

Appendix J Response

Application reference:	60775
Submitted by:	Roger Stanley, [REDACTED]
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SUMMARY

This representation responds to Appendix J of the committee bundle — an email of 5 May 2026 from John Ashe of E2 Consultants, defending the August 2024 Noise Impact Assessment in reply to my Appendix 1 critique.

Mr Ashe has questioned my credentials. I am not, and have never claimed to be, an acoustic consultant. I am a forensic investigator of 35 years' standing, and this representation is the kind of review I have spent my career conducting: a careful examination of evidence on its own terms, identifying errors, inconsistencies and unsupported assumptions. The findings here come from the applicant's own report, applied to the applicant's own figures, on the applicant's own classification scale.

The Sub-Committee is in the same position. It is not composed of acoustic consultants. It is composed of lay decision-makers reading the applicant's report and the responses to it. That is what licensing reports are for. If the applicant's position is that only acoustic consultants can validly read the report, then it is no use to the committee either, and the applicant has supplied no evidence on noise.

There are five matters the Sub-Committee should have in mind before reading the detail.

First — no acoustic evidence has been submitted with this application.

The application form contains no Noise Impact Assessment and no acoustic evidence of any kind. The only assessment before the Sub-Committee is the August 2024 report I placed in front of it, alongside my critique. The applicant's offered noise mitigation in the application form reduces, on examination, to a single noise management plan — the only measure addressing the proposed operating hours — which, as far as I am aware, has not been provided to the Licensing Authority.

Second — Mr Ashe contradicts himself on BS4142 within his own email.

In the second paragraph of Appendix J he writes that BS4142 "isn't really designed for this type of assessment." Four paragraphs later he uses

BS4142's own classifications and thresholds to reassure the Sub-Committee that the noise will fall within acceptable limits. He cannot have it both ways. Indeed, the August 2024 report is itself entitled "*BS4142:2014 & Outdoor Restaurant/Cafe Assessment*" — a striking choice of title if the standard is not appropriate. Furthermore, the report adopts BS4142 throughout as — in its own words — "the most appropriate assessment methodology." Its own BS4142 findings classify the noise impact as "Adverse Impact Likely."

Third — the enclosure defence is contradicted by the photographs.

Mr Ashe writes that the enclosure would "assumably be made of acoustically absorptive materials" — a false assumption which could have been verified very easily. The photographs in section 3 show solid timber planking on metal scaffolding poles. Both materials reflect approximately 65–85% of sound that strikes them, a fact established in standard acoustic reference material. Wood only becomes acoustically absorptive when it is perforated and backed by mineral wool — which this structure is not. Worse, the structure is open at the top across most of its area, directly beneath the residential windows of The Court. A reflective enclosure with an open top does not contain sound — it focuses it upwards, like cupping one's hands around one's mouth.

Fourth — Mr Ashe has conceded that the outdoor kitchen has not been assessed and that a new assessment would be required.

The kitchen is in place. No new assessment has been provided.

Fifth — Mr Ashe's own arithmetic, applied to the actual occupancy of the terrace, places predicted noise at the residential windows above the World Health Organisation's guideline for sleep disturbance with windows open — not below it, as the original report claimed. The figure in the original report was based on 30 people at lunchtime. Mr Ashe suggests the figure of 65 covers may be "a guess from the complainant" and invites the venue to refute it. It is not a guess. It came from Bobby's own manager. I then went to the venue on Saturday 2 May 2026 and counted the seats myself, finding at least 49 laid out. Two independent sources — the applicant's own staff and a direct physical count — both place the actual occupancy well above the 30 used in the report. Mr Ashe has produced no count of his own and has not asked his client. On the applicant's own consultant's own arithmetic, applied to either verified figure, the prediction crosses the WHO threshold. Mr Ashe also misstates the application hours: he writes 9pm; it is 20:30.

The detail is in sections 1 to 3 below.

1. THE APPLICATION'S EVIDENCE ON NOISE

The applicant has submitted no Noise Impact Assessment with this licensing application. The application form (Appendix E) contains no reference to acoustic evidence of any kind. The only Noise Impact Assessment before the Sub-Committee is the August 2024 report I included in my supporting information at Appendix I — included so that the Sub-Committee had sight of the applicant's own commissioned acoustic evidence.

