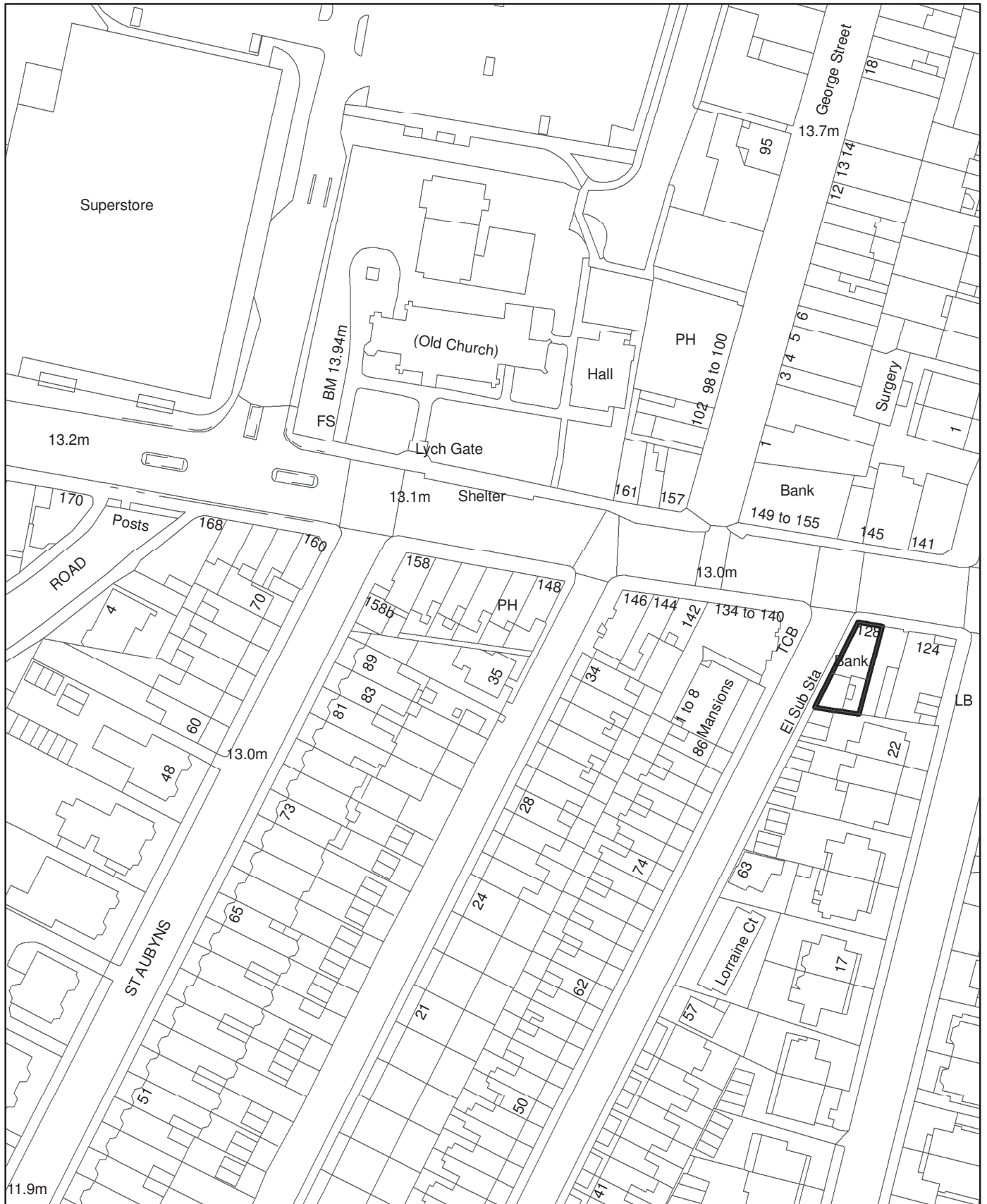


ITEM I

128 Church Road, Hove, BN3 2EA

**BH2013/01713
Full Planning**

BH2013/01713 128 Church Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/01713	<u>Ward:</u>	CENTRAL HOVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	128 Church Road Hove		
<u>Proposal:</u>	Change of use of basement and ground floor from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace. (Part Retrospective).		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	17/06/2013
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	12 August 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton, BN1 5PD		
<u>Applicant:</u>	Mr F Abdolkhani, C/O Lewis & 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 in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a part commercial, part residential building located on the corner of Church Road and Osborne Villas, Hove, within the Cliftonville Conservation Area. The ground and basement floors were previously used for an A2 use and are currently vacant undergoing works. The first floor is in unauthorised residential use. The first floor was previously in use as an Employment Agency (B1) and is accessed independently from the ground floor unit by an external staircase. The property has been subject to a number of unauthorised works including the construction of a new extension to the rear with a first floor terrace. The site is part of Hove Town Shopping Centre.

