Nicky Long

From: Anja Jennings on behalf of Development Control (Dev Control)
Sent: 27 June 2011 17:04
To: Nicky Long
Subject: FW: 11/96974 - Use as public house with wildlife & pub gardens (Use Class A4); shop front alterations; fenestration alterations to include rear doors & louvre; kitchen extraction; jumberella at 47-48 St. Thomas Street, Lymington
Attachments: 2011 March 31 Email from Rob Kirkaldy of Spectrum Acoustics.pdf

From: Gary Worsley
Sent: 27 June 2011 16:45
To: Development Control (Dev Control)
Cc: Vivienne Baxter
Subject: FW: 11/96974 - Use as public house with wildlife & pub gardens (Use Class A4); shop front alterations; fenestration alterations to include rear doors & louvre; kitchen extraction; jumberella at 47-48 St. Thomas Street, Lymington

Environmental Health (Pollution) Comments Relating to Noise and Odours

Thank you for consulting Environmental Protection and comments are shown below:

The following documents were referred to:

-Acoustic Report entitled- 'Planning Noise Report for a Proposed A4 Drinking Establishment at 47-47 Saint Thomas Street, Lymington Ref: RK497/10153 dated November 2010;
-Planning Statement dated 12 May 2011; and
-Email from Spectrum Acoustics dated 31 March 2011.

Noise

Plant & Equipment

As far as the plant & equipment is concerned, the nearest noise sensitive receptors are 'Receptor B' as shown at drawing no. PL-01 in appendix A of the acoustic report detailed above. Receptor B is the residential accommodation at 1-3 St. Thomas Park at a distance of approximately 37 metres.

In accordance with BS4142:1997 there is an excess of noise over background of 2dB. This would be acceptable during the early hours of the morning i.e. 03:00 hours as it would be very unlikely that persons would be using their gardens. With a sound reduction of at least 10dB through a partially open window, the noise level that might be experienced inside the property would be in the region of 17dB which is very low.

The EHO gave advice during a pre-application meeting that any plant and equipment should be at least 10dB below the background Noise Level (LA90). Appendix D clearly shows that between 22:00 and 23:00 hours the excess over background is 0, therefore, in general acoustic principles; this will have the effect of raising the background noise levels by at least 3dB and is not to the required standard as mentioned above.

The Roof Supply fan and extract fan as shown at appendix D of the acoustic report will operate whilst the premises are open and this is until 01:00 hours on Fridays and Saturdays. The background noise level (LA90) during 23:00 to 01:00 hours is shown as approximately 25dB(A) and with the roof supply and extract operating during normal opening hours, the combined noise level of these plant are 66dB; therefore, the excess over background is 2dB which is still exceeds of the criteria discussed at pre-application stage.

The acoustic report states at page 5 that the described plant and equipment do not emit any distinct impulses or tones; therefore, a feature correction as defined in BS4142:1997 has not been applied when determining the noise rating level. I would argue this point in that BS4142:1997 states '*Apply a 5dB correction if one of more if the following features occur, or are expected to be present for new or modified noise sources; -the noise contains a distinguishable, discrete, continuous note (whine, hiss screech, hum etc.)*. It is likely that there will be a Hum associated with the roof top air supply and extract; therefore, if a 5dB correction were added then there would be a 7dB excess over background between the hours of 23:00 and 01:00 and this might not be acceptable should persons be using the grassed area to the front of the residential properties at St. Thomas Park.

It has been brought to the EHO's attention that a dormer window to 46A St. Thomas Street is closer to the plant and equipment at 28m rather than Receptor B which is 36m distance. This would have the effect of an excess over background noise level of +5dB and with a feature correction of +5dB applied for a continuous 'Hum' then this would create an excess over background of +10dB which according to BS4142:1997 'Complaints are Likely'.

It should also be noted that there have been no background noise levels measured in the very quiet enclosed grassed area in front of 1-3 St. Thomas Park residential dwellings i.e. Receptor B. The submitted background noise data was taken in St. Thomas Street which I would consider to be higher.

No noise levels have been measured for the dormer window at the rear of Receptor A.

Beer Garden

The submitted acoustic report ref: RK497/10153 dated November 2010 states at 6.2 that calculations of noise levels in the proposed beer garden have been undertaken and are shown in Appendix E. The assumed noise level from a beer garden as shown at Appendix E for raised voices in the beer garden is shown as 66 dB(A).

The figure of 66dB(A) quoted for a beer garden with raised voices was challenged with the acoustic consultant and an email was received by the EHO on 31 March 2011 with a PDF attachment showing pages 14-4 and 14-5 (Effects of Noise on Speech Communication) from a standard textbook (Handbook of Noise Control 2nd Edition). The email and PDF document are attached to these comments.

The relevant paragraph is highlight in green in the above document. This shows that that when holding a face-to-face (unamplified speech) conversation then a normal voice at distances up to 6m is required where background noise levels are <50dB(A), Raised voice levels at distances up to 2m are required where the background levels are between 50-70dB(A), Very loud or shouted voice level at distances up to 50dM are required where the background noise level is between 90-100dB(A) and where background levels are between 110 – 130dB(A) then it will be very difficult to impossible even at a distance of 1m to hold a conversation.

It appears to the EHO that the report has been written in a way that shows raised voices at a distance of up to 2m will have a noise level of 50-70dB(A) and they have used 66dB(A) as an arbitrary figure. This in the opinion of the EHO is incorrect and that an assumed noise level of 66dB(A) from a full beer garden has been assessed to be too low and that incorrect theoretical information has been used.

