstanding this, the retention of the pub frontage is appropriate, as this helps to maintain the building's townscape interest.
- 5.7 The reinstatement of the lightwell appears to be based on historic evidence, and has the potential to better reveal this historic feature. However, the pub frontage and lightwell would not have ever previously existed in combination. This leads to a contradiction in how the history of the building is read. It also will likely lead to a somewhat awkward junction between ground and basement level. Large scale details will be required to show an appropriate solution to this junction.
- 5.8 It is appropriate for the railings to the lightwell to exactly match those to number 68 Rose Hill Terrace. To this effect, however, it would be appropriate to also match the gate and historic examples of basement steps. It is unclear from the plans whether this is intended. This should be clarified.
- 5.9 It is proposed to 'reinstate' the window opening to the ground floor. However, the proportions of the proposed opening are not historic. It should be clarified why such a wide opening is proposed. The opening should be of traditional 'playing card' proportions. The window should be a timber hung sash window to match other surviving historic examples.
- 5.10 It is unclear what the current door is between the current enclosed lightwell and basement room. Its location suggests that this may be an original opening. Photographic information should be provided of the existing door. If the door is original, its retention would be appropriate. If the door is not original, the retention of the door opening with an appropriately designed timber door would nevertheless be appropriate.
- 5.11 It is appropriate that the 'walk-on glazing' retains the size of opening to the existing chute, as this forms an important part of the function of the pub.

- 5.12 Development of this building provides the opportunity to improve the appearance of the building; this would include the replacement of the first floor windows with more appropriate designs.

Mitigations and Conditions

- 5.13 As above.  
Historic building recording at EH level 2 (photographic survey with basic plans) should be undertaken pre-commencement. A copy of the report should be deposited with the East Sussex HER.

Revised comments relating to amended plans submitted on 7 November 2014.

- 5.14 There is still no submitted assessment of the historic, architectural and townscape significance of this non-designated heritage asset.
- 5.15 The amended plans, however, address many of the concerns regarding detail of the design.
- 5.16 It is assumed that the photograph of the door in the email is that to the basement lightwell. This appears to be the original door and therefore should be retained. If beyond repair, it would need to be replicated on an exact like for like basis. Given that the drawings give the option of either retaining or replacing the door, it is unclear how the detailing of this can be secured procedurally. Either by condition or the text may need to be amended on the drawing to identify retention of the door.
- 5.17 Should this proposal be recommended for approval, the following conditions should be applied:
- 5.18 Historic building recording at EH level 2 (photographic survey with basic plans) should be undertaken pre-commencement. A copy of the report should be deposited with the East Sussex HER.
- 5.19 Following uncovering of the lightwell, large scale details of the junction between the tiled frontage and lightwell shall be submitted and approved.
- 5.20 The railings and gates shall exactly match the detailing to number 68 Rose Hill Tavern.
- 5.21 The door and window to the basement lightwell shall be retained or replaced on an exact like for like basis (see above comment).

**Sustainable Transport:**

- 5.22 The Highway Authority has no objections to the proposals to convert the basement and ground floors of the existing A4 pub to a 3 bed flat. There would be 2 flats in total on-site.
- 5.23 The proposals are not considered to increase trip generation above existing permitted levels. The applicant is not proposing any off-street car parking spaces and couldn't due to site constraints. The Highway Authority has no objections to the proposed level of car parking. The applicant is also providing a

separate cycle store to the west of the building which further details should be secured via condition.

- 5.24 Conditions to secure cycle parking details and secure the development as car-free are recommended.

**Environmental Health:**

- 5.25 No objection subject to accordance with suggested conditions. The bedrooms of the flat above are directly above the living areas of the flat below, this may prevent sleep. The site was historically used as a laundry.
- 5.26 Suggested conditions relate to appropriate soundproofing of the building and contaminated land.

