

Andrew H.R. Goldie,
276 Union Grove,
Aberdeen AB10 6TQ
10th November 2014

Tel.: [REDACTED]

Mr Matthew Easton,
Planning and Sustainable Development,
Aberdeen City Council
Marischal College
Broad Street
Aberdeen, AB10 1AB

Application 140990: Balcony and Roof-top Dining Area at The Chester Hotel.

Dear Mr Easton,

Further to our recent conversation and inspection of the plans for the above, and in response to approaches from local residents, I am writing on behalf of Queen's Cross & Harlaw Community Council to object to the above proposal. Our grounds for objection are broadly similar to those presented against a previous retrospective planning application; namely, application number 140259.

What is proposed is for an elevated balcony capable of catering for a large number of customers, principally aimed at the wedding-party market. Problems arise due to the close proximity to private housing on Harlaw Road and from the proposed access from Queen's Lane South. In summary, our comments are as follows:-

1. Elevated balconies, especially where revelry is involved, generate a fair amount of noise; and when emanating from an elevated position, such noise can carry a considerable distance. In this instance, and due to the close proximity of the rear gardens of the Harlaw Road properties, the noise will cause a nuisance and therefore result in a loss of amenity for these properties. Indeed, problems have already been noted, including protracted playing of bag-pipes and chanting conga lines at the rear of the hotel and extending in to Queen's Lane South.

2. Due to the degree of elevation of the proposed development, the balcony will overlook the rear-gardens of the residencies on Harlaw Road resulting in the loss of a privacy that these properties currently enjoy.
3. While there is some parking provision within the hotel grounds, there are concerns that inappropriate, over-spill parking will take place in Queen's Lane and elsewhere.
4. The proposed access from Queen's Lane South will inevitably attract pedestrian clientele to the rear of the hotel; yet the lane is inherently unsuitable for this purpose as this section is devoid of footpaths on either side. The resultant mix of pedestrians and additional vehicular traffic on the roadway will result in a hazard to both.
5. We appreciate the Environmental Health Officer has restricted use of the balcony to 10.00 pm in the evening. However, even if it is practical to enforce this (and there are doubts), it will still result in unacceptable noise levels for a considerable part of the day.

The above is a fair reflection of the views of Queen's Cross and Harlaw Community Council, and we trust that you will give our comments due weight in the determination of this application. We are of the firm belief that this planning application should be rejected for the reasons outlined above. Should Committee Members feel in any way inclined to doubt our assessment however, then we recommend that a site visit be undertaken to resolve matters.

Should you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,

Andrew Goldie

Planning Convenor, Queen's Cross & Harlaw Community Council.

P&SD Letters of Representation		
Application Number: 140990		
RECEIVED 12 NOV 2014		
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials: MEA		
Date Acknowledged: 12/11/14		

Matthew Easton

From: Nick Glover
Sent: 23 February 2015 14:42
To: Andrew Gilchrist
Cc: Matthew Easton
Subject: RE: The Chester Hotel

Categories: Chester Hotel

In relation to the above subject, RMP have submitted further comments with respect to noise impact following Environmental Health comments to planning on 17 February 2015 and a letter by another acoustic consultant, Charlie Flemming Associates, dated 4 February 2015.

The use of the external balcony by customers/diners may be variable and any impact may be greater or less than the results provided. In reference to the Environmental Noise assessment by RMP dated 11 November 2014 and email dated 3 February 2015 from Rachael Boyd there are other factors that may affect any noise impact, specifically in relation to the following:

- Background noise may be lower later in the evening compared to when background noise measurements were taken. RMP advise background may reduce 3 to 4 dB later in the evening.
- A -5dB correction for attenuation by some screening provided by the hotel and glazed balustrade may or may not provide such a level of attenuation. The balustrade is approximately waist height and may not be high enough provide sufficient attenuation even when customers are sitting. Combined with a lower background level in the evening there could be a risk that any noise may have a greater impact.
- Variability of noise created by lots of people talking. There may be peaks and tonal characteristics associated with the noise (for example: laughing, raised speech, noise of cutlery) made that gives rise to a greater noise impact.

Whilst noise control may be more of a management issue, the Environmental Health Service may not be in a position to address noise from customers in the external dining area following any complaints by effected residence, as detailed in the Services previous email.

Regards

Nick Glover
Principal Environmental Health Officer

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 15
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Marischal College
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AB10 1AB

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Direct Dial: 01224 523026
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PI

From: Wendy [REDACTED]
Sent: 04 February 2015 23:43
To: PI
Cc: Matthew Easton
Subject: Planning Application 140990 - Noise Report

Dear Sir/Madam

Planning Application 140990 Noise Assessment Comment

In relation to the noise impact assessment provided by RMP for Graham Mitchell Architects on behalf of the Chester Hotel, Aberdeen I would like to highlight some points which I feel should be taken into account due to the impact this proposal has on local residents and our local amenity. I understand this will be taken into account with objections already raised and due to be considered at the local planning meeting on 12th Feb 2015.

○biguity relates to the number of patrons who intend to use this outside dining and drinking area. Supporting documents and calculations suggest 50 seated patrons and current licence application related to 286 patrons. 1 person under the influence of alcohol can have anti-social tendencies and lead to noise nuisance. 1 person talking in turn is unlikely in this social environment. Likewise laughter and enjoyment are louder than background ambient noise.

The high level balcony is on 1st floor level, visible and hence audible from this height will ultimately produce excess noise to the surrounding homes and residential area. It is not feasible to think this is noise neutral. Currently on going investigations and assessments of noise nuisance and pollution from the Chester Hotel function suite at ground floor level is being undertaken by environmental health and LSOs. I would suggest it would be unfair to local residents to allow permission for another outside area which can impact on public nuisance and noise pollution. This new area could be open seven days a week and not just function suite times.

Background noise levels were taken during a busy commute time hence background traffic noise levels higher. Subsequent assumed calculations are thus incorrect.

○pecial sound proof railings do not take into account heads above this nor standing patrons.

Current predicted noise levels exceed WHO guidance for sleep disturbance outside bedrooms (11pm). Terminal hour should be restricted to 8pm to allow for tidy up/wind down time. Glass collection by refuse teams occur just after 7am and a later terminal event time lessens our 'quiet' /sleep time.