From the EHO's experience and during a recent monitoring exercise of external patron noise at a New Forest public house, the maximum noise levels of up to 100dB(A) have been measured with approximately 20-30 patrons outside a public house. If this level was used in this scenario, then using the formulae provided in the acoustic report, the expected noise level at Receptor B would be approximately 81dB LAmax (free field) outside Receptor B and thus through an open window with an attenuation of 10-15dB for a partially open window would equate to 66 to 71dB.

BS8233:1999 states that for a reasonable standard in bedrooms at night, individual noise events (measure with F time-weighting) should not normally exceed 45dB LAmax. This is exceeded by approximately 21 – 26dB which is very concerning and not acceptable. In addition to individual noise events, ongoing external patron noise is still likely to be a noise issue at the nearby residential properties.

The Planning Statement states the following: *'**3.8 Smoking And Outside Drinking / Eating** - Appropriate provision will be made in the rear terrace area for smoking and for consumption of food and drink when weather permits. The area will be under close supervision by the premises management, which will be supported by 24 hour CCTV surveillance. It is proposed that consumption of food and drink will cease in the area at 2200 although the area will be available to smokers up to close as an alternative to smokers using the front of the premises. There will be no facilities for eating and drinking at the front of the premises.'* The cessation of food and drink at 22:00 hours is welcome; however, there may be considerable use even after the 22:00 hours watershed with patrons smoking and this noise should not be underestimated as the noise measured at another New Forest pub as mentioned above was from external patrons who were outside smoking as no drink was allowed outside at the time of the monitoring.

It should also be noted that there have been no background noise levels measured in the very quiet enclosed grassed area in front of 1-3 St. Thomas Park residential dwellings i.e. Receptor B. The submitted background noise data was taken in St. Thomas Street which I would consider to be higher.

A condition would be required to prevent regulated entertainment taking place in the beer garden area.

Airborne Sound Transmission

This appears not to be an issue with patron noise; however, although the current applicant does not utilise regulated entertainment, a condition to prohibit regulated entertainment without the written approval of the local planning authority should be used to prevent future problems occurring.

Noise Breakout from Customer Area

This was assessed in the submitted acoustic report for Receptor A and was deemed 'Acceptable' by the author as the noise breakout from the customer area was shown as 27dB below the lowest 5 minute ambient LAeq level of 59 dB(A) during Peak hours between 21:00 and 23:00 hours.

However, the lowest Background noise (LA90) levels during this period is shown to be approximately 26-27 dB(A) possibly due to the background noise being below the standard parameter for BS4142:1997 this data was not used. The noise breakout from the customer area within the proposed development was not assessed with doors open i.e. when persons are accessing and egressing. This may be an issue to the front of the building; however, this could possibly be mitigated by the use of a staggered internal vestibule at the front entrance so that doors do not open opposite each other but at 90 degrees to alter the passage of any emanating noise. This should be investigated by the applicant; however, there is not enough information to be able to assess and comment further. However, if the spirit of BS4142:1997 was used then with doors closed at the front of the premises the noise from customer breakout would be 32dB(A) compared to background LA90 of 26/27dB which would be 5/6dB and if a 5dB penalty was added then the noise would be +10/11dB over the background and according to BS4142:1997, complaints would be likely. Not knowing the level for an open door, it is difficult to assess but would be far worse than with doors closed. According to BS8233:1999, the attenuation for a partially open window is between 10 and 15dB.

External Noise to front of Premises

As shown in the submitted acoustic report, the external noise levels drop considerably past 20:00 hours which shows that although the road (St. Thomas Street) outside the proposed development is a main thoroughfare, the road traffic tails off after 20:00 hours.

Planning Policy Guidance: Planning and Noise: 1994 (PPG24) Annex 3 paragraph 20., states *'Commercial developments such as fast food restaurants, discos, night clubs, and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity.'*

This has not been assessed by this report; however, based on experience, the noise from patrons leaving licensed premises, especially in a low traffic area can be very intrusive and loss of amenity is quite probable to those at Receptor A and beyond.

Odour

Cooking Odours

The submitted Integrated Planning Statement/Design and Access Statement at para 2.11 on page 10 reads *'**2.11 Odour** - Odour from cooking must and will be reduced to acceptable levels so that the amenities which people living nearby may reasonably expect to enjoy are not harmed. Suitable extractors, fitted with carbon filters, will be installed to ensure that cooking odours detectable outside the building are minimal. A professional report to confirm this has been commissioned.'*

However, it appears that no report has been submitted and therefore the EHO has no information to base any comments on. The applicant needs to show how the cooking odours will be mitigated and so that there be no loss of amenity.

The proposed elevation drawing does show that roof mounted extracts will be installed but no specific details of odour control, efflux velocities etc. have been submitted. The EHO in accordance with DEFRA guidance ('Guidance on the Control of Odour and Noise from Commercial Kitchen Exhausts systems – dated January 2005)' recommends a flue/stack discharge height of at least 1 metre above the roof ridge of any building within 20m; however, if this is not achievable due to planning reasons then a higher level of odour control would be required.

Drawing no. 08 dated Feb 2011 (shown as Existing and Proposed Elevations 6534 08B dated 13/05/2011) in the proposed front (south elevation facing St. Thomas Street refers to a separate plant and equipment drawing; however, this doesn't appear to have been submitted.

