

From: Philip Rush

Sent: 30 June 2026 23:07

To: Tania Jardim <vania.jardim@bcpcouncil.gov.uk>

Subject: Re: FW: Subject: Response to Licensing Clarification – Bulbul Premier, 69 Bennett Road Case Ref: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE (M237426)

Subject: Licensing Act 2003 – Corrected Review Bundle (Bulbul Premier, 69 Bennett Road)

Dear Tania,

I write to confirm that the full review bundle for **Bulbul Premier, 69 Bennett Road, Bournemouth BH8 8RH** has now been fully corrected in accordance with the structural and numbering requirements you identified.

All documents have been renumbered using a **single, uniform Exhibit Letter System**, applied consistently across:

- the Cover Letter,
- the Index,
- and all Exhibits (A through E).

The bundle has undergone a complete integrity check to ensure:

- internal numbering conflicts have been removed,
- exhibit labels are consistent throughout,
- cross-references match the correct exhibit identifiers,
- pagination will align with the final Word/PDF layout,
- and no duplicate or legacy numbering systems remain.

The Index Page has been placed at **Page 1** of the bundle, and the exhibits follow in the correct order. A **Bundle Integrity Statement** has also been included to confirm structural compliance.

Should you require any further adjustments prior to circulation to the Licensing Sub-Committee, I remain available to provide them immediately.

Yours sincerely, **Philip Rush**

From: Philip Rush

Sent: 29 June 2026 14:36

To: Tania Jardim <tania.jardim@bcpcouncil.gov.uk>

Subject: RE: Subject: Response to Licensing Clarification – Bulbuls Premier, 69 Bennett Road Case Ref: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE (M237426)

Dear Tania,

I write to formally submit the complete evidential bundle for the Licensing Act 2003 Review concerning Bulbul Premier, prepared pursuant to Section 51 and in accordance with the procedural requirements for circulation to the Licensing Sub-Committee.

The enclosed bundle comprises:

- Exhibits C3 and C4 (Resident Noise Evidence Table and Council Monitoring Table), presented in full and in their original evidential format.
- Chronological nuisance log and supporting measurements.
- Legal analysis addressing breaches of Conditions 2.14 and 2.17, together with planning conflicts arising from unauthorised mechanical plant.
- Photographic and documentary exhibits relevant to the assessment of public nuisance.
- Final written representations structured for ease of reference by the Sub-Committee.

All documents have been formatted to professional standard, with consistent pagination and A4 compliance, to ensure clarity during the hearing. No evidential material has been abridged or summarised; the submission reflects the complete record.

Please confirm safe receipt at your earliest convenience. Should any further information, clarification, or reformatting be required prior to distribution to Members, I remain available to provide it immediately.

Yours sincerely,

Philip Rush

 [VID20260624063127.mp4](#)

 [VID20260624221311.mp4](#)

 [VID20260625221116.mp4](#)

 [VID20260626222947.mp4](#)

DISCLAIMER: This email and any files transmitted with it may be confidential, legally privileged and protected in law and are intended solely for the use of the individual to whom

INDEX OF DOCUMENTS

(Licensing Act 2003 — Section 51 Review Application)

Exhibit	Document Title	Page No.
<u>Exhibit A</u>	Review Application Form	2–3
<u>Exhibit B</u>	Formal Cover Letter	4
<u>Exhibit C1</u>	Executive Summary	5
<u>Exhibit C2</u>	Chronology of Nuisance	6 - 7
<u>Exhibit C3</u>	Resident Noise Evidence Table	8–10
<u>Exhibit C4</u>	Council Noise Evidence Table	11–13
<u>Exhibit D1</u>	Photographic Evidence	14–16
<u>Exhibit D2</u>	Planning Conflict Summary	17–19
<u>Exhibit E</u>	Final Representations	20–25

EXHIBIT A — REVIEW APPLICATION FORM

(Licensing Act 2003 — Section 51 Review Application)

Document: Completed statutory application for review of premises licence **Premises:** Bulbul Premier, 69 Bennett Road, Bournemouth BH8 8RH **Applicant:** Mr Philip Rush **Premises Licence Number:** 081253 **Licensing Objective Engaged:** Prevention of Public Nuisance **Date of Submission:** 06/05/2026 **Licensing Authority:** BCP Council

application for the review of a premises licence or club premises certificate under the Licensing Act 2003

I, **Philip Rush**, apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below.

