

JDW The Hatter's Inn 2-10 Queensway, Bognor Regis, PO21 1QT

Proposed Beer Garden Extension Noise Impact Assessment

Report ref.

DP526/19345/Rev. 0

Issued to

J D Wetherspoon Plc

Prepared by

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1. INTRODUCTION

J D Wetherspoon is seeking planning permission to redevelop and extend a beer garden at their existing Public House, The Hatter's Inn in Bognor Regis, Arun. The Public House has noise sensitive residential properties located nearby. Therefore, a noise impact assessment report has been requested by the local planning authority to form part of the planning application.

Accordingly, Spectrum Acoustic Consultants has been instructed by DV Architects, on behalf of J D Wetherspoon, to carry out a noise impact assessment to provide the necessary information to support the application. This report is submitted with the intention of providing the sufficient information to both inform and satisfy the requirements of the Local Planning Authority.

2. SITE DESCRIPTION AND PROPOSALS

The Hatter's Inn Public House is located at 2-10 Queensway, Bognor Regis, West Sussex PO21 1QT. West Street bounds the site to the south and a public garden bounds the site to the west. Queensway bounds the site to the east and has a mixture of commercial and residential properties located along it. To the rear of the Public House (north) is the service yard of the premises and an access alley, with a block of residential properties beyond. A three-storey high building with commercial properties on the ground floor and residential properties directly above adjoin the Public House to the north east. The mechanical plant and service yard of the Public House and adjacent commercial uses are located along the access alley at the rear. Existing site location plans are included in Appendix A.

The Public House is located on the ground floor of a two-storey high building. The existing beer garden is located on the western side of the premises. To the north of the beer garden is an undeveloped space, with a three-storey block of residential properties beyond.

The proposals involve redeveloping the existing beer garden and increasing its capacity by extending the beer garden on the undeveloped area. A brick wall approximately 2.2m high bounds the proposed beer garden extension to the east. The proposals involve extending this brick wall to form an acoustic barrier with a height of 2.5m. Also, a new 2.5m high barrier is proposed on the northern boundary of the site, with a cantilever roof extending out by 6m to cover part of the proposed beer garden extension. Drawings of the proposed scheme are included in Appendix B.

Periods when the beer garden would have moderate use typically occur in the afternoon around lunchtime and in the evening periods. Periods when the beer garden would be used intensely, during peak trading scenarios, would generally only occur for a limited number of weekend evenings during the summer months, when the weather is hot.

The trading hours for the premises are 08:00 to 00:00, Sunday to Thursday and 08:00 to 01:00 on Fridays and Saturdays. It is understood that the kitchen operates between 08:00 and 23:00 daily. It is understood that the existing beer garden closes at 21:00. The intention would be to operate the proposed beer garden extension up until 21:00 as well on each day.



3. NOISE CRITERIA

There are no directly applicable standards that relate to the assessment of noise from a proposed beer garden area. However, guidance given by the Institute of Acoustics¹ on the use of gardens and play areas focuses on possible mitigation measures and includes in section 7 (Control Measures) the following advice:

Careful consideration should always be given to the siting of gardens and play areas intended for the use of patrons, in order to minimise the risk of disturbance to neighbours. The use of gardens and external play areas from which noise disturbance has arisen, or may arise, should not commence before the start of formal trading hours and should normally cease at dusk or at 2100 hours, whichever is the earlier.

It further advises:

Consequently, where there are nearby noise sensitive premises, the use of lighting in garden and external play areas late into the evening can be undesirable, unless required for health and safety or security reason. The provision of such lighting may encourage patrons to congregate in these areas and cause noise disturbance at this more sensitive time.

It is clear in this guidance that although this issue can be significant to residents, there is no accepted method proposed to assess the potential noise impact, and yet clearly the level of impact will be dependent on site conditions, e.g. the proximity to receptors; whether there is screening of line of sight etc. A quantified assessment does have a role in helping to identify situations of potential noise disturbance.

In situations where individual speech content is understandable by residents, it is likely that the voice level is raised and that would be a matter for premises management and door security staff to monitor and control as part of complying with license conditions regarding nuisance.

Noise from premises is defined as neighbourhood noise in the preface to the Guidelines for Community Noise – World Health Organization, 1999 (GCN). The preface to the WHO guidelines also states that neighbourhood noise falls within the definition of community noise.

New guidance from WHO titled Environmental Noise Guidelines for the European Region (ENG) was published in 2018. The document takes a very different approach to guidance set out in the previous GCN document by identifying separate thresholds for specific sources, rather than for community noise as a whole. Consequently, much of the earlier guidance set out in GCN is now absent from ENG. While ENG was intended to supersede GCN, it recognises this absence and states that 'indoor guideline values and any values not covered by the current guidelines (such as industrial noise and shopping areas) should remain valid.'

Therefore, comparing the predicted beer garden noise levels at the nearby residential receptor locations, with the guideline values for community noise listed in Table 4.1 of the GCN document is a valid method to establish acceptability for the proposals.

¹ *Good Practice Guide on the Control of Noise from Pubs and Clubs, Institute of Acoustics, March 2003*



Table 4.1 of GCN references a guideline façade level of $L_{Aeq,8 \text{ hour}}$ 45dB outside of bedrooms during the night time to avoid sleep disturbance. During the daytime and evening, Table 4.1 recommends a guideline noise level of $L_{Aeq,16 \text{ hour}}$ 55dB for outdoor living areas to avoid serious annoyance. Whilst noise levels outside of living rooms during the daytime are not listed in Table 4.1, a guideline internal level of $L_{Aeq,16 \text{ hour}}$ 35dB for habitable rooms is provided to avoid moderate annoyance. Given that a difference of 15dB(A) between noise levels outside and inside of bedrooms during the night time is stated, a guideline noise level of $L_{Aeq,16 \text{ hour}}$ 50dB outside of living rooms may be assumed.

4. AMBIENT NOISE MEASUREMENT SURVEY

To inform the noise impact assessment, measurements of existing ambient noise levels were carried out during a noise survey conducted at the site between Wednesday 27 November and Thursday 28 November 2019. Weather conditions during the survey were generally mild and dry, with low wind speeds, presenting good conditions for noise measurement purposes.