The professional report mentioned in the above statement should be submitted so that the EHO can consider whether there will be any impact on the amenity.

Summary

No background noise level data for Receptor B in the 'very quiet' enclosed grassed area in front of 1-3 St. Thomas Park residential dwellings i.e. Receptor B has been submitted. The submitted background noise data was taken in St. Thomas Street which I would consider to be higher.

The plant & equipment should have a feature correction of 5dB and there may be amenity issues during the periods of 23:00 – 01:00 hours.

In the EHO's opinion the noise from a full beer garden has been under assessed and noise measured during a recent monitoring exercise of external patron noise from another public house within the New Forest shows typical Sound Power Levels of up to 100dB and this will cause an amenity issue to properties in St. Thomas Park. This noise was associated with patrons smoking and not drinking.

No problem with noise transmission of airborne sound transmission through the walls; however, a condition should be used to prevent any regulated entertainment.

Noise from customer breakout has not been assessed with doors open and in the opinion of the EHO the wrong criteria was assessed against and this could be an issue to properties across the i.e. Receptor C.

Noise from patrons accessing and egressing the pub on St. Thomas Street should in not be under estimated in accordance with PPG24.

A report on the control of cooking odours has not been submitted and therefore the EHO cannot comment further.

Conclusion

Noise transmission through the party wall to Receptor A is unlikely to be an issue from patrons, but a planning condition could be used to prevent regulated entertainment taking place;

There may be loss of amenity from plant and equipment during 23:00 to 01:00 hours if the garden area to the front of St. Thomas Park is used.

There is likely to be loss of amenity to properties to the rear (Receptor B) due to noise from the beer garden area, even if the garden were to prohibit drink and food to be consumed after 22:00 hours;

There is likely to be loss of amenity to Receptors A and C due to noise from patrons accessing and egressing the proposed development during the evening/night periods;

The applicant has not shown noise from customer breakout through open doors to the front of the proposed development will not cause loss of amenity to residential properties to the front affecting Receptors A & C;

The applicant has not shown that cooking odours will not cause loss of amenity to all Receptors.

Recommendation

It is the EHO's opinion that there will be substantial loss of amenity to residential properties in the vicinity and therefore it is recommended that this application be Refused.

Regards

Gary Worsley
Senior Environmental Health Officer
Environmental Protection | Public Health and Community Safety

Gary Worsley

From: Rob Kirkaldy [redacted]
Sent: 31 March 2011 12:28
To: Gary Worsley
Cc: Brian Sellars
Subject: Proposed JD Wetherspoon - 47-48 St Thomas Street, Lymington - Noise Assessment
Attachments: Handbook of Noise Control (2nd ed) - Raised Speech Noise Levels.pdf

Dear Gary

Thanks for your call earlier.

As I mentioned on the phone, the plant noise levels cannot be assessed in terms of BS 4142 in this instance, as the Measured Background Noise levels and plant Rating levels are so low. Therefore we have assessed the absolute plant noise levels in against the guideline values detailed in WHO and BS8233 (See section 6.1.1 of our report ref. RK497/10153).

You were also concerned about noise from the banging of JDW toilet doors propagating through to the adjacent residential property. Looking at the proposed scheme layout drawings, there are no toilet doors that are directly fixed to the separating wall. Therefore noise from such will not be a problem.

Finally, you were concerned about the sound pressure levels used in our beer garden noise propagation model. These come directly from a standard textbook (Handbook of Noise Control 2nd edition). I have attached a pdf of table 14.2 from the text which details the levels at a 2m distance. I then propagated these levels back to a 1m distance.

The method used for calculating noise levels in the proposed beer garden has been used for a number of JD Wetherspoon sites throughout the UK and is regarded as a robust and accurate method.

I hope this addresses your queries.

Regards

Rob Kirkaldy
Consultant

Spectrum Acoustic Consultants Ltd
27-29 High St, Biggleswade
Bedfordshire. SG18 0JE
[redacted]

Maximum Speech-Interfering Noise Levels in Social Environments

In social situations, people prefer to talk at distances of about 1.2 m (about 4 ft). At this distance normal conversations can be held in noise where the A-weighted sound levels are as high as 65 dB(A) since a vocal effort that is *normal in the presence of noise* is used. This in-noise vocal-effort can be maintained for fairly long times if talking is not continuous. Therefore an A-weighted sound level of 65 dB(A) is an upper limit for any space where normal social conversations are expected.

In outside family or picnic areas, conversations among groups of people often are held at distances of 2 to 4 m (6.5 to 13 ft); in such a case, the A-weighted sound level of the background noise should not exceed 55 to 60 dB(A). In the outdoor play and recreational areas, if the distance between talker and listener is 5 to 10 m (16 to 32 ft), the A-weighted sound level of the background noise should not exceed 45 to 55 dB(A).

The relations in Fig. 14.2 apply strictly to situations where speech reaches the ears of a listener without reflection from the interior surfaces of a room. Such delayed reflections decrease the intelligibility of speech, but keep the speech level from falling off so fast with distance. The net result is that Fig. 14.2 applies fairly well in rooms as well as out-of-doors. Both the speech intelligibility, the listening level, and the required vocal effort are factors determining the preferred and/or acceptable background noise level in an indoor space. For example, for a talker to use "relaxed" voice the A-weighted sound levels of the background noise should not exceed 35 to 45 dB(A); this sets the optional limit for such spaces as bedrooms, living rooms, and media sound studios. For a talker to use *normal* voice the A-weighted sound levels of the background noise should not exceed values given in Table 18.2. These low noise levels do not interfere with hearing if the talker increases his vocal effort.