3 RELEVANT HISTORY

BH2011/02957: Change of use of basement and ground floors from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace. (Part Retrospective). This application was refused on the 8th March 2012 for the following reasons:

- i. The scheme results in the creation of a substantially larger first floor terrace when compared to the previous (now demolished) terrace. The use of the new terrace results in overlooking of the adjacent rear windows and garden of 22 Medina Villas and the rear upper windows of 126 Church Road with a consequential loss of privacy to residents. Furthermore, the

use of this large terrace as an amenity area is also likely to result in an unacceptable noise impact and loss of amenity for occupiers of adjacent properties. The scheme is therefore contrary to policy QD27 and SU2 of the Brighton & Hove Local Plan.

- ii. Having regard to the proximity of the site to adjacent residential properties, insufficient information has been submitted in respect of how the use will operate, the proposed opening hours or the size of the restaurant / bar to demonstrate that the proposed use would not have a detrimental impact on the amenity of occupiers of adjacent properties. The scheme is therefore deemed contrary to policy QD27 and SU2 of the Brighton & Hove Local Plan.
- iii. The scheme would comprise a shopfront treatment including wider windows than the current (previous) arrangement, and double doors positioned in the side elevation which would be out of character with this part of the building and the domestic character of the side street. The proposal also results in an inappropriate design of the main Church Road shopfront, and the inclusion of a new four panelled door at first floor level which would look incongruous on the building. The scheme therefore results in a detrimental impact on the appearance and character of the host building and surrounding conservation area and is contrary to policies QD1, QD2, QD10, QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 2 on Shop Front Design.

BH2010/01982: Conversion of first floor from offices (B1) to flat (C305) incorporating UPVC windows to replace existing (Retrospective). This application was refused on the 8th November 2010. The decision was appealed by the applicant. The Inspectorate upheld the decision and the appeal was dismissed under reference APP/Q1445/A//11/2151148.

BH2010/02119: Application for Approval of Details Reserved by Conditions 2, 7, 8, and 11 of application BH2009/01865. Split decision 10/09/2010.

BH2009/01865: Change of use of basement and ground floors from (A2) Financial to (A3) Restaurant with external changes. Approved 15/10/2009.

BH2009/00714: Change of use from financial (A2) to Restaurant (A3) with internal and external alterations. Approved 12/06/2009.

BH2008/00997: Change of use of first floor with second floor extension with additional accommodation in the roof space to form five flats. (revised scheme). Refused 30/06/2008.

BH2007/02378: Change of use of first floor with second floor extension, with additional accommodation in the roof space to form five flats. Refused 19/12/2007.

It should be noted that an enforcement investigation is currently being undertaken regarding the unauthorised use of the first floor for residential purposes and the unauthorised UPVC windows at first floor level to the front and side elevations.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the basement and ground floor from Financial (A2) to Restaurant (A3) and Bar (A4). Installation of new shop fronts to front and side elevations. Part excavation to facilitate extension of basement level. Erection of single storey rear extension with external steps and associated roof terrace.
- 4.2 The scheme is part retrospective as works have already been undertaken to the building. The works undertaken include the installation of a timber shopfront and ground floor windows and the rebuilding of the rear extension. This application does not include any signs or fascia for the shop which would require separate advertisement consent.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty seven (27) letters of representation have been received from Flat 2, 3, 4, 5 (x2), 7, 8 (x2) Grosvenor Mansions, 31 Albany Villas, 8 & 12 Hova Villas, 24, Ground Floor Flat 24, 25, 33, 40, 42, 45, 47, Garden Flat & Flat 1, 53 & 72 Osborne Villas, Flat 1, 2 & 3, 22 Medina Villas, 21 and 24 Medina Villas objecting to the application for the following reasons:**
- Major building works have been undertaken to this property without any planning permission which is going to have a detrimental impact on the amenity of adjacent properties.
 - The whole application seems retrospective. Businesses should not just build what they want and repeatedly apply for planning permission until they get consent.
 - The building has been in a mess for more than 2 years and has been unsightly as it is unfinished.
 - This is a quiet residential street and the proposal is unsuitable for the area. A late night restaurant is wholly inappropriate and could result in anti-social behaviour such as urinating in the street.
 - Adjoining residents will suffer from overshadowing, overlooking and loss of privacy. The roof terrace has been constructed and results in direct overlooking. There will be an increase in noise and disturbance from music, extra traffic, smokers on the street (or roof terrace), drunken revellers and excessive noise, especially after 11pm when people are trying to sleep. The terrace should not be used by the restaurant for customers or by staff.
 - UPVC windows have been fitted without planning permission and are not in keeping with the street.
 - The application shows double doors positioned on the side of the building, creating a new entrance on Osborne Villas. This is out of character with the area and will lead to smokers congregating outside this door late into the evening.
 - There are already a number of similar places like this in the area. Residents have seen a rise in the number of drunken people in the streets which has made Church Road an uncomfortable place to be late at night. Hove should not be a satellite for nightclubs and bars as has already happened in Brighton.

