

Development Control Committee A – 13 May 2020
Application No. 19/05491/X : 53 Colston Street Bristol BS1 5BA

SUMMARY

The application has been referred to committee due to the high numbers of objections received from members of the public. The application site is 53 Colston Street which is an established restaurant within Bristol's City Centre and the Christmas Steps Arts Quarter. The applicant seeks to extend its hours of operation. The applicant proposes to change from closing at midnight to closing at 01:00 on Fridays and Saturdays.

Objectors have raised numerous concerns about the impact on neighbouring amenity, specifically noise and disturbance. The applicant submitted an initial noise report. Officers considered this to be inadequate. The applicant then submitted a revised noise report. Officers consider that this has been undertaken using an appropriate methodology. The applicant has also submitted a Doorstaff and Dispersal Policy which sets out how staff would manage people exiting from the premises.

Based on the revised noise report, and following the advice from the Pollution Control Officer, officers do not consider that there is any evidence to warrant an outright refusal of the application. However, the concerns of neighbours are noted and have been given weight. As a reasonable way forward, and following discussions with the applicant, the application is being recommended for approval, on a one-year basis only (temporary consent). This is subject to conditions, including the requirement for compliance with the Doorstaff and Dispersal Policy, and the submission of a Noise and Disturbance Monitoring Plan. This will include a requirement for reporting of the monitoring to the Local Planning Authority.

EQUALITIES STATEMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that the approval of this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

SITE DESCRIPTION

The application site is 53 Colston Street, which is located within the Christmas Steps Arts Quarter and the Central ward of Bristol, within Bristol City Centre. The site is also within the St Michael's Hill and Christmas Steps Conservation Area. The application site is currently in use as a restaurant (planning use class A3). Within the restaurant is a microbrewery and bar, but officers are satisfied that the predominant use class is A3 (restaurant).

The nearest residential properties are located on Colston Street (at first floor level) at a distance of approximately 12 m away, according the submitted acoustic report. There are also residential properties located on Perry Road and Lower Park Row (mainly on the first floor level and above). The restaurant has entrances on Colston Street and Perry Road. It also has three outdoor seating areas which are permitted to be used until 22:00. There is also a non-seating area of external terrace which is used by smokers at all times during the premises' opening hours.

As seen in the relevant planning history set out below, the applicant has permission (allowed on appeal) to be open at the following times:

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- For customers, 09.00 to midnight daily on all days except of 31 December.
- For customers on 31 December from 0900 to 0600 on 1 January
- Staff are to vacate the premises 30 minutes after the latest time that customers are allowed on site.
- On all days, the outdoor areas are closed to customers from 22:00 onwards.

PROPOSED DEVELOPMENT

The applicant seeks to vary condition 3 (hours open to customers) of their approved planning permission (reference: 14/03870/X). This would have the effect of changing the opening hours in the following way:

- For customers, 09.00 to midnight Sundays to Thursdays, except 31 January.
- For customers 09:00 to 01:00 on Fridays and Saturdays. This is the element of the permission which the applicant seeks to amend.
- For customers on 31 December from 0900 to 0600 on 1 January.
- Staff are to vacate the premises 30 minutes after the latest time that customers are allowed on site.
- On all days, the outdoor areas (except access areas) are closed to customers from 22:00 onwards.

There would be no change to the hours of opening on the external terraces, seating areas and access ramp. Neither are there any changes proposed relating to New Year opening hours.

Other conditions would remain as per the previous approval.

Note: the applicant's acoustic report and other elements of their submission refer to extending opening hours on Bank Holidays as well. However during discussions with officers, the applicant confirmed that they did not wish to apply to extend the hours on Bank Holidays.

The applicant submitted an acoustic assessment. Officers had concerns about the methodology that had been used. The applicant subsequently submitted a further acoustic assessment, which was reconsulted on.

NOTES ON LICENSING

Planning and Licensing are separate regulatory regimes. In broad terms, planning is primarily concerned about the use of land, including the type and the characteristics of use. Licensing is more concerned with the detail of how premises are managed and operated.

There are four licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The third objective (prevention of public nuisance) "may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises" (para. 2.16, Revised Guidance issued under section 182 of the Licensing Act 2003, Home Office, April 2018).

Since planning is concerned with the protection of the amenity of neighbours, there is an overlap between the planning and licensing regimes. However, both need to be considered separately.

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An overview of the licensing situation for the application site is given below for context.

The site lies within the Bristol City Centre Cumulative Impact Area. Bristol City Council's Licensing Policy (August 2015) states that "The cumulative impact of the number, type and density of premises in particular areas, such as the city centre, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance and anti-social behaviour" (para 6.3.1). Cumulative impact areas are those in which new premises licenses or variations of existing licenses are likely to be refused unless the applicant can demonstrate that their proposed new operation would not lead to a negative cumulative impact on one or more licensing objectives.

Cumulative Impact Areas are not referred to in planning policy. However, they can serve to flag up that these are areas in which there are a high number of licensed premises. Whilst not a planning designation, the presence of a Cumulative Impact Area may prompt officers to pay particular attention to any impacts on amenity arising from a planning application involving certain types of premises, such as bars and restaurants.

In the case of the application site, a variation to the applicant's current premises licence was granted at committee on 25 July 2019. This allowed a variation in the applicant's licence to extend the proposed opening hours to the same hours as those proposed in the current planning permission. This was on the basis of a number of conditions, including that: door staff be increased to 3 after 21:00; there be no entry re-entry after midnight; and that the use of the premises would need to be in compliance with necessary planning approvals. Overall, subject to conditions, the licensing committee considered that the applicant had demonstrated that there would be sufficient controls in place to limit any noise and disturbance to an acceptable level within the cumulative impact area.

Whilst a licence has been granted at committee, planning permission is still required for the proposed extension of hours, since planning and licensing are two separate regulatory regimes.

RELEVANT PLANNING HISTORY

15/05833/COND Application to approved details in relation to condition 10 (Outdoor Management Plan) of permission 14/03870/X - Application for variation of condition 3 and removal of condition 4 attached to planning permission number 12/05611/X- proposed extension to hours of operation removal of condition to allow consumption of food and drink on the entrance terrace.

Details approved 08.01.2016.

14/03870/X Application for variation of condition 3 and removal of condition 4 attached to planning permission number 12/05611/X- proposed extension to hours of operation removal of condition to allow consumption of food and drink on the entrance terrace.

Allowed on appeal 19.10.2015 (appeal reference APP/Z0116/W/15/3053097).

12/05611/X Variation of condition 3 attached to planning consent ref.11/04353/X to allow the premises to remain open until 06:00 on New Year's Day Morning.

Approved on 15.02.2013.

11/04353/X Variation of condition 5 attached to planning consent ref. 02/03317/F to allow for unit operating times to extend to 04:00 on New Year's Eve only and to improve the commercial viability of the unit.

Approved on 16.12.2011.

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02/03317/F Change of use from offices/workshop/laboratory & storage (Class B1/B8) to restaurant and micro-brewery public house (Class A3) and offices (Class B1). Extensions and alterations to building.

Approved on 04.07.2003.

RESPONSE TO PUBLICITY AND CONSULTATION

a) External comments

There have been 24 objections in total (19 after the first consultation and 5 after the reconsultation on the amended noise report). These have been from neighbours (mainly on Colston Street and Perry Row) and from the Christmas Steps Arts Quarter (Residents and Traders Association).

There has also been one representation of support.

Objections can be read online, and are summarised as follows:

Concerns about noise and disturbance arising from the proposals:

- There are serious concerns about the additional noise and disturbance that would affect neighbours, should the extension of hours be allowed.
- Granting permission would cement the premises' function as a late-night drinking establishment in a well-established residential area. This is inappropriate.
- The proposals would detrimentally impact on residential amenity. The proposals would impact on people's sleep.
- Allowing the premises to open late will attract more large groups such as stag and hen parties. These will be more noisy and disruptive.
- There will still be noise and disturbance, despite the applicant's dispersal plan.

Concerns about the current management of the premises:

- The restaurant already causes noise, disturbance and anti-social behaviour including loud music, customers talking loudly as they leave, taxi doors banging as they pick up customers, music playing inside taxis that are leaving, customers shouting, urination on doorsteps, vomiting, littering, damage to vehicles parked in the street.
- The restaurant does not comply with the conditions of its current permissions. For example, there have been late night drinkers sitting in outdoor areas after 22:00. It is therefore unlikely that the restaurant will comply with any new conditions.
- Neighbours state that they have raised concerns with Zero Degrees on numerous occasions, but this has not improved matters.
- The applicant has previously promised neighbours to control levels of noise and disturbance, but has not delivered.

Context:

- The surrounding houses pre-date the opening of the current premises. Over the years, Zero Degrees has gradually transitioned from a restaurant into a nightclub/ music bar. The context does not make a late-night establishment suitable.

Concerns about the information contained in the application:

- There are a number of inaccuracies in the way in which the noise report describes the surrounding area. It is predominantly a residential area, unlike the way in which it is described

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by the applicant who describes it as a commercial area. Colston Street should not be described as a “Major Arterial Road”.

- Neither noise assessment address the impact of music with a loud bass beat. The tests were carried out at time when the restaurant’s own sound system was being used. This is quieter than imported DJ sound systems which are brought in for larger events, which can occur throughout the year.
- Any noise assessment should be commissioned independently by someone other than the applicant [officer note: it is normal practice for an applicant to commission surveys].
- The noise impact assessment is likely to have been undertaken at a time when the premises were deliberately trying to keep noise levels to a minimum.
- Existing traffic noise is more constant and is a different form of noise which residents are accustomed to.

The Crime Prevention Design Advisor at the Avon and Somerset Police made the following comments (4 December 2019):

“I have spoken with the Neighbourhood Policing Team who patrol this area as of yet have not received a response. However after informing the Licensing Team for Avon and Somerset they have now responded back today and have informed me of the following:-

Zerodegrees Ltd applied for a variation of their licence earlier in the year to extend their hours, to which they agreed with additional conditions of three door staff from 21:00 hours if premises open beyond Midnight and no entry/re-entry condition from Midnight.

I have looked through the documents in the planning portal I could not find any mention of the requested by the licensing team. Therefore can I ask that confirmation of this is in place, in order for the licensing team and myself to agree to the additional hours.”

b) Internal comments

The Pollution Control officer made the following initial comments in response to the application as initially submitted (17 December 2019):

“I’ve looked at the above application and would comment as follows:

I have looked at the acoustic report submitted with the application and read the objections from local residents. In view of the objections from local residents, whilst I discussed the requirements of the acoustic report with the applicant’s acoustic consultant prior to their assessment, I do not feel that the application suitably shows that there will not be any likely increase in noise disturbance to local resident from the increase in opening hours of the premises by an hour on Fridays, Saturdays and Bank Holidays.

A number of the residents’ comments mention already being disturbed by noise from people in the street including customers of Zero Degrees. The acoustic report makes a prediction of noise from customers leaving after midnight and the only commentary on the existing noise climate is that noise readings are mostly affected by road traffic. No information has been given to show what noise is generated by customers when they currently leave the premises up to midnight or a commentary on how this is likely to affect local residents at that time or the likely effects of this noise of this noise occurring for another hour.

The acoustic report has made an assessment of noise from customers leaving the premises based on predicted overall and L_{Amax} levels based on source noise levels of raised voices. The reports states in 5.2 that ‘Calculations have been undertaken’ but does not mention how many customers the average noise levels are based on or how often the L_{Amax} levels are likely to occur. According to the Zero Degrees website the capacity of the premises is 550.

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I have dealt with other applications involving noise from customers leaving A3 and A4 premises and the likely harm from noise to local residents. Of most note was application 17/02596/F for a mixed A3/A4 at Maggs House, Queens Road. This application was refused and an appeal dismissed. The proposed hours for the A3/A4 use were until midnight, Mondays to Saturdays and 2230 on Sundays and bank holidays. The area of Queens Road where Maggs House is located is considerably busier than Zero Degrees' location. In the appeal dismissal the inspector said 'the proposed use includes the possibility that large numbers of people may leave the premises at the closing time of midnight six days a week' and 'The concerns expressed by local residents are not restricted to noise immediately outside the premises but also from people walking through or close to nearby residential properties' and 'I attach considerable weight to the concerns expressed by nearby residents and I am not satisfied that the application proposals contain sufficient safeguards in terms of the split of uses of the premises and overall management proposals to avoid adding unacceptably to the night time disturbance to nearby residents. Whilst there may be significant noise from traffic, the nature of noise arising from people who may be in high spirits is different in pitch and character and the additional noise and disturbance of this nature potentially arising from the proposed use has not been fully assessed'.