A talker will raise voice level as the surrounding noise increases. However, if one is listening to a TV, radio, record player, or tape recorder and the background noise increases, portions of the program may be masked out. For example, if the loudspeaker is between 2 and 3 m (6.5 to about 10 ft) away and the A-weighted sound level of the background noise is 45 dB(A), the volume for speech or music programs (other than rock and roll) ordinarily will be set to a level that corresponds to a *relaxed voice*. If the A-weighted sound level of the background noise is 55 dB(A) the comfortable listening level corresponds to *normal* voice. If an airplane flies over, a truck drives by, or a conversation starts such that the A-weighted sound level of the background noise increases to 70 dB(A), the communication area shifts from "excellent" [45 dB(A)] or "satisfactory" [55 dB(A)] to "difficult" [70 dB(A)] and the program material will not be understood unless the volume is turned up to a listening level that would correspond to a *very loud voice* if a live talker were the source instead of a loudspeaker.

Recommended Upper Limits of Noise for Satisfactory Speech Communication

When factors other than speech intelligibility and cost effectiveness are predominant—for example, if it is required that vocal efforts be comfortable and maintainable—A-weighted sound levels from 5 to 10 dB(A) lower than those shown in Fig. 14.2 are appropriate. The recommended upper limits of A-weighted sound level of background noise for various types of rooms and spaces is given in Table 18.2. There the upper A-weighted sound levels for background noise in various rooms for homes and businesses are below 50 dB(A); according to Fig. 14.2 that level just allows complete understanding of conversation up to a distance of 4 m from a talker speaking in a normal voice.

Aided Speech in Noise

The ability to communicate by telephone, intercommunication systems, and public address systems in a noisy environment is compared in Table 14.2 with face-to-face communication. The limitations on communication by systems which amplify speech are dictated primarily by the distance between mouth and microphone and the distance between the earphone or loudspeaker and the ears.

Calculation of Speech Intelligibility Using [dB(C) − dB(A)] Correction

To a first approximation, the intelligibility of speech under various conditions may be

TABLE 14.2 Speech Communication Capabilities versus A-Weighted Sound Level of Background Noise

Communication	Below 50 dB(A)	50–70 dB(A)	70–90 dB(A)	90–100 dB(A)	110–130 dB(A)
Face-to-face (unamplified speech)	Normal voice at distances up to 6 m	Raised voice level at distances up to 2 m	Very loud or shouted voice level at distances up to 50 cm	Maximum voice level at distances up to 25 cm	Very difficult to impossible, even at a distance of 1 cm
Telephone	Good	Satisfactory to slightly difficult	Difficult to unsatisfactory	Use press-to-talk switch and an acoustically treated booth	Use special equipment
Intercom system	Good	Satisfactory to difficult	Unsatisfactory using loudspeaker	Impossible using loudspeaker	Impossible using loudspeaker
Type of earphone to supplement loudspeaker	None	Any	Use any earphone	Use any in muff or helmet except bone conduction type	Use insert type or over-ear earphones in helmet or in muffs; good to 130 dB(A) on short-term basis
Public Address System	Good	Satisfactory	Satisfactory to difficult	Difficult	Very difficult
Type of microphone required	Any	Any	Any	Any noise-canceling microphone	Good noise-canceling microphone

both the C-weighted sound level expressed in dB(C) and the A-weighted sound level expressed in dB(A) of the noise are measured, for this difference provides additional information about the noise spectrum.* Table 14.3 lists this correction in terms of the difference between dB(C) and dB(A).

Example Consider a noise whose C-weighted sound level is 86 dB(C) and whose A-weighted sound level is 72 dB(A). In this case [dB(C) − dB(A)] = 14 dB. According to Table 14.3, the correction corresponding to a difference of 14 dB is −5 dB. Therefore an A-weighted sound level of (72-5) dB(A) = 67 dB(A) should be used in Fig. 14.2 instead of a value of 72 dB(A).

TABLE 14.3 Correction in Decibels to Be Added to A-Weighted Sound Level of the Background Noise, for Various Differences between C-Weighted Sound Level and A-Weighted Sound Level

dB(C)-dB(A)	−1	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Correction, dB	−2	0	1	1	1	1	1	1	0	0	−1	−1	−2	−3	−4	−5	−5	−6

Speech Interference Level (SIL)

A simple means for estimating maximum tolerable noise levels for satisfactory speech intelligibility is by the use of Fig. 14.2 and the speech interference level (SIL) (upper horizontal axis). The speech interference level is appropriate for any noise, but for noises whose spectra are suspected of being unusual, it is a more valid measure than estimating speech intelligibility from the A-weighted sound level. To calculate speech interference level, find the arithmetic average of the octave-band sound pressure level for the octave bands centered at 500, 1000, 2000, and 4000 Hz. For example, in the sample calculation shown in Table 14.4, which represents a noise with a concentration of energy in the low frequencies the speech interference level is 54 dB. According to Fig. 14.2, *a normal voice in the presence of noise* allows one to communicate with a listener at a distance of 2 m (6.5 ft) in this noise level—the same noise used for the C-weighting minus A-weighting example cited above. In effect the speech interference level indicates what sound pressure level the speech signal at the listener's ear must be for a given noise condition in order to be heard reliably. In order to prevent discomfort and possible damage to the ear, the average overall root-mean-square level of the speech signal should not be permitted to exceed a sound pressure level of about 110 dB at the listener's ear even though, by such limitation, satisfactory speech is not attained. The peaks of speech in terms of sound