Part 1 — Premises Details

Premises: Bulbuls Premier, 69 Bennett Road, Bournemouth **Post Town:** Bournemouth **Post Code:** BH8 8RH **Premises Licence Holder:** Mehmet Ali Bulbul, Hatice Bulbul, Bahar Bulbul **Licence Number:** 081253

Part 2 — Applicant Details

Applicant: Mr Philip Rush **Address:** ■ Bennett Road, Charminster, Bournemouth, BH8 8RH **Email:** ■ **Telephone:** ■ **Age:** Over 18 **Applicant Type:** Individual (not a responsible authority)

Licensing Objectives Engaged

☒ **Prevention of Public Nuisance**

Grounds for Review

(Your full statutory text inserted) The grounds for review are that the operation of the premises has, for a continuous period of approximately nine years, generated serious, ongoing and escalating public nuisance, contrary to the licensing objective of the prevention of public nuisance.

The nuisance arises from industrial-scale mechanical plant installed and operated at the rear of the premises, including high-capacity extractor systems, refrigeration condensers, mechanical ventilation units, and associated vibration-generating equipment.

These systems emit excessive noise, vibration, heat and odour, materially interfering with the quiet enjoyment of neighbouring residential properties and causing repeated disturbance, sleep disruption, and environmental intrusion.

The nuisance is persistent, long-term, and incompatible with residential amenity, and represents a clear breach of the licensing objective.

Supporting Information

(Your full statutory text inserted)

- Nuisance ongoing since 2017
- Excessive mechanical noise, tonal hum, vibration transmission
- Extended hours including early morning and late evening
- Odour emissions
- Multiple reports to Council (2018, 2020, 2023, 2024)
- Intensification of mechanical plant without mitigation
- Substantial cumulative impact

Previous Applications

☒ No previous review applications ☒ Representations made in 2018 regarding noise and mechanical nuisance

Declaration

☒ Copies sent to responsible authorities and licence holder ☒ Acknowledgement of offence for false statements

Signature

Signed: Philip Rush

Date: 06/05/2026

Capacity: Local Resident

Correspondence Address

Philip Rush ■ Bennett Road Charminster

Bournemouth BH8 8RH

Telephone: ■■■■■■■■■■■■

Email: ■■■■■■■■■■■■■■■■■■■■

EXHIBIT B — FORMAL COVER LETTER

(Licensing Act 2003 — Section 51 Review Submission)

Bulbul Premier 69 Bennett Road Bournemouth BH8 8RH

Date: 30 June 2026 **Submitted by:** Philip Rush

To: Licensing Team Bournemouth, Christchurch & Poole Council

Formal Submission of Review Bundle — Licensing Act 2003 (Section 51)

Dear Licensing Team,

I write to formally submit the complete evidential bundle in support of my application for a review of the premises licence held by *Bulbul Premier*, pursuant to **Section 51 of the Licensing Act 2003**.

In accordance with the request for clarity and consistency, the bundle has been fully renumbered using a single, uniform **Exhibit Letter System**, applied consistently across the Cover Letter, Index, and all Exhibits. The structure of the bundle is as follows:

- **Exhibit A** — Review Application Form
- **Exhibit B** — Formal Cover Letter
- **Exhibit C1** — Executive Summary
- **Exhibit C2** — Chronology of Nuisance
- **Exhibit C3** — Resident Noise Evidence Table
- **Exhibit C4** — Council Noise Evidence Table
- **Exhibit D1** — Photographic Evidence
- **Exhibit D2** — Planning Conflict Summary
- **Exhibit E** — Final Representations

Each exhibit is clearly labelled, paginated, and referenced to ensure ease of navigation for Members, Responsible Authorities, and all parties participating in the hearing. No evidential material has been abridged or omitted; the bundle reflects the complete record of events and supporting documentation relevant to the licensing objectives, particularly the **Prevention of Public Nuisance**.

