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**From:** Emma Waites <Emma.Waites@wolverhampton.gov.uk>

**Sent:** 04 May 2020 15:12

**To:** [REDACTED] Debra Craner <Debra.Craner@wolverhampton.gov.uk>

**Cc:** [REDACTED]

**Subject:** PRE 1418 - Boghart - 22-23 Queen Square.

**Sensitivity:** NOT PROTECTIVELY MARKED

The Premises Application as submitted, reference PRE1406, requests use of the building for a night club/pub (a more definitive description is presently unknown and has not been provided).

The ground floor of the building was granted planning permission in 2018 for use as a drinking establishment. In 2019 Wolverhampton City Council allowed planning Permission for 10 flats on the first, second and third floors of the same building.

Whilst conditions requiring installation of secondary glazing to the residential development and sound insulation between habitable spaces were attached to the residential planning permission as a means to protect occupiers from noise impacts, it cannot be ascertained that works and measures have been carried out to sufficiently safeguard future amenity, particularly in context of noise associated with live and/or reproduced music and other sounds, or patron noise arising from persons accessing/egressing the drinking establishment.

These aspects are particularly pertinent during evening and night-time hours, and liable to cause significant impacts that cannot easily resolved and may lead to regulatory enforcement.

It is relevant that in planning terms, the National Planning Policy Framework has a direct bearing on this, to the extent that it is material to determining planning permissions. To this end and for completeness, the salient points of the NPPF are distilled to the following:

- Minimising pollution (NPPF clause 8)
- Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution (NPPF clause 170)
- Ensuring that development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the wider area to impacts that could arise from the development (NPPF clause 180).
- Mitigating and reducing to a minimum potential adverse impacts resulting from noise from new development (NPPF clause 180).
- Avoidance of noise giving rise to significant adverse impacts on health and quality of life (NPPF clause 180).
- Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (NPPF clause 182).
- Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established (NPPF clause 182).
- Where the operation of an existing business could have a significant adverse effect on new development (including changes of use in its vicinity), the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed (NPPF clause 182).
- Planning policies and decisions should focus on whether proposed development is an acceptable use of land (NPPF clause 183).

Failure to adhere to national policy may have implications for a local authority on legal challenge and there may be associated liabilities.

There is rightful concern that the respective developments are incongruous. As a consequence, I object to the application on the grounds of public nuisance.

Furthermore, it is considered that a Premises Licence cannot rightfully be granted unless it can unequivocally be demonstrated that suitable mitigation is in place to safeguard the amenity of noise-sensitive receptors and so prevent a nuisance arising.

Regards

Emma Waites  
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