*Note that the *decibel* is the unit for by the A-weighted sound level and the C-weighted sound level;

Vivienne Baxter

From: Gary Worsley
Sent: 31 August 2011 16:04
To: Development Control (Dev Control)
Cc: Vivienne Baxter
Subject: FW: 11/96974 - Use as public house with wildlife & pub gardens (Use Class A4); shop front alterations; fenestration alterations to include rear doors & louvre; kitchen extraction; jumberella at 47-48 St. Thomas Street, Lymington

Additional Environmental Health (Pollution) Comments Relating to Noise and Odour

Environmental Protection has been consulted following the submission of additional information relating to both noise and odour control.

The additional submitted documents relevant to the following comments below are as follows:

1. Noise Management Plan (dated 01 August 2011);
2. Fan Schedule (dated 01 August 2011);
3. Existing and Proposed Elevation (dated 01 August 2011);
4. Proposed Ground and First Floor Plans (dated 01 August 2011);
5. Appendix and Further Information (dated 01 August 2011;

1. Noise Management Plan

i) It is acknowledged that the management policy states that no smoking/food/drinking etc. will be undertaken to the front of the proposed development. This can be formalised by use of a suitable planning condition;

ii) The management policy states that no food or drink in the rear outside terrace area after 21:00 hours on any day and will be confined to an area to be agreed upon with the EHO, to allow for smoking. The applicant has not shown that the noise from the garden, after 21:00 hours will not cause loss of amenity;

iii) It is acknowledged that staff will conduct regular checks of rear terrace to control excessive customer noise; however, this would appear to imply that there will be excessive customer noise and therefore loss of amenity;

iv) It is acknowledged that the proposed development will liaise with St. Thomas' Church with regard to any event at the church or in the neighbouring churchyard which may require temporary curtailment of the use of the rear terrace area i.e. funerals; however, this would appear to imply that there will be some disturbance to the churchyard and surrounding area at other times;

v) It is acknowledged that staff will be on duty at close of premises to ensure customers who are leaving the premises do so in a quick, orderly and quiet manner. From the EHO's experience, even with the best managed premise, patrons under the influence of alcohol tend to be louder. It would be very difficult to prevent persons out on the street to stop using their mobile phone, laughing and joking, arguing etc. that would inevitably lead to loss of amenity to persons living in the vicinity. Recent monitoring of the location outside the front of the proposed development was undertaken between 23:00 and 23:20 hours and the background (LA90) was shown to be 33dB which is very low for a road adjacent to a High Street. It was apparent during the visit that persons passing and just talking, stood out from the background noise level. If approximately 100, 150, or 200 patrons were to leave the premises, it would be very difficult to control the generic noise levels that would be expected and thus an inevitable loss of amenity for those living in the vicinity.

It is likely that several taxis will be in required and in use to the front of the premises to deliver and take away patrons, especially during peak hours.

It should be noted that Planning Policy Guidance 24 (PPG24) – Planning and Noise paragraph 20, page 16 states that '*Commercial developments such as fast food restaurants, discos, night clubs and public houses pose particular difficulties, not least because associated activities are often at their peak in the evening and late at night. Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the attendant problems of noise that may be made by customers in the vicinity. The disturbance that can be caused by traffic and associated car parking should not be underestimated.*' Therefore, no matter how well a licensed premise is managed, there will be no doubt that a high level of generic noise from patrons accessing and egressing the proposed development caused.

The planning officer/committee should note that a recent planning appeal for 'Change of Use' to A3/4 in Bath Road, Lymington was recently dismissed by the Planning Inspector due to the problems with noise of patrons accessing and egressing that caused loss of amenity to local residents.

2. Fan Schedule

i) It is acknowledged that the fan schedule details the odour abatement plant will include 2 electrostatic precipitators, Ultra Violet filtration, pleated panel filter and carbon filtration with 0.2 second dwell time.

An odour risk assessment in accordance with Annex C – *Risk Assessment for Odour* of the DEFRA Guidance on the Control of Odours and Noise From Commercial Kitchen Exhaust Systems – January 2005 (web link to document - http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf) shows that a very high level of odour control is necessary, together with a satisfactory discharge stack height. The EHO requires clarification that the submitted information is to the same (or higher) standard as the 'very high' odour control standard as shown at page 11 of the DEFRA Guidance - This is shown as follows:

a) Fine filtration or Electrostatic Precipitator (ESP) followed by carbon filtration (carbon filters rated with a 0.4 – 0.8 second residence time); or
b) Fine filtration or ESP followed by carbon filtration and by counteractant/neutralising system to achieve the same level of control as a) above; or
c) Fine filtration or ESP followed by ultra violet (UV) ozone system to achieve the same level of control as a) above; or
d) Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as a) above.

The DEFRA guidance also shows it is good practice to discharge the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen; however, if that cannot be achieved for planning reasons (i.e. conservation area etc.) then the extracted air shall be discharged not less than 1m above the roof eaves or dormer window of the building hosing the commercial kitchen and additional odour control measures may be required.

