

MEMO

Trading Standards and Commercial Premises

Housing and Environment

3rd Floor South, Marischal College, Broad Street Aberdeen.



ABERDEEN
CITY COUNCIL

To	Jane Forbes Planning & Sustainable Development		
From	Alison Middleton, Environmental Services, Housing and Environment		
Email		Date	10/01/2013
Tel.		Our Ref.	ALM/PLNS
Fax.		Your Ref.	P121461

Planning Reference: P121461

Address: 345 Union Street, Aberdeen

Description: Proposed noodle bar restaurant/take-away

Applicant: Mr Stuart Crichton

I refer to the above application and observe as follows:

Description of Site and Location

The premises to which this application relates forms the ground floor of an existing three storey granite property located on the South side of Union Street. The premises, at ground floor level, was previously in retail use (trading as: Jaeger) although is currently vacant. Residential flatted dwellings are located directly above the application site on the first and second floors. A mix of businesses (both retail, commercial and food premises) occupies the adjoining neighbouring units at ground floor level to the East and West sides (a Chinese restaurant, trading as: Yu adjoins the application premises to the West at ground floor level). Residential flatted dwellings are also located directly above the neighbouring premises to both the North and East.

Observations

The application indicates the proposal to change the use of the existing Class 1 retail unit at ground floor level to a Class 3 restaurant and hot food take-away.

The plan submitted with the application indicates that the premises are to trade as a sit in Asian style noodle bar with take-away service. Cooking equipment proposed extends to a wok burner range and Bain Marie units. No deep fat frying will be undertaken within the premises, with the cooking methods employed predominantly being stir frying, heating of noodles and hot holding of cooked food in the Bain Marie unit.

The adverse impact of hot food premises upon residential amenity can arise for various reasons including: i) inadequate ventilation extraction and removal of cooking fumes leading to odour nuisance; and ii) noise from the day to day operation of the food business and operation of equipment such as mechanical ventilation systems.

Factors which can further influence the magnitude of noise from commercial kitchens include:

- a) Size and format of the exhaust,
- b) Heat release from the kitchen,
- c) Type of cooking appliances used, position of exhaust fan in the system, fitting and dimensions of the exhaust flow ducts, and
- d) Fan type and speed,

Noise can also be particularly intrusive late in the evening particularly where the premises are open after 11pm. Food businesses with hot food take-away services also attract a proportion of car borne customers, for which there is rarely adequate on or off street parking available nearby. As such residents living in close proximity to the premises can be adversely affected by traffic noise.

Residential amenity can also be further compromised by litter – this being due to the indiscriminate disposal of cartons/food packaging etc. by customers.

To address odour and noise issues the applicant has submitted supplementary information with the application which goes some way in addressing the above concerns. The applicant proposes to filter, extract and disperse cooking fumes from the premises by the installation of a ventilation system incorporating the following components:

- 1 x stainless steel extract canopy (3m x 1m x 600mm) in the kitchen;
- 5 x stainless steel baffle grease filters (450mm x 450mm x 50mm) equally spaced and fitted within the canopy;
- 1 x 450mm diameter Systemair KD 450 XL1 in-line single phase mixed flow centrifugal fan;
- 1 x Sonex circular noise attenuator (silencer) ;
- 1 x duct section fitted with anti-vibration mountings.

It is proposed that the duct section (approx. 28m) will run from the canopy in the kitchen, through to the rear storage area in the premises, exiting the building through the roof section at the chimney breast wall at the West elevation. The external duct run (approx. 800 x 250mm) is to be bracketed to the aforementioned chimney breast wall and will terminate at a level equal with the chimney breast height (this being in excess of 1 metre above the highest opening window of the residential flats below)

With further regard to potential noise nuisance, although a length of the ductwork is to run up the centre of the external chimney breast wall, bedroom windows of the residential flatted dwellings are located either side of the chimney breast wall, approximately 1400mm distance from the proposed duct work at either side. As such, noise could be a factor which could potentially have an adverse affect on existing residential amenity. To mitigate potential noise nuisance, minimise structure borne noise and vibration transmission through the external run of ductwork, and prevent loss of amenity to the residents of the adjoining flatted dwellings, the fan is to be fitted with anti-vibration mounts and an in-line noise attenuator (silencer) installed within in the duct work.

On balance, and with regard to the assurances given by the applicant, I am of the opinion that, as far as the duties of this Service are concerned, the proposed ventilation system and noise attenuation measures, if effectively implemented, would satisfy the concerns of this Service in addressing potential odour and noise nuisance. Nevertheless, although this Service does not object to the application, should the Committee be of a mind to grant approval then we would ask that the following conditions be attached:

1. That prior to commencing operation of the premises, a scheme capable of filtering, extracting and dispersing of cooking fumes, be installed within the premises to the satisfaction of this Service. This being as per the proposed ventilation system detailed on supplementary information submitted in support of the application plan, and following 'best practice' advice given by this service;

That a system of regular maintenance for the aforementioned ventilation system be submitted, and agreed in writing, to the satisfaction of this Service;

To ensure the ventilation system remains as efficient as possible, and to ensure that the system plant remains in sound condition, it is essential that the applicant adhere to a schedule of maintenance. Poor ventilation of ventilation systems can result in increased noise and the introduction of odour and can ultimately have a negative effect on the amenity of the residents living in close proximity to the application premises.