Whilst an assessment of the noise from customers leaving has been made here this is largely based on the noise levels from customers' voices being lower than existing noise levels from road traffic but does not take in to account the difference in pitch and character of customers' voices. The L_{Amax} noise level from customers is predicted as being in the order of 43 to 45 dB L_{Amax}, inside the closest residential properties. Whilst this would comply with the WHO guidance of 45 dB L_{Amax}, or lower in order to prevent sleep disturbance this in on the limit of this criteria and the report does not mention how often these L_{Amax} levels are likely to occur.

A more recent application opposite Maggs House on Queens Road for the extension of hours until 1 am for an A3 premises at 85 Queens Road, 19/01909/X, included a detailed acoustic report showing noise and pedestrian activity in the area. Whilst this application has yet to be determined, I feel that a similar level of information would be required here in order to show that noise from the increase in hours of the premises is unlikely to cause any harm to local residents. I am not convinced that suitable information could be provided here due to this area of Colston Street and Perry Road being considerably quieter and less busy than the area of Queens Road [officer note: application 19/01909/X has now been determined. It was approved at committee on 22 April 2020].

I also do not feel that the application has sufficiently dealt with the issue of noise from customers smoking outside the premises. This isn't specifically mentioned in the acoustic report. The Doorstaff and Dispersal Policy does mention that 'Door staffs to monitor customers smoking on the patio are not causing disturbance to residents' but there is no mention which patio this is or whether there is any restriction on numbers of customers who would smoke on the patio at any one time. Condition 18 of Zero Degrees' premises licence states 'The external terraces shall be cleared of customers by no later than 2200 hours on each day and the external terraces shall not be used for any activities between 2200 hours and 1000 hours the day following'. It would therefore be useful to know how smokers will be accommodated with the extension of opening hours.

I would therefore have to object to the application in its current form as I feel that disturbance from customers potentially arising from the proposed extension of hours has not been fully assessed. I would however reserve judgement on this decision should you consider it be suitable for the applicant to make a further assessment of customer noise for this application."

In response to the revised acoustic report, the Pollution Control Officer commented as follows (21 February 2020):

"I have read through the amended acoustic report and would confirm that this has placated a number of my concerns with the original report. I feel that the report shows, that when noise was monitored,

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that up to the current closing time, noise in the area is not dominated by noise from Zero Degrees (including customers leaving) and that noise levels in the area, mainly from traffic, remain relatively similar between midnight and 1 am as they are up to midnight.

I would therefore confirm that I agree with the conclusions of the report which are that the 'assessment has demonstrated a negligible increase in noise levels at the nearest residential properties. Maximum noise levels are predicted to be lower than the existing maximum noise levels from road traffic and in line with WHO guideline levels within the nearest residential properties'. The report also gives mitigation measures in the form of a Dispersal Policy and details how the closing of one of the entrance doors should resolve any music noise issue. Compliance with premises licence conditions should also ensure that local residents not be affected by music noise and there is provision for enforcement of this within the Licensing Act.

I do feel that it has to be noted that Zero Degrees was not especially busy on the night the most recent noise survey was carried and the survey was only carried out on one night in January. This was however agreed with the consultant as the most suitable way to proceed in the circumstances and time constraints involved here. The report has however predicted noise levels and noise occurrences from customers leaving based on this noise levels from the survey and likely numbers of customer numbers based on information from another Zero Degrees which operates until 1 am. I do feel that such prediction of noise levels and the survey only being carried out on one night in January may give rise to concerns from local residents.

I have dealt with other applications involving noise from customers leaving A3 and A4 premises and the likely harm from noise to local residents. Of most note was application 17/02596/F for a mixed A3/A4 at Maggs House, Queens Road. This application was refused and an appeal dismissed. The proposed hours for the A3/A4 use were until midnight, Mondays to Saturdays and 2230 on Sundays and bank holidays. The area of Queens Road where Maggs House is located is considerably busier than Zero Degrees' location. In the appeal dismissal the inspector said 'the proposed use includes the possibility that large numbers of people may leave the premises at the closing time of midnight six days a week' and 'The concerns expressed by local residents are not restricted to noise immediately outside the premises but also from people walking through or close to nearby residential properties' and 'I attach considerable weight to the concerns expressed by nearby residents and I am not satisfied that the application proposals contain sufficient safeguards in terms of the split of uses of the premises and overall management proposals to avoid adding unacceptably to the night time disturbance to nearby residents. Whilst there may be significant noise from traffic, the nature of noise arising from people who may be in high spirits is different in pitch and character and the additional noise and disturbance of this nature potentially arising from the proposed use has not been fully assessed'.

The similarities here are that the potential for noise from customers leaving and making noise whilst walking through nearby residential areas is much the same and this noise will be different in pitch and character from the predominant background traffic. The report does give management proposals and does show that people and traffic are already be in this area up to the proposed closing time and predicts that there will be no significant increase in overall noise levels from the later opening.

I therefore find it difficult to continue to object outright to this application but do still have some concerns as detailed above and would want compliance with the Dispersal Policy to be conditioned under any approval. I have been involved in two relatively recent applications where temporary permission was granted; 16/00899/X Morrisons Hartcliffe; and 17/03483/X Stapleton Service Station Park Road and wonder if a similar approach would be suitable here. If not I would also advise that there is provision in the Licensing Act for local residents, the Police or the Local Authority to request a review of a premises licence should it be felt that the increase in opening hours at the premises was leading to a public nuisance."

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In response to queries from the case officer, the Pollution Control Officer made further comments on 24 February 2020:

“Case officer question: How has the acoustic report extrapolated its results to assess the noise impact of a full restaurant, considering the acoustic report was undertaken in January, which is a quiet time of year?”

Response: Customers leaving

The extrapolation of noise from more customers to take account of the lower number of occupants when the survey was carried out is detailed in section 5 of the report. Due to the high levels of ambient noise from road traffic it was not possible for then to determine accurate noise levels from customers alone. Noise levels for customers have therefore been calculated from commonly used source noise levels for a person talking with a raised voice at 1 m being:

A single ‘raised’ voice sound pressure level of 67 dBA at 1 m;

A maximum noise level of 80 dB LA_{max} at 1 m from a person talking with a raised voice.

The numbers of customers leaving the premises has been assumed to be 50 people leaving each exit within a 15-minute period, and that half of these would be talking with raised voices as they depart. These numbers have been based on information provided by Zero Degrees that at the Bristol restaurant where there would typically be up to 375 customers on a Friday or Saturday night with between 60 and 70 leaving at closing time of midnight and at their Blackheath restaurant (has had an extension of hours till 1 am since August 2019) where typically around 40 customers leave at the closing time of 01:00.

The calculations show that maximum noise levels from raised voices would be at the following levels outside the nearest residential windows:

Perry Road - LA_{max} 58 dB compared to LA_{max} of 70 to 75 dB LA_{max} from road traffic.

Colston Street -LA_{max} 60 dB compared to LA_{max} of 75 dB to 80 dB from road traffic.

Based on the assumptions above these would occur 25 times in any 15 minute period. This being deemed a worst case scenario.

Assuming a 15 dB reduction from an open window gives the predicted noise levels from customers leaving would not exceed the WHO guidance of level of LA_{max} 45 dB within a bedroom.

Response: Smokers

Calculations have also been made of noise from customers smoking in the non-seating section of the ramp entrance terrace. The calculations have assumed that 20 smokers would be using the area and talking with raised voices and would be at the following levels outside the nearest residential windows:

Perry Road - LA_{max} 49 dB compared to LA_{max} of 70 to 75 dB LA_{max} from road traffic.

Colston Street -LA_{max} 56 dB compared to LA_{max} of 75 dB to 80 dB from road traffic.

Under their dispersal policy customers would not however use this area after. I am therefore not sure that this is relevant to this application but the noise levels would not exceed the WHO guidance of level of LA_{max} 45 dB within a bedroom.

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Case officer question: Is 80-85dB a reasonably expected level for a DJ at this type of venue?

80-85 dBA would be considered on the lower end of what would be acceptable at a disco however I feel it has to be noted that these premises are a restaurant which sometimes has DJs as opposed to a nightclub or a live music venue. Due to there being no evident significant decrease in background noise levels in the extra hour applied for the noise levels and management needed to prevent noise disturbance during these extra hours would be expected to be the same as those currently required up to midnight.

No specific assessment of the different frequencies of music, including bass, has been made. The assessment being based on internal music noise levels within the premises being between LAeq 80 to 85 dB and the noise breakout from music only being faintly audible at Perry Road when the upper door (Perry Road entrance) was opened and noise breakout to Colston Street was well-controlled by the lobbied doors to the ramp entrance.”

RELEVANT POLICIES

National Planning Policy Framework – February 2019

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUES

1. Amenity

a) Policy

Policy BCS21 states that development should safeguard the amenity of existing development. Policy BCS23 states that development should not adversely impact environmental amenity, including by reason of noise. Policy DM33 states that development which has the potential to have an unacceptable impact on environmental amenity will be expected to provide an appropriate scheme of mitigation. It goes on to say that when assessing the scheme of mitigation, account will be taken of the hours of operation and measures that reduce existing levels of pollution.

b) Acoustic report

Significant concerns have been raised by neighbours regarding noise and disturbance arising from the proposed increase in hours of operation. The initial acoustic report was not considered to follow an acceptable methodology, for the reasons set out in the initial comments from the Pollution Control Officer. Subsequently a revised acoustic report was submitted and consulted on. The Pollution Control Officer advised that this had been undertaken using a suitable methodology of comparing existing ambient noise levels with the predicted noise level from people leaving and using the premises. Whilst there is no published objective method for assessing this type of noise it was agreed that an increase of more than 2 or 3 dB would be considered likely to represent the threshold of acceptability. This is based on a change of 3 dB generally being considered to be the smallest change in environmental sound that is perceptible to the human ear, and a 10 dB change representing a doubling or halving of the sound level.

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The report sets out that that noise levels in the area, mainly from traffic, remain relatively similar between midnight and 1 am as they are up to midnight. The report also concludes that the noise increase as a result of the increase in hours would be “negligible”. On Colston Street the increased hours would lead to a predicted increase in noise levels of 0.3 dB. On Perry Road, this figure is predicted to be 0.1 dB.

In addition, the applicant has submitted a Doorstaff and dispersal policy, which sets out how customers leaving the premises will be managed. This can be read in full online. Some key points are:

- Door staff to ensure noise is kept to a minimum and be proactive in dispersing customers.
- Door staff to signpost leaving customers towards transport options, such as buses and taxis.
- Door staff to ensure both exit doors are closed when not in use after 8pm daily.
- No customers allowed to enter/ re-enter the premises after midnight.
- Door staff to monitor customers smoking to the patio to ensure they are not causing disturbance.

c) Officer assessment

The applicant’s supporting documentation refers to other sites where an extension of hours has been approved. It is important to note that each case is dealt with on its own merits and the individual context of each application needs to be understood. In the case of the current application, the context is mixed, but with a significant amount of residential properties.

Whilst the acoustic report shows that technically the noise levels would be within acceptable levels, officers have given a lot of weight to the concerns of neighbours. Following discussions with the applicant, the application is recommended for approval, but on a temporary (one year) basis only. A condition requiring noise monitoring and reporting would be added to any approval given. This will enable the applicant to proceed using the premises with the extended hours applied for, but they will have to submit a Noise and Disturbance Monitoring Plan and also adhere to their own submitted Doorstaff and Dispersal policy. This Monitoring Plan will need to be implemented and the applicant will need to report the results to the Local Planning Authority (LPA). This will give the LPA a means by which to monitor whether the noise mitigation measures are working, and it will be considered alongside any complaints submitted by neighbours. At the end of the year (the temporary permission timeframe), the applicant would have the opportunity to apply for the extension of hours on a permanent basis. Officers consider that this is a reasonable way forward, given both the results of the noise report and the concerns of neighbours.

d) Concerns of objectors

Objectors have raised a number of concerns and questions in the face of these conclusions and the main ones of these are taken in turn below:

Concern: The applicant does not comply with their current licensing conditions and the premises are not currently well-run, so what evidence is there that the premises will be better managed in the future?