It is noted that the kitchen extract ducting discharges at high level but also discharges horizontally and therefore does not have the benefit of vertical dispersion and no matter how good an odour control system is, this will probably result in residual odours that should be dispersed vertically at high level. It is my opinion that the applicant has not demonstrated that the submitted kitchen extract ventilation system will not lead to cooking odours causing loss of amenity to odour sensitive premises in the vicinity.

I am led to believe that a planning condition could not be used to require a vertical stack as this would require planning permission in its own right.

3. Existing and Proposed Elevation

i) The delivery door is shown to the front left of the proposed development. Barrels, crates, bottles will likely to cause noise disturbance during delivery; however, this could be mitigated to some degree with a restriction of delivery times to 07:00 to 18:00 on Mondays to Fridays, 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Public/Bank holidays; however, the noise from such deliveries,

especially crates of bottles and beer barrels can be particularly noisy and may have some impact on amenity of noise sensitive premises in the vicinity.

4. Proposed Ground and First Floor Plans

i) This amended plan shows five external condensers within an enclosure at the rear of the 'Beer Store'. The acoustic data and impact on noise sensitive premises associated with such external plant has not been provided therefore difficult to comment on the impact to noise sensitive premises in the vicinity; The Acoustic report should be amended to report on this matter;

ii) The amended plan shows an external store area to the rear of the premises. The applicant should confirm if full and/or empty bottles, barrels and crates etc. are proposed to be stored externally? If so, the acoustic report should be amended accordingly to assess for the impact of noise on the noise sensitive premises in the vicinity and how this could be mitigated;

iii) The acoustic report submitted originally should be amended to take into account the realistic noise from patrons in the rear garden which was commented on previously by the EHO;

iv) An updated acoustic report including expected impact on rear window at 46 St. Thomas Street, from external enclosure for condensers, bottle storage area, 'realistic' data from patrons in beer garden with both roped off and un-roped off areas and reduced impact from internally located extract ducting should be submitted.

v) This plan also appears to show the 'make up air' for the kitchen appears to be taken from the internal passage on the left side of the premises. Clarification is required on the full detail of the make up air system.

5. Appendix and Further Information (dated 01 August 2011):

i) This document shows various lighting throughout the proposed development. The applicant should clarify that the obtrusive light emanating from the proposed development will not exceed the requirements of the planning authority in relation to the Environmental Zones at shown at Table 1 – *Obtrusive Light Limitations for Exterior Lighting Installations* of the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light (Web link to document: http://www.theilp.org.uk/uploads/File/Technical/RLP%202005.pdf). An agreement with the Planning Officer/EHO should be made on the Environmental Zone applicable for the area to ensure the lighting is designed to the correct standard.

ii) With regards to Customer noise breakout – the EHO comments of 27 June 2011 commented that customer breakout was assessed in the Applicants Acoustic Report with doors closed; however, in practical terms, the main doors are likely to be open for access/egress purposes for considerable time during peak hours. The impact of an internal vestibule (lobby) be investigated so as to reduce noise from customer noise breakout as shown in the table below. It should also be noted that recent monitoring undertaken by the EHO (as mentioned above) showed a background (LA90) of 33dB between 23:00 and 23:20 hours whereas the report uses the lowest ambient noise level (LAeq) for peak trading period (21:00 to 23:00) within the applicants acoustic report of 59dB(A) at Appendix F – Customer Area Noise Breakout Model.

If the Customer Area Noise Breakout Model at Appendix F is amended to take account of the revised figures, as follows:

Customer Area Breakout (front façade)			
Original		**Amended**	
	dB(A)		**dB(A)**
Calculated Reverberant Sound Pressure Level (as per equation 3.16 SRL Noise Control in Building Services)	80	Calculated Reverberant Sound Pressure Level (as per equation 3.16 SRL Noise Control in Building Services)	80
			10-15

RW 28: 6mm glass in sealed frame sound reduction index (BB93 Data)	28	Noise reduction for a open window (BS8233:1999)	As opening is a door 10dB would be more relevant)
Sound Power level outside façade	59	Sound Power level outside façade	70
Distance attenuation	14	Distance attenuation	14
Sound Power to Sound Pressure Conversion	8	Sound Power to Sound Pressure Conversion	8
Screening Correction	5	Screening Correction	5
Total Customer Lp at residence	32	**Total Customer Lp at residence**	43
Lowest 5 min Ambient Noise Level for peak trading period (21:00 – 23:00)	59	Background LA90 20min 23:00-23:20 hours	33
Excess over ambient	-27	Excess over Background	+10

The above amended table for the breakout of customer noise which is only just after the peak hours shows that breakout noise from the customer area has the potential to cause disturbance.

The above points were commented on in relation to the additional information submitted, therefore on all other points my comments of 27 June 2011 should be referred to.