Our bedroom/ home is not screened by the 'hotel room block' as it is further south than plans outlined. We should be able to enjoy our gardens and homes. I should be able to allow my children to have undisturbed sleep and have the ability to open my bedroom window. Planning applications should take into account the purposes that the area has been built for and I appreciate the committee are aware of this.

I am fully aware of the impact noise nuisance/pollution can have on general health in respect to stress, hypertension, Ischaemic heart disease and sleep disturbance.

Thank you all in advance for considering my comments with regards to this noise assessment as part of the retrospective planning application which, as we know, have circumvented the conventional planning procedures. Planning principles should not lessen our environmental quality and amenity. It should not increase environmental noise pollution. By stealth the applicants have deliberately constructed a large external terrace with its function causing disturbance to the local residents.

Best wishes,

Wendy Bradford

2 Hariaw Place, Aberdeen.
AB15 4YW

Sent from my iPad

P&SD Letters of Representation		
Application Number: 140990		
RECEIVED 05 FEB 2015		
Nor	Sou ✓	MAp
Case Officer Initials: MEA		
Date Acknowledged: 06/02/2015.		

Matthew Easton

From: Mark Vorenkamp [REDACTED]
Sent: 05 February 2015 14:03
To: Matthew Easton
Cc: Wendy Bradford [REDACTED]
Subject: Comments on Planning Application No. 140990 - Noise Assessment Report
Attachments: CFleming Assoc. Critique of Chester RMP Noise Assessment.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Chester Hotel

Dear Matthew

Please find attached the noise report critique which we have commissioned from Charlie Fleming Associates. We trust you will pass this report on to Environmental Health. We have commissioned this report at considerable expense to ourselves as we believe we had no choice in this matter but to professionally counter the inaccurate assumptions of the RMP Noise Assessment Report commissioned by the Chester Hotel.

You will be aware that it has been over a year now since the Chester first commenced its strong armed tactics to realise its ambitions to use comprehensive external areas to the rear of the hotel for entertainment of guests. With the recent variation, which seeks even more car park spaces at the front of the hotel, it is clear that the Chester have an ongoing mission to reverse the function of the front and rear of the hotel. They now have a comprehensive car park at the front where gathering of guests would have caused minimal disturbance to local residents and an ongoing expansion of social areas to the rear.

The Chester has abused a system that was no doubt set in place for a better purpose by a series of inverted License Variation applications followed by retrospective Planning Applications. We don't need to remind you that this entire terrace structure was built and completed before Planning was even notified. This has shown a complete disregard of, and lack of respect for the Planning Department.

We accept that as far as the Pergola/Garden Planning application was concerned, no material change had been proposed thus Planning had no grounds upon which to reject the application. However as an unintended consequence, the population by guests in this area has resulted in great anti-social noise and therefore loss of amenity to Residents.

All sound reports aside, Residents have had direct experience over the past 6-months of how severe and sporadic noise travels and the stress involved in living next door to this hotel.

On the 30th July last year in an email you explained "In the making and assessment of the application the Council will be examining the physical works which have taken place and the potential impact which a dining area in this area would have on an amenity."

In the case of this second Retrospective Planning Application there is a 'material change' and Planning must take into account and surely recognise the effect that this material change will have on the amenity of Residents.

We sincerely hope that you give the amenity of Residents its proper weight in the consideration of this application and make a recommendation for rejection.

Regards
Mark Vorenkamp
24 Harlaw Road
AB15 4YY



CHARLIE FLEMING ASSOCIATES
ACOUSTICAL CONSULTANTS
NOISE CONTROL ENGINEERS

Mr Mark Vorenkamp
Harlaw Road
Aberdeen
AB15 4YY

4th February 2015
2489λ08λL

Dear Mr Vorenkamp,

Proposed External Dining Area, The Chester Hotel, 59-63 Queen's Road, Aberdeen

I refer to your email of 21st January 2015, and would like to thank you for inviting me to consider the RMP Technical Report No. R-6907-EK-M1¹, dated 11th November 2014, and the level of sound which is likely to be present in your garden, and those of your neighbours.

Source Noise

RMP has used a sound pressure level at 1m of 66dB(A) for the human voice. This is a perfectly acceptable level for normal speech. This equates to a sound power level of 74dB(A), assuming that the sound is propagating hemi-spherically.

Charlie Fleming Associates has measured the sound pressure level in two different restaurants, and found it in both cases to be 74dB(A). From this the sound power level was calculated to be 86dB(A). The sources of noise were the speech of the diners, at a level that could be described as normal, together with crockery and cutlery. My experience of the noise of diners is, therefore, that their sound power level is greater than that of normal speech.

Notwithstanding, I understand that your concern is that the proposed external dining area will be used for receptions at which drinks are being served. Your further concern is that, later in the evening, as the guests become inebriated, the noise will be considerably louder than that of people dining. Looking to the literature, Noise Control in Building Services² quotes sound power levels of 72dB(A) for a *Normal* voice, 78dB(A) for a *Raised* voice and 83dB(A) for a voice that is *as Loud as possible without strain*. Pearsons and others³ determined the sound power level of loud speech to be 85dB(A). Given that you are concerned about loud speech, considering the above, it would seem reasonable to take the sound power level of it to be 84dB(A).

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You mentioned that you think that some 250 people might be present in the external dining area, when it is being used for a reception. This is generally based on an occupancy of 0.5m^2 per person. This is quite a conservative estimate as I understand that, for standing areas in bars, the occupancy is based on one person per 0.3m^2 . Most of these people will be on the larger, western part of the external dining area. As such the sound from them will be attenuated by the acoustical barrier effect of the south-western corner of the existing hotel building. Assuming that the noise of half the people, on the southern part of the proposed external dining area, will not be attenuated, gives a figure of 125 people. This would result in a total sound power level of 105dB(A). This assumes that all 125 people are talking loudly at the same time, which is perhaps unlikely. If we assume that half of them are, around 62 people, that would make the total sound power level 102dB(A).

Propagation

The middle of your garden is 65m from the middle of the southern part of the proposed external dining area. At this distance, allowing for propagation into a quarter sphere, the noise will be 61dB(A). The sound will propagate into a quarter of a sphere because of the hotel's southern elevation. There will be an acoustical barrier effect, due to the roof of the hotel's southernmost building. This will reduce the noise by around 5dB(A), to 56dB(A).