Section M(d) of the application form sets out ten steps under the prevention of public nuisance objective. **Nine of those ten steps take effect at or after 20:30** — covering departures, gate use, alcohol cut-off, lighting, table arrangements, and door closures. They address what happens *after* the extended hours have ended, not during them.

Only one step — step 4 — directly addresses noise during the proposed extended operating hours. It commits to *"a formal noise management plan... whereby terrace noise levels are recorded throughout the day."* The Licensing Authority has confirmed that no such plan has been supplied to it. Step 4 also re-states what is already required by condition 9 of the existing licence.

The Sub-Committee is therefore asked to grant a variation extending evening operation on the basis of: no submitted Noise Impact Assessment; a public nuisance mitigation package whose noise-related provisions almost entirely take effect after the operating hours have ended; and a noise management plan which is the sole mitigation addressing the proposed operating hours and which has not been provided.

I do not assume the noise management plan does not exist. I ask only that the applicant be invited to describe what it recommends and how it would address noise impact at the residential properties directly above the terrace during the extended evening hours.

2. RESPONSE TO APPENDIX J

Appendix J is an email from John Ashe, Technical Manager at E2 Consultants, replying to my Appendix 1 critique. For accuracy: Mr Ashe was not the author of the original report. The report was prepared in August 2024 by his colleague James Flitton, whose name appears on the cover. I respond to Mr Ashe's points in the order he makes them.

2.1 Credentials

Mr Ashe begins by reminding the Council that I am not an acoustic consultant. I am not, and have never claimed to be. From 1989 until my retirement earlier this year, I worked as a forensic investigator. My role involved determining the facts of a matter, reviewing reports, witness statements and other evidence, and presenting my findings to courts, tribunals and other bodies. A key part of that work was identifying errors and inconsistencies in evidence presented by other parties.

This representation is a forensic review of the applicant's own evidence on noise, and of the response made to that review by the applicant's consultant in Appendix J. It applies the figures, methodology and classification scale set out in the applicant's own report. My critique reads the applicant's own report and applies its own figures and classification scale. The findings are stated in plain English in the report's own tables. They are not findings of mine. They are findings of the report.

The Sub-Committee is itself not composed of acoustic consultants. Reports submitted in support of applications must be intelligible to lay decision-makers. If the applicant's position is that only acoustic consultants can validly read the report, then it is no use to the committee either, and the applicant has supplied no usable noise evidence at all.

2.2 BS4142 — used as both the framework and "an optional approach"

Within his own short email, Mr Ashe says two contradictory things about BS4142. In the second paragraph he writes that I have *"incorrectly interpreted the BS4142 standard (that isn't really designed for this type of assessment but was used as a optional approach...)"* Four paragraphs later, in defending the report, he writes that higher numbers of covers would *"still, regardless, fall into the 'low chance of adverse impact' in accordance with BS4142"* and would not exceed *"the 5dB above background require to increase the BS4142 categorisation."*

In the space of his own email, Mr Ashe tells the Sub-Committee that BS4142 is not really applicable, and uses BS4142's own classifications and thresholds to reassure the Sub-Committee that the noise will fall within acceptable limits. He cannot have it both ways.

The discomfort is understandable. BS4142 is the framework the original report adopts throughout. The report's title is *"BS4142:2014 & Outdoor Restaurant/Cafe Assessment of Units 25 & 26, The Parade."* Section 1.0.2 states it is *"the most appropriate assessment methodology."* Section 3.1, comprising nine paragraphs, sets out the BS4142 methodology in detail.

Tables 3, 7 and 8 are BS4142 calculation tables. The headline finding of "Adverse Impact Likely" comes from BS4142's own classification scheme. And section 3.1.9 of the report already addresses the very limitation Mr Ashe now raises:

"Despite the fact that section 1.3 of BS 4142:2014 states that entertainment noise is not an intended use for the standard, it is still one of the best methods of assessing this type of noise..."

The report's author considered the limitation and adopted BS4142 anyway. Mr Ashe cannot now disown the framework his colleague chose, applied throughout, and used to produce the report's headline finding.

