

APPENDIX C

From: Maidment, Richard

Sent: 09 August 2022 14:08

To: Licensing Shared Email

Subject: FW: Application for Premises Licence - 50 Osborne Road - 22/02416/LAPREM - URGENT

Further to the above application for a premises licence I note that the application involves the provision of regulated entertainment from live and recorded music until midnight and 00:30hrs respectively and there are residential dwellings located directly above the trading area of the venue.

Guidance issued under section 182 of The Licensing Act states that "*applicants are expected to include positive proposals in their application on how they will manage any potential risk. Premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective*".

Applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate and make it clear why the steps they are proposing are appropriate for the premises, however Section M (d) of the submitted application form does not include any measures as to how the applicant proposes to prevent public nuisance other than by placing notices in the entrance reminding customers to be respectful to neighbours. It makes no mention of any specific noise control measures proposed for public entertainment, smoking outside the premises, waste collection / disposal, litter or external lighting etc.

In order to minimise the risk of noise problems arising, extreme caution should be exercised in permitting developments that result in pubs and clubs being structurally attached to noise sensitive properties. Such development should not be permitted without it being clearly demonstrated that acceptable noise levels can be achieved and maintained. As this is not a new build development it is currently not clear whether sufficient sound insulation measures could be implemented to contain the levels of noise likely to be generated by the proposed activities. For this reason I would be reluctant to rely on a conditional permission and would suggest that any application is accompanied by an acoustic assessment and specification of remedial works.

It would also appear that the premises does not currently have the appropriate planning permission for a drinking establishment, it only has conditional permission for a use class E(b) (Business, commercial and services) and it will require a sui generis permission for a drinking establishment.

The current Statement of Licensing Policy states the following:

21.1 Planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency.

21.2 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Planning Authority.

The planning process decides whether the development is appropriate for the location in terms of public amenity which could include conditions restricting hours and the installation of extensive sound insulation measures. Permission may even be refused as the test for loss

of amenity is less stringent and will occur at levels of pollution below those required to establish nuisance.

I would therefore suggest that to avoid duplication and inefficiency and ensure a consistent approach it makes sense in this case for the applicant to first obtain the relevant planning permission prior to granting a premises licence. Planning will ensure the proposed development is appropriate for the location and the licensing regime could then be used to control the operation, consistent with any conditions applied by the planning consent.

Owing to the premises being directly attached to residential properties I feel there is currently a high risk that the proposed operation is likely to result in public nuisance due to noise from both entertainment and the behaviour of customers within the premises and I do not believe the proposed steps are adequate to prevent public nuisance. For that reason I wish to make representations.

regards

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