Noise Levels at 24 Harlaw Road

Section 2.1 of the RMP report states that the existing ambient noise was measured between 18:36hrs and 19:41hrs on Wednesday 29th October 2014. Table 2 in Section 2.8 of the report implies that the noise was measured between 18:36hrs and 19:06hrs. I am not, therefore, sure that we can rely on the quoted result, of 51dB(A). I would also disagree with the statement in Section 3.8, that *The results included in Table 2 indicate the existing ambient noise level would be $L_{Aeq} 51$ dB during the evening period (up to 23.00hrs)*. This is an assumption, which I am sure is incorrect.

As alluded to above, the existing ambient noise later in the evening will be less in level as its source, primarily road traffic, will be less. In an exercise such as this it is usual to measure the existing ambient noise when, within the hours of operation of the dining area, it will be lowest in level. The principle in this is that, if the new dining noise is acceptable when compared to the lowest level of the existing noise, then it follows that it will also be acceptable at other times when the existing noise is greater. Local authorities in cases like this would not usually consider the existing ambient noise at 18:30hrs. If, as I understand, it is intended to use the proposed dining area until 22:00hrs, then the noise should have been measured up until that time.

Notwithstanding, even at the 51dB(A) measured, the predicted level of 56dB(A) in your garden exceeds this by 5dB(A). According to Table 3.4 of the Technical Advice Note⁴, the magnitude of impact would then be *Major*. This magnitude of impact should then be considered in the context of Table 3.5 of the Technical Advice Note. Allowing for the character of the noise, its rating level will be 61dB(A). The background noise level is not known, but in your garden, just before 22:00hrs, it will be much less than 51dB(A). This then means that the level of significance is *Large/Very Large*, of which TAN 2011 states,

Large: These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance.

Very Large: These effects represent key factors in the decision-making process. They are generally, but not exclusively associated with impacts where mitigation is not practical or would be ineffective.

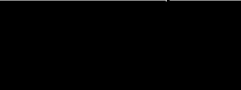
You also asked me to consider the noise in your neighbours' gardens. Empirically, because some of these are closer to the proposed external dining area, the noise in them will be greater than that in your garden. The conclusion that the significance is *Large/Very Large* will, therefore, also apply to your neighbours' gardens, particularly in that of 1 Harlaw Place, which is shown as *Nearest residential dwelling* on page 10 of the RMP report. The conclusion will also apply to number 2 Harlaw Place and the gardens of numbers 26 to 32 Harlaw Road, and possibly number 22.

You also asked me to calculate the minimum number of people that could generate noise of which the impact would be *Major*. This, with respect to the sound propagating to your garden, would be 56 people. At other, closer, more exposed, gardens, the number would be rather less.

In noise of this nature, the only mitigation is to construct acoustical barriers. As mentioned in this letter, I have already allowed for the acoustical barrier effect of the hotel's southernmost building. Construction of other acoustical barriers is not a practical way of reducing the noise.

If you have any queries regarding the content of this letter, please do not hesitate to contact me.

Yours sincerely,



Charlie Fleming.

References

- 1) Kontesidou E. and Irish M., *Environmental Noise Assessment Proposed External Dining Area, Chester Hotel, Aberdeen*, Technical Report No. R-6907-EK-M1, RMP, Edinburgh, 11th November 2014.
- 2) Sound Research Laboratories, *Noise Control in Building Services*, Pergamon Press, Oxford, 1988, ISBN 0-08-034067-9.
- 3) Pearsons K. S., Bennett R. L. and Fideil S., *Speech Levels in Various Noise Environments*, Bolt, Beranek and Newman, Canoga Park, California, May 1977.
- 4) The Scottish Government, *Technical Advice Note TAN 2011 Assessment of Noise*, Crown Copyright 2011, ISBN 978-1-78045-042-1 (web only).

Planning application – P140990

Description – The Chester Hotel – Formation of balcony for external dining area (retrospective)

Residents of 26 Harlaw Road – comments on the Noise Report

Latest date – 3rd February

Reference for the Noise Report – Environmental Noise Assessment – Proposed External Dining Area, Chester Hotel, Aberdeen, reference R-6907-EK-MI – 11th November 2014 by RMP

Some minor revisions made 4th February

We have lodged objections to the granting of a licence for the raised balcony area adjacent to the hotel restaurant which was constructed last year instead of the pitched roof which was on the approved plans. The balcony, which is at a considerable height, was being used for the consumption of alcohol until the planning department became aware of the unauthorised construction. Not only does this show a blatant disregard for the planning and licencing authorities by the hotel management but it raises questions about public safety (for instance escape routes in the case of a fire). The Chester Hotel have now retrospectively applied for planning and licencing consents for the elevated balcony. This is the second instance of retrospective planning and licencing applications by the Chester Hotel during the last year, the previous applications including an outdoor seating area and pergola in the rear car park.

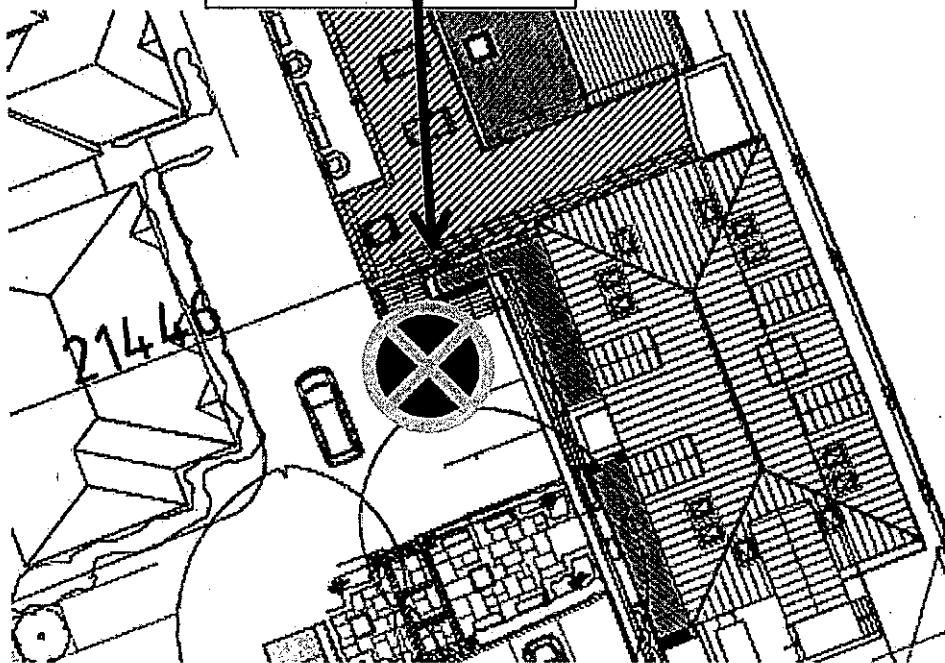
Whilst I (the writer) am not specialised in this particular area of engineering I am a Chartered Mechanical Engineer and am therefore qualified to comment on the details of the report. In addition I have consulted with a noise expert (also a Chartered Engineer) who has made some preliminary comments but has not yet had time to analyse the report in full detail due to existing commitments.