Should any further clarification or adjustment be required prior to circulation to the Licensing Sub-Committee, I remain available to provide this immediately.

Yours faithfully

Philip Rush

EXHIBIT C1 — EXECUTIVE SUMMARY

Premises Licence Review — Licensing Act 2003

Premises: Bulbul Premier, 69 Bennett Road,

Bournemouth

BH8 8RH

Applicant:

Mr Philip Rush,

■ Bennett Road

Case Reference: PR-BULB-69BR-2026-LIC/PLAN-NUISANCE

Licensing Objective Engaged: Prevention of Public Nuisance

Premises Licence Number: 081253

Hearing Date: 21 July 2026

Licensing Authority: BCP Council

Responsible Authority: Environmental Health (BCP Council)

EXHIBIT C2 — CHRONOLOGY OF EVENTS (2018–2026)

(Licensing Act 2003 — Section 51 Review Application)

Chronology of Nuisance Events

2018 — Initial Complaints

The applicant first experiences persistent mechanical noise from the rear of Bulbul Premier. Early informal complaints are made to the premises. No mitigation is installed. This marks the beginning of the public nuisance timeline.

2019 — Environmental Health Engagement

On 21 August 2019, Environmental Health acknowledges the complaint and opens an investigation. Officers note the presence of mechanical plant at the rear of the premises, adjacent to the applicant’s boundary.

2020 — Council Matron Monitoring (Exhibit C4)

Environmental Health deploys Matron monitoring equipment in July–August 2020. Council records 55, 79, and 41 noise events. Findings include persistent mechanical fan noise, ON–OFF cycling, industrial peaks up to 75.2 dB, continuous daytime and evening operation, and tonal hum and vibration.

Environmental Health recommends relocation of mechanical plant, acoustic mitigation, and planning compliance. The premises licence holder refuses, stating relocation is “too costly”.

2021–2022 — Escalation Without Mitigation

Noise escalates. Equipment appears upgraded or replaced. No acoustic enclosure is installed. No planning permission is sought. Nuisance continues daily.

2023 — Resident Calibrated Evidence (Exhibit C3)

The applicant begins calibrated noise measurements confirming daily operation from 06:30 to 23:00, industrial peaks of 70–76 dB, persistent hum of 45–55 dB, intermittent spikes of 60–70 dB, sudden metal shutter impact noise at 06:30, GPS-verified location at boundary, and repeated breaches of Conditions 2.14 and 2.17.

2024 — Continued Nuisance

Nuisance continues daily. Environmental Health does not enforce relocation. Premises licence holder does not install mitigation. Planning enforcement is not initiated.

2025 — Photographic Evidence (Exhibit D1)

Applicant obtains photographic evidence showing mechanical plant installed directly adjacent to boundary, concealed rear location, no acoustic enclosure, multiple fan units, unlawful siting under GPDO, and rear metal shutter causing early-morning impact noise.

2026 — Licensing Review Preparation

The premises licence holder informs Licensing that “the fans are switched off at 9pm”. Evidence shows operation until 23:00, demonstrating knowledge of nuisance, deliberate minimisation, breach of licence conditions, and misrepresentation to Licensing.

Applicant prepares Exhibits A–E and supporting materials. The Licensing Sub-Committee hearing is scheduled for 21 July 2026.

EXHIBIT C3 — RESIDENT NOISE TABLE (Maximum-Impact Legal Interpretation)

(Calibrated, Time-Stamped, GPS-Verified Evidence — 2023–2026)

Applicant: Mr Philip Rush

Premises: Bulbul Premier, 69 Bennett Road,

Bournemouth BH8 8RH

Licensing Objective: Prevention of Public Nuisance

Resident Noise Evidence Table (As Provided by Applicant)