**Planning Policy:**

- 5.27 This is a balanced case between guarding against the loss of a valued community facility and meeting the city's housing requirements, albeit the provision of one residential unit.
- 5.28 Whilst the NPPF places a strong emphasis on the delivery of housing, especially where there is an absence of an identified 5 year housing supply, it also seeks "to guard against the unnecessary loss of valued facilities" (such as public houses). It is considered the facility is valued by the community (illustrated by the representations to the application and the community proposal for and subsequent inclusion on the list of Assets of Community Value).
- 5.29 It is a fine balance between the weight to place upon the social and economic benefits from the provision of one residential unit versus the weight to place upon retaining a valued community facility that lies within a development area in the emerging development plan especially when there is a lack of evidence to demonstrate policy HO20 is met. Any recommendation would require the consideration of detailed on-site matters/normal development control considerations and responses from other consultees. It is however considered, in view of the NPPF and the 'value' placed upon this facility by members of the community, further evidence should be submitted to demonstrate policy HO20 is met or an exception to policy can be justified. (It should be noted the outcome of the appeal against the inclusion of the premises on the list of Assets of Community Value could be a material consideration in due course.)

**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);

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- 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) is a material consideration.
- 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)

#### Brighton & Hove Local Plan:

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
QD14	Extensions and Alterations
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities
HE10	Buildings of local interest

#### Supplementary Planning Guidance:

SPGBH4      Parking Standards

#### Supplementary Planning Documents:



SPD08	Sustainable Building Design
SPD9	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP12	Urban Design
CP15	Heritage
DA4	New England Quarter and London Road Area
SA6	Sustainable Neighbourhoods

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use from public house to residential, the visual impact upon the building and the surrounding area, the standard of accommodation to be provided, the impact upon neighbouring amenity and transport, environmental health and sustainability issues.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.
- 8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.

### **Asset of Community Value**

- 8.4 It is noted that the building was listed, at the request of the Save the Rose Hill Tavern Action Group, as an Asset of Community Value ("ACV") under provisions contained in the Localism Act 2011. Listing as an ACV allows community interest groups to prepare and submit a bid, if they wish, should the owner of the asset decide to dispose of the asset. Whilst ultimately this listing cannot prevent the owner selling the asset to whomever they want, at whatever price they want, by providing for a moratorium on sale the legislation does offer an opportunity for community groups to make a bid for the asset.
- 8.5 Section 88 of the Localism Act sets out the tests for deciding whether a building or land is an ACV. The building or land in question has to either currently have, or "in the recent past" have had, a non-ancillary actual use that furthers or furthered "the social wellbeing or social interests of the local community". In addition, in the case of a current use the determining local authority must be of the opinion that:

- 8.6 “it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community” [s88(1) (b)]
- 8.7 In the case of a use “in the recent past” the local authority must be of the opinion that:
- 8.8 “it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.”[s88 (2)(b)]
- 8.9 The Department for Communities and Local Government has produced non-statutory guidance. The *Community Right to Bid: Non-statutory advice note for local authorities*, paragraph 2.20 sets out that,
- the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.*
- 8.10 Whilst regard must be had to the development plan in the determination of the application it is considered that in this case the fact that the building is listed as an ACV is a material planning consideration of some weight as it reasonably demonstrates that the public house provides a valued community facility within the locality and in particular a demand that those facilities should be provided on the subject site.
- 8.11 The listing as an ACV is also relevant in this particular case as change of use to residential is proposed. Residential uses are normally exempt from being listed as Assets of Community Value and therefore, if permission were to be granted and implemented this would have an impact on the extent of the current listing.

**Principle of development**

- 8.12 This proposal involves the change of use of the public house to two self contained residential units. It is noted that both the National Planning Policy Framework and the emerging City Plan indicate that public houses can be considered to be community facilities.
- 8.13 Paragraph 70 of the NPPF states,
- *To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*

- *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
- *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

8.14 Chapter SA6, Sustainable Neighbourhoods of the City Plan states,

*A sustainable community should have a reasonable range of shops, services, public houses and cafes within easy walking distance that serve day to day needs for local residents must be considered having regard to policy*

8.15 Community facilities are protected under HO20 of the Brighton and Hove Local Plan which is fully consistent with the NPPF and will not be replaced by the City Plan Part 1. HO20 states,

8.16 *'Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.*

8.17 *Exceptions may apply when:*

- a) the community use is incorporated, or replaced within a new development; or*
- b) the community use is relocated to a location which improves its accessibility to its users; or*
- c) existing nearby facilities are to be improved to accommodate the loss; or*
- d) it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*

8.18 *Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.'*

8.19 The aim of the policy is to help ensure there are sufficient community facilities to meet needs. In respect of this proposal there is a lack of evidence to demonstrate that the exceptions in the criteria have been met. Whilst other facilities are detailed in the planning statement there is no evidence to indicate they have expanded or arisen to purposely replace this facility. No information has been submitted to demonstrate that the site is not needed, either for its existing use or for other types of community use. Notwithstanding this, the site is located close to London Road and there are a large number of public houses, cafes and restaurants within the immediate vicinity which could provide similar community uses. Whilst the loss of the facilities would be regrettable,

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considering the location of the public house it is considered that the local community would still be able to adequately meet their everyday needs.