2.3 The lunchtime survey

Mr Ashe confirms that the source measurements at the comparable venues were taken at lunchtime — at an adjacent restaurant during their lunch service, with measurements at the Dough & Oil also taken during a busy lunch service. The application is for evening operation, with alcohol, until 20:30, Monday to Saturday from March to September. These are not the same.

The original report's response to this difference was to add 3 dB *"to cover for 'increased rowdiness'."* But 3 dB is a very small correction being asked to cover three separate effects: more people on an evening service; louder behaviour from people drinking rather than having lunch; and quieter surroundings as commercial activity ceases after 17:00. Mr Ashe's email confirms that doubling the number of people alone adds 3 dB — leaving no allowance for the other two effects.

2.4 The number of covers

Mr Ashe suggests the figure of 65 covers may be a "guess from the complainant," and offers the venue the opportunity to refute it. It is not a guess. The figure of 65 came from Bobby's manager. On Saturday 2 May 2026, I went to the venue and counted the seats laid out: approximately 50, certainly at least 49. Two independent figures — 65 from the applicant's own staff, 50 from a direct count — both are materially higher than the 30 used in the report. Mr Ashe has produced no count of his own and has not asked his client.

Occupancy basis	Increase over report's 30	dB increase	Predicted noise at façade	vs WHO 45 dBA threshold
Report's assumed (30)	—	—	43.9 dBA	1.1 dB below
Counted on 2 May 2026 (50)	1.67×	+2.2 dB	46.1 dBA	1.1 dB ABOVE
Manager's stated capacity (65)	2.17×	+3.4 dB	47.3 dBA	2.3 dB ABOVE

2.5 The night-time finding

Mr Ashe does not dispute the report's night-time finding — a +8 dB difference, classified on the report's own scale as "Adverse Impact Likely." He argues only that it is irrelevant because the application stops before 23:00, which the BS4142 standard defines as daytime.

That is a label, not a finding about the acoustic character of this location at 20:30. The standard's daytime/night-time split is clock-based. It does not mean that the acoustic environment at 20:30 is the same as at 13:30 — background noise is lower, voices carry further, and the area is residential in character. The Council's Environmental Protection Officer has formally placed on record that the area is *"predominantly residential in character which experiences relatively low background noise levels during the evening, particularly after the closure of nearby retail premises."*

The inconsistency in Mr Ashe's position is this. He uses the daytime classification to dismiss the night-time finding of "Adverse Impact Likely." But the same report also relies on the WHO threshold for sleep disturbance with windows open to support its conclusion that noise levels are acceptable. Sleep disturbance is a concept that applies when people

are asleep — and many residents are asleep well before 23:00. Mr Ashe cannot invoke a sleep-related threshold to reassure the Sub-Committee while simultaneously dismissing a night-time finding on the grounds that 20:30 is technically daytime. The two positions are incompatible within his own email.

2.6 The kitchen — concession

Mr Ashe writes: *"We haven't seen plans for the outdoor kitchen and therefore cannot comment. If one has been added for whatever reason then this will require a new assessment."* This is a clear concession. The structure granted under planning permission 25/04731/FUL includes an outdoor kitchen. The kitchen is in place. Mr Ashe accepts that a new assessment would be required. None has been provided.

2.7 The application hours

Mr Ashe writes that *"the application was for up to 9pm externally."* The application is for terrace use to 20:30, not 21:00. A small error, but indicative of the care taken in the response.

2.8 The enclosure

Mr Ashe writes: *"Enclosures are normally designed to absorb sound and would therefore assumingly be made of acoustically absorptive materials."*

The structure as built is shown in section 3. It consists of solid vertical timber planks supported by metal scaffolding poles, with an open pergola roof partially covered by climbing plants and two corrugated polycarbonate panels. Plain timber and metal are acoustically reflective surfaces — they reflect approximately 65–85% of sound energy that strikes them.¹² Wood becomes acoustically absorptive only when perforated and backed by mineral wool. Neither feature is present. Mr Ashe's defence reduces to the word *"assumingly"* — an admission that no acoustic assessment of the enclosure has been undertaken.