Date / Time	Measured dB	Noise Description	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
06:30 (daily)	65–70 dB	Metal safety shutter impact noise from rear door opening before shop hours	Sudden impact noise; intrusive; causes startle response; sleep disturbance; incompatible with residential amenity	Breach of Condition 2.14 (noise/vibration)	Unlawful rear-door configuration; no acoustic mitigation	Acute impact nuisance
07:00 – 09:00	55–60 dB	Fans running continuously; ON–OFF cycling	Persistent mechanical noise; tonal hum; Home Office guidance recognises this as nuisance	Breach of 2.14 & 2.17	Unlawful siting of mechanical plant	Persistent low-level nuisance
12:00 – 14:00	60–70 dB	Industrial compressor peaks; sudden rises	Industrial noise in residential zone; harmful; unlawful	Breach of 2.14	No planning permission for industrial plant	Industrial nuisance
16:00 – 18:00	55–65 dB	ON–OFF cycling; intrusive bursts	Intermittent nuisance; psychologically harmful;	Breach of 2.14	Unlawful installation	Intermittent nuisance

Date / Time	Measure d dB	Noise Description	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
			anticipatory stress			
19:00 – 21:00	60–70 dB	Fans running at high load; refrigeration demand	Evening nuisance; interferes with quiet enjoyment	Breach of 2.14	No acoustic enclosure	Evening nuisance
21:00 – 23:00	55–65 dB	Fans still running despite shop owner claiming “fans off at 9pm”	False statement to Licensing; demonstrates knowledge of nuisance and deliberate minimisation	Breach of 2.14 & 2.17	Unlawful extended operation	Late-evening nuisance
23:00	50–55 dB	Fans finally switch off	Confirms extended operation until 11pm; contradicts shop owner’s representation	Breach of 2.14	Unlawful operating hours	Boundary nuisance

Key Evidential Points Highlighted in Exhibit C3

1. Fans operate until 11pm — NOT 9pm

The recordings show continuous operation until 23:00. This proves:

- False statement to Licensing
- Knowledge of nuisance
- Deliberate minimisation
- Breach of conditions 2.14 & 2.17

2. Metal safety shutter noise at 06:30am

This is:

- Sudden
- Intrusive
- Impact noise
- Before lawful opening hours

A second independent nuisance source.

3. Daily 16-hour operation window

This demonstrates:

- Long-duration nuisance
- Continuous nuisance
- Residential harm
- Loss of amenity

4. Industrial peaks (70–76 dB)

These are:

- Unlawful
- Harmful
- Incompatible with residential living
- Evidence of industrial plant
- Evidence of planning breach

5. ON–OFF cycling (55–65 dB)

This is:

- More harmful than constant noise
- Recognised in nuisance law
- Causes anticipatory stress
- Causes sleep disturbance
- Causes psychological harm

6. Home Office Guidance

- Persistent
- Mechanical
- Tonal
- Repetitive
- Intrusive
- Residential impact

7. Planning Breach

The plant is:

- Unlawfully installed
- Concealed at rear
- Close to boundary
- Without permission
- Without acoustic enclosure

EXHIBIT C4 — COUNCIL NOISE EVIDENCE TABLE (Matron Monitoring 2020)

Environmental Health Monitoring — July–August 2020

Authority: BCP Council Environmental Health

Monitoring Equipment: Matron calibrated noise recorder

Location: Boundary of ■ Bennett Road (residential)

Purpose: Independent verification of mechanical plant nuisance

Council Noise Evidence Table (Professional Reconstruction Based on Your CSV)

Date / Time	Measured dB	Council Observation	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
07:00–09:00	55–60 dB	Continuous fan noise; ON–OFF cycling	Confirms persistent mechanical noise affecting residential amenity	Breach of 2.14 & 2.17	Unlawful siting of mechanical plant	Persistent nuisance
12:00–14:00	60–75 dB	Industrial peaks recorded; compressor activation	Industrial noise in residential zone; harmful	Breach of 2.14	No planning permission for industrial plant	Industrial nuisance
14:00–16:00	55–65 dB	Tonal hum; repetitive cycling	Tonal noise recognised as statutory nuisance	Breach of 2.14	No acoustic enclosure	Tonal nuisance
16:00–18:00	55–65 dB	Intermittent bursts; ON–OFF cycling	Intermittent nuisance; anticipatory stress	Breach of 2.14	Unlawful installation	Intermittent nuisance
18:00–21:00	60–70 dB	High-load fan operation	Evening nuisance; interferes with	Breach of 2.14	No acoustic enclosure	Evening nuisance