2. It is recommended that a noise assessment, by a suitably qualified noise consultant, is undertaken. The assessment should address the potential for the premises to cause noise disturbance to residents living in the upper floor flats directly above and in close proximity to the application premises, and the means to prevent such disturbance. This assessment should:
 - a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning & Noise and its accompanying Technical Advice Note.
 - b) Identify the likely sources of noise; and
 - c) Indicate the measures to reasonably protect the amenity of nearby residents of the development from all such sources of noise that have been identified;

The noise assessment should be submitted and agreed in writing with the Head of Planning and Sustainable Development in consultation with the Head of Service - Housing and Environment.

3. That the premises shall not be used for food service unless it has been adapted to provide sound attenuation against internally generated noise, including noise generated from operation of the ventilation system (both internally and externally);
4. That the hours of operation of the proposed hot food-take-away be restricted to that of the existing restaurant opening hours. This being to prevent the potential for noise nuisance to occur from customers visiting and leaving the premises and/or groups congregating outside the premises late at night;
5. That a suitable and sufficient bulk refuse storage facility be provided by the business to the satisfaction of this Service. This area should be suitably gullied

and provided with a wash-down facility and any refuse generated is stored within this facility until the time of uplift.

6. A sufficient number of suitable litterbins are provided in the immediate area out with the premises in order to allow customers the opportunity to dispose of their litter responsibly.
7. That service deliveries/uplifts to and from the premises be restricted to occur only between the hours of 07:00 – 19:00 Monday to Saturday and 10:00 – 16:00 Sundays;
8. In order to protect residents of the surrounding properties from any potential noise nuisance from the proposed development, building works should not occur:
 - [a] outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;
 - [b] outwith the hours of 0800-1600 hours on Saturdays; and
 - [c] no works should be audible outwith the site boundaries on Sundays.

The applicant should contact this Service at an early stage and before construction; work has started to discuss the proposed means of noise control

Information & Advice

1. With regard to refuse storage, I would ask that the applicant contact Mr Jim Arnott (Tel: 01224 489272) of this Service's Cleansing Client Section in order to discuss the number and size of bins required and the proposed location of any bin storage area;
2. It is recommended that the proposed ventilation system be designed and installed following best practice as per the guidance contained within the following documents:
 - i. DEFRA, Control of Odour and Noise from Commercial Kitchen Exhaust Systems, Netcen/ED48285/Issue 1, 21 May 2004, Department of Environment, Food and Rural Affairs;
 - ii. HSE Information Sheet – Ventilation of Kitchens in Catering Establishments. Catering Sheet No. 10;
 - iii. DW 171, Specification for Kitchen Ventilation Systems – Heating and Ventilation Contractors Association (HVCA), (2005) ISBN 0-903783-29-0;
 - iv. CIBSE Guide B2: Ventilation and Air Conditioning, ISBN 00900953306, Chartered Institution of Building Services, 2001;
 - v. CIBSE Guide B3: Ductwork, ISBN 1903287200, Chartered Institution of Building Services, 2002.

I return the plan herewith.

Head of Service - Housing & Environment

Enc

From: Allan Gordon
To: <pi@aberdeencity.gov.uk>
Date: 26/10/2012 19:57
Subject: Planning Application 121461 (345 Union Street)

Dear Sir/Madam,

I refer to the above planning application.

I have some objections to the proposal which I will detail below.

However, it would appear that your Service does not have up to date records regarding the owners/occupiers of 343 Union Street. In addition, the building only received approx 3 Neighbour Notification Notices generally addressed to Unit 3 and other units at 343 Union Street.

*However, * 343 Union Street is now a development of 11 Flats*. Flat A to J. It was previously various commercial rental offices.

Consequently, the proposed restaurant/takeaway would be below various 11 residential properties.

Its my understanding that new applications for take aways/restaurants are not permitted if there are residential properties above.

I would be grateful if you could update your records, and arrange to re-send out 11 Neighbour Notifications to the Owners/Occupiers of Flat A to J at 343 Union Street.

My wife and I would also like to object to the proposed change of use from retail shop to restaurant/take away of 345 Union Street due to the potential and likely noise nuisance associated with such a change of use, particularly as the door to the premises is below the bedroom window of our property and indeed approx 6 other Flats.

Clearly the potential noise from customers entering, leaving and smoking outside the property will likely cause a nuisance to my wife and I and other residents.

Therefore we would hope the proposal and any other proposal involving the change of use from retail to catering be refused.

Thank you for your assistance with this matter

Kind regards

Allan Gordon

George & Gillian Stewart
Flat E
343 Union Street
Aberdeen
10/11/12

RE: PLANNING APPLICATION 121461.

Dear Sir/Madam,

I refer to the above planning application and would like to strongly object to the proposal. I stay in the flat above the site of the proposed development and I have four windows facing onto Union Street.

I would not be happy for this development to progress on the basis of the smell generated and from the additional noise that a food outlet would inevitably generate.

Since we already have many food outlets in the immediate vicinity of the proposed development, I feel strongly that the current shop premises beneath my flat remain as a permanent retail outlet.

Yours Faithfully

George and Gillian Stewart