6. Summary

i) Restriction of patrons smoking/drinking/gathering might be mitigated by suitable planning condition;

ii) It is implied that there will be excessive noise from customers on the rear terrace and this might affect St. Thomas Church and premises to the rear at St. Thomas Park;

iii) There is likely to be substantial impact and loss of amenity from customers leaving the premises, especially during the night time period and PPG24 states not to underestimate such noise;

iv) Confirmation is required on the kitchen exhaust system that it meets the criteria for a 'Very High Level' of odour control in accordance with DEFRA Guidance on the Control of Odours and Noise From Commercial Kitchen Exhaust Systems – January 2005 (web link to document - http://www.defra.gov.uk/publications/files/pb10527-kitchen-exhaust-0105.pdf);

v) The discharge stack to the kitchen ventilation system discharges horizontal and not vertical which is not good practice;

vi) Five condensers located externally at the rear of the premises has not been assessed for the impact from the noise generated;

vii) The acoustic report submitted with the application should be amended to take into account the realistic level of noise from patrons in the rear garden/terrace area and to include the impact of noise from both roped off and un-roped off rear terrace;

viii) Conformation of the layout of the 'make-up' air is required with regards to where the air is drawn from and any associated noise levels;

ix) Confirmation of lighting levels and Environmental Zone type in accordance with Table 1 – *Obtrusive Light Limitations for Exterior Lighting Installations* of the Institute of Lighting Engineers Guidance Notes

for the Reduction of Obtrusive Light (Web link to document: http://www.theilp.org.uk/uploads/File/Technical/RLP%202005.pdf);

x) Assessment of customer noise breakout with main doors open and details of any mitigation e.g. installation of an internal lobby;

7. Conclusion

i) There is still outstanding information required to satisfy that noise from certain aspects of the proposed development will not cause loss of amenity; however, with regards to noise from customers accessing and egressing the premises, especially during the night period, there is likely to be substantial loss of amenity to those in the vicinity.

ii) There is likely to be some impact from cooking odours due to the horizontal discharge;

With regards to the above points, I recommend that the application is refused.

Please do not hesitate to contact me should you wish to discuss the matter in further detail.

Regards

Gary Worsley
Senior Environmental Health Officer
Environmental Protection | Public Health and Community Safety

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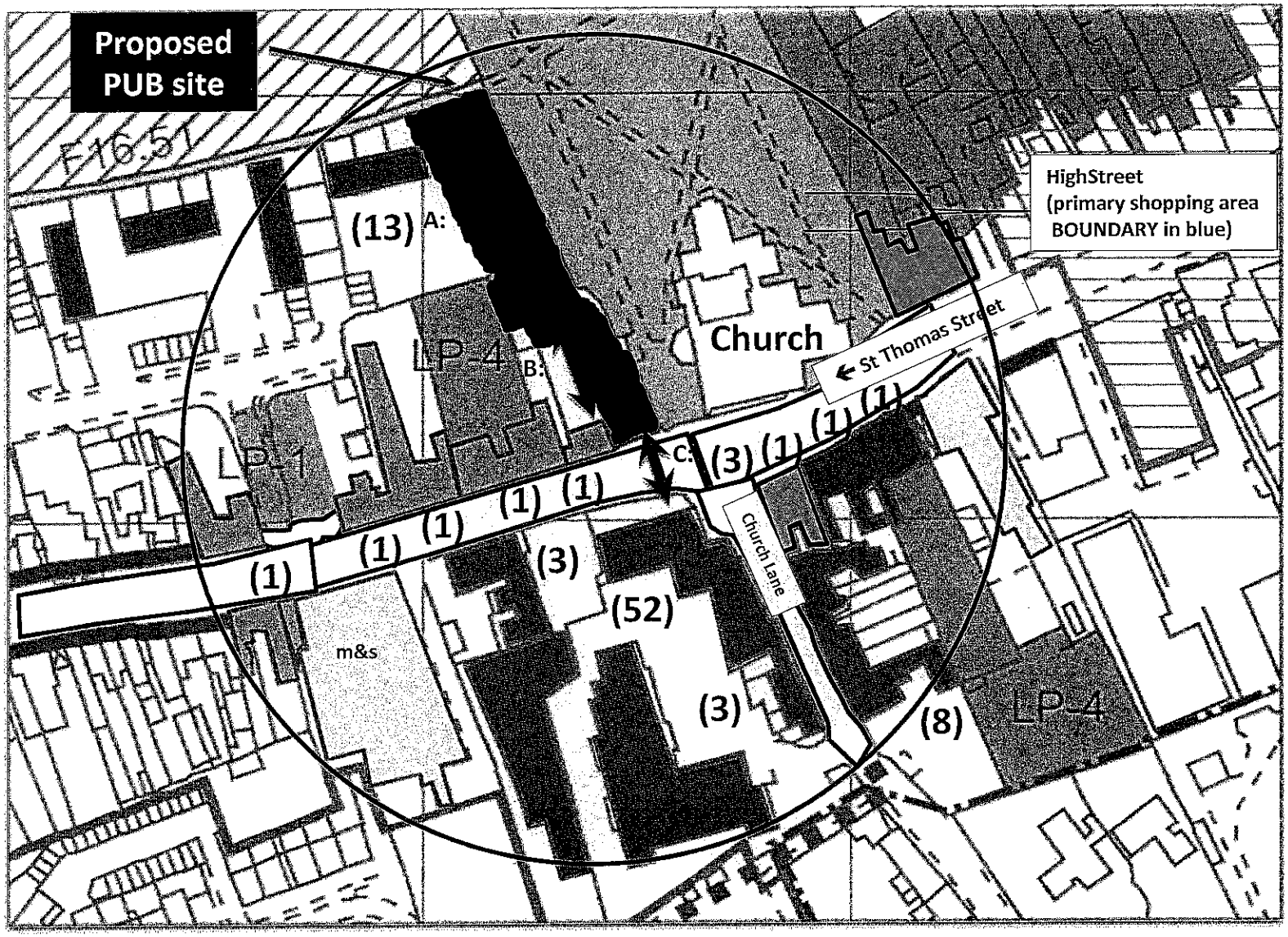
Lymington: St Thomas Street, St Thomas Park, Church Lane showing location of 90 dwellings (approx) within 100m (approx) of proposed site



Key

Dwellings

(90) number dwellings

Retail premises

Offices

Mixed residential and retail/surgery

Arrows

A: **20m**
Beer garden to nearest house

B: **25.3m**
Plant room to window

C: **23.3m**
Proposed pub entrance to nearest care home bedroom window

Circle is 100m radius from site frontage.