The report states that the survey work has been carried out according to guidelines from the Scottish Government (1/2011 Planning and Noise(PAN) and the supporting Technical Advice Note – Assessment of Noise (TAN)), however it appears to be based only on carefully selected information and contains significant deficiencies and contradictions for instance:-

1. It is unclear what the intended purpose of the balcony is from the report and various licence applications (dining, smoking, standing, drinking?) but the fact it is not enclosed suggests that it will be used as a smoking area as well as for dining. Ample provision has already been made for smoking areas at the front and rear of the hotel (as per the last retrospective planning and licencing applications). We would of course have no objection to the balcony if it were fully enclosed and soundproofed. It should be noted that the balcony was constructed and was in use for the consumption of alcohol before it was discovered that it had been built without planning permission. I am not sure but I do not believe that it was being used for dining so hence there are contradictions between the use stated in the various applications and the actual use of the hotel balcony last summer.
2. The report is based on reference measurements taken at the hotel. The measurements do not appear to have been taken in accordance with the Scottish Government's guidelines with respect to location, time of day or duration.
 - a. The measurements were taken 3m away from a façade whereas the guidelines recommend 1m. In addition a correction factor for taking noise measurements in front of a facade versus in a 'free field' does not appear to have been applied (reference 2.58 of the TAN). This failure to follow the guidelines results in the setting of a baseline which does not accurately portray ambient noise levels and therefore the report's conclusions are fatally flawed.

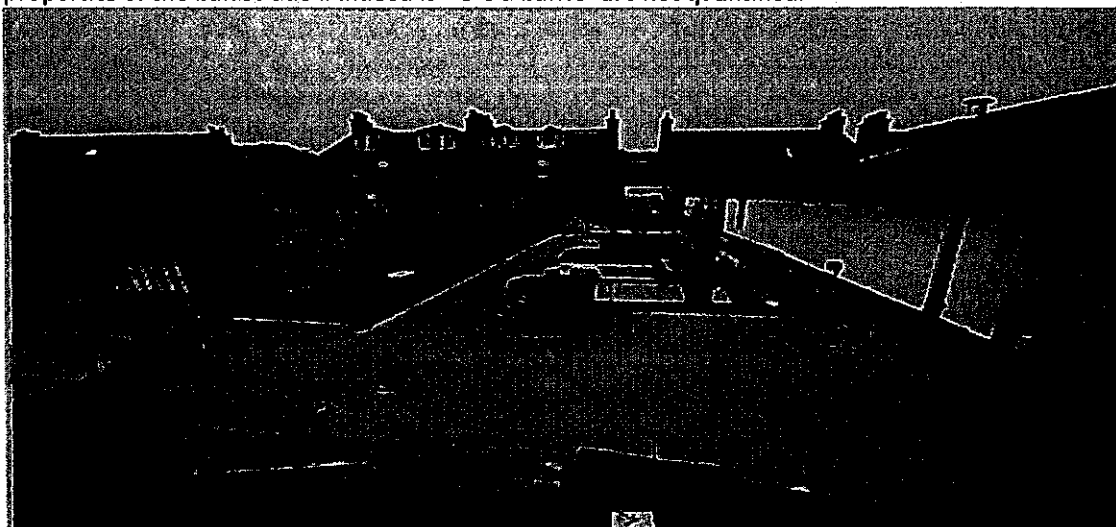
- b. The time period for the measurements appears short and inappropriate. Another possible period that might have been selected would have been between 7AM and 11PM as suggested in the TAN. However, a more appropriate period might be between 5PM to 11PM for weekdays when people would be taking advantage of the amenity of their gardens and also from 7AM until 11PM at weekends when traffic may be less than during the week? In any event the most appropriate period should be decided following a qualitative assessment as recommended in the TAN.
 - c. The duration of the measurements is too short and appears to have been taken selectively at an inappropriate time of day (30 minutes of data selected from a 65 minute measurement period (see the difference between paragraph 2.1 (65 minutes) and the table in 2.8 (30 minutes))) and at a busy time for traffic.
3. In section 3.5 of the report it states the nearest property is 40m from the centre of the balcony. The assumption is that all the noise is emanating from a point source which is not what is happening in practice. I calculate the distance to the nearest property to be around 33m from the centre of the area. Can this be clarified as the distance has an effect on the calculation that has been presented. Furthermore, is taking the centre of the area the most conservative approach? The balcony overlooks the garden at 26 Harlaw Road and two people talking outside the door below the balcony can be heard clearly in the garden at that address (as I have observed myself when two people were smoking at that location – see below).

Two people talking here were clearly audible in the garden at 26 Harlaw Road in calm conditions



4. There does not appear to be any qualitative analysis as required by the TAN which would highlight when the baseline noise measurements should be taken.

5. No account appears to have been taken of noise reflection which will occur and increase the noise level.
6. In the report an assumption is made regarding noise attenuation from a glazed balustrade. This is a fundamental assumption for the report's conclusions. The glazed balustrade will be below the level of noise generation and will have no effect on noise attenuation. I present to you a picture of the balustrade – as you can see people's heads will be above the balustrade even when seated. Notwithstanding this the acoustic properties of the balustrade if indeed it were a barrier are not quantified.



7. A qualitative analysis is required by the Scottish Government's guidelines and this would take account of considerations as to whether people will have to shut their windows, or not use their gardens as before. No such qualitative assessment has been carried out. We have already experienced noise levels that resulted in us having to shut windows and not use our garden and this at a time when the balcony has not yet been approved.
8. Section 3.10 – this is a completely ridiculous conclusion. It is already possible to hear 2 people talking at the entrance below the south end of the balcony in the garden at 26 Harlaw Road, disturbing the amenity of the garden.
9. If we consider what has already been approved for the outdoor seating area, using the same calculation method it is estimated that the noise level would be very high compared to the current ambient. It is suggested that the noise report should also retrospectively consider such a noise evaluation applied to the outdoor seating areas. Retrospective conditions may need to be applied to those areas as a result of the evaluation.