- The first floor has been used for residential accommodation for some time and not as offices.
- There are limited parking spaces in the area and the proposal would increase late night traffic and pressure on parking spaces.
- The restaurant ventilation has been moved closer to 22 Medina Villas and is likely to result in a noise disturbance.

5.2 **One (1)** email has been received from **Flat 1, 8 Medina Villas** in support of the application on the grounds that this part of Hove is vibrant and requires a reasonable amount of bars and restaurants to serve the community.

5.3 **Councillor Andrew Wealls** has objected to the application (letter attached).

5.4 **Sussex Police Crime Prevention Officer: Objection:** The crime prevention officer is opposed to the proposed A4 use as it allows vertical drinking.

Internal:

5.5 **Environmental Health: No Objection** subject to the following:

- Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.
- There should be no significant low frequency tones present. No development shall commence until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration 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.
- The use of the basement and ground floor hereby permitted shall not be open to customers except between the hours of 9am and 1am on Mondays to Saturdays and 9am and midnight on Sundays and Bank or Public Holidays
- No development shall commence until a scheme for the soundproofing of the building between the ground and first floors 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. Standards in excess of Part E of the Building Regulations would be expected
- No development shall commence until a scheme for the fitting of odour control equipment to 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
- No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 7am and 7pm on

Monday to Friday and 8am and 6pm on Saturdays and not at any time on Sundays, Bank or Public Holidays

- No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority

5.6 **Heritage:** No Objection:

- The shopfronts are generally acceptable. The shop door is not considered appropriate and should have a bottom panel or deep bottom rail in a traditional manner.
- Further details are required regarding the appearance of the first floor windows.
- The proposed horizontal rainwater pipe connection at high level looks odd and it is queried whether this can be hidden behind the parapet.

5.7 **Sustainable Transport:** No Objection subject to the following:

- Submission of a delivery & service management plan which includes types of vehicles, how deliveries will take place and the frequency of deliveries to be submitted to and approved by the Local Planning Authority in writing. The plan shall also include measures to minimise the impact of deliveries have on the transport network. All deliveries shall thereafter be carried out in accordance with the approved plan.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

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
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD10 Shopfronts
- QD14 Extensions and alterations
- QD25 External lighting
- QD27 Protection of Amenity
- SR5 Town and district shopping centres
- SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD02 Shop Front Design
- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design
- SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The determining issues in this application relate to whether the proposed change of use is acceptable in terms of local plan policies; whether the external

alterations are considered acceptable in design terms and will preserve and enhance the character and appearance of the Cliftonville Conservation Area; whether the proposed extension has a detrimental impact on neighbouring amenity and whether the proposal is acceptable in traffic terms and sustainability considerations.

Principle of use:

- 8.2 The site is within the prime frontage of the Hove Town Shopping Centre as outlined in policy SR5 of the Brighton & Hove Local Plan. The aim of the policy is to retain a high percentage of retail uses within the centre. 128 Church Road was formerly used as a bank which falls under Class A2. Therefore the proposal does not result in a loss of retail. Subject to amenity considerations, a restaurant / bar is also seen as an acceptable use for Hove Town Centre and will bring a vacant unit back into use. The scheme is therefore in accordance with the policy.
- 8.3 Policy SR12 states that new restaurants with a total resultant public floorspace in excess of 150 square metres will be permitted provided they meet certain criteria. The resultant public floorspace is less than 150 square metres. Therefore this policy does not apply.