An unattended noise logger was installed in the northern side of the existing beer garden, attached to the façade of the Public House building. This location is considered to be representative of the nearest noise sensitive receptor locations to the proposed beer garden extension. The measurement location is shown on the existing site location plan included in Appendix A.

Measurements consisted of 5 minute samples, covering sensitive daytime and evening periods when the beer garden would have the highest noise impact.

The following instrumentation was used during the survey.

- Bruel & Kjaer Type 2250 Sound Level Meter s/n 3024398
- Bruel & Kjaer Type 4189 Microphone s/n 3147720
- Bruel & Kjaer Type 4231 Acoustic Calibrator s/n 3021283

Before and after the survey, the sound level meter was field-calibrated in accordance with the manufacturer's guidelines, and no significant drift was observed. The meter, microphone and field calibrator are laboratory calibrated biennially in accordance with UKAS procedures or to traceable National Standards.

Measurements made were of the following parameters:

- Maximum Noise Level – defined as the maximum (L_{Amax} the maximum noise level)
- Residual Noise Level – defined as the Energy Average Level of a period, in the absence of noise from the proposed development (L_{Aeq})
- Background Noise Level – defined as level exceeded for 90% of a period, in the absence of the noise from the proposed development (L_{A90})

Measured ambient noise levels during the most sensitive trading periods are summarised in Table 1. The measured noise profile chart is included in Appendix C.



Location	Trading period	Time period	Noise level (dB)		
			Typical L_{A90}	$L_{Aeq,T}$	Typical L_{Amax}
Noise Monitoring Location	Afternoon	14:30 – 16:00	54	60	69
	Early Evening	19:00 – 21:00	53	58	70
	Late Evening	21:00 – 23:00	50	57	66

Table 1: Summary of measured noise levels during sensitive trading hours

Ambient noise levels at the nearest residential properties are dominated by mechanical plant from the J D Wetherspoon and the nearby commercial units, and road traffic movements on nearby roads.

During the survey it was observed that at the rear of the Public House, in the area of the existing service yard, the ambient noise levels are higher than measured at the noise monitoring location. Noise levels in this area are dominated by mechanical plant from the J D Wetherspoon and nearby commercial units, which operate until late evening (i.e. after 21:00). Sample noise measurements were taken in the area of the service yard and are detailed in the Environmental Noise Record Sheet in Appendix C. The results indicate that noise levels at the façades of adjacent residential properties are at least 9 dB higher than measured at the noise monitoring location.

However, as a cautious approach, the noise levels measured at the unattended noise measurement location are utilised in the assessment for all the receptor locations to represent a worst-case scenario. Therefore, analysis concludes that ambient noise levels at the nearest noise sensitive receptors are typically $L_{Aeq,(14:30-16:00)}$ 59-61dB during the afternoon period, $L_{Aeq,(19:00-21:00)}$ 57-59dB during the evening period and $L_{Aeq,(21:00-23:00)}$ 53-59dB during the sensitive late evening period.

5. PREDICTION AND ASSESSMENT OF NOISE IMPACT

The noise generated by customers in the proposed beer garden have been calculated using numerical noise modelling software. The numerical noise model was created using Bruel & Kjaer's Predictor v2019.3 software, which meets the requirements of ISO 9613 Part 2:1996².

The noise model takes account of the following in the calculation procedures:

- Source sound power level (for point, line and area sources)
- Reflection from nearby structures and source directivity
- Distance from noise source (geometric spreading)
- Atmospheric absorption
- Acoustic screening of intervening structures and topography
- Ground absorption
- Ground effects (which includes the height of ground relative to the noise source)

The input sound power data used in the model has been referenced from sound pressure level data of a human voice which is listed in Table 14.1 of 'Handbook of Noise Control', 2nd ed. McGraw Hill, 1979. This data provides average sound pressure levels at various voice efforts and is listed in Table 2 below.

² ISO 9613-2:1996 "Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation to determine Noise Levels"



Speech Level	L_p at 1m dB(A)	Octave Band Sound Pressure Level at 1m (dB)						
		125 Hz	250 Hz	500 Hz	1kHz	2kHz	4kHz	8kHz
Normal	61	54	56	54	58	53	47	40
Raised	67	49	58	63	65	59	53	48

Table 2: Speech spectra for different levels of speech taken from The Handbook of Noise Control (2nd Edition) – McGraw Hill – 1979.

The data is scaled up according to the beer garden occupation rate and converted to an area source which is used within the numerical noise model. The analysis method used has been derived from Spectrum's long experience of J D Wetherspoon developments.

The noise prediction model assumes three scenarios:

- Normal Trading, where 50% of the external customer area is occupied and 50% of patrons would speak at any one time with raised voices. This is considered to be the typical situation which occurs for the greater majority of the time.
- Busy Summer Weekend Evening, where 100% of the external customer area is occupied and 50% of patrons would speak at any one time with raised voices. This would simulate a busy weekend evening period which is more likely to occur during the summer when there is no rain.
- Worst Case Peak Trading, where 100% of the external customer area is occupied and 75% of patrons would speak at any one time with raised voices. This would simulate a worst case scenario which is likely to only occur for a handful of occasions throughout the year i.e. summer bank holiday evening when the weather is hot and there is no rain.

Note that the model assumes that all speakers 'face' the surrounding noise receptors. This is a slight overestimation, as in practice, many speakers will face away from the receptors to varying degrees.

More information about the model input data is included in Appendix D. A breakdown of the input sound power levels used in the model is included in Table 3.

Trading Scenario	L_w/m^2 dB(A)	Octave Band Sound Power Level Per Meter Squared (dB)						
		125 Hz	250 Hz	500 Hz	1kHz	2kHz	4kHz	8kHz
Normal	71	37	53	64	69	64	58	51
Busy Summer Weekend Evening	74	40	56	67	72	67	61	54
Worst Case Peak	76	42	58	69	74	69	63	56

Table 3: Model sound power data



The predicted noise levels have been calculated at a number of noise sensitive receptors. These are indicated on 3D view of the noise prediction model included in Appendix D, and are described as follows:

- NSR 1 – Southern façade, eastern side of the residential building bounding the proposed beer garden extension
- NSR 2 – Southern façade, western side of the residential building bounding the proposed beer garden extension
- NSR 3 – Eastern façade, southern side of the residential building bounding the proposed beer garden extension
- NSR 4 – Residential building to the east of the proposed beer garden extension

Detailed results for each of the simulated trading scenarios are shown in Appendix D. A summary of the predicted noise levels compared with the guideline WHO GCN criterion is included in Table 4.