The Scottish Government's noise guidelines promote the approach of carrying out a proper assessment prior to granting licencing or planning consents rather than relying on subsequent enforcement. This should have been done before the balcony was ever built but the council have been denied this opportunity as a result of the way the Chester Hotel have built first and then made retrospective applications, but notably only when caught out.

Moreover, if the full scale of the development of the Chester Hotel had been clear from the outset then it is likely that there would have been far more objections to the original planning application. Instead what appears to have happened is a pre-determined tactical development of the site and an attempt to work the system to full advantage and deny residents the chance to object effectively to

what was clearly the owner's plan from the start. We ourselves did not receive the original notification for the major variation to the licence for the whole premises.

We are already experiencing noise from the hotel. We have lodged no fewer than 12 complaints about noise, including noise from amplified music being audible in the bedroom of our property late at night. The Council's environmental health and pollution control personnel will testify to the fact that there are numerous unresolved complaints due to noise emanating from the function suite in the evening and night. This is exacerbated by the fact that the owners and management of the hotel do not adhere to the existing restrictions regarding noise and have demonstrated contempt for the planning and licencing conditions: for instance making noise, using the rear entrance access for non-permitted purposes and at curfew periods, loading service vehicles at 2AM and using an unapproved balcony and all this at a time when they are seeking further planning and licencing consents when you would expect them to be demonstrating good behaviour. Granting this planning application will simply exacerbate the existing problem. In addition enforcement is a long and laborious task (for instance we have been issued with a 'noise diary' template by the council) and will take years to reach a resolution.

We have offered to meet the hotel management on a number of occasions but they have refused to meet with us. We have made attendance at such a meeting contingent upon certain conditions, in particular our receipt of an acknowledgement of and satisfactory response to an incident of extreme noise in May 2014. The management have refused in writing to provide a response despite them having received a visit from a member of the pollution control department with regard to the incident. The hotel have advised they are unaware of the incident.

We have lived in our house for over 11 years and during the time that the hotel was operated as Simpsons Hotel we never made a single complaint. They were good neighbours unlike the Chester Hotel.

Furthermore we feel that we are to some extent in a David and Goliath situation in that we do not have the same level of resources as the hotel to employ experts and consultants.

It has been suggested that a compromise would be to restrict use of the balcony after 10PM but this does not take into account the requirements of a qualitative assessment as mentioned earlier. This 10PM restriction does not appear to have any basis. Why should the residents have to close their windows or stop using their gardens as a result of the clientele of the Chester Hotel using its outside facilities in a residential area?

We believe that if the report had been compiled in accordance with the Scottish Government's guidelines there would be no question that the planning and licencing applications should be rejected for the outdoor seating areas and the balcony.

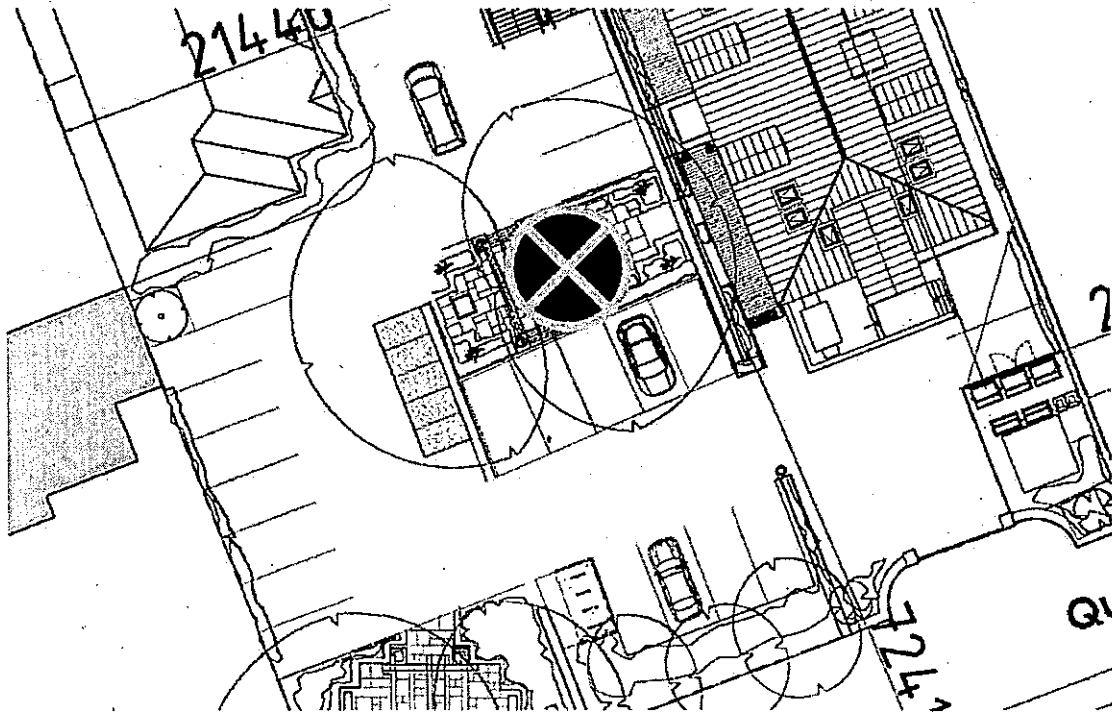
Please see below our assessment of the calculation. This is based on Table 3 in Noise Report.

External Dining Area Noise Predictions			
	Chester RMP Report - 50 persons	Assessment by A West - 50 persons	Assessment by A West - 100 persons
	LAeq,t	LAeq,t	LAeq,t
Raised speech noise level (1 person)	66	66	66
People talking	83	83	86
Distance attenuation	-32	-30	-30
Partial acoustic screening	-5	-0	-0
Predicted external free field	46	53	56
Existing ambient level	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	50 to 48.5	47	47
Exceedance of existing noise level	-4 to -2.5	6	9

*as the measurement was taken 3m away from the façade then it is not clear what factor should be used, however none appears to have been applied.

#these noise levels have been measured at the back wall of 26 Harlaw Road with an un-calibrated noise meter. We are in the process of acquiring a noise meter and will more accurately provide our own measurements for our house which should not have any significant difference to the hotel. We will provide the information when available.

