

## APPENDIX C

Afternoon Derek,

I hope this finds you well.

On behalf of the LPA (Local Planning Authority) I am writing to inform you that I am unable to support the application to vary the licensing hours of Hive Cocktail Bar, 50 Osborne Road. The reasoning behind this is as follows.

Primarily, the main issue I have with the request comes from the failure to discharge **condition 3** of planning permission **23/00098/FUL**. This is a breach of condition which the LPAs Enforcement Team is currently investigating. Condition 3 requires the following:

*3) Prior to the first use of the premises as a bar/restaurant;*

*a) a scheme of sound insulation measures designed to reduce the transmission of airborne sound across the separating floor between the ground floor commercial use and the proposed first floor residential dwellings shall be submitted to the planning authority. These measures shall ensure that the separating floor can achieve a minimum standard of Dntw+Ctr 55dB.*

*b) Upon approval these measures shall be implemented and thereafter maintained.*

Due to the failure to discharge this condition as required, the LPA is not clear as to whether the required noise insulation works have been carried out or not, but in the absence of proof, it must be assumed that it has not. The reason for the imposition of this condition is the following "To protect the amenity of surrounding residential properties in accordance with Policy PCS23 of the Portsmouth Plan."

As such, I have immediate concerns around the protection of residential amenity in surrounding properties as a result of the lack of noise insulation **with the current situation**. This would only be exacerbated by increasing the opening hours which would cause even further detriment to the amenity of surrounding neighbours by reason of disruptive noise pollution carrying on later into the night. This would be contrary to Policy PCS23 of the Portsmouth Plan and if an application to vary the planning condition was made, the LPA would seek to refuse it for this reason.

If it could be proven that the required noise insulation works have been carried out, but we have not been informed, and it can be proven that the insulation is effective, the LPA may consider removing their objection as this position is a starting point based on the current situation. However, I would stress that more detailed discussions around residential amenity, proximity to sensitive uses and the opening hours allowed at other establishments in the immediate vicinity would need to take place between ourselves and the relevant Public Protection Officer and it is not necessarily a given that we would remove our objection even if this was achieved. I would be more than happy to engage further if my initial objection can be overcome.

As a further observation, I cannot see that a Variation of Condition application has been applied for in order to vary **condition 5 of 23/00098/FUL**, which stipulates current opening hours. Should the applicant wish to vary their hours they should apply for this as well as the application to vary their license.

I hope this is of assistance but please do let me know if you need anything more.

Kind regards,

Ed

**Ed Leigh**

Senior Planning Officer

Development Management

Regeneration