
From: Ian Howard [REDACTED]
Sent: 02 February 2023 13:57
To: Planning Planning
Subject: Planning representation for application 2022/4942/P by JD Wetherspoon
Attachments: jdwetherspoon_refusals_due_to_noise_Jan23.pdf

[REDACTED]

(Planning team - please can you register these comments against the application and forward these comments to the Environmental Health officer who is consulting on this application?)

Dear Sir,

Re: Planning application 2022/4942/P by JD Wetherspoon

I write as a planning advocate who has previously represented local families in relation to a number of contentious planning applications.

I have particular expertise in applications by JD Wetherspoon at premises that are close to residential properties and have represented families impacted by their operations in planning, licensing and appeal cases.

This application is in a commercial area, however I note that there are residential properties above neighbouring premises - most notably those above numbers 40 and 42 Eversholt St.

I ask that the Environmental Health and Planning Officers consider the following points as they evaluate this application:

1. The Noise Impact Assessment, as posted on the portal appears not to consider the impact of the proposed outside seating area on the nearby residential properties (although it appears some pages are missing.) During summer, it is likely that the residents living near the pavement seating will will open the windows that face Eversholt St. This can be seen on Google street view. As such the noise from the proposed seating area is likely to impact their amenity.
2. The noise data presented by Spectrum confirms that there are regular peaks in excess of 80dB and sometimes as high as 100dB in the outside spaces operated by the applicant. Peaks of this noise at the proposed development would likely cause a material impact on nearby residential properties.
3. The agent makes a number of claims about JD Wetherspoon being a good neighbour. These claims do not align with the experience of residents living near their premises in other areas of the country. For example, in Hitchin, one property listed in their data pack - there have been complaints about the noise and disturbance created by the Angel Vaults pub. These complaints mirror those at other JD Wetherspoon sites near residential properties - including those in Crossgates (Leeds), Garforth (Leeds), Kendal and Whitstable (and more.)
4. The predictions made by Spectrum in respect of patron noise and outdoor customer spaces have been widely disputed at other sites. I attach a list of sites where recent applications have been refused or

conditioned and where the EHO did not agree with the models for patron noise proposed by Spectrum. For this reason, I urge the EHO to closely scrutinize any predictions made in respect of the proposed outside space.

5. In respect of the operating procedure used by the company I wish to make two points. First, this procedure is not consistently followed. For example in Crossgates in Leeds, there have been persistent problems with noise and delivery vehicles which have been acknowledged by Planning and Environmental Health departments (contrary to what has been promised by the local management and the operating policy.) Second, any promises made by the applicant that are relied on by officers must be enforced by planning condition. This is because the permission goes with the site and not with the operator. JD Wetherspoon may gain permission then sell the site to another operator. I note that the firm is in the process of selling approx 40 sites at present, so this is not a theoretical exercise.

I thank you for your time in considering this representation.

Yours faithfully

Ian Howard