However, when the methodology is applied to the previously approved outdoor seating area there is a significant problem. See the calculation below.



External Seating Area (marked on plan above) Noise Predictions			
	Chester RMP Report methodology – 25 persons	Assessment by A West – 25 persons	Assessment by A West – 50 persons
	LAeq.t	LAeq.t	LAeq.t
Raised speech noise level (1 person)	66	66	66
People talking	80	80	83
Distance attenuation (15m)	-23	-23	-23
Partial acoustic screening	-0	-0	-0
Predicted external free field	57	57	60
Existing ambient level	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-17 -2.5?*	-0	-0
Corrected ambient level	50 to 48.5	47	47
Exceedance of existing noise level	7 to 8.5	10	13

*as the measurement was taken 3m away from the façade then it is not clear what factor should be used, however none appears to have been applied.

#these noise levels have been measured at the back wall of 26 Harlaw Road with an un-calibrated noise meter. We are in the process of acquiring a noise meter and will more accurately provide our own measurements for our house which should not have any significant difference to the hotel. We will provide the information when available.

The effects of the two noise levels are cumulative – therefore the total noise level will increase by between 11.5 and 14.5 dB.

It can be clearly seen that the existing outdoor seating area is already generating too much noise on the above assessment. Last autumn we have already had experience of this noise from the outside seating area which is in direct line of sight of the garden at 26 Harlaw Road. The noise from the balcony would be in addition to this existing noise and would therefore further impact on the amenity of the area and disturb the residents, causing a change in their behaviour.

Summary and Conclusions

1. The conclusions of the noise report instructed by the Chester hotel are ridiculous
2. The methodology needs to be assessed for compliance with the PAN and TAN
3. A qualitative analysis needs to be part of the report. It does not appear to have been carried out.
4. Using the methodology in the report and applying it to the existing approved outdoor seating area leads to the conclusion that it should never have received planning permission and that decision needs to be challenged
5. The planning permission for the balcony should be refused.

P&SD Letters of Representation		
Application Number: 140990		
RECEIVED 05 FEB 2015		
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials: MEA		
Date Acknowledged: 06/02/2015		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 August 2014 17:28
To: PI
Subject: Planning Comment for 140990

Comment for Planning Application 140990

Name : Ken Hutcheon
Address : 5 Harlaw Terrace
Aberdeen
AB15 4YU

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object strongly to the Plans for the Chester balcony for external dining.

This is the SECOND time Chester have tried to get away with RETROSPECTIVE Planning consent for structures which will obviously cause noisy discomfort to quiet residential houses in the surrounding area.

They are not the only company who adopt this tactic in the hope the application will slip through quietly without having to disclose all the negative aspects of their initial building plans. They have already got away with retrospective planning consent for an external Pergola which will cause noisy disruptions to neighbours. Surely this is enough annoyance to impose on (what was) a quiet residential area.

A dining balcony will be open to almost continual summer noisy activity, when neighbours want a quiet seat in the hoped for sun.

You may wish to be aware that we have already been subjected to the annoyance of noisy bagpipes on a quiet sunny afternoon and I can assure you that the noise did not last a short time, to my dismay. Also at 5 Harlaw Terrace I am a fair bit further away than Chester's poor neighbours nearby.

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PI

From: Watson Wendy (NHS GRAMPIAN) [REDACTED]
Sent: 13 August 2014 21:13
To: PI
Subject: Planning application 140990 Chester Hotel (retrospective)

Dear Sir/Madam,

Planning application 140990 Chester Hotel (retrospective)

I would like to register my objection to the outlined planning application which as you are aware has already been built and currently operational.

As a local resident my main concern is that the raised balcony area allows for noise pollution and can clearly affect our personal amenity; especially as we have young children. This is exacerbated as people are socialising and consuming alcohol. Noise travels at a height over a greater area and this is a residential area and overlooks bedrooms and family homes.

The dining area is very high and I assume compliments the new function suite below which has capacity for 300 guests. The outside area I believe matches the floor space of the current restaurant and with heaters etc. will have the potential to accommodate a significant number of patrons. Likewise the bar area is close to the external dining area and I assume alcohol will be served outside and perhaps not always with a meal.

There is no precedent for such a large outdoor elevated entertainment area around residential homes in Aberdeen. I would find it very difficult for any control over the potential noise. There will be no facility to close doors or the benefit of double glazed windows. I understand a similar balcony area was previously declined due to it being within a local residential area.

This does not appear to be an area for occasional use. There is nothing preventing the area being used all day, every day and throughout the year, with consequent unrelenting noise and disturbance even into the night and on work-days. To state that access is weather dependent is no limitation if table umbrellas and patio heaters are used. Once guests are outside there is little control over their behaviour. Consideration of this would be greatly appreciated.

As our local planning authority I hope you do consider the impact a building and it's function has on the local residents. We have had hotels nearby for many years but now the purpose and remit has changed from what was previously available due to the changes in the fabric and structure of the building. When previously agreed stipulations are in place we have no problems with the hotel but once again this is now an additional change. One occasion when the outside area was used, at ground level, we experienced significant disturbances forcing windows to be closed and sleep disruption.

These plans, as one can see, date over 17 months with many amendments and I am saddened this has been a retrospective application and corresponding lack of respect for the process.

Thank you in anticipation of your full consideration.
Dr W.A. Watson

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 August 2014 22:24
To: PI
Subject: Planning Comment for 140990

Comment for Planning Application 140990

Name : Mr Nicol Bradford
Address : 2 Harlaw Place
Aberdeen
AB15 4YW

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to register a complaint regarding the planning application 140990 Chester Hotel (retrospective) due to the excessive, continuous and uncontrolled disturbance which will inevitably occur, as detailed below.

The proposed dining area is excessively elevated. The elevation is as high, and even higher, than neighbouring residential houses' upstairs accommodation. The elevation will amplify the noise disturbance as the sounds will carry even further, above walls, with no buffering, affecting more people and to a much greater extent. There is no precedent for such an outdoor elevated entertainment area around residential homes.

The doors to the external area will undoubtedly be left open, rendering any sound-proofing useless, and allowing the noise and music from the inner dining / bar area and function suite also to carry to the surrounding neighbourhood.

