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28th July, 2015

Objection to Planning Application <sup>150765</sup>~~150764~~ - Chester Hotel

Once again the Queens Cross / Harlaw Community Council find themselves having to object to yet another RETROSPECTIVE Planning Application by the Chester Hotel. This is after they confused the Community Council and others by submitting a Certificate of Lawfulness appeal to convince that one of the balconies (see Planning Application <sup>150765</sup>~~150764~~) they already use was actually lawful.

We strongly object to this Application 150764 to allow an external terrace to be used for any purpose. This Hotel has shown on several occasions that they have no interest in, or take heed of the fact that their hotel is situated in a quiet residential area. Neighbours have already been subjected to the noise emanating for this Hotel not only from the use of this balcony they RETROSPECTIVELY want to utilise lawfully but also the larger balcony (see 150765) which they intermittently RETROSPECTIVELY apply for permission to use then withdrawn the application (twice!).

They also use this confusing tactic of building facilities (such as an external Pergola) then using these facilities (noisily) then RETROSPECTIVELY apply for permission.

Having appointed an Events Manager this Hotel is obviously pushing as hard as possible to get as many expansions to the Hotels area and facilities as possible and more frequently than not go ahead with the expansion and THEN apply for permission. The neighbours have for example been subjected to a fire work display (they did inform the neighbours previously this time). But all houses in the area were very surprised at the very loud explosions which frightened pets in a large surrounding area.

Neighbours are frequently subjected to late night noise from clients who have been drinking and celebrating. Also the Hotel was also allowed permission to play music e.g. bagpipes outside but the Council limited the hours this could be done. Unfortunately this does not take account of the long practice time a piper will use much to the disappointment of neighbours trying to enjoy their own garden areas. Bagpipes can be VERY noisy.

We understand that although Chester has withdrawn the Planning Application for the larger balcony area (150765), some discussions are going on to finally decide what, if any, balustrade should surround the area that was subject to a Council enforcement order. We would strongly suggest that NO edging of any sort is allowed round this roof area as all that will happen is that the Chester Hotel will (as usual) take advantage of the area and neighbours will find clients from the hotel will use it as an area they can drink and make noise, as they have in the past.

I have advised neighbours to keep a log of any noisy events and especially the use of the larger balcony area for any drinking as I understand this would be breaking the law.



29 JUL 2015

Regards, Ken Hutcheon on behalf of Queens Cross / Harlaw Community Council.

**From:** NICOL BRADFORD  
**Sent:** 07 June 2015 23:28  
**To:** PI  
**Subject:** Planning Application 150765 – Chester Hotel (B)

Planning Application 150765 – Chester Hotel (B): Also entered directly into website.

I strongly object to the granting of planning permission for the subject balustrade (B), for any purpose - but particularly for the entertainment of guests, as is implied in the supporting statement. It is a concern that allowing the balustrade will eventually result in full permission for the related balcony/terrace due to further applications or by virtue of its existence, or it will be mistakenly used by the hotel and guests.

It is also a concern that this will eventually result in full permission for the adjacent balustrade (A) and use of the related adjacent side balcony/terrace.

This is not an 'attic conversion' – the consequent use of the balcony/terrace and adjacent area is very relevant, and material to the application, whether that be for entertainment or cleaning.

As stated in the objection to 150764 (A), there is no definition of 'cleaning and maintenance' (it could be access for staff to clean tables), no justification why this specifically requires a balustrade, no frequency or time of use, and no stated number of people. Other modification, access or cleaning solutions should be used, rather than blatantly adding an unapproved balustrade to an unapproved balcony.

The balustrade is a part of a balcony/terrace which has already been subject of rejected applications. As stated in previous objections to the balcony/terrace we have serious concerns with regard to the use of the balcony/terrace, and the detrimental effect on the amenity of the area, due to: the inevitable noise and nuisance to the surrounding residential area (including family homes with children); the use may be all day, every day and late at night; there is no guarantee in how it will actually be used; no guarantee of effective control of guests' noise and behaviour; reduction in privacy; and no practical or effective recourse for neighbours in the event of noise or nuisance.

Further, the supporting statement makes reference to 'fine dining' - this is meaningless and misleading. There is no reason this should be any different in outcome from any other entertainment use, and no guarantee of future use.