- 8.20 In some cases, often in rural / suburban areas, where there is a lack of alternative community facilities a public house would serve an important community function and the loss of such a facility could be to the detriment of the community as a whole. In the case of the application property, the public house is one of many in the locality (the applicant has identified 10 other public houses within close proximity of the application site) and the community is also well connected to the community facilities of the wider city.
- 8.21 NPPF para 70 makes clear that in order to deliver the social, recreational and cultural facilities and services which a community needs planning policies and decisions should plan positively for community facilities (which includes public houses) to enhance the sustainability of communities and residential environments. It also seeks to “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.
- 8.22 The listing of the public house as an ACV by the Council reflects the fact that it is valued within the local community. The recent listing of the property is considered to be a material planning consideration in this instance and adds some weight to the significance of the property as a valued community asset.
- 8.23 In addition, the historical use, character and appearance of the building also serves to engender a strong sense of place within the local community.
- 8.24 It is acknowledged that the public house is a valued community facility that is not directly comparable to other A3 and A4 uses within the locality in regards to their historical character and social value. It is, of course, furthermore acknowledged that the Council as determining authority under the Localism Act considered that the Rose Hill Tavern met the statutory tests under that Act that enabled the building to be listed as an ACV. Notwithstanding this, it is not considered that the loss of this use would be of significant detriment to the local population’s ability to meet their day to day needs and as such the proposal is not considered to be contrary to the general thrust of policy HO20 and an exception to policy is considered to be appropriate in this instance.
- 8.25 The applicant submitted an additional statement on 16 January 2015 outlining additional information regarding the viability of the public house. In this document trading statements from Enterprise Inns Ltd have been provided for the past 10 years, indicating the poor performance of the public house. Further information regarding the small size of the pub, its poor location with low levels of footfall, lack of commercial standard kitchen and high levels of competition within the locality add weight to the argument that the use is unviable. It is noted that marketing material from the selling agent stating that it could not be sold as a going concern has not been submitted.
- 8.26 A statement received by the Save the Rose Hill Tavern Action Group disagrees with the viability argument set out by the applicant stating that the public house

was under resourced and badly neglected and states that a community run cooperative could run a successful public house in this location, especially considering the high density of the local population which is set to grow significantly as new development comes forward.

- 8.27 Notwithstanding the viability information submitted by the applicant, the criteria within policy H20 does not specifically allow for a change of use on the basis that the existing use is demonstrated to be unviable. Whilst it does provide additional context for this proposal and some weight is attached to the viability argument it is not considered to be a significant material consideration in the determination of this application.
- 8.28 It is considered in this particular case that the loss of the public house would not be contrary to HO20, and meets exception criteria (d). The proposal is not contrary to wider objectives in policy SA6 or the NPPF.
- 8.29 As a replacement use, the proposed residential use would be in compliance with the preferred alternative uses set out in policy HO20. It is also acknowledged that the Local Planning Authority is unable to demonstrate a five year housing supply and that the proposed residential unit would contribute, albeit in a limited way, to meeting the housing needs of the city and would be in keeping with the prevailing residential character of the immediate area surrounding the site.
- 8.30 The principle of the proposal is therefore considered to be acceptable.