The proposed external area is very large compared with the original inside suite, and could clearly accommodate a large number of people (even if the overall number is unchanged, they do not have to be sitting). The external dining area extends across a significant proportion of the building, beyond the inner dining area limits, presenting a large gallery to the neighbourhood - it is not private or discreet. Again this only serves to increase disturbance.

The area is stated as 'dining', but this appears a rather loose term, and does not limit the activity or duration. It could refer to any time of day, any proportion of food to drink and any level of formality, and even once dining is complete the activity (hence disturbance) can continue. It is noted that there is a bar area next to the inside dining area.

This does not appear to be an area for occasional use. There is nothing preventing the area being used all day, every day and throughout the year, with consequent unrelenting noise and disturbance even into the night and on work-days. To state that access is weather dependent is no limitation if table umbrellas and patio heaters are used. Once guests are outside there is little control over their behaviour, including alcohol consumption, smoking and bad language, all within very close range of the residential neighbourhood.

Thank you in anticipation of your full consideration.

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PI

From: Mark Vorenkamp
Sent: 13 August 2014 23:59
To: PI
Subject: Chester Hotel - Planning Application 140990

Subject: Chester Hotel - Planning Application 140990

Date: 13 August 2014 17:38:37 CDT

I wish to object to planning application 140990.

This retrospective application is for the entire remodelling of the roof of the Granite Suite from the original pitched roof structure into a flat roof which is now on course to cater for up to 50 people as an outdoor venue. An earlier planning application sought permission to raise the internal roof height of the ceiling inside the Granite Suite. This resulted not only in increased headroom indoors but the construction of a completely different external roof structure. This major alteration has been completed and has already been opened to the public on various occasions despite neither Planning or Licensing approval having been obtained. My wife visited the Chester on the afternoon on Sunday 27th July and was invited to join other guests outside on the newly completed area and have "a glass of wine in the sunshine".

The opportunity for a communal approach between Planning and Licensing which was missed on the earlier application now should be adopted. The Licensing Board is already aware of the problems which have been created from the last "back to front" order of applications. I trust that, in this case, this application will be dealt with appropriately and consideration for the amenity of residents given due consideration.

The Chester hotel currently operates an internal bar, dining room, and a 300 plus function suite. Sited in the middle of a residential area, the Chester Hotel is not in the appropriate location in which to seek permission to also run a 50 head outside licensed dining / drinking area. This hotel is not situated in the city centre, neither is it a country hotel - it is sited in a residential location. The historical existence of Simpson's hotel on this site does not justify the complete change in character which has been allowed to go ahead here. No member of either the Planning Department, Planning Committee or Licensing Board could deny the fact that this trend towards outdoor wining and dining, all be it very fashionable, will have a severely deleterious effect on the lives of surrounding residents who also have history in their favour.

The location of the latest outdoor dining / drinking area is on a level with residents' upstairs rooms, many of them bedrooms. The noise disturbance created by up to 50 people drinking and or dining "Al Fresco" under outdoor heaters needs no further clarification I hope.

The Chester's repeated use of retrospective planning applications makes a mockery of the whole Planning Application system. Why should any normal citizen apply for planning permission and put themselves through the inconvenience of waiting for approval to be granted? Much better to get on with the work at a time when your tradesmen are available and apply for retrospective planning permission later at your own convenience.

Yours sincerely
Mark Vorenkamp
24 Harlaw Road.

AB1 6Y4

PI

From: NICOL BRADFORD [REDACTED]
Sent: 05 February 2015 00:09
To: Matthew Easton; PI
Subject: Objection to Planning Application 140990 (Chester Hotel)

Objection to Planning Application 140990 (Chester Hotel, External Balcony retrospective)

I wish to object to the above planning application and comment on the noise assessment.

With respect to the noise report there are a number of shortcomings in the work presented and assumptions made, but also the assessment is incomplete in the factors which must be considered. The assessment must consider the highly sensitive nature of the residential area where families (including children) are entitled to enjoy the peaceful surroundings, both within houses and in gardens. The character or nature of the sound is known to be important – voices, music and human activity are far more intrusive than background noise from cars, etc, particularly if it is impulsive. The frequency of the noise will also affect how it is carried (e.g. low bass notes) and how it is perceived. The noise from the Chester balcony will contain all these elements – it is not just a dining area but a work place for staff who will be clearing tables, moving chairs and opening doors. The balcony elevation and the surrounding buildings will all serve to increase, reflect and channel the propagating noise. Noise will come from a variety of sources, including internal music when doors are open (which will of course be a regular occurrence), voices will be raised competitively, as in any such venue with the influence of alcohol. There is no guarantee of future use – guests may be standing (e.g. for cocktails or drinks parties) which will again increase noise and will allow far more people on the balcony. The base-line noise measurement (around 7pm) was not representative of the most sensitive time period (around 10pm), which is particularly important with respect to the detrimental effects on the amenity of a residential area with children (i.e. sleep and relaxation).

In addition to the noise, the use of the elevated balcony (in a residential area for families and children) will result in public nuisance due to the general disturbance created, and the reduction in privacy, from the activity and presence of staff and guests, including potential use by smokers. In reality, staff will not be able to control guests, and there will be no control or checks on the future use of the balcony or conduct of the hotel. In the event of excessive noise or disturbance there is no realistic practical recourse for the neighbouring residents, as police will not have the time for such complaints and monitoring of the noise is very difficult to achieve. Currently, without use of the balcony, there are noise problems which are not satisfactorily acted upon or mitigated by the hotel.

Thank you for considering this objection.

Regards, Nicol.

Mr N. Bradford,

2 Harlaw Place, Aberdeen, AB15 4YW

[REDACTED]

34 HARLAW ROAD

ABERDEEN

AB15 4YY

29.01.15

Aberdeen City Council
Planning Reception
Planning & Sustainable Development,
Marischal College,
Broad Street,
Aberdeen
AB10 1AB

CHESTER HOTEL-Application Number 140990

Dear Sir/Madam

I wish to formally lodge an objection to this application.