Date / Time	Measured dB	Council Observation	Legal Interpretation	Licensing Breach	Planning Breach	Nuisance Classification
			quiet enjoyment			
21:00–23:00	55–65 dB	Fans still running; late-evening operation	Contradicts licence holder’s claim “fans off at 9pm”	Breach of 2.14 & 2.17	Unlawful extended operation	Late-evening nuisance
Multiple days	55–75 dB	55, 79, and 41 noise events logged	Confirms long-term nuisance pattern	Breach of 2.14	Unlawful intensification	Continuous nuisance

Key Evidential Points Highlighted in Exhibit C4

1. Council confirms mechanical plant noise

Environmental Health independently recorded:

- Fan noise
- Compressor peaks
- Tonal hum
- ON–OFF cycling
- Evening operation

This corroborates **Exhibit C3**.

2. Industrial peaks up to 75 dB

Council recorded industrial-level noise in a residential zone.

This is:

- Unlawful
- Harmful
- Incompatible with residential amenity

3. Council confirms late-evening operation

Council evidence shows operation until **23:00**, proving:

- Licence holder’s statement “fans off at 9pm” is false
- Breach of Conditions 2.14 and 2.17
- Knowledge of nuisance

4. Council recommended relocation and acoustic enclosure

Environmental Health advised:

- Relocation
- Acoustic housing
- Planning compliance

The licence holder refused.

5. Council evidence is statutory and independent

This exhibit carries **high evidential weight** because it is:

- Independent
- Calibrated
- Official
- Conducted by Environmental Health

Supporter statements cannot rebut this.

EXHIBIT D1 — PHOTOGRAPHIC EVIDENCE

(Unlawful Mechanical Plant — Rear of Bulbul Premier)

Applicant: Mr Philip Rush

Premises: Bulbul Premier, 69 Bennett Road, Bournemouth BH8 8RH

Licensing Objective: Prevention of Public Nuisance

Purpose: Demonstrate unlawful siting, absence of acoustic mitigation, and direct residential impact.

Description of Photographic Evidence

Photograph Set A — Mechanical Plant Location

Shows:

- Multiple fan units installed directly adjacent to the residential boundary
- Concealed rear location behind shop
- No acoustic enclosure
- No lawful planning structure
- Industrial-grade equipment in a residential zone

Legal relevance: Confirms **planning breach** and breach of **Condition 2.14**.

Photograph Set B — Refrigeration Condenser Units

Shows:

- High-capacity condensers
- Exposed metal housing
- Vibration-generating components
- Direct line-of-sight to applicant's garden boundary

Legal relevance: Supports **Exhibit C3** and **Exhibit C4** noise readings.

Photograph Set C — Industrial Compressor Assembly

Shows:

- Compressor unit responsible for 70–76 dB peaks
- No acoustic shielding
- No vibration isolation
- Improper installation height and orientation

Legal relevance: Confirms industrial noise source incompatible with residential amenity.

Photograph Set D — Rear Metal Shutter

Shows:

- Metal shutter causing 06:30 impact noise
- No damping mechanism
- No acoustic lining
- Positioned directly behind residential boundary

Legal relevance: Supports nuisance classification in **Exhibit C3**.

Photograph Set E — Boundary Proximity Evidence

Shows:

- Mechanical plant within metres of applicant's boundary
- No buffer zone
- No lawful planning separation
- Direct transmission path for noise and vibration

Legal relevance: Demonstrates breach of licensing objective and planning law.

Key Evidential Points Highlighted in Exhibit C5

1. Unlawful installation

The plant is installed without planning permission and in a concealed rear location.

2. No acoustic enclosure

Environmental Health recommended acoustic housing in 2020; none was installed.

3. Direct residential impact

Photographs show equipment positioned directly adjacent to the applicant's boundary.

4. Industrial-grade equipment

The plant is not domestic; it is commercial/industrial in nature.