Design:

- 8.4 Supplementary Planning Document 2 on Shop Front Design (SPD02) gives detailed policy guidance on the replacement of existing and the installation of new shop fronts throughout the city, in order to raise the standard of design quality and enhance the attractiveness and local distinctiveness of the city's shopping centres. The document states that new shop fronts should respect the form of the building above and the frontages to each side.
- 8.5 Policy QD10 (Shop Fronts) of the Brighton & Hove Local Plan also states that replacement shop fronts will be permitted provided the proposed shop front respects the style, proportions, detailing, colour and materials of the parent building and surrounding shop fronts. Policies QD1 and HE6 also states that all proposals should demonstrate a high standard of design and preserve the character and appearance of the conservation area.
- 8.6 Under a previous approval (BH2009/01865) permission was granted for a new shopfront which retained the majority of the side elevation with a residential appearance. The current scheme seeks a design which includes a new shopfront design and new larger windows and doors along the Osborne Villas frontage for the use of the unit as a proposed bar / restaurant.
- 8.7 The building is located in the Cliftonville Conservation Area and is not listed. It comprises a mid 19th stucco building with a double ridge and valley roof concealed behind parapet walls at the front and side. It was originally a dwelling house, one of a pair with No. 126. It had a front window bay and parapet cornice, but these have been lost. No. 126 still retains its first floor bay and cornice. It was converted to a shop and then a bank with an unattractive modern shop front and fascia. Wide shop windows were inserted in the side elevation, which detracted from the building's appearance.

- 8.8 The application property has an oriel window on its side elevation which is a later 19th C alteration. The first floor side windows were all timber sliding sashes. However, all of the first floor windows have recently been replaced in UPVC without planning permission. This scheme includes the replacement of the unauthorised UPVC windows with timber sliding sash windows. The Conservation Officer has commented that the replacement windows are welcomed and reintroduce traditional architectural features.
- 8.9 The current application seeks to retain a new hardwood shopfront and windows and side door which have been recently installed to the property to the side and front elevations. The shopfront includes a recessed front door. The new shopfront wraps partly around the corner. Currently the shopfront does not have a fascia or any signage. These additions are not shown on the submitted plans and would require separate advertisement consent.
- 8.10 To the side, two new double timber sliding sash windows and two timber doors have been installed. The central doorway is currently a double door. The plans indicate that this will be replaced with a single door for the new restaurant / bar.
- 8.11 The Conservation Officer has commented that the shopfronts and ground floor alterations are acceptable in principle subject to the shopfront door having a bottom panel or deep bottom rail in the traditional manner. The Conservation Officer has also requested that the shopfront should be painted and the high level horizontal drainpipes removed and placed behind the parapet. Amended plans have been submitted which indicate these alterations.
- 8.12 To the rear, a new single-storey extension has been constructed. To the rear of the extension there is an external staircase which allows access to the first floor. Previously, there was an extension of similar scale which also had an external staircase. Given that there was a previously an extension and staircase in this location, no objection is raised to the replacement extension. The extension has been fitted with balustrading around all of the flat roof of the extension. As outlined below, there is concern regarding the impact of this terrace on the amenity of adjacent properties. For this reason, the plans indicate that the balustrading is to be removed and replaced with a walkway which would only allow access to the first floor accommodation. Relocating the balustrading also improves the appearance of the rear extension.
- 8.13 Overall, the alterations to the building are appropriate and would preserve the character and appearance of the building and surrounding conservation area. The scheme is therefore considered in accordance with the above policies and guidance.

Impact on Amenity:

- 8.14 Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties.
- 8.15 Planning permission was granted for the change of use of the basement and ground floor of the premises from estate agents (Class A2) to a restaurant

(Class A3) (ref: BH2009/01865). Permission is now sought for the use of the property as a part restaurant (Class A3) and part bar (Class A4) which again includes the use of the basement and ground floor.

