Dods 23 June 2014

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| **[Noise: Pollution Control](http://mmail.dods.co.uk/wf/click?upn=PUcZOS6-2FNT4PrY23eS-2B6NzBfsdvqTeU5dcR-2F818NKWDvXQHxX1YFH2-2Fsh1lc32rXIVrdWgLdcMYDzPWeFLTsRm-2B4MovgTAwVYV32xekSLwDfpmHZJ6t6h5RO49W7BYLPs5w1ggDcX65BVOTK4i2fQA-3D-3D_XU2HhMdYrXJl18MWM9Uanquo-2BzTce-2Btt9eh6OmBAKl8IhBJeu-2BPxai49JnVZXEDPKy7XjxXgVVrXpDwo2gznsCoaZrHrZ4HL3DEb9u28Ldq6FiON7-2Fx3r0q5Z37Lo15XOy6kALNr1K4ocVCOiV1IkrRbZQMddP-2BOjmO1i4j99RCPudwdE2km9xGE34zAuCGGATXbCyd4OFCFShgd1ttNXA-3D-3D)**  |
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 | [23/06/2014](http://mmail.dods.co.uk/wf/click?upn=NVLSxtkvQ-2FKNk5BVwFZSOBCHDyJtKkKL04COAHZMICIeCUwcWDjPu2SeJcTuAMxbqIGtfA2AVq5UGXovfsCvqw-3D-3D_XU2HhMdYrXJl18MWM9Uanquo-2BzTce-2Btt9eh6OmBAKl8IhBJeu-2BPxai49JnVZXEDPi5Z1Fu4ajTziINZ3jzhZov-2BP5O6QPxeIRw8JUVTGprNtq5svPZCHn041jjiSkWXub8WXmLzyN6Ms3-2BYtvRFOeZC1hzWqfxsItsy7Pnhox4obYJSUvfds9cKWemEbLiGP6CoFz5-2Fy-2FDwaa3P9Deu8hQ-3D-3D)  |

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| Answered on: Monday 23 June 2014Communities and Local GovernmentNoise: Pollution Control**Kerry McCarthy**: To ask the Secretary of State for Communities and Local Government what guidance his Department provides to music venues facing potential closure from noise abatement notices as a result of change of use of neighbouring buildings under permitted development rights. [200374]**Nick Boles**: [h olding answer 17 June 2014] : Under nuisance law, it is for a local authority to decide on a case by case basis whether or not a noise constitutes a statutory nuisance. The ‘character of the locality’ is one of a number of relevant facts that would be taken into account, and well-established music venues would certainly be a consideration in assessing the reasonableness of the activity being carried out. The National Planning Policy Framework states that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. This policy is clearly material when considering planning enforcement cases in relation to new land use changes nearby. Our new suite of planning guidance directly addresses the issue of noise, including advice on noise mitigation measures. This can be found online at:<http://planningguidance.planningportal.gov.uk/blog/guidance/noise/noise-guidance/>The licensing process also provides an adjudication mechanism between local residents and licensed premises by which practical measures can be introduced to control and mitigate noise. Statutory guidance recommends practical conditions such as closing doors and windows, the installation of acoustic curtains or rubber speaker mounts. While recognising the need to tackle public nuisance, the guidance also advises that licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music.**23 Jun 2014 : Column 111W** More broadly, it is also in the commercial interests of any developer wishing to sell and market new residential accommodation near an existing music venue or licensed premises, or indeed in any urban environment, to take into account nearby noise, and seek to address that via good internal design and appropriate mitigation mechanisms (such as double glazing). |