

## APPENDIX 04

### Representation from Environmental Protection team

I feel that a one hours extension from 10pm to 11pm is not suitable. This development has the potential to change the character of the area if not adequately controlled. There is significant potential for harm/amenity/public nuisance. The same issues that were considered by this Directorate in order to formulate a response to Planning to assist with the planning decision process are now being brought into question.

As previously discussed/advised regarding the 11pm finish for the roof top terrace. The roof top terrace received planning permission 12/4455M approved 10 January 2013. The terrace hours of operation are controlled via condition 10:

10. Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions:  
The first floor external roof terrace shall only be used (except in the case of emergency) between the hours of 09:00 to 22:00 hours on any day.

I am surprised that the applicant having received approval for planning permission above until 10pm; is seeking to extend the hours of operation of the roof top open air terrace until 11pm. I view that the 10pm roof top terrace finish time has been accepted by the applicant as they have not (as I am aware) appealed condition 10 of this planning approval. I am surprised that they further wish to apply for an 11pm extension of the roof top terrace that will officially breach the planning permission for the premises. Granted, Licensing and Planning are two separate regimes – they are essentially controlling the same issue – noise.

The differing hours of use of the terrace is adding confusion to the enforcing authority, the business operator, wider business and residential community.

The planning permission has enabled the control of the outdoor speakers via condition 7 of the 12/4455M planning permission:

7. The use of low power, low noise speakers shall be used on the proposed first floor terrace only providing these comply with the specific requirements and limitations as detailed in the submitted acoustic report labelled Sol Acoustics Ltd, reference: P1427 – REP01 – REV A- SJF, dated 24<sup>th</sup> May 2012.

However, it is people noise in an outdoor open air roof top terrace which has the potential to be more problematic – essential there is no volume control on people – and although management controls are/have been detailed, it may it may prove difficult for this to be effectively policed by staff as it may prove anti-business to control noise from paying clients.