Receptor	Trading	Predicted customer noise level (dB)	WHO guideline level (dB)	Excess over WHO guideline level (dB)
NSR 1	Normal	56	50	+6
	Busy summer weekend evening	59	50	+9
	Worst case peak	61	50	+11
NSR 2	Normal	49	50	-1
	Busy summer weekend evening	52	50	+2
	Worst case peak	54	50	+4
NSR 3	Normal	51	50	+1
	Busy summer weekend evening	54	50	+4
	Worst case peak	56	50	+6
NSR 4	Normal	52	50	+2
	Busy summer weekend evening	55	50	+5
	Worst case peak	57	50	+7

Table 4: Summary of predicted noise levels from the proposed beer garden compared with the guideline WHO criterion

Noise levels from the proposed beer garden during most of the simulated trading periods would exceed the guideline WHO guideline level, outside of the nearest noise sensitive properties. For each of the trading scenarios, predicted noise levels would exceed the guideline WHO level, except for the 'normal trading' period at NSR 2.

However, the 'busy summer weekend evening' and 'worst case peak trading' scenarios are likely to occur only for a handful of occasions throughout the year i.e. summer bank holiday evening when the weather is hot and there is no rain. Therefore, for the vast majority of the year, patron noise levels would meet or marginally exceed the WHO guideline level.

Moreover, it is important to assess the predicted noise levels in context, by comparing the predicted noise levels with the measured existing ambient noise levels, in order to determine the noise impact on the nearest noise sensitive receptors. A summary of the predicted noise levels compared with the ambient $L_{Aeq,19:00-21:00}$ levels measured during the early evening period is included in Table 5.



Receptor	Trading	Predicted customer noise level (dB)	Measured $L_{Aeq,19:00-21:00}$ level (dB)	Excess over $L_{Aeq,19:00-21:00}$ level (dB)
NSR 1	Normal	56	58	-2
	Busy summer weekend evening	59	58	+1
	Worst case peak	61	58	+3
NSR 2	Normal	49	58	-9
	Busy summer weekend evening	52	58	-6
	Worst case peak	54	58	-4
NSR 3	Normal	51	58	-7
	Busy summer weekend evening	54	58	-4
	Worst case peak	56	58	-2
NSR 4	Normal	52	58	-6
	Busy summer weekend evening	55	58	-3
	Worst case peak	57	58	-1

Table 5: Summary of predicted noise levels from the proposed beer garden compared with the typical ambient $L_{Aeq,19:00-21:00}$ level measured during the early evening period

Noise levels from the proposed beer garden during each of the simulated trading periods would be lower than the existing ambient noise levels at all of the nearby noise sensitive receptors, except for NSR 1 during the 'busy summer weekend evening' and 'worst case peak' scenarios when there would be a marginal excess of up to 3 dB. However, periods when the beer garden would be used intensely, during peak trading scenarios, would generally only occur for a limited number of weekend evenings during the summer months, when the weather is hot.

As mentioned in Section 4 above, during the noise survey it was observed that noise levels incident on the south eastern façade of the adjacent residential building (NSR 1) are approximately 9 dB higher than measured at the unattended noise monitoring location. Therefore, for most of the time, the predicted noise levels from the proposed beer garden extension would be at least 6 dB below the existing ambient noise levels at NSR 1.

It is also important to note that the existing acoustic environment would not change as a result of the proposed beer garden extension, as noise from this area would be similar in character to noise already generated by patrons in the existing beer garden. Therefore, the sensitivity of the nearby residents is reduced as they are already accustomed with the existing acoustic environment.

Moreover, the proposals include two barriers as part of the noise mitigation plan, as detailed in Section 2 above. The existing brick wall on the eastern boundary of the beer garden extension would be raised to 2.5m high, and a new 2.5m high barrier would be constructed on the northern boundary of the beer garden, with a cantilever roof extending 6m above the beer garden extension. Therefore, much of the extension would be covered.



J D Wetherspoon generally adopt the following management plan at their existing sites throughout the UK:

- Members of staff conduct regular checks of the front and rear of the premises at all times it is accessible to the public. The area will also be subject to CCTV coverage with images retained for 30 days.
- Signage erected at the front and rear of the premises to remind customers of the need to respect the rights of our neighbours to the quiet enjoyment of their homes, businesses and other activities.
- If on occasion customers are found to be making excessive noise, a member of staff will take immediate action to rectify the situation, e.g. ask the customer to talk more quietly or if problems persist, ask them to return inside the premises or leave the premises entirely.
- A telephone number may be circulated to nearby residents to allow any complaints relating to noise from the premises or as to any other elements of its operation to be communicated easily.
- If any complaints relating to noise disturbance are received by a member of staff, the complaint will be brought to the attention of the manager on duty and immediate steps will be taken to prevent a recurrence of the situation.

More information about how J D Wetherspoon manage external customer areas at their existing sites is included in Appendix E.

In view of the above, use of the proposed beer garden up until 21:00 would result in a low noise impact on the nearby noise sensitive receptor locations.

6. CONCLUSIONS

J D Wetherspoon is seeking planning permission for a proposed beer garden extension at their existing premises, The Hatter's Inn in Bognor Regis, West Sussex.

Analysis of the noise impact on the nearest noise sensitive receptor locations to the proposed beer garden area has been undertaken, based on a proposed closing time for the beer garden of 21:00 each day. Two acoustic barriers are also included as part of the proposals.

Providing the beer garden is implemented and managed as described within this report, noise from the patrons would not give rise to unacceptable levels of noise at the nearby noise sensitive receptor locations.