I have not previously objected to the applications made by the Chester Hotel believing that commercial enterprise should not be stifled. However, I am unsure that that was the correct decision since the increase in the noise coming from the premises has been substantially more than expected and I was lead to believe. During the summer, especially at weekends, I found that it was no longer relaxing to sit in my garden because of the noise coming from raised voices in the hotel grounds especially later in the evening and early night. This noise is very intrusive. The noise is coming from the external licensed areas of the hotel. To allow an increase in the numbers of people allowed to use the raised area next to the restaurant in the hotel would dramatically increase that noise level. Bear in mind, that since the area is on top of the premises, there are no natural barriers to the sound travelling to all of the surrounding Residential Area. These raised noise levels are continuing well into the early hours of the morning especially on a Friday, Saturday and Sunday. As recently as Sunday 25.01.15 late at night 12.30am I had to contact the Hotel regarding the noise coming from Hotel property. I was assured that the matter would be dealt with. There was no reduction in the noise and it was after 1am before the noise subsided. I work in a demanding, unforgiving work environment as a commercial pilot often with very early starts. This noise pollution is disrupting my sleep pattern. This could have serious implications

I would therefore request that this application is refused.

Yours sincerely

Michael Wood

PI

From: Jennifer West [REDACTED]
Sent: 15 August 2014 10:44
To: PI
Cc: Pollution Control
Subject: Fwd: Planing application P140990 Chester Hotel

Here is the email I tried to send yesterday. Unfortunately I made a mistake in entering your email address but the email was correctly copied to poll@aberdeencity.gov.uk. Apologies for any inconvenience.

Jennifer West

Begin forwarded message:

From: Jennifer West [REDACTED]
Date: 14 August 2014 21:39:16 BST
To: "PI@aberdeencity.gov.uk" <PI@aberdeencity.gov.uk>
Cc: "poll@aberdeencity.gov.uk" <poll@aberdeencity.gov.uk>
Subject: Re: Planing application P140990 Chester Hotel

Please note my address is 26 Harlaw Road, Aberdeen AB154 YY.

Jennifer West

On 14 Aug 2014, at 21:37, Jennifer West [REDACTED] wrote:

Dear Sirs

I wish to object to the planning application for the following reasons;

-it will further reduce the amenity of the residential area around the Chester Hotel by providing an outdoor area that will result in more noise being made by the hotel

-it will result in The World Health Organisation's guidelines adopted by EU directives being breached on a continuous basis as a result of the licence that is already in place

-another and second material consideration is that the terrace area will overlook the residences and their gardens

Jennifer West

PI

From: Euan West [REDACTED]
Sent: 14 August 2014 18:10
To: PI
Subject: Planning Application 140990

Dear Sirs,

I would like to object to planning application 140990. The proposed development would lead to excessive noise in the surrounding residential area.

Best regards,

Euan West

26 Harlaw Road
Aberdeen
AB15 4YY

PI

From: ALAN WEST [REDACTED]
Sent: 14 August 2014 05:54
To: PI
Cc: Jennifer Stewart
Subject: Planning Application P140990

Dear Sirs

I wish to object to the planning application for the following reasons:

- It will further reduce the amenity of the residential area around the Chester Hotel by providing an outdoor facility that will result in more noise being made by the Hotel
- It is a further development on an already over developed site
- It is a retrospective planning application and this repeated practice should be discouraged as a means of developing the site by stealth

Best regards

Alan West
26 Harlaw road
Aberdeen
AB15 4YY

PI

From: ALAN WEST [REDACTED]
Sent: 14 August 2014 21:22
To: PI
Cc: Jennifer Stewart; Pollution Control
Subject: Re: Planning Application P140990

Dear Sirs

Further to my mail below I would like to advise that I believe that the noise that will emit from the new terrace area is a 'material consideration'. If planning permission is granted then it is effectively encouraging the use of the outdoor area and this will result in noise. If the area is declined then it will not be used and there will be no noise from the area.

The licence at present has allowances for drinking up to 01:00 in the morning and the use of this area will result in people being outdoors creating noise potentially every night of the week with the din of normal conversation. The area is understood to be heated and its presence and the use of heaters will result in noise until the early hours of the morning on a regular basis.

The noise has the effect of exposing the residents to the risk of elevated blood pressure and heart attacks.

There is World Health Organisation advice that states the following

The World Health Organization (WHO) recently published the Night Noise Guidelines for Europe. The new Guidelines present new evidence of the health damage of night time noise exposure and recommend threshold values that, if breached at night, would threaten health. An annual average night exposure not exceeding **40 decibel (dB)** outdoor has been recommended in the Guidelines.

Sleepers that are exposed to night noise levels above 40dB on average throughout the year, corresponding to the sound in a quiet street, can suffer mild health effects like sleep disturbance and insomnia. Above 55dB long term average exposure, similar to the din of a normal conversation, noise can get to trigger elevated blood pressure and heart attacks.

One in five Europeans is regularly exposed to sound exceeding 55dB at night. The new WHO Guidelines provide evidence-based reference which can be easily adopted as limit values for the member states, allowing them to better target anti-noise measures.

http://ec.europa.eu/environment/noise/health_effects.htm

It is very likely that a grant of planning permission in terms of the present application on top of the already granted planning permission for the outdoor seating area in the car park at the rear of the hotel and the late licence will combine to generate noise above the acceptable levels for peoples' health. The Council need to consider carefully the impact of the approval of this application when considering the effect of the noise on residents' health.

The fact that there is a licence in place does not mean that the Planning Authority have to grant planning applications that will effectively increase the level of noise that will be generated and impact the health of local residents. In fact the Council should now be reconsidering the permission already granted for the outdoor seating areas which may already be affecting the health of residents due to the noise that is occurring as a result of a facility for patrons to be in the outdoor areas.

I have measured sound levels exceeding 60 dB inside my house with the windows closed when all else is silent but noise coming from the Chester Hotel. Normally we have the windows open at night so already we are seeing noise levels that exceed the World Health Organisation's guidelines. The Council must take this into account when considering the application for a further facility for up to 50 people to be outdoors in a heated area.

Best regards

Alan West
26 Harlaw Road
Aberdeen AB15 4YY

From: ALAN WEST [REDACTED]
To: "PI@aberdeencity.gov.uk" <PI@aberdeencity.gov.uk>
Cc: [REDACTED] <jastewart@aberdeencity.gov.uk>
Sent: Thursday, 14 August 2014, 5:54
Subject: Planning Application P140990

Dear Sirs

I wish to object to the planning application for the following reasons:

- It will further reduce the amenity of the residential area around the Chester Hotel by providing an outdoor facility that will result in more noise being made by the Hotel
- It is a further development on an already over developed site
- It is a retrospective planning application and this repeated practice should be discouraged as a means of developing the site by stealth

Best regards

Alan West
26 Harlaw road
Aberdeen
AB15 4YY