Properties highlighted in red, outside circle, are within 100m of the rear of site.

Objection

St.Thomas the Apostle with All Saints, Lymington

Vicar: Revd Peter Salisbury
peter@lymingtonchurch.org
The Vicarage, Grove Road, Lymington SO41 3RF
01590 673847

www.lymingtonchurch.org

Licensing Manager,
Licensing Services,
New Forest District Council,
Appletree Court,
Lyndhurst,
Hampshire SO43 7PA

21st February 2012

LICENSING SERVICES
22 FEB 2012
RECEIVED

Dear Sir

Ref: application for a premises licence at 47-48 St Thomas Street, Lymington, by J.D.Wetherspoon plc.

While delighted with the restrictions voluntarily undertaken by JDW in their application, I do still have some remaining concerns which could be addressed easily enough with some suitable further clarifications and conditions on the granting of the licence.

Licensing objective b – the prevention of crime and disorder

I am concerned that the opening hours proposed do not match those of other pubs in the area. We have seen in the past how such a disparity can focus drinkers on premises with longer hours, leading to crime and disorder. I therefore request that the hours of availability of alcohol be the same as for other pubs in the area.

Licensing objective c – public safety

I assume that the fire muster point is in the rear garden. What would be the evacuation route from the garden as none is shown on the plan?

Since the kitchen is at the rear of the premises it is quite likely that a fire would block the rear doors. In that eventuality where would the muster point be?

What steps will be taken to prevent the public climbing onto the flat roof?

Licensing objective d – the prevention of public nuisance

I am concerned about litter and broken glass spreading out from the premises. I am pleased to see (P,d ,1) the restriction on taking open drinks or food but I think this needs to be strengthened considerably. First of all the restriction prohibits 'consumption outside the front entrance' which would allow open drinks to be taken next door into the churchyard, or across the road, for consumption there. Secondly the restriction does not cover empty glasses or bottles. I suspect that JDW intended the restrictions to apply to both of these issues but the wording does not in fact cover them. Furthermore I think that the enforcement of these restrictions will need more than "Signage .. adjacent to the front exits" and I suggest that one or more members of staff be posted by the front entrance to ensure compliance, as at the JDW pub, "Dolphin & Anchor" in Chichester.

The same staff could also enforce the request to "leave the premises and their immediate vicinity quietly" (P,d,2).

The premises adjoin a quiet area of the churchyard and I should like some reassurances that the noise of the air-conditioning and other machinery on top of the building will be kept down to an acceptable level, perhaps by incorporating some acoustic baffles into the design. There should also be steps taken to minimize the impact in terms of sight and smell as this rooftop overlooks the main doors to the parish church, only 10 metres away. People congregate in the area outside these doors before and after weddings, baptisms and funerals so it is a particularly important public space.

I am delighted that no deliveries or waste collection will take place on Sundays (P,d,7), but note that there is no similar restriction on the extremely noisy activity of external disposal of bottles etc. At the very least I request that there be no such disposals on Sunday while worship is in progress (currently 7.30 – 12.30 and 2.30 – 4.30). I also request that we be given a schedule of when such noisy activities are to be performed on other days so that we can work around them.

In the past, when there was a pub of the same name in a similar location, we have had problems with people vomiting and urinating in the churchyard, which is not only a health and safety issue but also very upsetting for relatives of those who are buried in the churchyard. I am delighted to see (P,a,1) that people who appear to be drunk will not be served and ask that this restriction be extended to those who are drinking too quickly or drinking competitively or drinking an inappropriate mixture of drinks.

As the premises are situated opposite the busy junction with Church Lane I wonder where coaches, minibuses etc are expecting to stop to embark / disembark passengers? As there is only a single yellow line outside the premises I request that such transport be directed to the M&S car park if waiting for long periods.

There is a large ground floor window overlooking an area of recent burials of cremated remains, less than one metre distant. I request that this window be obscured completely so that mourners bringing flowers etc to the graves of their loved ones are not overlooked.

Licensing objective e – the protection of children from harm

The public pedestrian right of way to the east of the premises is a well-used pedestrian route to the pre-school and two primary schools in Avenue Road. It is very important to prevent any broken glass or other hazardous mess finding its way onto this path, underlining the point above about strict enforcement of the ban on taking glasses or bottles out of the front entrance. There is similar concern with regard to cigarette waste, vomit, etc. also addressed by restrictions above. I suggest that one or more employees posted at the front entrance is the best way to ensure the enforcement of these restrictions. I would also ask that JDW provide staff to clear litter etc. in the immediate area of the premises and thus help to protect children using the path.

I hope that these comments will be useful in your determinations.

Yours faithfully

Revd Peter Salisbury, Vicar