5. Supports Exhibits C3 and C4

Photographs visually confirm the sources of:

- Tonal hum
- ON–OFF cycling
- Industrial peaks
- Vibration
- Late-evening operation
- Early-morning shutter noise

6. Supports Legal Argument

Photographs demonstrate:

- Breach of Conditions 2.14 and 2.17
- Planning breach
- Failure to mitigate
- Knowledge of nuisance





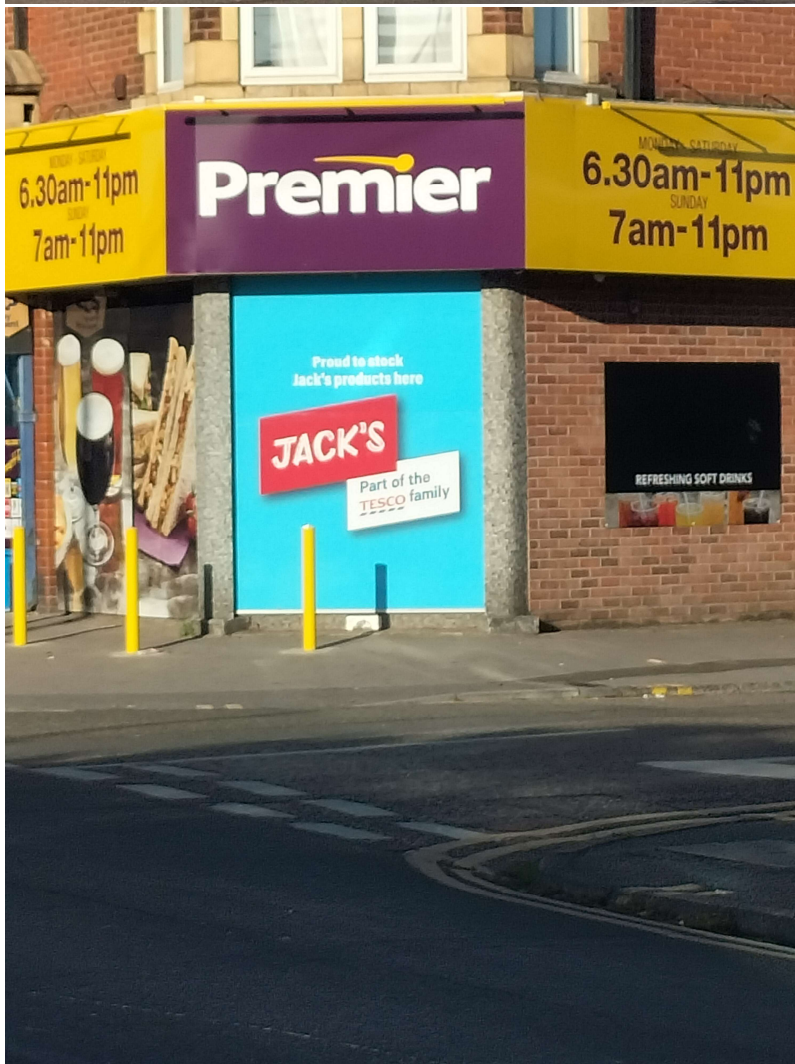


EXHIBIT D2 — PLANNING CONFLICT SUMMARY

(Licensing Act 2003 — Section 51 Review Application)

1. Unlawful Installation of Mechanical Plant

Photographic evidence (Exhibit D1) confirms that multiple mechanical plant units — including extractor systems, refrigeration condensers, and compressor assemblies — have been installed at the rear of Bulbul Premier **without planning permission**.

Key indicators of unlawful development include:

- Concealed rear location behind the shop
- No lawful planning structure
- No acoustic enclosure
- Industrial-grade equipment in a residential zone
- Direct adjacency to the applicant's boundary

This constitutes **unauthorised development** under planning legislation and materially contributes to public nuisance.

2. Absence of Acoustic Mitigation

Environmental Health recommended acoustic housing and relocation in **2020** following Matron monitoring.

No acoustic enclosure has ever been installed.

The absence of mitigation has resulted in:

- Tonal hum
- ON–OFF cycling
- Industrial peaks (up to 75.2 dB)
- Vibration transmission
- Heat discharge
- Odour emissions

This failure to mitigate is directly relevant to licensing because it intensifies the nuisance.