Response: Adherence to dispersal policy can be conditioned, so is enforceable. In addition, the noise levels at the premises are required to be monitored and reports submitted to the LPA. This gives a strong incentive to the applicant to manage the premises well and keep noise to the levels predicted in their acoustic report. If the monitoring reports or excessive enforcement complaints show that the premises have not been complying with planning conditions or have been excessively noisy, then it is unlikely that any future application to maintain the extension of hours will be approved.

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Concern: The proposals will encourage the premises to transition more into a late-night bar, rather than a restaurant.

Response: The applicant has planning permission to operate as a restaurant (A3). Whilst there is a microbrewery and bar area contained within the premises, there is also a large restaurant area, so an A3 description is still considered accurate. Should the balance of uses within the premises change (as a result in the increase in hours or for any other reasons), then members of the public would have the option to make an enforcement complaint to the Local Planning Authority, which would then investigate.

Concern: The acoustic report was undertaken at a quiet time of year and so is not accurate.

Response: Section 5 of the Acoustic Report sets out how it is possible to extrapolate results, even when the noise surveys were done based on a relatively low number of customers. Noise levels for customers are calculated using the assumed decibel level from one person (talking with a raised voice) multiplied by a higher number of customers than would have been present at the time of testing. The Pollution Control Officer's comments sets out more detail on this.

Concern: The acoustic report does not measure deep bass music.

Response: The acoustic report does not specifically address different frequencies of music. However, officers are satisfied with this approach, because the concerns about music, including deep bass music, will be dealt with via the proposed management measures set out in the applicant's Doorstaff and Dispersal Policy.

An assessment of music noise breakout (which would include, but is not specific to, deep bass music) is made in the report. The report details that music noise was only faintly audible in Perry Road when the Upper/ Perry Road entrance door was opened for access and that music levels were not significant compared to the existing ambient noise levels from road traffic on Perry Road. The report also mentions 2 complaints regarding music in December 2019 which were both found to be due to the Perry Road entrance door being wedged open.

The issue of the door being left/wedged open is now addressed in the Doorstaff and Dispersal Policy and the control of music levels within the premises is to be controlled by a system that limits noise which is to be provided as part of the noise management plan. The premises is an A3 use and does not require the noise levels needed for a night club or live music venue.

Officers consider that the limiting of music levels and not leaving doors open should prevent the unreasonable breakout of music noise which has been experienced by residents in the past.

Concern: The music from the premises is likely to be louder than that set out in the acoustic report, based on previous experience.

Response: The acoustic report sets out that noise volume of 80-85 dBA has been assumed. This is considered to be at the lower end of what would be usual at a disco. However, one of the conditions of the applicant's licence is the addition of a sound limiting device which would cap the decibel level. The effectiveness of this can also be monitored via the suggested condition requiring noise monitoring and reporting.

Concern: The noise and disturbance from the premises (e.g. music and people shouting) is a different form of noise to background traffic noise.

Officers agree that different types of noise have different characteristics. This is one of the reasons why the acoustic consultants were asked to provide a commentary/details of observations of what occurs at night in an area, what noises are heard and how customers behave when they leave a

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premises. This schedule is included in the applicant's noise report on pages 25-28.

Officers consider that due to the structure of the building and proximity to residents, noise from customers or music within the premises will not disturb local residents, when properly managed (as is required under the recommended management plan condition). This then only leaves noise from customers leaving the premises to be considered. Officers also consider that this level of noise is within acceptable limits. This judgement is not solely based on the noise from customers against the background noise level. It has also been based on the noise report's description of the existing background noises and how this would be likely to be affected by noise from customers leaving Zero Degrees. As can be seen from the noise report's schedule, there are a variety of noise types and noise from customers is just one type of noise, in amongst a variety of different types.

2. Crime and security

Paragraphs 91, 95 and 127 of the National Planning Policy Framework (adopted February 2019) require crime and disorder and fear of crime to be considered during the planning process. Other paragraphs such as 8, 110, 117, and 127 also require the creation of safe environments.

The Bristol Development Framework Core Strategy (adopted June 2011) states that one of the overarching issue for ensuring a sustainable future is reducing the opportunity for crime.

Bristol Local Plan – Site Allocations and Development Management Policies – (Adopted July 2014) section DM28: Public Realm states that Development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identity and encourages appropriate levels of activity and social interaction. Section 4 adds that development will be expected to: Reduce crime and fear of crime by creating a well-surveyed public realm that is well managed and cared for.

The Crime Prevention Design Advisor at the Avon and Somerset Police has made comments that are set out above. There was no objection, although they advised that the applicant's recent licence variation, approved in 2019, required three door staff from 21:00 hours if premises opened beyond Midnight, and a no entry/ re-entry condition. The applicant's door dispersal policy, submitted in support of the planning application is in alignment with these conditions.

Subject to this, the police did not have any concerns about any increase in crime. An increase in crime would be different to concerns about noise and disturbance, which is why the two issues are considered separately. On the basis of the advice of the Police, concerns about any increase in crime or fear of crime are not considered sufficient to warrant refusal of the application.

Conclusion: Officers have carefully considered the objections of neighbours concerned about noise and disturbance. The application is recommended for approval, but only on the basis that a condition is added to render the consent temporary (one year) and also on the basis that a condition is added requiring the applicant to monitor the noise levels and report back to the LPA. Adherence to the Doorstaff and Dispersal policy has also been conditioned. Any future application for an extension of hours on a permanent basis would be considered on its own merits and the assessment would take into account the results and reporting from the noise monitoring plan.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

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RECOMMENDED GRANT subject to condition(s)

Time limit for commencement of development

1. The extension of hours hereby permitted shall be discontinued on or before a date one year after the commencement of the extended hours hereby permitted.

Reason: To enable the Local Planning Authority to assess the effects of the use over a temporary period.

Pre commencement condition(s)

2. Prior to the commencement of the extended opening times hereby permitted, a Noise and Disturbance Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall cover a period of one year starting from the date on which the extended hours hereby approved first take effect. The Plan shall cover but not be limited to noise from music and customers and shall include details of routine monitoring by staff, specialist monitoring by acoustic consultants and reporting of monitoring to the Local Planning Authority. The plan shall cover the period covering the extended opening hours hereby permitted only.

The approved plan shall be adhered to in full.

Reason: To protect the amenity of neighbours.

Post occupation management

3. Use Restriction - Class A

No part of the premises shall be used for hot food take-away purposes within Class A5 of the Schedule to the Town and Country Planning (Use Classes) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that Order.

Reason: The local planning authority would wish to give further consideration to the establishment of a hot food take away use within the same Use Class in this location because of the potential detrimental impact upon both the amenities of nearby occupiers and the character of this part of the St. Michael's Hill and Christmas Steps Conservation Area.

4. Use Restriction - Class A4 - Bar/PH

No part of the premises shall be used as a public house, bar or any other establishment solely for the consumption of drink other than the bar area indicated on drawing no. 6842/PL10.

Reason: To safeguard the amenity of nearby residents/premises and the area generally.

5. Opening hours

The food and drink use (Class A3) hereby permitted shall only be open to customers between the hours of 09.00 to midnight Sunday - Thursday, 09.00 to 01.00 Friday and Saturday and, on 31 December 09.00 to 06.00 on 1 January. The premises the subject of this permission shall be vacated by all staff and all activities ceased by 00.30 Sunday - Thursday, 01.30 Friday and

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Saturday and on 1 January, by 06.30. On all days the external terraces, and the seating areas associated with the entrance ramp defined through the terms and requirements of condition 12, excluding the non-seating areas of the entrance ramp used for access and egress, shall be closed to customers, vacated by all staff and all activities ceased by 22.00 daily.

Reason: To safeguard the amenity of nearby residents/premises and the area generally.

6. Refuse storage

The refuse store shown on the approved plans shall continue to be made permanently available for use for the storage of refuse only. No refuse shall be stored on the pavement except on the day of collection.

Reason: To safeguard the amenity of future occupiers, occupiers of adjoining premises and to protect the general environment.

7. Refuse Collection - Restriction

Activities relating to the collection of refuse (including disposal and collection of bottles/glass) and deliveries shall only take place between 07.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents/premises.

8. Cycle Parking - Food and Drink Use

The approved cycle parking approved under application reference 02/03317/F shall be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

9. Cycle Parking - Office use

The cycle parking provision shown on the approved plans associated with the office use shall continue to be kept free of obstruction and available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking.

10. Noise attenuation scheme

The approved noise attenuation scheme approved under condition 11 of planning permission 02/03317/F in writing by the Local Planning Authority on 23 January 2004 shall continue to be permanently retained whilst the approved food and drink use operates on this site.

Reason: To safeguard the amenity of nearby residents/premises and the area generally.

11. Details on extraction equipment

The approved means of ventilation for the extraction and dispersal of cooking smells/fumes associated with the food and drink use, approved in writing by the Local Planning Authority on the 6 July 2004 shall continue to be permanently retained.

Reason: To safeguard the amenity of nearby residents/premises and to protect the general environment.

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12. The Outdoor Management Plan approved under reference 15/05833/COND shall be adhered to in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbours.

13. The approved Doorstaff and Dispersal Policy (Version 3) received on 30 April 2020 shall be adhered to in full and in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of neighbours.

List of approved plans

14. Incorporation of Application Documents

The development shall conform in all aspects with the plans and details shown in the application. The plans/documents considered as part of this application were:-

- Drawing no. 6842/PL00 (Location Plan) rec'd @ 05/09/2002.
- Drawing no. 6842/PL01 Revision A rec'd @ 12/12/2002.
- Drawing no. 6842/PL02 Revision A rec'd @ 12/12/2002.
- Drawing no. 6842/PL03 Revision A rec'd @ 12/12/2002.
- Drawing no. 6842/PL04 Revision A rec'd @ 12/12/2002.
- Drawing no. 6842/PL05 Revision A rec'd @ 12/12/2002.
- Drawing no. 6842/PL10 rec'd @ 06/12/2002.
- Colston Street perspective view rec'd @ 06/12/2002.
- Perry Road perspective view rec'd @ 06/12/2002.
- Planning and Design Statement rec'd @ 05/09/2002.
- Letter from RPS Group PLC rec'd @ 06/12/2002.
- Doorstaff and Dispersal Policy V3 received 30/04/2020
- Outdoor Area Management Plan, rec'd 14/02/2020.
- Drawing no. 376.7 rev 1 rec'd @ 04/08/14
- Drawing no. BRS.3674_01.-1 (Location Plan) rec'd @ 04/08/14