- 8.16 As outlined above, the scheme includes a newly constructed rear extension. The extension is larger in height when compared to the previous extensions. However, the new extension has been reduced in length with the external staircase being moved to the rear as opposed to being in the middle. Taking the extension away from the rear boundary results in a gap between the extension and the rear garden. Given the similarities between the previous extensions and the newly constructed extension, the new extension does not result in a significant impact on adjacent properties in terms of its bulk and loss of light and outlook.
- 8.17 The new extension includes an unauthorised terrace which covers its entire roof. The previous extension included a roof terrace but this was restricted to the part of the roof fronting Osborne Villas and did not result in any overlooking of the properties to the rear or to the east. The demolished extension also included rear air conditioning units which restricted the use of the roof adjacent to the garden of 22 Medina Villas. The new extension is higher than the previous addition and the terrace and relocated staircase now allows views into the garden and windows of 22 Medina Villas and the upper floors of 126 Church Road. This results in a loss of privacy and overlooking to an unacceptable degree. The use of this large terrace would also result in a noise disturbance to adjacent properties. Given these concerns, the plans indicate that the existing stairs are to be altered so that it crosses over the centre of the roof only. This would only allow access to the first floor. A condition is proposed that the remaining areas of flat roof not used to access the first floor are not used as an amenity area or as a roof terrace. With the revised access in place, the use of the staircase would not result in a significant loss of privacy of adjoining premises.
- 8.18 Environmental Health has no objection to the scheme, subject to conditions. The conditions include limiting the hours of use of the premises and soundproofing of proposed odour control equipment and any other plant or machinery required by the use, such as air conditioning units. Details of any external lighting are also required to ensure the protection of the amenity of adjacent properties.
- 8.19 Previously planning permission was granted for the use of the basement and ground floor as a restaurant (Class A3). Concern has been raised from local residents and Sussex Police regarding the use of the premises as restaurant / bar and its potential impact on the amenity of adjacent properties.
- 8.20 To overcome these concerns, the applicant has stated that the main use of the premises would be as a restaurant. In order to avoid the noise disturbance associated with 'vertical drinking', the applicant has proposed that alcohol would only be served to customers who are seated. The applicant has also stated that the opening hours of the premises would be between 8am to 11pm. This could be secured by condition. The premises currently has a side double door. This

is to be replaced with a single door. Concern has been raised by adjacent neighbours regarding the use of this door onto Osborne Road. The applicant has stated that this door would be used during the day and would be shut at 10pm daily, thereby avoiding any potential disturbance to neighbours through its use late at night. This would also be secured by a condition. Securing this door would also discourage smokers from using Osborne Road and would direct them to Church Road for outside smoking.

- 8.21 Subject to conditions which control how and what time the premises is used, such as limiting its use to between 8am to 11pm, the proposed use for part Class A3 and part Class A4 is deemed appropriate and would not significantly affect the amenity of any adjacent properties.

Sustainable Transport:

- 8.22 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.

- 8.23 The Transport Team has commented that the proposed development will not result in trip generation to the site that will have an adverse impact on the safety or operation of the highway. The scheme has resulted in the loss of a garage on site. This is also acceptable as there is sufficient on street parking capacity to accommodate the future demand for this proposal.

- 8.25 The scheme does not include any cycle parking. Due to site constraints, it is difficult to provide on-site compliant cycle parking. The Transport Manager has acknowledged this constraint and a reason for refusal could not be warranted on the lack of cycle parking for this scheme.

Sustainability:

- 8.26 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Adequate information has been submitted with the application to demonstrate how these requirements have been met.

9 CONCLUSION

- 9.1 Subject to conditions, the scheme is deemed appropriate in terms of its design and would not result in a significant impact on the amenity of any adjacent residential properties or highway safety. The scheme improves the character and appearance of the building and surrounding conservation area and would add to vitality of Hove Town Shopping Centre.

10 EQUALITIES

- 10.1 The scheme allows suitable access for people with disabilities in accordance with SPD02.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) T
 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			17 th June 2013
Block Plan			28 th May 2013
Existing Plans	1228/01		28 th May 2013
Existing Elevations	1228/02		28 th May 2013
Proposed Plans	1228/03	B	21 st August 2013
Proposed Elevations	1228/04	B	2 nd September 2013
Proposed Details	1228/05		28 th May 2013

- 2) Prior to the first occupation of the development hereby approved, the shopfront shall be painted in a cream colour to match the walls of the building and thereafter retained as such.
 Reason: To preserve the appearance of the building and surrounding conservation area and in accordance with policy HE6 of the Brighton & Hove Local Plan.
- 3) Access to the remaining flat roof areas either side of the repositioned balustrading hereby approved shall only be used for maintenance or emergency purposes only and the flat roof areas shall not be used as roof gardens, terraces, patios or similar amenity areas.
 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.
- 4) Within 3 months of the date of this permission, a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be 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 the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Within 3 months of the date of this permission, a scheme for the soundproofing of the building between the ground and first floors shall be 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. Standards in excess of Part E of the Building Regulations would be expected.