A P P E N D I X A

Existing Site Location Plans



EXISTING CONDITIONS

CUSTOMER DINING EXISTING AREAS

EXISTING GROSS INTERNAL AREA - 8,826 SQ.FT / 820 SQ.M
 CUSTOMER DINING - 4,115 SQ.FT / 386 SQ.M
 BACK OF HOUSE - 4,865 SQ.FT / 452 SQ.M

EXISTING COVERS

DINING - 92
 VDA - 52 (20%)
 TOTAL - 144

STAFF ROOM EXISTING AREAS

OVERALL AREA - 64.5 SQ.FT / 6 SQ.M

GARDEN EXISTING AREAS

GROSS EXTERNAL AREA - 3,616 SQ.FT / 336 SQ.M
 GARDEN - 2,228 SQ.FT / 207 SQ.M
 CAR PARK - 5Q.FT / 5Q.M - N/A

EXISTING COVERS

DINING - 60
 VDA - 8 (11%)
 TOTAL - 68

TOILET EXISTING AREAS

OVERALL AREA - 5839 Q.FT / 785 SQ.M
 MALE WC - 344 SQ.FT / 32 SQ.M
 FEMALE WC - 387 SQ.FT / 36 SQ.M
 EASY ACCESS WC - 75 SQ.FT / 7 SQ.M

TOILET PROPOSED AREAS

OVERALL AREA - 5839 Q.FT / 785 SQ.M
 MALE WC - 344 SQ.FT / 32 SQ.M
 FEMALE WC - 387 SQ.FT / 36 SQ.M
 EASY ACCESS WC - 75 SQ.FT / 7 SQ.M

EXISTING LIGHTING KEY

- 3NO. WALL LIGHTS
- 3NO. WALL FLOOD LIGHTS
- 2NO. TALL POST LAMPS
- 6NO. BOLLARDS
- 1NO. STREET LIGHT

JOB NO	DWG NO	REV
1125	001	/

REVISION	DATE	DWN	CHK
X	XXX	XX	XX

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CLIENT

wetherspoon

PROJECT

THE HATTER'S INN
 BOGNOR REGIS
 PN 0217

DRAWING TITLE

GROUND FLOOR:
 EXISTING FLOOR PLAN

SCALE

1:100 @ A1

DATE

18.07.17

DRAWN BY

DW/RR

CHECKED BY

DM

STATUS

PRELIMINARY

JOB NO	DWG NO	REV
1125	001	/

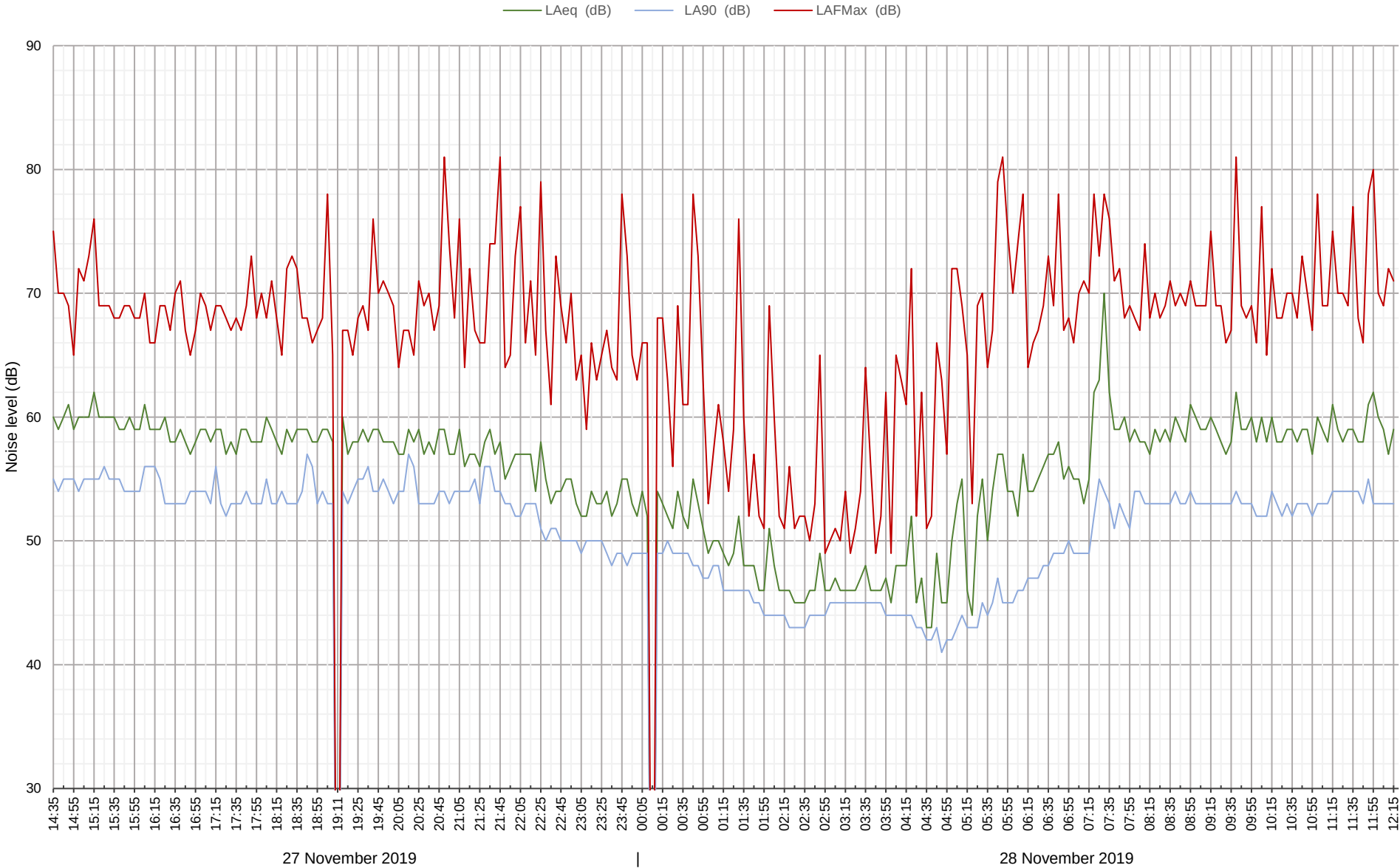
A P P E N D I X B

Proposed Scheme

A P P E N D I X C

Measured Noise Levels in Graphical Form and Environmental Noise Record Sheets

Noise levels at the Noise Monitoring Location (27 to 28 November 2019)