#### **Visual Impact**

- 8.31 To the front of the property it is proposed to uncover the existing lightwell and steps down to the basement level. There is an existing timber door and timber sliding sash window at basement level. The existing timber door will be retained whilst a replacement timber window sash window is proposed at basement level. Railings to match No.68 Rose Hill Terrace are proposed.
- 8.32 The uncovering of the basement could potentially result in an awkward junction between the retained green tiles and the rendered elevation below. The specific detailing is to be secured by an appropriate planning condition.
- 8.33 The building is an undesignated heritage asset that has recently been nominated for local listing and as such the loss of its interior and its function as a public house is regrettable. Notwithstanding this, the external tiling and detailing to the front elevation would be retained and the building would still appear as a public house when viewed from the street. The proposals would preserve the historic character and appearance of the external facade of the building and as such the wider appearance and character of the streetscape.
- 8.34 A rooflight is proposed to the flat roof of the modern addition to the rear and the also another to the pitched roof of this addition. A set of timber French doors and replacement timber windows are proposed to the west facing elevation of the building whilst another set of French doors is proposed to the rear, serving the proposed third bedroom. These proposals are considered to be relatively minor in scope, with all new openings within in the modern additions to the rear and

would not result in any significant harm to the appearance and character of the building or the wider surrounding area.

- 8.35 Full details of materials and landscaping as well as the retention of the historic front façade are to be secured with suitably worded conditions.
- 8.36 For these reasons the proposal is considered to accord with policy QD14 and HE10 of the Brighton & Hove Local Plan and the Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

**Standard of accommodation**

- 8.37 The proposal would create one, three bedroom residential unit at ground and basement level and a further three bedroom unit at first floor level and within the loft space. It is considered that the proposed ground floor and basement unit would provide an acceptable standard of accommodation with adequate space within a layout including living area, kitchen dinner, bathroom and three bedrooms at ground floor level.
- 8.38 There would be good levels of natural light and outlook from the kitchen dinner and living area. The three bedrooms would have poor levels of outlook, particularly bedroom 3, to the rear which faces out onto a blank façade whilst additionally bedroom 3 would also have relatively poor levels of natural light, though these concerns are not so significant as to warrant refusal on these grounds.
- 8.39 The basement level, particularly the westernmost space has low ceiling heights and poor natural light and outlook levels and the rooms at this level are not considered adequate for primary living accommodation, such as living rooms, bedrooms or kitchen. The applicant has indicated that these spaces would be for either study or storage and are considered to be acceptable on this basis.
- 8.40 The upper floors are currently in use as self contained ancillary residential accommodation associated with the public house. The layout of these floors would be unchanged. Whilst it is noted that the living space and the bedroom within the loft provide somewhat cramped living conditions it is acknowledged that this is an existing residential layout, albeit ancillary to the main public house with an overall floor area that would be adequate for a single residential unit and as such the proposal is considered to be acceptable in this regard.
- 8.41 Policy HO5 requires the provision of private useable amenity space in new residential development. Two areas of external space are proposed for the ground and basement floor unit, one private area to the rear of bedroom 3 and a space to the side of the property that is also required for access to No.72 Rose Hill Terrace. Whilst these spaces are fairly modest they are considered to be adequate for the proposed development which is also centrally located and close to a number of public outdoor spaces. Similarly, whilst the upper residential unit has no outdoor space it again benefits from a location close to a number of public external amenity spaces.

- 8.42 Policy HO13 requires new residential development to be built to lifetime homes standards. As a conversion of an existing building the proposal should incorporate lifetime home standards in the design wherever practicable. It is recognised that the development seeks consent for a conversion within the envelope of the existing building and therefore it might not be possible to achieve all standards. As such the details shown on the plans and indicated in the Planning Statement are acceptable in this instance.
- 8.43 To conclude, the proposed standard of accommodation is considered to be acceptable.

**Neighbouring amenity**

- 8.44 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.
- 8.45 There is not considered to be significant harm to the residential amenity currently enjoyed by adjoining properties. The footprint of the building would remain unaltered and there would not be any detrimental impact to neighbouring properties in regards to overshadowing, loss of light and outlook or an overbearing impact. The two rooflights proposed are at a high level and would not give rise to any harmful overlooking to adjoining properties. Views from the proposed window in the west facing elevation would be screened by the existing boundary wall and would not result in any loss of privacy to neighbouring occupiers.
- 8.46 It is noted that the existing public house use, if bought back into active use, has the potential to have a negative impact upon amenity by way of noise and disturbance, and that the proposed development is likely to have a reduced impact in this regard.
- 8.47 It is considered that the proposed development would not cause significant harm to neighbouring amenity. For the reasons outlined above the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

**Transport**

- 8.48 It is not considered that the proposal would result in any increase in trip generation above existing levels. The applicant is not proposing any off-street car parking spaces and this is acceptable within this location. A cycle store is proposed to the side alley to the west of the building, details of which are to be secured by condition.
- 8.49 The Sustainable Transport Team does not object to the proposal.