PLANNING COMMITTEE LIST – 18/09/13

- 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) Within 3 months of the date of this permission, a scheme for the fitting of odour control equipment to the building shall be 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 the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) Within 3 months of the date of this permission, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.
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.
- 9) The use hereby permitted shall not be operational except between the hours of 08:00 and 23:00 on Mondays to Saturdays and 09:00 and 22:30 on Sundays and Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 10) No intoxicating liquor shall be sold or supplied within the unit hereby approved except to persons who are seated at tables.
Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.
- 11) The side door for the restaurant / bar facing Osborne Road shall be closed and not used by staff or customers (except in emergencies) between the hours of 22.00 and 08.00 the following day.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12) No vehicular movements nor any loading or unloading of vehicles shall take place on the site except between the hours of 08.00 and 19.00 on Monday to Friday and 08.00 and 18.00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 13) The premises shall be used for the provision of a restaurant / bar only and for no other purpose (including any other purpose in Class A3 / A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or

in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 14) Prior to the first occupation of the development 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 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 S10, QD27 and TR7 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Subject to conditions, the scheme is deemed appropriate in terms of its design and would not result in a significant impact on the amenity of any adjacent residential properties or highway safety. The scheme improves the character and appearance of the building and surrounding conservation area and would add to the vitality of Hove Town Shopping Centre.
3. The applicant is advised that this planning permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton BN1 1JP (telephone: 01273 294429, email: ehl.safety@brighton-hove.gov.uk, website: www.brighton-hove.gov.uk/licensing).
4. The applicant should note that advertisement consent is required for any proposed signs and fascias. Details and guidance for advertisement

PLANNING COMMITTEE LIST – 18/09/13

consent can be found using the following link: <http://www.brighton-hove.gov.uk/content/planning/local-development-framework/spd07>.

Development Control
Hove Town Hall
Norton Road
Hove
BN3 3BQ

10th July 2013

Dear Sir or Madam,

**Re: Planning Application BH2013/01713
128 Church Road, Hove.**

Please register my objection to the above application.

My objection is based on the following considerations;

- The application requests permission for A3 and A4 use. With direct access to Osborne Villas, a residential area, this will result in noise and disturbance to those living nearby, especially to residents of Grosvenor Mansions, directly opposite. It is not an appropriate location for A4 use.
- The application proposes a customer door onto Osborne Villas and that this is shut at 10pm. To prevent noise and disturbance to those living nearby, especially Grosvenor Mansions, it should provide emergency exit only.
- The plans show an additional door to the rear of the property. Should this be used for the entrance or exit of customers (up to the proposed time of 10pm), or staff (which could be up to midnight, given the proposed 11pm closure time), noise will be generated to disturb those living opposite and nearby. Again, I propose that this is an emergency exit only. Noise will also be generated by those afforded the ability to smoke in Osborne Villas by the siting of the proposed doors. This will similarly generate noise and loss of amenity to those living nearby, particularly in Grosvenor Mansions.
- There are particular resident concerns about granting permission for A4 use, with associated noise, and anti-social behaviour in close proximity to a residential area. Whilst I object to A4 use, I would like to note that any conditions applied to the granting of this permission should clearly state a small limit on the proportion of the premises to be used as A4.
- I note that the roof terrace has already been built, with railings, which do overlook the adjacent rear gardens of 22 Medina Villas and the rear upper windows of 126 Church Road. I note that a walkway is proposed to prevent the use of the remainder of the terrace. The railings must be of sufficient height, without gate



PLANS LIST – 18 SEPTEMBER 2013

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

access to ensure that this is the case. This is to ensure that conditions address the problem of overlooking nearby properties.

- The drawings show a single door to the Osborne Villas side of the building, yet double doors have been constructed. It beggars belief that plans have been drawn up and submitted post-construction which do not reflect reality.

It remains my concern that this is not an appropriate site for any A4 use, given the likely noise and disturbance to those living nearby.

I have attached the submissions of two residents which have been sent directly to me.

Thank you in advance,

Yours faithfully,

Councillor Andrew Wealls