ENVIRONMENTAL NOISE RECORD SHEET

Sheet 1 of 1
DP532/19345

Location: As detailed in the comments below

Date: 28 November 2019

Calibration Times: 14:16, 12:24

Project: 19345 – JDW The Hatters Inn, Bognor Regis

Instrumentation: Bruel & Kjaer Type 2250 Sound Level Meter

Ambient Noise Survey

Date	Time		Weather			Noise Level dB(A)						Comments (Including description of noise (eg whine, hiss, rumble, impact, vehicle rain, vegetation, or animal noise)).
	Start	Dur'n (Min)	Wind Speed m/s	Wind Dir'n	Cloud (%)	L10	L50	L90	LMAX	LMIN	LAeq	
28/11/2019	12:40	1:01	-	-	-	71	71	70	72	70	71	5m from the rear of the JDW building.
28/11/2019	12:43	0:21	-	-	-	70	69	69	70	68	69	10m from the rear of the JDW building, at the nearest residential properties adjacent to the north of the proposed beer garden extension.
28/11/2019	12:45	0:11	-	-	-	71	70	69	72	68	70	2m from the rear of the adjacent Chinese restaurant.

A P P E N D I X D

Noise Prediction Model

Beer Garden Noise noise levels (for use with Predictor)

This spreadsheet shows the sound power per square metre of a beer garden at different levels of occupation. It is based on the % occupation and no. of concurrent speakers. For use in an area source in Predictor select A-weighted levels from the dropdown in cell in the top right. Noise levels have been validated against a long term survey of noise and customer occupation levels at JDW The Crown Hotel in Biggleswade.

Output octave band Lw weighting : A-weighted

Trading level	Speech level	Sound power of a single speaker (dB)	People/m ²	Adjustment due to % occupation (dB)	No. of concurrent speakers	Adjustment due to no. of speakers (dB)	A-weighted sound power per square metre (Lw/m2) dB							
							Total dB(A)	125	250	500	1k	2k	4k	8k
Normal	Raised	77.4	0.50	-3.0	0.5	-3.0	71	37	53	64	69	64	58	51
Busy Summer Weekend Evening Trading	Raised	77.4	1.00	0.0	0.5	-3.0	74	40	56	67	72	67	61	54
Worst Case Peak	Raised	77.4	1.00	0.0	0.75	-1.2	76	42	58	69	74	69	63	56

Noise data and assumptions which form the basis of the calculated levels above

Trading levels	% of overall beer garden area	% speakers
Normal	50	50
Busy Summer Weekend Evening Trading	100	50
Worst Case Peak	100	75

Trading levels are determined based on the amount of the beer garden which is occupied and the number of people concurrently speaking. Based on observations in JDW Biggleswade beer garden over a period of several weeks.

Speech spectra for different levels of speech

Taken from *The Handbook of Noise Control* (2nd Edition) - McGraw Hill - 1979.

Linear octave band sound pressure level (Lp) at 1m (dB)								
Speech level	Total dB(A)	125	250	500	1k	2k	4k	8k
Normal	61	54	56	54	58	53	47	40
Raised	67	49	58	63	65	59	53	48

Converted to sound powers using a factor of 10.

Linear octave band sound power (Lw) dB								
Speech level	Total dB(A)	125	250	500	1k	2k	4k	8k
Normal	71	64	66	64	68	63	57	50
Raised	77	59	68	73	75	69	63	58

Additional useful data related to noise prediction from public houses

1. Sound power level for speech levels from internal voices at open doors

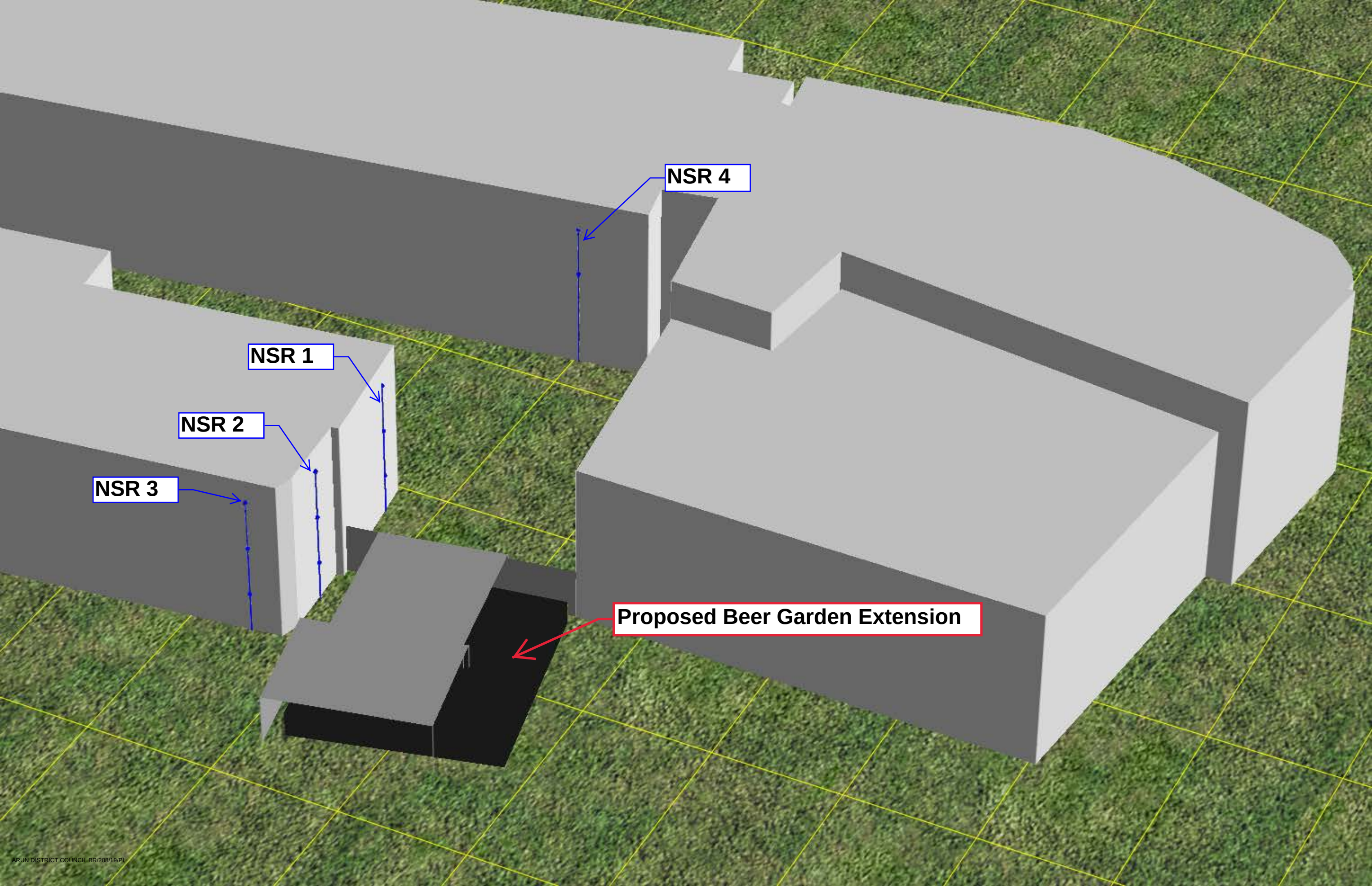
These levels are intended for the prediction of noise from customers in internal areas breaking out through open doors (particularly in the case of large summer opening doors). They are based on Spectrum's library of measured noise data around the perimeter of a busy JDW internal customer area. These octave band levels are linear and an A-weighting should be applied before transferring into the Lw/m2 input section for an area source in Predictor.