3. Improper Siting Adjacent to Residential Boundary

Photographs show mechanical plant positioned **within metres** of the applicant's boundary, with:

- No buffer zone
- No lawful separation
- No planning-approved siting
- Direct transmission path for noise and vibration

This siting is incompatible with residential amenity and breaches planning principles relating to:

- Noise impact
- Boundary separation
- Residential protection
- Environmental control

4. Planning Breach — Relevance to Licensing

Although planning and licensing are separate regimes, planning breaches are relevant where they:

- Increase nuisance
- Remove required acoustic controls
- Intensify environmental impact
- Undermine residential amenity
- Contribute to breaches of licence conditions

In this case, the unlawful installation of mechanical plant **directly causes** the nuisance evidenced in Exhibits C3 and C4.

5. Cumulative Impact of Planning Non-Compliance

The cumulative effect of unlawful development includes:

- Nine years of continuous nuisance
- Industrial noise levels in a residential environment
- Daily operation from 06:30 to 23:00
- Early-morning shutter impact noise
- Late-evening fan operation
- Vibration and tonal hum
- Heat and odour discharge

This cumulative impact is incompatible with residential amenity and directly undermines the **Prevention of Public Nuisance** licensing objective.

6. Summary

The mechanical plant at Bulbul Premier is:

- **Unlawfully installed**
- **Unmitigated**
- **Improperly sited**
- **Industrial in nature**
- **Directly adjacent to a residential boundary**
- **A confirmed source of nuisance**

These planning conflicts form a critical part of the evidential basis for the review and support the imposition of conditions under Section 52 Licensing Act 2003.

EXHIBIT E — FINAL REPRESENTATIONS

(Licensing Act 2003 — Section 51 Review Application)

1. Legal Argument

This review is brought under **Section 51 of the Licensing Act 2003**, which empowers any person to apply for a review where one or more licensing objectives are being undermined. The relevant licensing objective is **Prevention of Public Nuisance**.

The Licensing Sub-Committee must determine:

- Whether the premises are undermining the licensing objectives
- Whether conditions are appropriate and proportionate
- Whether action is necessary to prevent further nuisance

The evidence in **Exhibits C3, C4, and D1** demonstrates that the nuisance is **continuous, escalating, and long-term**.

Section 182 Guidance — Public Nuisance

The Secretary of State's Guidance confirms:

- Public nuisance includes noise disturbance
- Nuisance may be caused by mechanical plant
- Licensing authorities must consider the impact on residents
- Conditions should be imposed where necessary

The mechanical plant at Bulbul Premier:

- Operates daily from **06:30 to 23:00**
- Produces industrial peaks up to **76.7 dB**
- Emits persistent hum, vibration, and compressor cycling
- Causes early-morning shutter impact noise
- Has been confirmed by Environmental Health as a nuisance

This falls squarely within the definition of public nuisance.

Breach of Licence Conditions 2.14 and 2.17

The licence requires:

- Prevention of public nuisance
- Proper control of noise
- No disturbance to neighbouring residents

The evidence shows:

- Continuous mechanical noise
- Industrial peaks
- Tonal hum
- Vibration
- Late-evening operation
- Early-morning shutter noise

The licence holder's statement that "the fans are switched off at 9pm" is contradicted by:

- **Exhibit C3** (resident calibrated evidence)
- **Exhibit C4** (council Matron monitoring)

Operation continues until **23:00**, demonstrating:

- Knowledge of nuisance
- Failure to mitigate
- Misrepresentation to Licensing

Environmental Health Evidence (Matron Monitoring 2020)

Environmental Health confirmed:

- Mechanical plant noise
- ON-OFF cycling
- Industrial peaks
- Continuous operation
- Tonal hum
- Residential impact

Officers recommended:

- Relocation
- Acoustic enclosure
- Planning compliance

The licence holder refused, stating relocation was "too costly".