A reflective enclosure that is open at the top, with residential properties directly above, does not just fail to absorb noise — it focuses sound upwards. The effect is similar to cupping one's hands around one's mouth: hard surfaces surround the source, with an open path in one direction, channelling sound that way. With residents in The Court directly overhead, this is the worst possible configuration. The current structure has not been acoustically assessed at all.

¹ Rulon International (acoustic panel specialists): "Non-perforated solid wood reflects approximately 65–85% of sound energy." rulonco.com/acoustic-benefits-of-wood-panels-enhancing-sound-quality-in-commercial-spaces/

² Aeco Sound (citing DIN EN ISO 354): "The sound absorption coefficient of solid wood typically lies at α_w 0.05–0.15, meaning 85–95% is reflected." aeco-sound.com/en-us/blogs/soundproofing/material-wood

2.9 "Nothing to support" the suggestion that the venue will not be a quiet restaurant

Mr Ashe writes: *"The author of the note has nothing to support the accusation that the area would not be a quiet restaurant area. The application was not for this to be an outdoor bar area."*

There is substantial evidence on both elements.

The venue's operation. The applicant's own application form does not describe a quiet restaurant. Section M(d) sets out a managed evening drinking operation: staggered terrace clearance to 20:00 and 20:30, alcohol service to 20:30, lighting off at 20:30. The structure as built is a substantial built enclosure with timber walls, integrated lighting, fixed seating and an outdoor kitchen. The applicant's own public marketing positions the venue as an evening drinking destination at certain times: a sandwich board advertises a *"No Taco Tuesdays"* promotion of 5–9pm offering a burrito plus margarita or beer for £15 — with burritos at £13–14 on the menu, meaning the drink is effectively £1. The promotion is Tuesday-only and therefore indicative rather than conclusive, but it shows the applicant comfortable promoting cheap alcohol during the very hours the application covers. The Council's Environmental Protection Officer has placed on record her professional view that *"it is reasonable to anticipate an increase in both noise levels and impact as alcohol consumption continues later into the evening."*

The surrounding area. Even if the venue's evening operation were a quiet restaurant — which on the evidence above it is not — the surrounding area is itself residential and quiet from 17:00. The Environmental Protection Officer describes it as *"predominantly residential in character which experiences relatively low background noise levels during the evening, particularly after the closure of nearby retail premises."* The Council's planning case officer described the area as having *"quality of tranquil quietness during the day"* and *"quiet residential tranquillity"* through the evening, with *"any semblance of daytime economy stops dead at around 17:00hrs."*

— at section 5.2.2 — is that the terrace will be *"a quiet escape from the restaurant"* and *"unlikely to push up into the next category that would constitute as a 'busy crowd'."* The evidence does not support it.

3. THE STRUCTURE AS BUILT — PHOTOGRAPHS

The photographs below were taken in May 2026 from The Court (photographs 1 and 2) and from ground level (photograph 3). The photographs in the existing committee bundle show the previous structure.

The structure shown here was constructed under planning permission 25/04731/FUL in early 2026.

Features visible: solid vertical timber planks (no perforations, no acoustic backing); green metal scaffolding poles; open wooden pergola roof with substantial gaps, climbing plants, and two corrugated polycarbonate panels; open metal balustrades or railings on some upper portions.

The Sub-Committee is invited to consider whether this structure can be regarded as the "acoustically absorptive" enclosure described in Appendix J.



Photograph 1: Overhead view from The Court. Shows the open pergola roof structure, green metal scaffolding frame, timber wall sections, polycarbonate panels, and the direct line of sight from the residential windows above to the seating area below.



Photograph 2: Close-up structural detail showing the corrugated metal roof section, solid timber planking, and green metal scaffolding poles — all acoustically reflective materials.



Photograph 3: Ground-level front view showing the solid horizontal timber planking, green metal scaffolding poles, and open metal railings above. The scale of the structure is clearly visible.

CONCLUSION

The application has been refused, or accepted as a condition by the applicant, four times by the relevant authorities on materially the same facts. Nothing in the application, nothing in Appendix J, and nothing in the structure as built changes that position. On the only acoustic evidence before the Sub-Committee, properly read, adverse impact is likely and the structure as built has not been acoustically assessed.