Linear sound power per square metre (Lw/m2) dB							
Total dB(A)	125	250	500	1k	2k	4k	8k
74.0	32.9	54.4	64.8	72	67.2	58	48.9

2. Maximum sound power level for one person in a smoking area

These levels represent the maximum speech spectra from "*The Handbook of Noise Control* (2nd Edition) - McGraw Hill - 1979". They are commonly used to represent one person speaking very loudly or shouting in a smoking area after the closure of a beer garden. An assessment using this data would usually use a point source and assess the predicted levels at a receptor against the appropriate limits in terms of Lmax.

Linear sound power (Lw,Max) dB								
Speech level	Total dB(A)	125	250	500	1k	2k	4k	8k
Maximum	99	43	73	85	97	92	81	72



NSR 4

NSR 1

NSR 2

NSR 3

Proposed Beer Garden Extension

19345 - JDW The Hatters Inn

Predicted LAeq Noise Levels - Normal Trading

Report: Table of Results
Model: Normal
LAeq: total results for receivers
Group: (main group)
Group Reduction: No

Name			
Receiver	Description	Height	Evening
R1_A	Adjacent building to North	2.00	46
R1_B	Adjacent building to North	4.50	56
R1_C	Adjacent building to North	7.00	56
R2_A	Adjacent building to North	2.00	48
R2_B	Adjacent building to North	4.50	48
R2_C	Adjacent building to North	7.00	49
R3_A	Adjacent building to North	2.00	43
R3_B	Adjacent building to North	4.50	48
R3_C	Adjacent building to North	7.00	51
R4_A	Building to E of beer garden	5.00	48
R4_B	Building to E of beer garden	7.50	52

All shown dB values are A-weighted

Predictor V2019.3

13/12/2019 11:24:48

19345 - JDW The Hatters Inn

Predicted LAeq Noise Levels - Busy Summer Weekend Trading

Report: Table of Results
Model: Busy Summer Weekend
LAeq: total results for receivers
Group: (main group)
Group Reduction: No

Name			
Receiver	Description	Height	Evening
R1_A	Adjacent building to North	2.00	49
R1_B	Adjacent building to North	4.50	59
R1_C	Adjacent building to North	7.00	59
R2_A	Adjacent building to North	2.00	51
R2_B	Adjacent building to North	4.50	51
R2_C	Adjacent building to North	7.00	52
R3_A	Adjacent building to North	2.00	46
R3_B	Adjacent building to North	4.50	51
R3_C	Adjacent building to North	7.00	54
R4_A	Building to E of beer garden	5.00	51
R4_B	Building to E of beer garden	7.50	55

All shown dB values are A-weighted

Predictor V2019.3

13/12/2019 11:25:31

19345 - JDW The Hatters Inn
Predicted LAeq Noise Levels - Worst Case Peak Trading

Report: Table of Results
Model: Worst Case Peak
LAeq: total results for receivers
Group: (main group)
Group Reduction: No

Name			
Receiver	Description	Height	Evening
R1_A	Adjacent building to North	2.00	51
R1_B	Adjacent building to North	4.50	61
R1_C	Adjacent building to North	7.00	61
R2_A	Adjacent building to North	2.00	53
R2_B	Adjacent building to North	4.50	53
R2_C	Adjacent building to North	7.00	54
R3_A	Adjacent building to North	2.00	48
R3_B	Adjacent building to North	4.50	53
R3_C	Adjacent building to North	7.00	56
R4_A	Building to E of beer garden	5.00	53
R4_B	Building to E of beer garden	7.50	57

All shown dB values are A-weighted

Predictor V2019.3

13/12/2019 11:25:13

A P P E N D I X E

J D Wetherspoon Outside Area Management Information

Outside Areas – The JD Wetherspoon Approach

Introduction

JD Wetherspoon operates 866 premises in England, Wales, Scotland and Northern Ireland. The provision of facilities whereby customers can eat and drink outside has been a key part in the development of those premises. We all like to sit outside when the weather permits and our customers are no different. Accordingly we have tried wherever possible to allow for an outside customer area when we build new premises or refurbish existing ones.

The requirement for outside areas became more important after the introduction of restrictions on smoking inside premises. The lack of an outside area means that smokers use the public footpath outside or adjacent to premises where they are more difficult to control and there is greater potential for litter and anti-social behaviour.