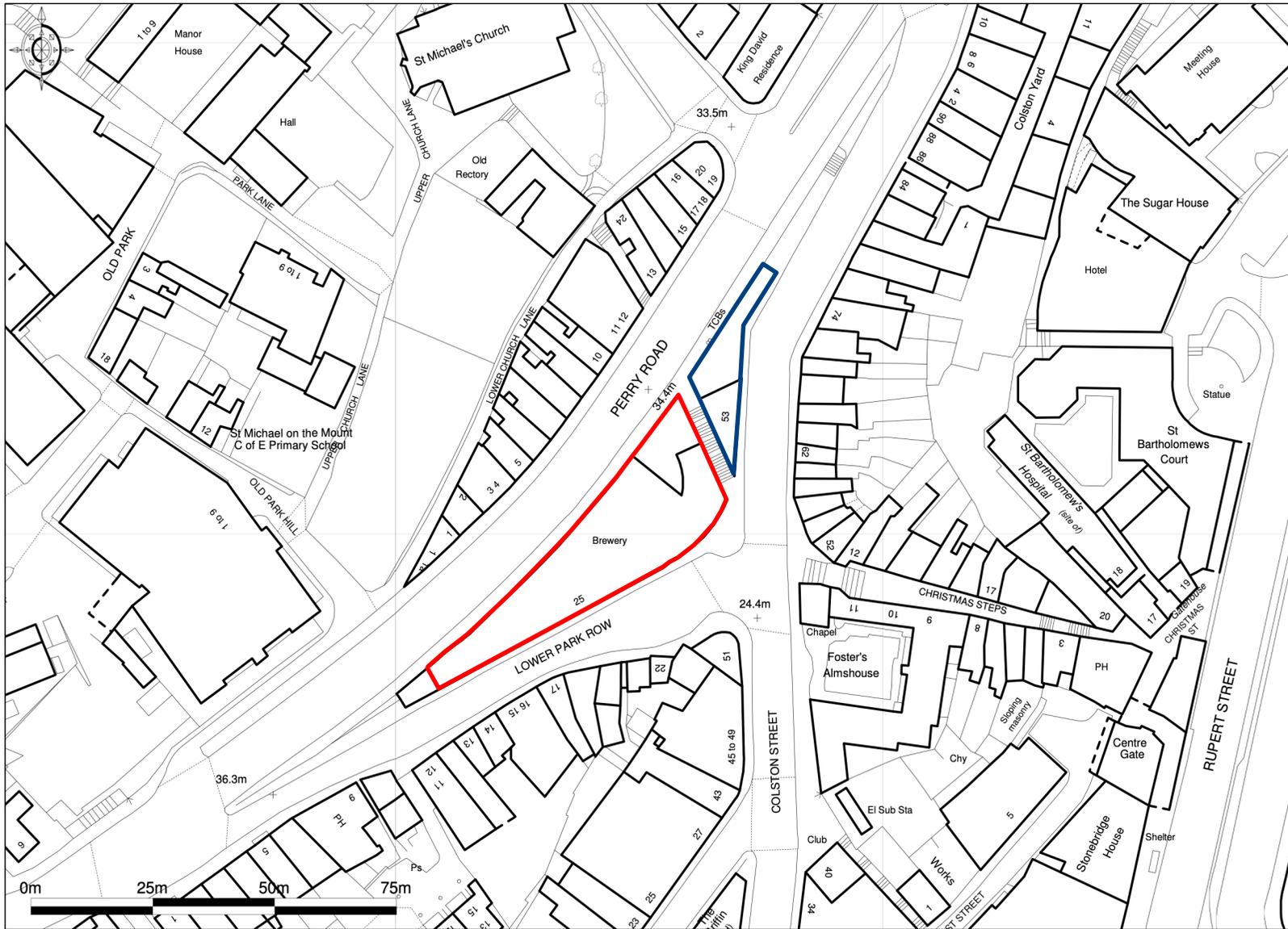
Reason: For the avoidance of doubt.

Supporting Documents

1. 53 Colston Street, Bristol, BS1 5BA.

1. Location Plan
2. Noise Impact Assessment
3. Zerodegrees, Bristol - Doorstep and Dispersal Policy Version 3.0
4. Outdoor Management Plan

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KEY: SITE LOCATION PLAN
 APPLICATION BOUNDARY

53 COLSTON STREET, BRISTOL - SITE LOCATION PLAN





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**PROPOSED EXTENSION OF TRADING HOURS,
ZERO DEGREES,
53 COLSTON STREET, BRISTOL

NOISE IMPACT ASSESSMENT**

Technical Report: R5411-2 Rev 3

Date: 14th February 2020

For: Zero Degrees
C/O Pegasus Planning Group
First Floor, South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
BS32 4QL

24 Acoustics Document Control Sheet

Project Title: Proposed Extension of Trading Hours, Zero Degrees, 53 Colston Street, Bristol- Noise Impact Assessment

Report Ref: R5411-2 Rev 3

Date: 14th February 2020

	Name	Position	Signature	Date
Prepared by	Chris McConnell BSc MSc MIOA	Senior Consultant		14/02/2020
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For and on behalf of 24 Acoustics Ltd				

Document Status and Approval Schedule

Revision	Description	Prepared By	Reviewed By	Approved By
0	Approved for issue	Miles Hodge	Chris McConnell	Steve Gosling
1	Updated following LPA comments and additional surveys	Chris McConnell	Steve Gosling	Steve Gosling
2	Updated following client comments	Chris McConnell	Steve Gosling	Steve Gosling
3	Updated following client comments	Chris McConnell	Steve Gosling	Steve Gosling

DISCLAIMER

This report was completed by 24 Acoustics Ltd on the basis of a defined programme of work and terms and conditions agreed with the Client. The report has been prepared with all reasonable skill, care and diligence within the terms of the Contract with the Client and taking into account the project objectives, the agreed scope of works, prevailing site conditions and the degree of manpower and resources allocated to the project.

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1.0 INTRODUCTION

- 1.1 24 Acoustics Ltd has been retained by Zero Degrees, to undertake an assessment of the potential noise impact associated with the proposed extension of trading hours on Friday and Saturday evenings at Zero Degrees, 53 Colston Street, Bristol.
- 1.2 This report presents the results of the assessment, following site visits and ambient noise surveys undertaken between 14th and 26th September 2019. Additional attended noise surveys were also undertaken during the late evening period on Friday 17th January 2020.
- 1.3 All sound pressure levels quoted in this report are in dB relative to 20 μ Pa. A glossary of the acoustic terminology used in this report is provided in Appendix A.

2.0 SITE DESCRIPTION

- 2.1 The Zero Degrees restaurant is located on Colston Street, Bristol. The premises include three outdoor seating areas which are permitted to be used until 22:00 hours. The surrounding area includes a mixture of commercial and residential properties. The nearest residential properties are located on Colston Street (at first floor level) at a distance of approximately 12 m. Residential properties are also located on Perry Road and Lower Park Row (both at first floor level). The restaurant has entrances on Colston Street and Perry Road. It is noted that ground height varies significantly around the vicinity of the site.
- 2.2 The proposed application is to vary Condition 3 from planning appeal Ref: APP/Z0116/W/15/3053907 to extend the opening hours of the restaurant.
- 2.3 Condition 3 of the existing permission is as follows:

"The food and drink use (Class A3) hereby permitted shall only be open to customers between the hours of 09.00 to midnight daily on all days with the exception of 31 December when it shall be open to customers from 0900 to 0600 on 1 January. The premises the subject of this permission shall be vacated by all staff and all activities ceased by 00.30 except on the 1 January when the premises shall be vacated by all staff and all activities ceased by 06.30. On all days the external terraces, and the seating areas associated with the entrance ramp defined through the terms and requirements of condition 10, excluding the non-seating areas of the entrance ramp used for access and egress, shall be closed to customers, vacated by all staff and all activities ceased by 22.00 daily."

- 2.4 It is proposed to extend the opening hours on Friday and Saturday evenings from midnight to 01:00 with all staff and all activities ceased by 01:30. The proposed change of opening hours does not apply to the external terraces, i.e. the use of the terraces would still cease at 22:00 hours daily in accordance with condition 3 of the planning consent.
- 2.5 Figure 1 shows the site location and the nearest noise sensitive receptors.
- 2.6 This technical report has therefore considered the noise impact associated with the proposed increased trading hours and the impact of noise from customer movements associated with these new trading hours.

3.0 STANDARDS AND GUIDANCE

National Planning Policy Framework and Noise Policy Statement for England

- 3.1 The National Planning Policy Framework (NPPF) [Reference 1], revised in February 2019, states (paragraph 180) in relation to noise that planning policies and decisions should aim to:
- Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.
- 3.2 The NPPF also refers to the Noise Policy Statement for England (NPSE) [Reference 2] which is intended to apply to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise. The NPSE sets out the Government's long-term vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development' which is supported by the following aims.
- Avoid significant adverse impacts on health and quality of life;
 - Mitigate and minimise adverse impacts on health and quality of life.

- 3.3 The NPSE defines the concept of a 'significant observed adverse effect level' (SOAEL) as 'the level above which significant adverse effects on health and quality of life occur'. The following guidance is provided within the NPSE:

"It is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available."

- 3.4 The Planning Practice Guidance (NPPG) [Reference 3] is written to support the NPPF with more specific planning guidance. The NPPG reflects the NPSE and states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. It also states that opportunities should be taken, where practicable, to achieve improvements to the acoustic environment. The NPPG states that noise can over-ride other planning concerns but should not be considered in isolation from the other economic, social and environmental dimensions of the proposed development.
- 3.5 The NPPG expands upon the concept of SOAEL (together with Lowest Observable Adverse Effect Level, LOAEL and No Observed Effect Level, NOEL) as introduced in the NPSE and provides a table of noise exposure hierarchy for use in noise impact assessments in the planning system.
- 3.6 The NPPF, NPSE and NPPG documents do not refer to specific noise criteria, therefore the specific criteria to be used will depend on the nature of the assessment being undertaken.

British Standard 8233: 2014 and WHO Guidelines

- 3.7 BS 8233:2014 [Reference 4] provides design guidance for dwelling houses, flats and rooms in residential use and recommends that internal noise levels in dwellings do not exceed 35 dB $L_{Aeq,16\text{ hour}}$ in living rooms and bedrooms during the day, 40 dB $L_{Aeq,16\text{ hour}}$ in dining rooms during the day and 30 dB $L_{Aeq,8\text{ hour}}$ in bedrooms at night.

- 3.8 BS 8233 also notes that "Regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL or $L_{Amax,F}$, depending on the character and number of events per night." The World Health Organisation (WHO) provides guidance on desirable internal noise levels to minimise the risk of sleep disturbance. The WHO 2000 guidelines [Reference 5] suggest internal noise levels not exceeding 30 dB $L_{Aeq,8hr}$ or regularly exceeding 45 dB $L_{Amax,f}$ for 'a good night's sleep'.

Noise from Customers and Restaurant Activity

- 3.9 There is no published objective method of assessing the potential for noise impact arising from customers leaving the premises. The approach adopted in this assessment has been to assess the impact of noise from people leaving the restaurant on the nearest noise sensitive properties. It is therefore proposed to undertake a comparison of existing ambient L_{Aeq} noise levels with the predicted noise level from people leaving. For this type of noise source an increase of more than 2 or 3 dB is considered likely to represent the threshold of acceptability.
- 3.10 Maximum $L_{Amax,f}$ noise levels are also relevant during the late evening. The general approach adopted in this assessment has been to consider maximum noise levels during the late evening, in comparison to existing maximum noise levels in the vicinity of the nearest residential properties and with reference to the WHO Guidelines for sleep disturbance.

Local Authority Requirements and Consultation

- 3.11 24 Acoustics has contacted Mark Curtis, Environmental Health Officer at Bristol City Council, in relation to the noise assessment at this site. Mr Curtis has confirmed in writing his agreement to the proposed methodology and criteria for this updated noise impact assessment.

4.0 ENVIRONMENTAL NOISE SURVEYS

Background Noise Survey

- 4.1 A background noise survey was undertaken between 14th and 26th September 2019 to determine the existing noise levels. Ambient noise levels were measured using the following equipment:

- 2 x Rion Class 1 accuracy sound level meter Type NL-52;
- Norsonic Class 1 accuracy acoustic calibrator Type 1251.

- 4.2 Noise monitoring equipment was located at a height of approximately 3 m on the northern terrace (Location 1) and at a height of 2 m near the entrance on Perry Road (Location 2). The survey locations are shown in Figure 1.
- 4.3 Measurements were undertaken in samples of 5 minutes in terms of the overall free-field A-weighted L_{eq} , L_{90} and $L_{max,f}$ noise levels. Measurements were made in accordance with BS 7445:1991 "Description and measurement of environmental noise Part 2 - Acquisition of data pertinent to land use" [Reference 5].
- 4.4 The instrumentation calibration was checked before and after the surveys in accordance with the manufacturer's instructions, with no significant drift in calibration recorded. Calibration of 24 Acoustics' equipment is traceable to National Standards. All instruments were fitted with environmental weather shields during the surveys.
- 4.5 Weather conditions during the survey were generally mixed and periods of adverse weather have been omitted from analysis.
- 4.6 The results of the ambient noise survey are shown graphically in Appendix B and summarised in Tables 1 & 2 below for the proposed periods of change on Friday and Saturday evenings.