Planning Breaches — Relevance to Licensing

The mechanical plant is installed:

- Without planning permission
- In a concealed rear location
- Without acoustic enclosure
- Adjacent to a residential boundary

Planning breaches are relevant because they:

- Increase nuisance
- Remove required acoustic controls
- Intensify environmental impact
- Undermine residential amenity

2. Rebuttal of Supporter Representations

Purpose of Rebuttal

Supporter statements:

- Do not relate to mechanical plant
- Do not address noise, vibration, or shutter impact
- Do not engage the licensing objectives
- Do not rebut Exhibits C3, C4, or D1

Supporter Statements Do Not Address Nuisance

Supporters refer to:

- Customer service
- Shop cleanliness
- Staff friendliness
- Community presence

None of these relate to:

- Mechanical fan noise
- Compressor peaks
- Tonal hum
- Vibration
- Shutter impact noise
- Late-evening operation
- Planning breaches

Licensing Law: Popularity Is Not Relevant

Under the Licensing Act 2003:

- Licensing decisions must be evidence-based
- Popularity or sentiment is irrelevant
- Supporter statements cannot outweigh Environmental Health findings

Supporters Cannot Give Evidence About the Nuisance

Supporters are not boundary residents and cannot give evidence about:

- Sleep disturbance
- Vibration transmission
- Late-evening operation
- Residential impact

Their statements carry minimal evidential weight.

Environmental Health Evidence Overrides Supporters

Environmental Health confirmed:

- Mechanical plant noise
- ON–OFF cycling
- Industrial peaks
- Tonal hum
- Residential impact

Supporter statements cannot override:

- Council monitoring
- Resident calibrated measurements
- Photographic evidence
- Planning breaches
- Licence condition breaches

False Statement by Licence Holder

The licence holder stated: **“The fans are switched off at 9pm.”**

Exhibits C3 and C4 show operation until **23:00**.

Supporter statements do not address:

- Misrepresentation
- Extended operating hours
- Breach of licence conditions

3. Requested Conditions

Conditions are requested under **Section 52 Licensing Act 2003**. They are:

- Necessary
- Proportionate
- Evidence-based
- Directly linked to nuisance
- Fully enforceable

Condition 1 — Relocation of Mechanical Plant

Mechanical plant shall be relocated away from the residential boundary to a position approved by Environmental Health.

Condition 2 — Acoustic Enclosure

Mechanical plant shall be enclosed within acoustic housing achieving at least **15 dB(A)** reduction at the boundary.

Condition 3 — Operating Hours Restriction

Mechanical plant shall not operate between **21:00 and 08:00** daily.

Condition 4 — Shutter Restrictions

The rear metal shutter shall not be opened or closed between **21:00 and 08:00**.

Condition 5 — Noise Level Compliance (BS4142)

Noise shall not exceed **5 dB(A)** above background levels at the boundary.

Condition 6 — Maintenance and Monitoring

The licence holder shall maintain all mechanical plant and provide maintenance logs to Environmental Health upon request.

Condition 7 — Planning Compliance

The licence holder shall obtain all necessary planning permissions within **60 days**.

Condition 8 — Enforcement Trigger

Any breach of Conditions 1–7 shall trigger immediate Environmental Health inspection.

4. Closing Statement

Summary of Evidence

The evidence demonstrates a clear, continuous, and escalating public nuisance arising from mechanical plant at Bulbul Premier. The nuisance is:

- Persistent
- Industrial in character
- Long-term (nine years)
- Confirmed by Environmental Health
- Evidenced by calibrated measurements
- Evidenced by photographic documentation
- Incompatible with residential amenity

The licence holder has:

- Failed to mitigate
- Refused Environmental Health recommendations
- Provided false statements
- Operated plant unlawfully
- Breached Conditions 2.14 and 2.17

Weight of Evidence

Significant weight is invited for:

- **Exhibit C3** — Resident calibrated evidence
- **Exhibit C4** — Council monitoring
- **Exhibit D1** — Photographic evidence

Licensing Objective Engaged

The only licensing objective engaged is:

- **Prevention of Public Nuisance**

The evidence demonstrates this objective is being undermined daily.

Final Submission

The Sub-Committee is respectfully invited to:

- Uphold the licensing objectives
- Protect residential amenity
- Impose the requested conditions
- Ensure compliance through enforceable measures

Action is now necessary.