We are increasingly acknowledging that whilst our outside areas are popular with our customers who wish to smoke, their use of such areas should not be to the detriment of non-smoking customers and we have a number of outside areas where smoking is limited to certain areas or not permitted at all.

Wherever possible we look to incorporate an outside area within the demise of our premises. If this is not possible then where appropriate, we look to operate an area on the public footpath in front or adjacent to the premises by way of a pavement licence or similar issued by the relevant Highway Authority. At some premises, we operate both.

As well as providing a facility for our customers, outside areas also add to the visual appeal of our premises and a significant amount of investment goes into landscaping and afterwards maintaining them to maximise that appeal.

It is difficult to provide an exact figure but we would estimate that approximately 80% of our premises operate some form of outside area. Of those premises which do not, the majority are in city centre locations where the physical space for an outside area does not exist.

Management and Control

We fully appreciate that when customers use our outside areas then there is a potential risk for noise and disturbance to be caused to those who live and work in the vicinity of our premises which is beyond that if our customers were restricted to inside.

This risk is mitigated by a number of management control measures which are generally applied across our estate. Such measures include the following:

- Effective staff supervision.
- CCTV.
- Signage.
- Restricted hours of use either by way of licensing or planning condition or a voluntary restriction.
- Noise attenuation considerations built into the design.
- Efficient procedures for dealing with any complaints quickly and effectively at premises level.
- No internal music in the vast majority of our premises and no external music at all.

The application of the above measures has meant that formal authority complaints in respect of customer noise from our outside areas are extremely infrequent. The company has not faced any formal enforcement action or premises licence reviews arising from noise issue from outside areas. Any complaint is dealt with quickly and effectively.

It is common for our use of an outside area to be curtailed by way of either a planning or licensing condition although the latter is more frequent given that the prevention of public

nuisance is one of the four licensing objectives (five in Scotland). Wherever possible, we will look to address any concerns of the Environmental Health Officer during both the licensing and planning process to agree a suitable condition/restriction which balances the fully recognised right of local residents and business not to be disturbed from our outside areas and our wish to provide such areas to our customers.

By way of information of the 29 premises which the company opened in 2012, conditions/restrictions restricting use of outside areas were applied as follows:

The Court of Requests, Oldbury (17.1.12) - "The hours of use of the beer garden shall be limited to between 8am and 11pm on Sundays and 8am to 11.30pm on Mondays to Saturdays" (Planning permission)

The Man in the Wall, Wimborne (20.1.12) – "The rear external terrace area of the premises immediately adjacent to the premises, further identified as the area shaded green on the approved premises licence plan shall not be used by customers for the purpose of consumption of food and drink between the hours of 2200 and 0700. All other rear external terrace areas shall not be used between 2200 and 0700 for any purpose" (Premises Licence)

The Watchman, New Malden (27.3.12) – "The outside area to the left of the exit, as viewed from inside the building, will not be used by customers between the hours of 2300 and 0700. Between the hours of 2300 and 0700 the outside areas to the right of the exit ,as viewed from inside the building, will be restricted to customers who wish to smoke" (Premises Licence)

The Queens Picture House, Waterloo (10.4.12) – "Unless otherwise agreed in writing with Merseyside Police, no consumption of alcohol shall occur in the outside patio area beyond 2300 hours" (Premises Licence)

The Prestwick Pioneer, Prestwick (15.5.12) – "Any beer garden must be closed for the consumption of alcohol after 10pm" (Premises Licence)

The Thorns Farm, Yate (29.5.12) – " All outside areas shall be cleared of food and drinks receptacles by 23:00 hours and no food and drink receptacles are to be taken outside after 23:00 hours. Signage indicating this condition shall be prominently displayed inside all external doors" (Premises Licence)

Henry Bell, Helensburgh (29.5.12) – "The terminal hour for the external drinking area is 9pm Sunday to Thursday and 10pm Friday and Saturday. Persons using the external area after this time, have to remain within the area marked "smoking area" on the plan" (Premises Licence)

Railway Hotel, Lytham (10.7.12) – "There shall be no consumption of food or drink in any external area of the premises after 2300" – Premises Licence

The Kingfisher, Poynton (18.12.12) – "There shall be no consumption of food and drink in any outside area of the premises after 2200 until close on any day. All glasses and bottles shall be regularly cleared from any outside area with none remaining after 2200. The premises licence holder will ensure that after 2200 until close of the premises there is regular monitoring of any outside area to ensure that public nuisance is not caused" (Premises Licence)

The above conditions were requested by the authorities, and agreed to by the company, in acknowledgement of near-by residential properties. Some conditions, as will be noted, prevent use of outside terrace areas completely after a certain time and others prevent use for consumption of food and drink thereby allowing use by smokers as an alternative to the pavement or street. This recognises the fact that where customers are not permitted to take drinks with them into the outside area then they are more likely to return inside quickly minimising the potential for any noise nuisance being caused, Where possible the company prefer the flexibility of allowing smokers to use outside terrace areas up until close simply because it allows a greater degree of management control. If the authorities however feel that

the interests of our neighbours are better served by a complete restriction on use then we will concur if the request is a reasonable one.

Case Studies

The approach taken by JD Wetherspoon and the authorities to the control of outside terrace areas via the licensing and planning processes at our premises is more fully demonstrated by the following three case studies.

The Frank Hornby, Maghull, Liverpool

The premises opened on the 17th April 2012.

The premises had previously traded as the Everest Hotel, a long standing public house with a poor reputation in the local community in its final years of operation for causing noise and disturbance.

The Frank Hornby is located in an entirely residential area with houses to the front, sides and rear in close proximity.

The refurbishment of the premises included plans for an extended and enhanced outside area at the front of the premises to replace some free standing bench style seating in what was previously used as a car park.



Possible noise and disturbance from this area was one of a number of issues that caused a high level of concern amongst near-by residents which the company sought to address at 3 public meetings prior to the premises opening. One of the meetings was attended by 70 residents as well as local councillors.