Period	Measured Sound Pressure Level (dB $L_{Aeq, 15min}$)
Saturday Evening 14/9/2019 to 15/9/2019 00:00 – 01:30	61.4
Friday Evening 20/9/2019 to 21/9/2019 00:00 – 01:30	62.5
Saturday Evening 21/9/2019 to 22/9/2019 00:00 – 01:30	60.3
Average	61.4

Table 1: Summary of Noise Survey Results at Location 1 – Friday and Saturday Evenings

Period	Measured Sound Pressure Level (dB L_{Aeq} 15min)
Saturday Evening 14/9/2019 to 15/9/2019 00:00 – 01:30	66.1
Friday Evening 20/9/2019 to 21/9/2019 00:00 – 01:30	66.7
Saturday Evening 21/9/2019 to 22/9/2019 00:00 – 01:30	65.7
Average	66.2

Table 2: Summary of Noise Survey Results at Location 2 – Friday and Saturday Evenings

- 4.7 The results presented in Tables 1 & 2 are relatively high due to road traffic on Perry Road and Colston Street. Location 1 is mostly affected by road traffic from Colston Street and Location 2 is mostly affected by road traffic from Perry Road. The measurement locations are considered representative of the nearest noise sensitive properties.
- 4.8 It was previously confirmed, from noise surveys undertaken by 24 Acoustics in October 2014, that noise levels measured outside properties on Colston Street were typically 2 to 3 dB higher than those measured at Location 1. This confirms that noise levels at Location 1 are, conservatively, representative of noise levels at the nearest noise sensitive properties on Colston Street.
- 4.9 Typical maximum noise levels, from road traffic, were in the order of 70 to 75 dB L_{Amax, f} at Location 1 and 75 to 80 dB L_{Amax, f} at Location 2 during the proposed extended hours of 00:00 to 01:30.

Attended Noise Survey and Observations

- 4.10 An attended noise survey was undertaken in the vicinity of Zero Degrees between approximately 22:00 and 00:30 hours on Friday 17th January 2020. Noise measurements were undertaken at locations representative of the nearest residential properties on Perry Road and Colston Street, in order to determine current noise impact levels and observations of the existing use of the premises within the consented hours up until midnight.
- 4.11 Ambient noise levels were measured using the following equipment:

- 1 x Rion Class 1 accuracy sound level meter Type NL-52;
- Bruel and Kjaer acoustic calibrator Type 4231.

4.12 Noise measurements were undertaken at a height of approximately 1.5m above local ground level. The attended survey locations are described below and shown in Figure 1:

Location A – Outside nos. 10 to 12 Perry Road

Location B – Outside no. 72 Colston Street

4.13 Measurements were undertaken in samples of 5 minutes in terms of the overall free-field A-weighted L_{eq} , L_{90} and $L_{max,f}$ noise levels. Measurements were made in accordance with BS 7445:1991 "Description and measurement of environmental noise Part 2 - Acquisition of data pertinent to land use" [Reference 5].

4.14 The instrumentation calibration was checked before and after the surveys in accordance with the manufacturer's instructions, with no significant drift in calibration recorded. Calibration of 24 Acoustics' equipment is traceable to National Standards.

4.15 Weather conditions during the evening survey period were dry and the wind speed was less than 5 m/s.

4.16 The results of the attended noise survey on the 17th January at Locations A and B are summarised in Tables 3 and 4, respectively, below.

Time	Sound Pressure Level (dB)		
	Average Level ($L_{Aeq, 5 \text{ minute}}$)	Maximum Level ($L_{Amax,f}$)	Background Level ($L_{A90, 5 \text{ minute}}$)
22:23	69.4	81.2	57.8
22:29	70.5	86.7	59.0
22:34	68.8	78.9	57.8
23:05	68.5	78.0	57.8
23:10	69.3	79.4	56.2
23:16	70.6	82.0	59.5
23:44	71.1	83.9	59.3
23:51	71.2	79.6	56.3
23:57	70.1	81.7	56.7
00:02	70.6	84.1	59.2
00:08	77.4 *	97.2 *	*54.7

Table 3: Measured Noise Levels – Location A (Perry Road), Friday 17th January 2020

* = emergency vehicle sirens

Time	Sound Pressure Level (dB)		
	Average Level ($L_{Aeq, 5 \text{ minute}}$)	Maximum Level ($L_{Amax,f}$)	Background Level ($L_{A90, 5 \text{ minute}}$)
22:45	62.1	77.0	52.1
22:51	64.4	76.3	53.8
22:56	62.9	77.8	53.5
23:25	64.6	81.8	52.1
23:30	65.0	81.1	53.3
23:36	63.9	78.7	53.6
00:14	61.9	77.1	52.0
00:20	64.0	89.9	52.4
00:25	65.3	82.9	49.7

Table 4: Measured Noise Levels – Location B (Colston Street), Friday 17th January 2020

- 4.17 Detailed observations were undertaken during the noise measurements at each location. Full details of the observations are provided in Appendix C. A summary of the key observations are provided below.
- 4.18 A DJ was playing music within Zero Degrees during the evening survey. Measured internal music noise levels within the premises were in the order of 80 to 85 dB L_{Aeq} .
- 4.19 There were between 50 and 100 customers observed to be present at Zero Degrees during the survey. Many of the customers had been eating meals in the restaurant.
- 4.20 Noise breakout from music was only faintly audible at Location A (Perry Road) when the upper door (Perry Road entrance) was opened for access. Music noise levels were not significant compared to the existing ambient noise levels from road traffic on Perry Road. Music noise breakout to Colston Street was well-controlled by the lobbied doors to the ramp entrance. All external doorsets are relatively heavy and close automatically once opened.

- 4.21 There was no designated smoking area, therefore people tended to smoke just outside either entrance door. Very few smokers were observed during the survey. The terraces were not being used after 22:00 hours in accordance with the planning consent.
- 4.22 Customers left Zero Degrees gradually during the survey period, towards the closing time of midnight. Both exits were used, and the customers were reasonably civilized when leaving the premises. No customers were observed to cross Perry Road or Colston Street immediately after leaving, as the majority of customers left the premises on foot along the same side of the road, i.e. not directly outside the nearest residential properties. When customers left in groups they often split in different directions and some waited for taxis directly outside the premises on Perry Road.
- 4.23 During the survey the ambient noise levels on Perry Road and Colston Street were dominated by noise from regular road traffic and pedestrian activity. Some of the pedestrian activity was associated with other licensed premises within the vicinity, notably the Bristol Yard located further north on Colston Street. Observations at around 23:30 hours (see Appendix C) at Location B included shouting emanating from the Bristol Yard and a group of approximately ten people leaving the Bristol Yard premises.
- 4.24 Noise breakout from live music at The Gryphon Public House, located further south on Colston Street, was also occasionally audible at Location B (outside no. 72 Colston Street).

5.0 CALCULATIONS AND ASSESSMENT

- 5.1 From the noise measurements obtained during the evening period, owing to the high levels of ambient noise from road traffic, it was not possible to determine by measurement noise levels from customers alone. It is therefore considered appropriate and robust to assess the noise impact during the extended hours based on calculated noise levels from defined source noise levels.
- 5.2 The following sections address the potential noise impact of the proposed change of hours on Friday and Saturday evenings, by comparison of predicted noise levels from customers compared to existing ambient and maximum noise levels.

Calculated Noise Levels – Customers Leaving

- 5.3 The following information has been provided by Zero Degrees. It is understood that Zero Degrees is rarely at full capacity and, when this does occur on a Friday or Saturday night, there would typically be up to 375 people within the premises and that only 60 to 70 people would be leaving at the closing time of midnight. The exception to this would be special occasions such as Christmas parties or New Year's Eve.
- 5.4 It is understood that the Zero Degrees restaurant in Blackheath, London, which has residential apartments adjacent, has been operating until 01:00 hours since August 2019 without complaints from nearby residents. At the Blackheath site, there are typically around 40 people leaving the premises at the closing time of 01:00 hours.
- 5.5 The following assessment is therefore based on the assumption that the leaving patterns of patrons during the extended opening hours at Zero Degrees Bristol would be similar to the current leaving patterns and also those experienced at the Blackheath site.
- 5.6 There are currently two exits to the premises, with one on Colston Street and one on Perry Road. It is understood that both exits to the premises are used at closing time, and this would remain the case, so that not all customers would be leaving from the same exit.
- 5.7 Calculations have been undertaken to predict the noise level from people leaving the restaurant based on the following source noise levels, with reference to the definitions in ANSI S3.79 [Reference 6].

A single 'raised' voice sound pressure level of 67 dBA at 1 m;

A maximum noise level of 80 dB L_{Amax} at 1 m from a person talking with a raised voice.

- 5.8 Noise levels have been calculated at the windows of the nearest residential properties at Colston Street and Perry Road, taking into account losses due to distance. The calculations have assumed 50 people leaving each exit within a 15-minute period, and that approximately 50 % of the people (i.e. 25 people) would be talking with raised voices as they depart. This is considered a reasonable worst-case assumption for when the premises would be at full capacity on Fridays or Saturdays, based on the information provided by Zero Degrees.
- 5.9 The results of the calculations are summarised in Table 5 below, compared to the measured existing ambient noise levels during the proposed extended hours.

Location	Ambient Noise Level (dB L_{Aeq, 15 min})	Predicted Noise Level (dB L_{Aeq, 15 min})	Resultant Noise Level (dB L_{Aeq, 15 min})	Increase (dB L_{Aeq, 15 min})
Colston Street	61.4	49.2	61.7	0.3
Perry Road	66.2	47.6	66.3	0.1

Table 5: Assessment of Noise Levels from Customers Leaving the premises during the proposed extended hours

- 5.10 The results in Table 5 demonstrate that the increase in noise level, from people leaving the restaurant during the extended opening hours, would be less than 1 dBA at the nearest residential receptors. This is a negligible increase in noise level, and therefore very unlikely to cause disturbance.
- 5.11 Calculations also show that maximum noise levels from raised voices, at the nearest residential windows at Perry Road and Colston Street would be in the order of 58 dB L_{Amax, f} and 60 dB L_{Amax, f} respectively. Based on the assumptions stated in paragraph 5.8 for when the premises would be at full capacity, these maximum noise levels could occur regularly during the extended hours, i.e. 25 events during a 15-minute period. The predicted maximum noise levels are, however, significantly lower than the existing maximum noise levels, from road traffic, of 70 to 75 dB L_{Amax, f} at Location 1 and 75 to 80 dB L_{Amax, f} at Location 2.
- 5.12 Assuming a 15 dB reduction from an open window gives predicted noise levels in the order of 43 to 45 dB L_{Amax, f} inside the closest residential properties. On this basis, noise from customers leaving would not exceed the WHO guidance of 45 dB L_{Amax, f} or lower.

Calculated Noise Levels – Customers Smoking

- 5.13 Calculations have been undertaken to predict noise levels from customers smoking outside the premises during the extended opening hours, based on the source noise levels for raised voices as described in paragraph 5.7.
- 5.14 Zero Degrees proposes to amend its Doorstaff and Dispersal Policy for this establishment in order to effectively monitor and manage noise and disturbance caused by outside customers, as provided in Appendix D. The amended policy states that outside customers will only be located within the designated smoking area from 22:00 and 00:00 hours, with no customers allowed to re-enter the venue after 00:00 hours.
- 5.15 The designated smoking area is proposed for use after 22:00 hours within the non-seating section of the ramp entrance terrace, as shown on the plan in Appendix D. The nearest properties on Perry Road will be acoustically screened from the smoking area by the solid wall along the edge of the ramp entrance terrace.
- 5.16 Noise levels have been calculated at the windows of the nearest residential properties at Colston Street and Perry Road, taking into account losses due to distance and acoustic screening from the wall between the smoking area and Perry Road. The calculations have assumed that, in the designated smoking area, there would be 20 smokers, talking with raised voices within a 15-minute period. This is considered a reasonable worst-case assumption for when the premises would be at full capacity on Fridays or Saturdays, based on the information provided by Zero Degrees.
- 5.17 The results of the calculations are summarised in Table 6 below, compared to the measured existing ambient noise levels during the proposed extended hours.

Location	Ambient Noise Level (dB LAeq, 15 min)	Predicted Noise Level (dB LAeq, 15 min)	Resultant Noise Level (dB LAeq, 15 min)	Increase (dB LAeq, 15 min)
Colston Street	61.4	51.7	61.8	0.4
Perry Road	66.2	44.2	66.2	0.0

Table 6: Assessment of Noise Levels from Customers smoking outside, 22:00 to 00:00 hours

- 5.18 The results in Table 6 demonstrate that the increase in noise level, from customers smoking outside the restaurant between 22:00 and 00:00 hours, would be less than 1 dBA at the nearest residential receptors. This is a negligible increase in noise level, and therefore very unlikely to cause disturbance.
- 5.19 Calculated maximum noise levels of raised voices from customers smoking, assessed at the nearest residential windows at Perry Road and Colston Street would be in the order of 49 dB $L_{Amax, f}$ and 56 dB $L_{Amax, f}$ respectively. Based on the assumptions stated in paragraph 5.16 for when the premises would be at full capacity, these maximum noise levels could occur regularly during use of the smoking area up until midnight, i.e. 20 events during a 15-minute period. The predicted noise levels are, however, significantly lower than the existing maximum noise levels, from road traffic, of 70 to 75 dB $L_{Amax, f}$ at Location 1 and 75 to 80 dB $L_{Amax, f}$ at Location 2.
- 5.20 Assuming a 15 dB reduction from an open window gives predicted noise levels in the order of 34 to 41 dB $L_{Amax, f}$ inside the closest residential properties. On this basis, noise from customers smoking would not exceed the WHO guidance of 45 dB $L_{Amax, f}$ or lower.

