

H E A L Y S | B R I G H T O N | H E A L Y S | B R I G H T O N

10th May 2007

Our Ref: AGF/JG/Market Street



I D Denyer Esq
Senior Highway Enforcement Officer
Highway Operations
Sustainable Transport Division
For the Director of Environment
Brighton and Hove City Council
Room 500
Hove Town Hall
Norton Road
Hove BN3 3BQ

H E A L Y S

Solicitors

8 & 9 Old Steine

Brighton

East Sussex

BN1 1EJ

DX 2702 Brighton 1

t. +44(0)1273 685888

f. +44(0)1273 685454

www.healys.eu

Dear Sir

Highway licence 50 - 52 Market Street, Brighton ("the property")

We act for Michael Garman the proprietor of Il Bistro, 6 - 7 Market Street, Brighton whose premises are opposite the property.

He has asked us to object to the granting of a permission under the Highway Act 1980 (Highway licences) on the following grounds.

Planning

Since planning controls were introduced and probably well before, the property has been a shop.

Indeed, we understand that there is still A1 retail use at ground level and second floor level. We understand that change of use of the first floor to provide toilet facilities for Donatello Restaurant has only very recently been granted under application number BH 2007 / 00126.

We consider that the grant of the highway licence for restaurant seating would encourage a creeping change in use to A3 at ground floor level thus completely altering the unique attraction of Market Street as a mix of small retail, recreational and restaurant units.

A3 uses already predominate on the North Western side of Market Street with the property being the only non-restaurant use other than the last shop on the southern end, whereas on the South Eastern side there is an agreeable mix of retail, recreational and food.

Highway licence

Donatello Restaurant already enjoys a considerable number of seats outwith its existing premises. There are forty two (42) outside 1 - 3 Brighton Place and sixteen (16) already in Market Street. The street connecting Market Street and