The Planning Authority (Sefton Council) also had concerns over the operation of the area. Our development team worked closely with the planning officer to address those concerns by a reduction in the size of the proposed outside terrace and a management plan which provided for the following:

- No consumption of food and drink in the outside terrace area after 2200
- Regular checks by staff of the outside terrace area
- 24 hour CCTV coverage
- Erection of signage in the area requesting customers to respect the neighbour's right to quiet enjoyment.
- Regular residents meetings

The first residents' meeting took place on the 30th May 2012. 13 residents attended. No complaints were made as to noise from the outside area although one resident did ask us to ensure that smokers did use the area rather than the car park area to the side of the pub.

The second residents meeting took place on the 8th August. On this occasion only 2 residents attended and no concerns were raised about any aspect of the premise's operation.

The Broken Bridge, Pontefract, West Yorkshire

The premises opened on the 18th June 2010 after conversion from former retail premises.

The development included proposals for an outside terrace area at the rear of the premises in close proximity to a row of terraced housing.



Concerns were raised by the EHO as the possibility of noise from the area disturbing the occupiers of the houses. In response to her concerns, the following condition was agreed with her.

“The outside beer garden area shall not be used between 2100 and 1000 except as a smoking area until the premises licence holder has prepared such a scheme of works to address the noise likely to emanate from the area and completed such works to the satisfaction of the EHO”

Given the proximity of the area to the residential properties unfortunately we were unable to come to agreement with the EHO as to a suitable scheme and the restriction remains on the premises licence.

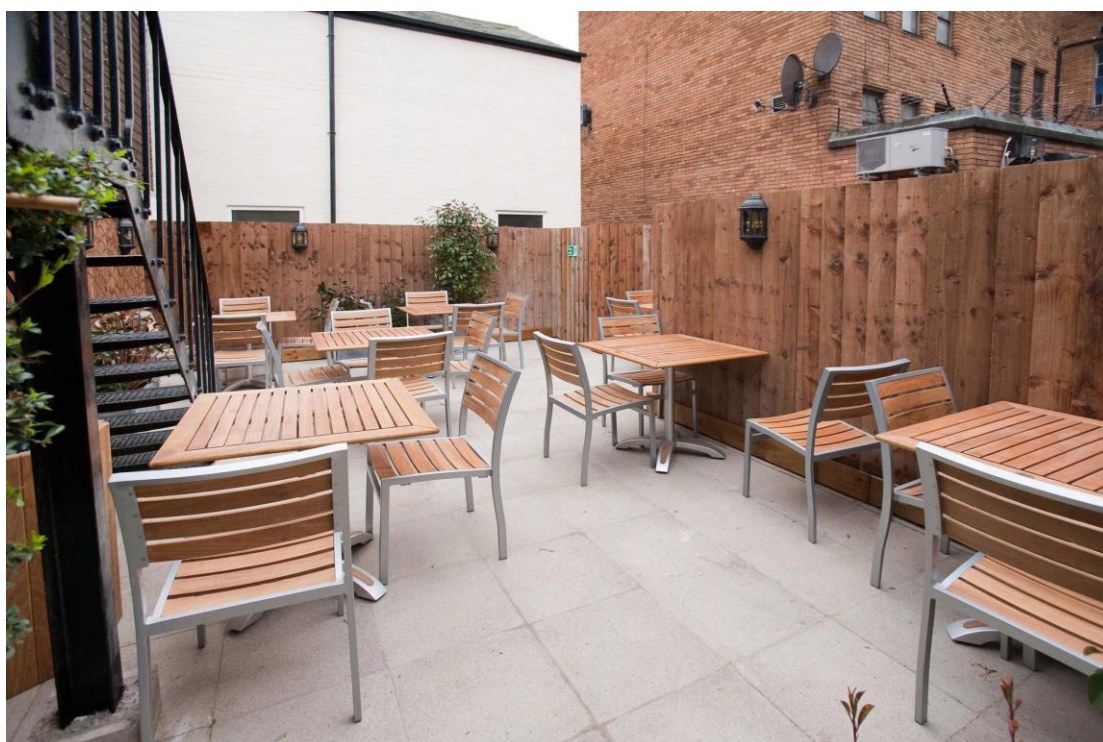
An early complaint was received from one of the occupiers of the houses shortly after opening involving the EHO. Closer management focus was applied to the area and subsequent to that initial complaint, no further complaints have been received as to use of the area.

The manager of the premises is particularly keen to communicate with the residents and keep them abreast of any activity at the premises which might affect them in the belief this minimises complaints. This is something the company encourages all its managers to do and especially those whose pubs are next to noise sensitive premises.

The Five Swans, St Mary's Place, Newcastle

The premises opened on the 29th March 2011 after conversion from 4 separate retail and restaurant properties.

The development included provision for a relatively small external terrace area to the rear of the premises which was directly overlooked by a neighbouring residential property as shown on the picture below



After liaison with the EHO from Newcastle City Council, the following premises licence condition was agreed:

“The premises licence holder will ensure that there shall be no consumption of alcohol, non-alcoholic drinks or food in the outside area to the rear of the premises after the daily terminal hour for closure the premises and before 0700 the following day”

This restriction was not sufficient for the owner of the residential flat and the committee imposed an earlier cut off time for use of 2200 and in addition required the fitting of a Mag Lock to the access door for the area, which also doubled as a fire door, to prevent unauthorised access after 2200. The Mag Lock would prevent anyone opening the door after 2200 but it would automatically allow use once the premises fire alarm was activated.

There were some initial teething problems with the use of the Mag Lock as customers were able to manually to override it. This led to a complaint via the EHO from our neighbour in August 2011 that customers were using the area after 2200.

In response, the pub's operational team met our neighbour and a number of measures as follows were agreed for immediate implementation to stop a reoccurrence:

- Replacement of the original Maglock with a break glass emergency exit system
- More prominent signage informing customers of the hours of use of the terrace area
- Installation of an alarm in the door so that if it was opened in unauthorised circumstances, a member of the pubs management team would be immediately alerted.

There have been no other complaints received regarding the issue.

Conclusion

The above case studies show that with a combination of pre-opening liaison with the authorities and the local community, imposition of workable restrictions, whether on the premises licence or planning permission, and a commitment to address any problems when they arise after opening, that we are able operate outside areas which do not impact on our neighbours.

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