**34 HARLAW ROAD**

**ABERDEEN**

**AB15 4YY**

01.06.15

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

**CHESTER HOTEL-Application Number 150765**

Dear Sir/Madam

I wish to formally lodge an objection to this application.

The application encloses a fine dining terrace an area used by, staff, contractors and hotel patrons. I challenge the statement contained in the e mail (ME email 12-09-14.pdf) which states "nor any unacceptable level of overlooking into neighbouring properties". One section of the balustrade (west side aspect) has a direct view into 2 bedrooms of my property for November until April when there are no leaves on the trees. Furthermore, the noise pollution from the "fine dining terrace" cannot be acceptable for the residential property surrounding the hotel. The planning committee/city council has a duty of care to ensure that residents should not be exposed to unacceptable noise levels at anytime but specifically in the evening or late into the night when such dining areas are used. I am a commercial pilot working in a high risk, demanding environment. The Civil Aviation Authority of the UK clearly state that pilots must at all times ensure that they are well rested with sufficient sleep, to ensure that they are not suffering from fatigue since fatigue is recognized as being the cause of many aviation accidents/incidents. All airlines by law must have a statement in their operations manual regarding sleep and rest. I quote my companies statement regarding sleep and rest:

" Although the controls on flight and duty periods are intended to ensure that adequate opportunities are provided for crew members to obtain rest and sleep, individuals should ensure the proper advantage is taken of such opportunities

A crew member shall not perform duties on an aeroplane if he knows or suspects that he/she is suffering from fatigue, or feels unfit to the extent that the flight may be endangered"

How can I guarantee to observe this statement if there is noise, late into the night, coming from this "fine dining terrace".

The area should not be allowed to be used as a "dining terrace" therefore no hotel patrons in the area and no need for staff to operate in that area. That being the case,

there is no need for a balustrade. If contractors have to work in that area they will have their own safety procedures.

I would therefore request that this application is refused.

Yours sincerely

Michael Wood

**PI**

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**From:** Martin Jevons <  
**Sent:** 08 June 2015 10:37  
**To:** PI  
**Subject:** Application Number: 150765, Chester Hotel Aberdeen

Application Number: 150765

Retrospective Planning Permission for Glass balustrade at Chester Hotel, Queen's Road, Aberdeen AB15 4YP

We wish to have our concerns and objection taken into consideration when this retrospective planning request is deliberated.

Firstly we would question why this work has been completed without planning permission. Approving this retrospectively sets a precedence that we fear may result in further abuse of the planning process in the future.

Currently the noise from the function suite in the Chester Hotel (when guest proceed outside to celebrate) does not result in excessive noise for us as it is blocked by the hotel's western buildings (although other neighbours are affected).

However if guests (whether residential, dining or attending functions) are allowed to exit onto the roof balcony they will be in clear site from (and to) our property, and as such the noise they generate will be unblocked.

This we fear will result in unacceptable noise levels at the southern aspect of our property (which currently does not suffer from any other source of noise pollution) particularly during the summer months when both usage will increase and we would have our windows open.

Additionally this noise generation will be mainly in the evenings, late at night and weekends when the impact will obviously be greater to adjacent residents.

The affect on our property price also has to be taken into account as one property has recently sold at less than valuation, with the new owner deliberated their purchase because of concerns over noise from the Chester Hotel.

As a final note we would ask why we do not get notification of these activities as the boundary of our shared property contacts approximately half the length of the hotel's western boundary.

Had we not been chatting to neighbours we would still be unaware of these plans.

We look forward with interest to your decision,

Martin Jevons, Yvonne Walker.

8 Royal Court  
Queen's Road  
Aberdeen AB15 4ZX

**PI**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 31 May 2015 22:47  
**To:** PI  
**Subject:** Planning Comment for 150765

Comment for Planning Application 150765

Name : Douglas Sedge  
Address : 30 Harlaw Road  
Aberdeen

Telephone : \_\_\_\_\_

Email : \_\_\_\_\_

type :

Comment : Since the hotel has been converted we have been given no reason to complain about noise or privacy invasion. I hope the current status quo is maintained by the owners of the premises with this application and that normal noise levels experienced by living close to the city centre are not exacerbated by this application.