Recent Noise Complaints

- 5.21 It is understood that complaints were received from a resident in Perry Road on two occasions in December 2019, in relation to music noise breakout from Zero Degrees. It has been confirmed by Zero Degrees that, on both occasions, the entrance door on the Perry Road side was wedged open, and this has been explained to the resident.
- 5.22 Staff at Zero Degrees have since been informed by management that the entrance doors must not be left open. This issue is also addressed within the Doorstaff and Dispersal Policy, as provided in Appendix D, with door staff to ensure that the exit doors are kept closed when not in use.
- 5.23 With the implementation of the Doorstaff and Dispersal Policy, music noise breakout from the premises will be well-controlled.

Other Zero Degrees Establishments

- 5.24 The following information has been provided by Zero Degrees in relation to the establishment in Blackheath, London.
- 5.25 Zerodegrees, Blackheath was previously licenced to operate until midnight daily, however, experienced issues with respect to noise and disturbance generated by customers using its patio area to the front of the premises during the late evening hours. Complaints were subsequently made by neighbouring residents with respect to this. Similar to Zerodegrees, Bristol currently, the premises did not benefit from any door staff to monitor and manage customers utilising the external areas.
- 5.26 Zerodegrees, Blackheath subsequently acquired an extension to its licence to operate until 1am on Friday and Saturday evenings and Bank Holidays, and this involved the adoption of its Door Dispersal Policy and inclusion of two door staff members to enforce it. Subsequently, no noise and disturbance complaints have been raised to date.
- 5.27 The success of utilising the Doorstaff and Dispersal Policy and two members of door staff will be replicated at Zerodegrees, Bristol. A member of staff will be provided at each access after 8pm daily to help ensure the measures within the policy are effectively enforced and thus, the outdoor areas are properly monitored and managed.

Summary and Noise Control Measures

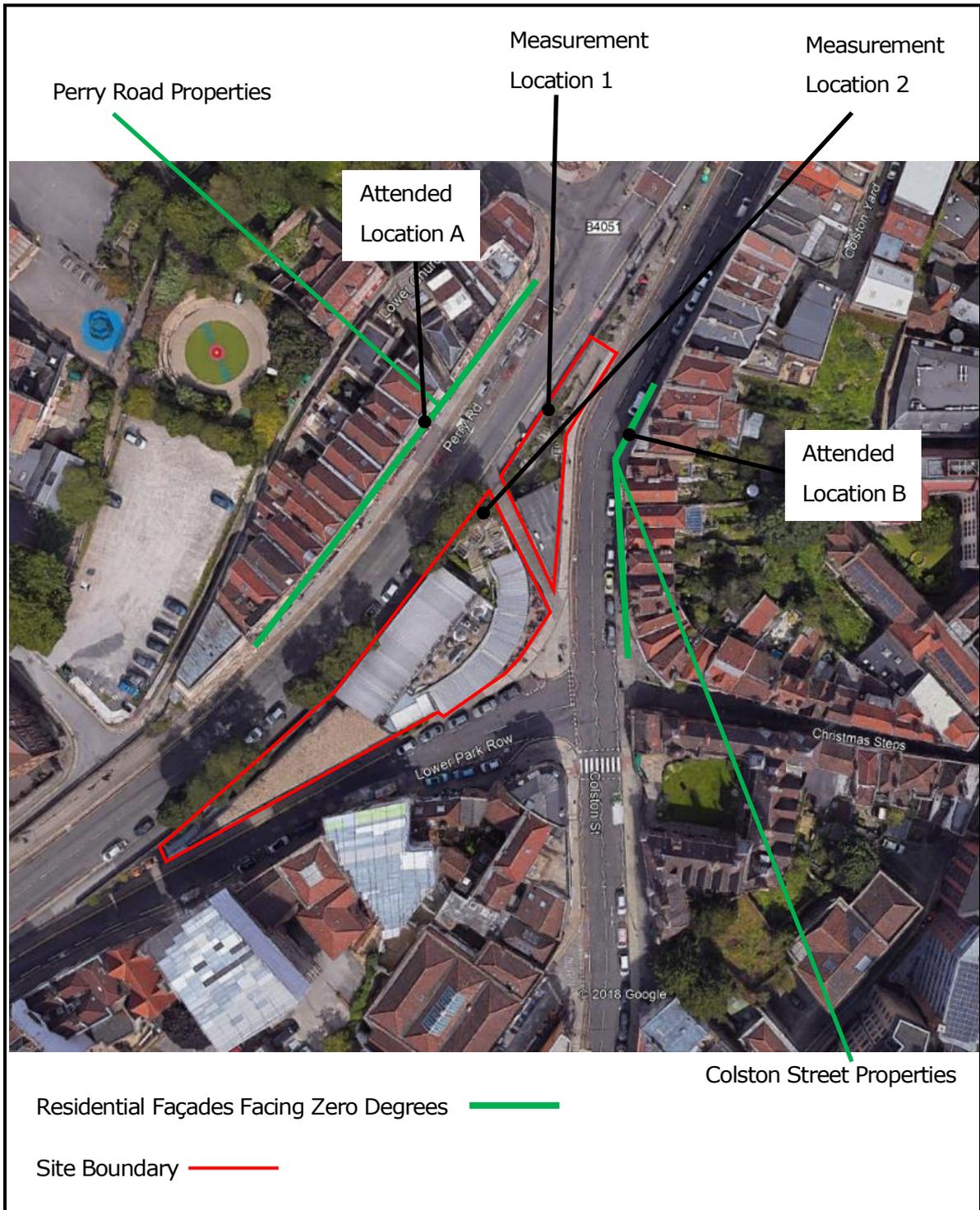
- 5.28 Based on the above assessments, it is therefore considered unlikely that the extended opening hours would cause disturbance at nearby residential properties in Perry Road and Colston Street.
- 5.29 Signs are also provided by the exit doors, requesting customers to give consideration to neighbours when leaving the premises.
- 5.30 Based on the observations made during the evening period whilst there was a DJ playing, music noise breakout is well-controlled by keeping the entrance doors closed.
- 5.31 The implementation of the measures detailed within the Doorstaff and Dispersal Policy, as provided in Appendix D, will assist to control and minimise music noise breakout, noise from customers smoking and noise from customers as they leave the premises during the extended opening hours.

6.0 CONCLUSIONS

- 6.1 Zero Degrees has instructed 24 Acoustics Ltd to undertake a noise impact assessment, in relation to the proposed extension of opening hours to 01:00 hours on Friday and Saturday evenings at the Zero Degrees restaurant, 53 Colston Street, Bristol.
- 6.2 An ambient noise survey has been undertaken at the site, to determine existing noise levels representative of the nearest residential properties.
- 6.3 A detailed noise survey and observations have also been undertaken during the late evening period, in order to assess existing noise from the premises within the current permitted operating hours.
- 6.4 An assessment of noise from people leaving the restaurant and from customers smoking has been undertaken, using predicted noise levels from speech compared to the existing ambient noise levels. The assessment has demonstrated a negligible increase in noise levels at the nearest residential properties. Maximum noise levels are predicted to be lower than the existing maximum noise levels from road traffic and in line with WHO guideline levels within the nearest residential properties.
- 6.5 The proposed Doorstaff and Dispersal Policy will assist to control and minimise music noise breakout, noise from customers smoking and noise from customers as they leave the premises during the extended opening hours.
- 6.6 Based on the assessments undertaken, it is therefore considered unlikely that the extension of hours would cause disturbance at nearby residential properties on Perry Road and Colston Street.

REFERENCES

1. Department for Communities and Local Government. National Planning Policy Framework, February 2019.
2. DEFRA, Noise Policy Statement for England, March 2010.
3. Planning Practice Guidance - Noise, Department of Communities and Local Government (revised July 2019).
4. British Standards Institution. British Standard 8233: 2014 Guidance on sound insulation and noise reduction for buildings, 2014.
5. World Health Organisation. Guidelines for Community Noise, 2000.
6. British Standards Institution. British Standard 7445:1991 Description and measurement of environmental noise Part 2 - Acquisition of data pertinent to land use, 1991.
7. American National Standards Institute (ANSI), American National Standard Methods for the Calculation of the Speech Intelligibility Index. (ANSI S3.79-Draft), 1993.



Project: Zero Degrees, Bristol		Title: Aerial view of the site		
DWG No: Figure 1	Scale: N.T.S.	Rev: 1		
Date: January 2020	Drawn By: MH	Job No: 5411		

APPENDIX A – ACOUSTIC TERMINOLOGY

Noise is defined as unwanted sound. The range of audible sound is from 0 to 140 dB. The frequency response of the ear is usually taken to be around 18 Hz (number of oscillations per second) to 18000 Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than the lower and higher frequencies and because of this, the low and high frequency components of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most widely used and which correlates best with subjective response to noise is the dBA weighting. This is an internationally accepted standard for noise measurements.

For variable sources, such as traffic, a difference of 3 dB is just distinguishable. In addition, a doubling of traffic flow will increase the overall noise by 3 dB. The 'loudness' of a noise is a purely subjective parameter, but it is generally accepted that an increase/ decrease of 10 dB corresponds to a doubling/ halving in perceived loudness.

External noise levels are rarely steady, but rise and fall according to activities within an area. In attempt to produce a figure that relates this variable noise level to subjective response, a number of noise indices have been developed. These include:

- i) The L_{Amax} noise level

This is the maximum noise level recorded over the measurement period.

- ii) The L_{Aeq} noise level

This is "equivalent continuous A-weighted sound pressure level, in decibels" and is defined in British Standard BS 7445 [Reference 5] as the "value of the A-weighted sound pressure level of a continuous, steady sound that, within a specified time interval, T, has the same mean square sound pressure as a sound under consideration whose level varies with time".

It is a unit commonly used to describe construction noise and noise from industrial premises and is the most suitable unit for the description of other forms of environmental noise. In more straightforward terms, it is a measure of energy within the varying noise.