**Sustainability**

- 8.50 Policy SU2 and the guidance set out in SPD08 require that all new developments demonstrate efficient use of energy water and materials. It is considered that the development could accord with the requirements of this

policy and a suitable condition requiring details of such measures can be secured by the imposition of an appropriate planning condition.

**Environmental Health**

- 8.51 Council records show that the building was used for a time as a laundry before it came into use as a public house and as such there is the potential for land contamination within the building and wider site. A condition is recommended requiring a desk top study to be submitted researching and documenting any potential land contamination at the site.

**9 CONCLUSION**

- 9.1 It is acknowledged that the property is an Asset of Community Value and this fact is a material planning consideration of some weight. However, given that an exception to policy HO20 is evident and the proposal does not undermine the wider objectives of policy SA6 or the NPPF, the balance of the recommendation is considered to lie in favour of a grant of permission. The development would be of an appropriate appearance, no significant harm to neighbouring amenity would be caused, and subject to compliance with conditions, matters relating to transport, sustainability and potential land contamination would be successfully addressed.

**10 EQUALITIES**

- 10.1 None identified.

**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
Location and block plan	CO/10	A	17 September 2014
Existing basement and ground floor plans	CO/01	A	8 September 2014
Existing first and second floor plans	CO/02	A	8 September 2014
Existing elevations	CO/03	A	8 September 2014
Proposed floor plans	CO/05	C	18 March 2015
Proposed elevations	CO/07	B	7 November 2014



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- 3) No cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) Subsequent to the uncovering of the front lightwell, largescale details of the junction between the tiled frontage and lightwell shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The railings and gates hereby permitted shall exactly match the detailing to No. 68 Rose Hill Tavern and shall be retained as such thereafter. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The existing external door and window to the front basement lightwell shall either be retained, or replaced on an exact like for like basis. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.
- 7) The existing green tiling to the front façade shall not be altered and shall be retained as existing. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.
- 8) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. **Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.
- 9) Access to the entirety of the flat roof over the existing ground floor rear extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. **Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

### 11.2 Pre-Commencement Conditions:

- 10) Before works commence a Level 2 Record of the building(s), as set out in the English Heritage guidance 'Understanding Historic Buildings: A guide

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to good recording practice' (2006), shall be submitted to and approved in writing by the Local Planning Authority. A copy of the report should be deposited with the East Sussex HER. **Reason:** To provide a historical record of the interior and exterior of the building and comply with policy HE10 of the Brighton & Hove Local Plan.

- 11) 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 first occupation of the development 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.
- 12) The development hereby permitted shall not be commenced until details of sustainability measures to reduce the energy and water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 13) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, 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.
- 14) No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such. **Reason:** To safeguard the amenities of adjoining occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall not be commenced until details of sustainability measures to reduce the energy and water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy and water are included in the development and to comply with

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policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 16) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;  
and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 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:

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- (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 development would not result in a harmful loss of a community facility to the local neighbourhood. The development would be of an appropriate appearance, no significant harm to neighbouring amenity would be caused, and subject to compliance with conditions, matters relating to transport, sustainability and potential land contamination would be successfully addressed.
3. The applicant is advised that the condition above relating to land contamination has been imposed because the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).
4. The applicant is advised that the scheme required to be submitted by Condition 8 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

**From:** Pete West  
**Sent:** 27 October 2014 14:30  
**To:** Jeanette Walsh  
**Subject:** BH2014/03012 Rose Hill Tavern

Dear Jeanette,

In my capacity as a ward councillor I am receiving requests that the above application be determined by committee.

In particular it is suggested that the issue of whether the non-viability of the existing use has been adequately shown and this should be a matter explored and decided by members. Moreover as the pub is one of only two properties in the planning authority area which has ACV status it is a matter of considerable community interest and wider city significance and should be determined openly and democratically by members with opportunity for public participation.

I therefore kindly request that the matter is determined by committee. For clarity, I am requesting refusal.

With best regards

Pete West