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**PI**

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**From:** Margaret Preston  
**Sent:** 07 June 2015 20:37  
**To:** PI  
**Subject:** Application No. 150765- The Chester Hotel

Proposed dev at 59-63 Queens Road  
Glass balustrade at rear of Chester Hotel

Since I have only just moved into Flat 2 Royal Court, Queens Road, on the 5 June 2015, I have only just been made aware of this proposal. And I would herewith like to lodge my objection to the said erection of glass balustrade at the rear of the Chester Hotel. We are living in a mainly residential area and am sure none of us would appreciate any additional loud, bar room noises permeating outside.

Thank you  
Margaret Preston  
Tel. ☎

Sent from my iPad

**From:** Wendy  
**Sent:** 07 June 2015 23:29  
**To:** PI  
**Cc:** Matthew Easton; Jennifer Stewart; Ross Thomson; Martin Greig  
**Subject:** Ref 150765

Dear Sir/Madam

I was under the impression that the Planning applications (Ref 150765 and 150764) were to be resent due to an abnormality with the paperwork. We received a blank form and then a printed one for 150765. I had not been instructed that this would not be the case. I explained to a couple of neighbours that we were waiting for this to be resent and would have due time to respond.

### **Ref P150765**

I strongly object to the Retrospective planning permission for glass balustrade at the rear of the Chester Hotel ref 150765. The balustrade allows for the area to be used as an outside entertaining area and the potential for loss of amenity and the noise pollution that these areas would have to the neighbouring residential area. Following significant representation and formal review at a variety of council meetings it was recommended that a previous planning application P140990 relating to outside terrace/ dining should be rejected. It is evident that by allowing a glass balustrade would then allow for the floored terrace to be used for patrons to wine and dine. The purpose of this area then goes against many of the council recommendations within their own policies for planning and licensing of alcohol. This certainly has material impact for the local neighbours.

A quiet residential area and privacy, once respected, within our own garden is now overlooked and has the potential for significant noise nuisance. As neighbours we already have to deal with noise from the function suite which has capacity for 300 patrons. Persons currently at ground floor level have caused these disturbances. The height and thus potential for noise pollution and nuisance (as highlighted through various discussions and noise reports) significantly impacts on amenity. I would take the opportunity to highlight that one person under the influence of alcohol or during times of enjoyment can cause significant annoyance. This has the potential to be seven days a week and until 1am. Private parties or patrons of the restaurant or bar all have the same potential to cause nuisance. It is essential to highlight the purpose of the area and cannot be unravelled from entertaining as the balustrade allows for the purpose of the area to be used.

It is essential for planning to be rejected for this balustrade as if this is allowed there is little recourse for the local residents. We have already had to involve the local environmental health team and Licensing Standards officer on several occasions due to the issues we have experienced first hand. The recurrent retrospective planning applications employed by the Chester Hotel has meant we, as residents, have had to deal with the building and change of premises without being fully aware of the plans and change to function. The capacity has increased significantly and this once again allows for further outside entertainment areas. We have school age children who deserve the right to a peaceful sleep. As adults we deserve the right to undisturbed sleep. We deserve the right to use our gardens and homes without being disturbed by noise at unsocial hours. There is potential for anti-social noise and nuisance.

All of these applications have been sought in a way which is not transparent and on going assumption that they were not required and changing plans without permission. This balustrade is not required for access and cleaning and was built in order to use this outside area for fine dining and the consumption of alcohol. An outside raised area was not granted a Licence due to public nuisance. Objections highlighted in P140990



- recommended for rejection by planning. These objections should be considered along with these further documents.

I am very happy to show the closeness of this development to our homes and had provided photographs to our local councillor and environmental health previously. I would be happy to do so once again.

Many thanks for your due consideration with regard to our homes and family lives.