- iii) The L_{A10} noise level

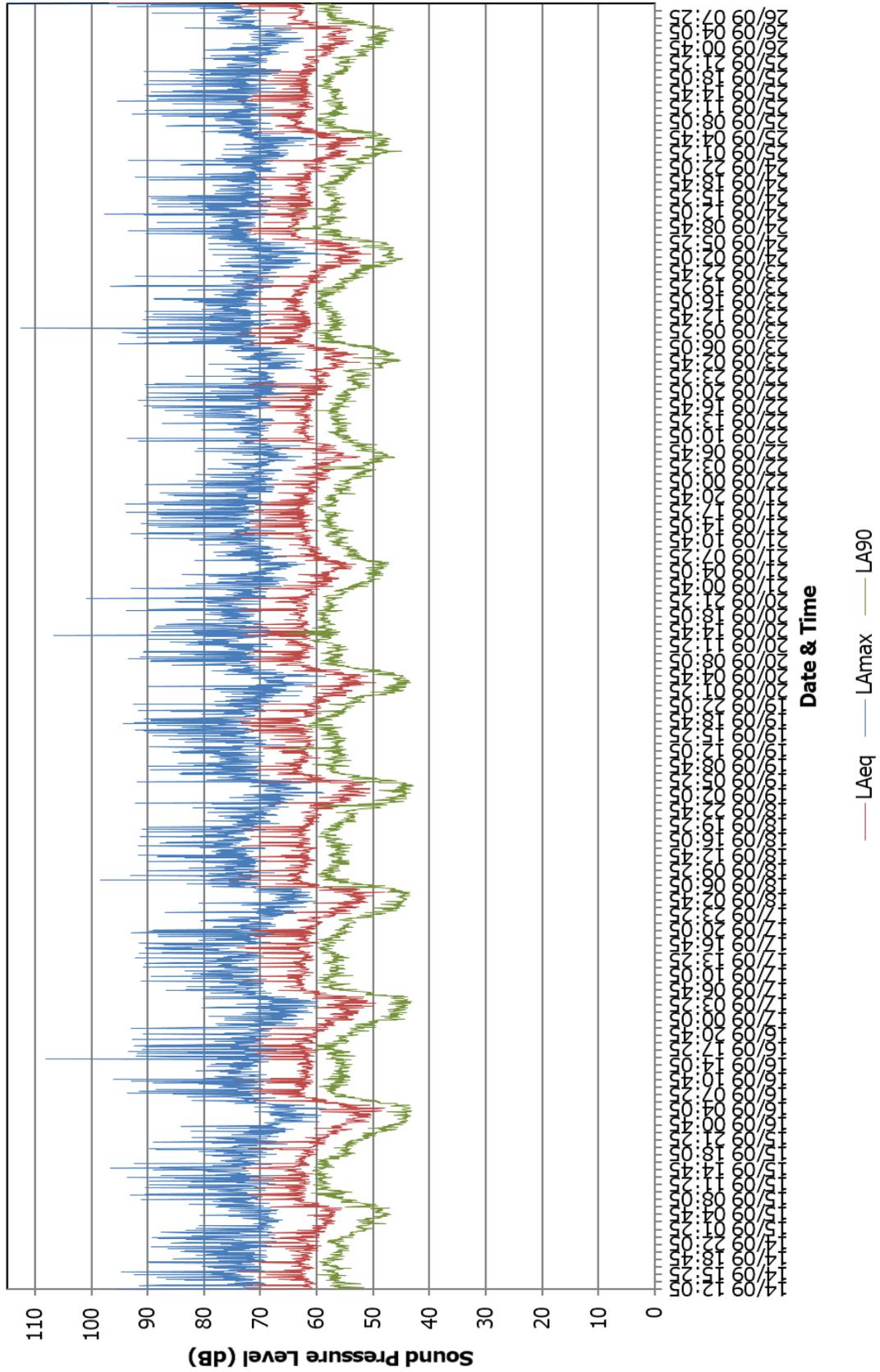
This is the noise level that is exceeded for 10% of the measurement period and gives an indication of the noisier levels. It is a unit that has been used over many years for the measurement and assessment of road traffic noise.

- iv) The L_{A90} noise level

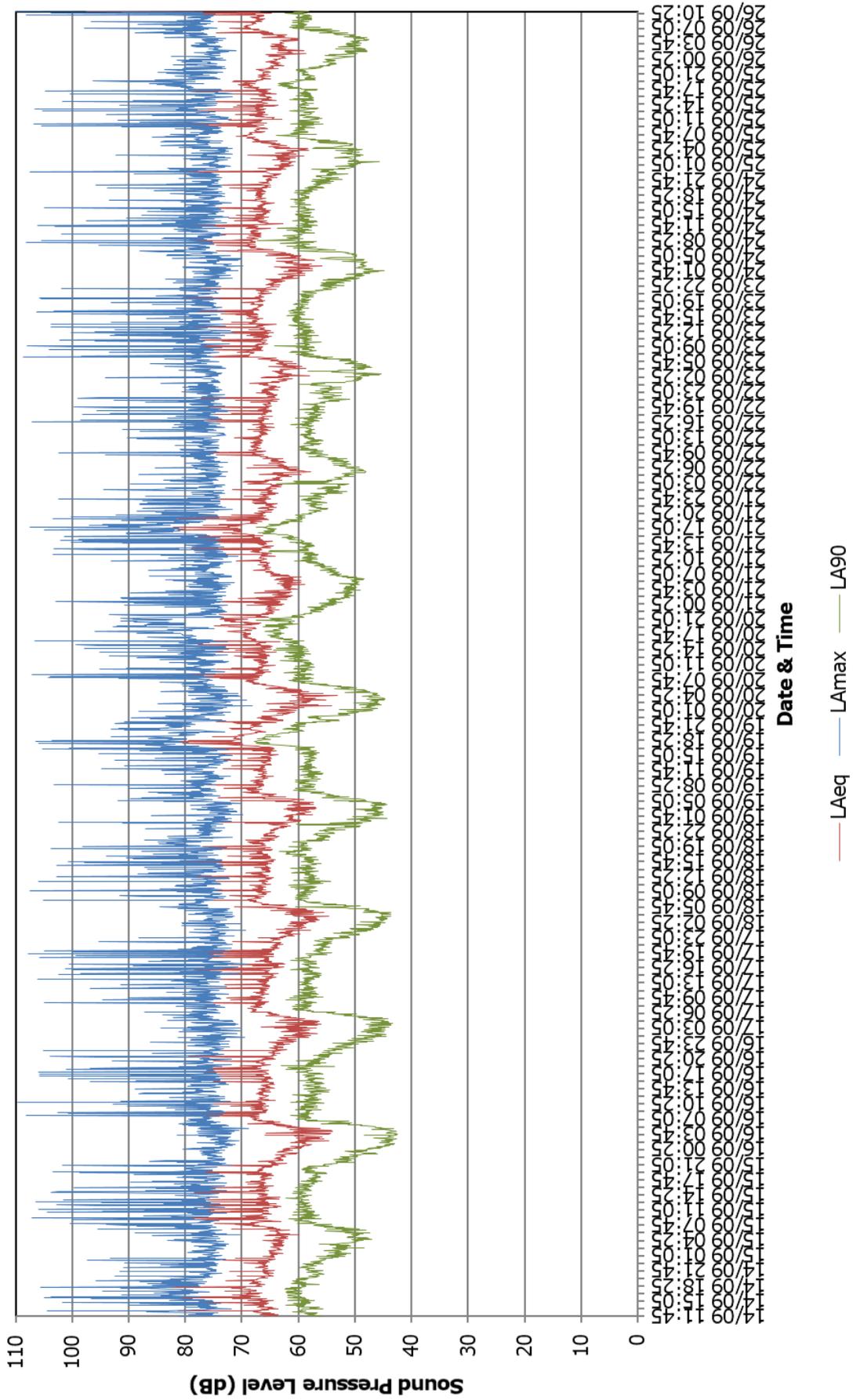
This is the noise level that is exceeded for 90% of the measurement period and gives an indication of the noise level during the quieter periods. It is often referred to as the background noise level and is used in the assessment of disturbance from industrial noise.

APPENDIX B – AMBIENT NOISE SURVEY RESULTS

**Location 1 - Zero Degrees, Bristol - Background Noise Data
14th to 26th September 2019**



**Location 2 - Zero Degrees, Bristol - Background Noise Data
14th to 26th September 2019**



APPENDIX C – ATTENDED NOISE SURVEY OBSERVATIONS

Location A- Perry Road:

Friday 17/01/2020 Time:	Comments	
22:23	Road noise dominant	
22:25	2 people walk passed on mic side	
22:26	Car audio from car idling at lights	
22:28	3 people leave Zero Degrees, 2 people head south	#
22:29	1 person unlocks bike and heads north	#
22:30	Shouting from south	
22:30	People walk past on mic side	
22:31	6 people walk up Christmas Steps and continue up steps	
22:32	Person on crutches goes past mic	
22:32	Gritter lorry passes	
22:33	2 people walk past mic side	
22:35	Cars audio from car idling at lights	
22:36	Cyclist goes past + person with wheeled suitcase	
22:38	1 person leaves Zero Degrees, audio through door	#
22:41	Car audio & bottles being emptied	
23:05	Cars idling at lights	
23:07	2 cyclists go past	
23:08	Car exhaust	
23:09	2 people leave Zero Degrees, audio through door	#
23:09	2 people talking whilst waiting for taxi	#
23:10	Car audio & talking	
23:12	Cars idling at lights	
23:14	Faint music from Zero Degrees	#
23:16	3 people walk past mic side	
23:17	1 person leaves Zero Degrees, starts smoking	#
23:17	1 person departs whilst smoking	#
23:21	6 people from north walk past Zero Degrees - Loud	
23:44	Lorry idling at light	
23:44	3 people leave Zero Degrees south	#
23:45	7 people walk past mic side - talking	
23:46	4 people walk past mic side - talking	
23:47	Car audio & moped	
23:48	6 people walk past Zero Degrees side - talking	
23:51	Car audio	#
23:53	2 people leave Zero Degrees head south - talking	
23:55	1 person walks past mic side	#
23:56	3 people leave Zero Degrees head north - talking	
23:58	3 people walk past mic side - talking	
23:59	2 people walk past mic side - talking	
00:00	2 people walk past mic side - talking	

= indicates observations of noise and/or activity associated with Zero Degrees

Saturday 18/01/2020 Time:	Comments	
00:02	1 person leaves Zero Degrees - staff	#
00:03	4 people walk past mic side - talking	
00:06	1 person walks past mic side	
00:07	2 people leave Zero Degrees	#
00:07	4 people walk past Zero Degrees side - talking loudly	
00:08	1 person leaves - staff & 2 polic sirens south	#
00:12	2 cyclists head north on road	

= indicates observations of noise and/or activity associated with Zero Degrees

Location B- Colston Street:

Friday 17/01/2020 Time:	Comments	
22:45	Talking, music from The Gryphon	
22:47	Road noise from Peery Road consistent	
22:50	Car on Colston Road	
22:51	Talking on Perry Road + Cyclist on Colston Road	
22:52	Moped uses Colston Road + Bins being filled north	
22:53	Car on Colston Road	
22:54	Car on Colston Road	
22:55	People walk past mic from the north	
22:56	Music from The Gryphon + car on Colston Road	
22:57	2 people walk past mic from the north - talking	
22:58	4 people leave Zero Degrees - talking	#
22:59	4 people split and 2 go north, 2 go south	#
23:00	Cyclist & car uses Colston Road + car audio	
23:00	2 people walk past on Zero Degrees side	
23:01	3 people come outside and smoke by door	#
23:01	Car audio & ambulance on Colston Road	
23:03	Cars on Colston Road	
23:25	1 person heads north shouting & whistling mic side	
23:26	Cyclist & 1 person shouting from north	
23:28	Car uses Colston Road & car audio	
23:29	2 people approach from south and drive off in car	
23:30	Car audio	
23:32	Shouting from The Bristol Yard	
23:33	10 people leave The Bristol Yard, Perry south, mic side	
23:34	5 people walk past mic - talking	
23:35	Car audio	
23:36	Car audio	
23:37	Car audio	
23:38	3 people walk past mic - talking	
23:39	2 people walk past mic - talking	
23:40	Car uses Colston Road	
23:41	Car uses Colston Road	

= indicates observations of noise and/or activity associated with Zero Degrees

Saturday 18/01/2020 Time:	Comments	
00:14	5 people walk past mic side - talking	
00:16	Zero Degrees staff fill bins	#
00:17	Car exhaust & car horns	
00:18	2 cyclists use Colston Road & DJ loads kit into car, ramp	#
00:19	2 people walk past mic side - talking	
00:20	Zero Degrees staff fill bins & 3 people mic side - talking	#
00:21	Car uses Colston Road	
00:22	Moped used Colston Road	
00:24	6 people walk past mic side - talking	
00:24	2 people walk past mic side - talking	
00:26	1 person leave Zero Degrees - staff	#
00:27	Car uses Colston Road	
00:29	Car audio	

= indicates observations of noise and/or activity associated with Zero Degrees

APPENDIX D – ZERO DEGREES DOORSTAFF AND DISPERSAL POLICY

ZERODEGREES, 53 COLSTON STREET, BRISTOL

DOORSTAFF AND DISPERSAL POLICY

1. Notices at both exits asking all customers to respect the residents by leaving quietly and in orderly manner.
2. In order to prevent music emanating from the premises while operating under entertainment licenses, door staff to ensure that both exit doors are closed when not in use after 8pm daily.
3. Door staff to monitor customers smoking on the patio are not causing disturbance to residents.
4. Door staff are to implement the enclosed **Operational Management Plan** and will ensure that outside customers are only located within the area shown within the enclosed **10pm-Midnight Non-Seating Smoking Area Plan** from 10pm – midnight.
5. No customers will be allowed to enter / re-enter the venue after midnight in order to prevent customers using all external areas after this time.
6. Once the customers start to leave the venue the door-staff will position themselves by the exit and oversee the dispersal. The door-staff will ensure the following:
 - Noise is kept to a minimum
 - Customers are ushered away from residential areas.
 - Customers are advised to get taxi asap and offered advice on transport, such as bus routes, taxi ranks etc.
 - All door-staff are to talk to customers in a calm, polite and professional manner offering assistance where needed.
 - All door-staff are to be proactive in dispersing the customers, this can be done verbally and offering positive body language.
7. Once the customers have dispersed, door staff are to remain in the area for a further 5 minutes to ensure the area is completely cleared.
8. Any incidents, such as excessive noise or physical disturbances need to be logged in the security log book and the management made aware.

