

Application No: BH2022/01639



BRIGHTON AND HOVE CITY COUNCIL
Town and Country Planning Act 1990 (as amended)
GRANT OF PLANNING PERMISSION

Address: Unit MSU 7 Churchill Square Brighton BN1 2TF

Description: Change of use of part ground, first and roof level to provide a food and drinking establishment (sui generis) including internal reconfiguration, new roof level outdoor seating areas, new shopfronts and associated works.

In accordance with the application and plans submitted to the Council on 16 May 2022 and SUBJECT to compliance with any condition(s) specified hereunder:

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	MSU7-CDA-XX-00-DR-A-020001	P2	16 May 2022
Block Plan	MSU7-CDA-XX-00-DR-A-020002	P2	16 May 2022
Proposed Drawing	MSU7-CDA-XX-ZZ-DR-A-020007	P3	16 May 2022
Proposed Drawing	MSU7-CDA-XX-00-DR-A-020008	P4	8 December 2022
Proposed Drawing	MSU7-CDA-XX-	P4	8 December 2022

	01-DR-A-020009		
Proposed Drawing	MSU7-CDA-XX-00-DR-A-020010	P5	8 December 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020011	P4	8 December 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020012	P4	8 December 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020013	P3	16 May 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020014	P3	16 May 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020015	P2	16 May 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020016	P2	16 May 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020017	P2	16 May 2022
Proposed Drawing	MSU7-CDA-XX-XX-DR-A-020018	P2	16 May 2022
Proposed Drawing	6322-CBC-00-RF-DR-M-57001	P01	17 May 2022

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. 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. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014 (or the relevant updated Standard). 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 DM20 and DM40 of Brighton & Hove City Plan Part 2.

4. The use hereby permitted shall not be carried out except between the hours of 09:00 and 01:30 on Mondays to Sundays, including Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

5. The rooftop terrace hereby permitted shall not be accessible to customers between the hours of 00:00 and 09:00.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

6. The development hereby permitted shall not be occupied until a Roof Terrace Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Roof Terrace Management Plan should set out the measures that will be taken to minimise the impact of the roof terrace on the amenity of neighbouring properties and uses. The Roof Terrace shall be operated in accordance with the approved Management Plan thereafter.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

7. Amplified music or other entertainment noise from within the premises shall not be audible at any residential premises between the hours of 23:00 and 09:00.

Reason: To safeguard the amenities of the locality and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

8. No takeaway or delivery service shall be operated by the Sui Generis food and drinking establishment hereby permitted without the prior submission to and approval in writing by the Local Planning Authority of a Delivery Management Plan. Any deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of the amenity of the area and to ensure that no adverse transport impacts arise from the development, to comply with Policies DM20 and DM33 of the City Plan Part Two.

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 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).

Dated this 13 February 2023



Head of Planning
City Development and Regeneration

NOTE: This decision does not give approval of plans for the purposes of the Building Regulations 1991. If an application for such approval has been made a decision has or will be given separately.