Management is to make door staff aware of surrounding residential properties.

A minimum of 2no. door staff members are to be on the premises after 8pm daily.

Management and door staff are to be familiar with the **Doorstaff and Dispersal Policy** as well as the enclosed **Operational Management Plan** and **10pm-Midnight Non-Seating Smoking Area Plan**. The policy is to be located at each door in order to be easily accessed by door staff.

All door-staff to sign the acknowledgment of understanding sheet below.

NAME	DATE	SIGNATURE

ZERODEGREES

53 COLSTON STREET • BRISTOL



OUTDOOR AREA MANAGEMENT PLAN

NOVEMBER 2015



Outdoor Area Management Plan

ZeroDegrees

53 Colston Street, Bristol, BS1 5BA

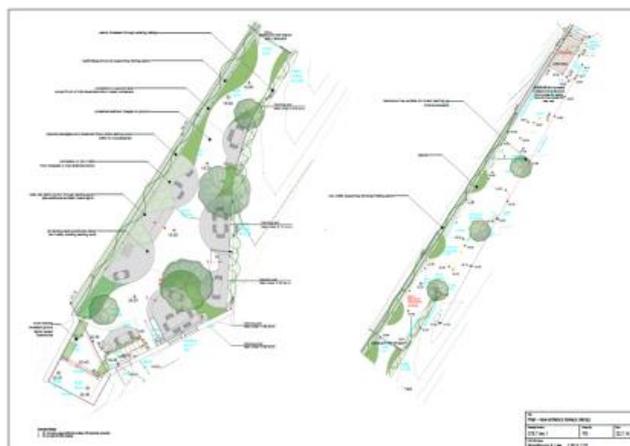
Introduction

1. This Outdoor Area Management Plan has been prepared following the allowing of appeal ref: App/Z0116/W/15/3053097 and the granting of planning permission ref: 14/03870/X for the utilisation of the 'entrance terrace' at ZeroDegrees microbrewery and restaurant for the siting of 9 tables and 28 chairs.

2. Condition 10 attached to this permission states that:

"The use of the entrance ramp for external seating, as shown on drawing No 376.7 rev 1, shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, an Outdoor Area Management Plan for that ramp, clearly defining and setting out details of the seating and non-seating areas respectively, and demonstrating how those areas will be managed. Those areas shall thereafter be operated and managed in accordance with the approved Outdoor Area Management Plan."

3. This Management Plan has been prepared in order to satisfy the above condition, and applies only to the entrance terrace as shown on drawing No 376.7 rev 1, an extract of which is included below.



Amount

4. The entrance terrace seating area will be utilised for no more than 9 tables and 28 chairs, as shown on drawing No 376.7 rev 1. This amount of furniture placed in the area will be adhered to by all staff, and no additional furniture will be used.
5. The area will also be regularly monitored by staff waiting on the tables on the terrace. In doing so, staff will have the opportunity to monitor the behaviour of customers to prevent any additional chairs being brought from inside the premises.

Layout

6. The 9 tables and 28 chairs will be sited as per the layout depicted by drawing No 376.7 rev 1.
7. The tables and chairs are to be sited upon raised decking areas which are in situ at the site. The furniture will be restricted to these areas and will not obstruct the walkway through the terrace area leading to and from Colston Street.

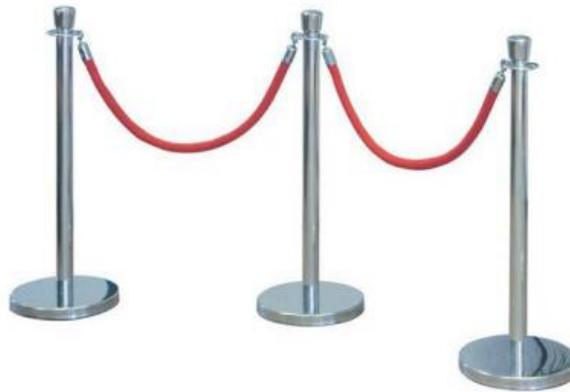
Operational Hours

8. As a result of the appeal, condition 3 of planning permission ref: 02/03317/F/C has been amended to state:

"The food and drink use (Class A3) hereby permitted shall only be open to customers between the hours of 09.00 to midnight daily on all days with the exception of 31 December when it shall be open to customers from 09.00 to 06.00 on 1 January. The premises the subject of this permission shall be vacated by all staff and all activities ceased by 00.30 except on the 1 January when the premises shall be vacated by all staff and all activities ceased by 06.30. On all days the external terrace, and the seating areas associated with the entrance ramp defined through the terms and requirements of condition 10, excluding the non-seating areas of the entrance ramp use for access and egress, shall be closed to customers, vacated by staff and all activities ceased by 22.00 daily."

9. In accordance with the requirements of the above condition, the seating areas of the entrance terrace will be closed to customers, vacated by staff and all activities ceased by 22.00 daily.

10. The non-seating area of the entrance ramp as shown on drawing No 376..7 rev 1 shall remain open for the entrance and egress of customers up to 00.00.
11. The seating areas of the entrance terrace shall be physically closed by staff at 22.00 by means of rope and stainless steel post or similar (specification yet to be finalised). Each area will closed by a separate section of barrier. An indicative photo of the means of closure is shown below.



Smoking

12. It is not possible for staff of ZeroDegrees to prevent customers using the non-seating areas of the entrance terrace beyond 22.00 for smoking, as agreed by ZeroDegrees and Bristol City Council at the hearing held 22 September 2015.
13. It was agreed that, subject to the implementation of the amount, layout and operational hours of the terrace as set out within this management plan, the use of the entrance terrace for smoking will not cause significant harm to the amenity of neighbouring occupiers.

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS



53 COLSTON ST - 10PM-MIDNIGHT NON-SEATING SMOKING AREA



| www.pegasusgroup.co.uk | TEAM/DRAWN BY: ST | APPROVED BY: CF | DATE: 11/02/201 | SCALE: 1:100 @ A4 | DRWG: BRS.3674_04 | CLIENT: ZERO DEGREES |



ZERODEGREES, 53 COLSTON STREET, BRISTOL

DOORSTAFF AND DISPERSAL POLICY (Version 3.0)

1. Notices at both exits asking all customers to respect the residents by leaving quietly and in orderly manner.
2. In order to prevent music emanating from the premises while operating under entertainment licenses, door staff to ensure that both exit doors are closed when not in use after 9pm daily.
3. Door staff to monitor customers smoking on the patio are not causing disturbance to residents.
4. Door staff are to implement the enclosed **Operational Management Plan** and will ensure that outside customers are only located within the area shown within the enclosed **10pm-Midnight Non-Seating Smoking Area Plan** from 10pm – midnight.
5. No customers will be allowed to enter / re-enter the venue after midnight in order to prevent customers using all external areas after this time.
6. Once the customers start to leave the venue the door-staff will position themselves by the exit and oversee the dispersal. The door-staff will ensure the following:
 - Noise is kept to a minimum
 - Customers are ushered away from residential areas.
 - Customers are advised to get taxi asap and offered advice on transport, such as bus routes, taxi ranks etc.
 - All door-staff are to talk to customers in a calm, polite and professional manner offering assistance where needed.
 - All door-staff are to be proactive in dispersing the customers, this can be done verbally and offering positive body language.
7. Once the customers have dispersed, door staff are to remain in the area for a further 5 minutes to ensure the area is completely cleared.
8. Any incidents, such as excessive noise or physical disturbances need to be logged in the security log book and the management made aware.

Management is to make door staff aware of surrounding residential properties.

A minimum of 3no. door staff members are to be on the premises each Friday and Saturday night from 9pm when open beyond midnight and who shall remain on duty until the premises closes.

Management and door staff are to be familiar with the **Doorstaff and Dispersal Policy** as well as the enclosed **Operational Management Plan** and **10pm-Midnight Non-Seating Smoking Area Plan**. The policy is to be located at each door in order to be easily accessed by door staff.

All door-staff to sign the acknowledgment of understanding sheet below.

NAME	DATE	SIGNATURE

ZERODEGREES, 53 COLSTON STREET, BRISTOL

DOORSTAFF AND DISPERSAL POLICY

1. Notices at both exits asking all customers to respect the residents by leaving quietly and in orderly manner.
2. In order to prevent music emanating from the premises while operating under entertainment licenses, door staff to ensure that both exit doors are closed when not in use after 8pm daily.
3. Door staff to monitor customers smoking on the patio are not causing disturbance to residents.
4. Door staff are to implement the enclosed **Operational Management Plan** and will ensure that outside customers are only located within the area shown within the enclosed **10pm-Midnight Non-Seating Smoking Area Plan** from 10pm – midnight.
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Management is to make door staff aware of surrounding residential properties.

A minimum of 2no. door staff members are to be on the premises after 8pm daily.

Management and door staff are to be familiar with the **Doorstaff and Dispersal Policy** as well as the enclosed **Operational Management Plan** and **10pm-Midnight Non-Seating Smoking Area Plan**. The policy is to be located at each door in order to be easily accessed by door staff.

All door-staff to sign the acknowledgment of understanding sheet below.

NAME	DATE	SIGNATURE

ZERODEGREES

53 COLSTON STREET • BRISTOL



OUTDOOR AREA MANAGEMENT PLAN

NOVEMBER 2015



ZERODEGREES

RESTAURANT • MICROBREWERY

Amount

4. The entrance terrace seating area will be utilised for no more than 9 tables and 28 chairs, as shown on drawing No 376.7 rev 1. This amount of furniture placed in the area will be adhered to by all staff, and no additional furniture will be used.
5. The area will also be regularly monitored by staff waiting on the tables on the terrace. In doing so, staff will have the opportunity to monitor the behaviour of customers to prevent any additional chairs being brought from inside the premises.

Layout

6. The 9 tables and 28 chairs will be sited as per the layout depicted by drawing No 376.7 rev 1.
7. The tables and chairs are to be sited upon raised decking areas which are in situ at the site. The furniture will be restricted to these areas and will not obstruct the walkway through the terrace area leading to and from Colston Street.

Operational Hours

8. As a result of the appeal, condition 3 of planning permission ref: 02/03317/F/C has been amended to state:

"The food and drink use (Class A3) hereby permitted shall only be open to customers between the hours of 09.00 to midnight daily on all days with the exception of 31 December when it shall be open to customers from 09.00 to 06.00 on 1 January. The premises the subject of this permission shall be vacated by all staff and all activities ceased by 00.30 except on the 1 January when the premises shall be vacated by all staff and all activities ceased by 06.30. On all days the external terrace, and the seating areas associated with the entrance ramp defined through the terms and requirements of condition 10, excluding the non-seating areas of the entrance ramp use for access and egress, shall be closed to customers, vacated by staff and all activities ceased by 22.00 daily."

9. In accordance with the requirements of the above condition, the seating areas of the entrance terrace will be closed to customers, vacated by staff and all activities ceased by 22.00 daily.

10. The non-seating area of the entrance ramp as shown on drawing No 376..7 rev 1 shall remain open for the entrance and egress of customers up to 00.00.
11. The seating areas of the entrance terrace shall be physically closed by staff at 22.00 by means of rope and stainless steel post or similar (specification yet to be finalised). Each area will closed by a separate section of barrier. An indicative photo of the means of closure is shown below.



Smoking

12. It is not possible for staff of ZeroDegrees to prevent customers using the non-seating areas of the entrance terrace beyond 22.00 for smoking, as agreed by ZeroDegrees and Bristol City Council at the hearing held 22 September 2015.
13. It was agreed that, subject to the implementation of the amount, layout and operational hours of the terrace as set out within this management plan, the use of the entrance terrace for smoking will not cause significant harm to the amenity of neighbouring occupiers.



53 COLSTON ST - 10PM-MIDNIGHT NON-SEATING SMOKING AREA