Best wishes  
Wendy Bradford  
2 Harlaw Place

Sent from my iPad

P&SD Letters of Representation		
Application Number: 150765		
RECEIVED - 8 JUN 2015		
Nor	Sou <input checked="" type="checkbox"/>	MAP
Case Officer Initials: MEA		
Date Acknowledged: 05/06/2015		

**From:** Jennifer West - m>  
**Sent:** 07 June 2015 21:59  
**To:** PI  
**Cc:** Matthew Easton  
**Subject:** Fwd: Planning Applications P150764 and P150765 (Both Retrospective and combined with P150763 replacing P140990 (recommended for refusal))

Dear Sirs

I object to the above on the following grounds:

1. The two applications have the same effect as planning application P140990. P140990 was recommended for refusal by Aberdeen Council Planning Department. One of the main objections was to do with noise that would further affect the amenity of neighbouring properties. It is noted that on the planning website that P140990 is 'determined' - whereas in fact it was 'withdrawn' the day before the planning committee meeting. Can this classification be clarified.
2. The installation of the balustrade on the area to the rear of the Chester Hotel (P150764) will potentially permit the use as a balcony of part of the roof area of a building that was built under permission granted via a 'non-material variation' to the overall planning permission for the site (P121555 we believe). A non-material variation is explained by Matthew Easton in an email - an extract copied below in italics -

*Planning authorities are given the power to grant non-material variations through section 64 of the Town and Country Planning (Scotland) Act 1997. Section 64 states that "a planning authority may, at the request of the grantee or a person acting with his consent, vary any planning permission granted to them, if it appears to them that the variation sought is not material". Each request for a variation needs to be treated in its merits as depending on the circumstances and context what may be material in one instance may not be in another. Factors which may be taken into account include whether there would be any additional impact (e.g. on the road network, on neighbours, on the environment), whether the nature of the proposal would be significantly changed and whether the matter is one which has previously been raised as a concern.*

**The implication is that if this then allows the outdoor area to the rear to be used as a balcony for any activity that could reasonably be considered to be associated with a hotel use then the variation was evidently material as it clearly affects neighbour's amenity. Clearly also this is an issue which has already been raised as a concern during objections to P140990. As such if that is the case then the granting of the non-material variation was ultra vires. Moreover it would be disingenuous of the planning department to suggest that they had not anticipated the use of the area as a balcony as it is indeed described as a balcony complete with flooring on the drawings (reference discussion at the meeting mentioned in 3 below).**

3. The same is true for the balustrade applied for to the side of the Chester Hotel (P150764). There is a door onto the terrace that appears to have been granted under P130773 when the roof was raised by some height during the building phase of the development of the Chester Hotel. At a recent meeting attended by Ross Thomson, Margaret Bochel, Matthew Easton, Wendy Bradford, Ken Hutcheon, Jennifer West and Alan West Matthew Easton stated that there was no door onto the balcony. This was then queried by Alan West in an email to Matthew Easton and the following response was received - *If necessary, consideration will be given to how best to control access to any unauthorised parts of the terrace of the assessment of the applications or decision as to whether to take further enforcement action.*

I take this as acknowledgement of the existence of the door. The issue with the presence of a door again is that it may allow the hotel to argue that they are entitled to use the terrace for any activity which could reasonably be

- considered to be associated with a hotel use. Therefore the presence of a balustrade would potentially allow patrons to use the terrace, thereby gaining planning permission which was previously recommended for refusal through the back door (excuse the pun).
4. The hotel have suggested that they need a balustrade for health and safety reasons. There are many other solutions that would meet the requirements of maintenance tasks such as self-cleaning glass, various eyebolts or secure points to allow safe working using a harness and the installation of windows that can be cleaned from inside to quote a few examples. The use of health and safety issues is a red herring and is being exploited as a method of keeping what has been installed and then using other seemingly innocuous planning applications with a view to eventually achieving the aim of gaining an outdoor terrace at a high level.
  5. The terrace overlooks our garden creating a loss of amenity.
  6. The terrace will result in noise that will result in a loss of amenity. For further reference please look at all the objections to P140990.
  7. We will submit the objections that were associated with P140990 by separate cover as these are relevant to the P150764 and P150765 applications. The relevance is that the applications plus the P150763 (request for a certificate of lawfulness) have the same effect as P140990. P140990 was recommended for rejection by the planning department.
  8. Reference item 7 above the approach by the Chester Hotel owners to obtain what was recommended for rejection by the planning department appears to be a cynical attempt to obtain planning permission using smoke and mirrors. As residents we are weary of the antics of the Chester Hotel and we believe that such a convoluted application has been created to confuse and wear people down. There is a risk that people do not object to both applications therefore one may slip through simply because of the way the process is being run. **This means that the planning consultation is potentially not being carried out fairly which is a specific duty of the planning department under the planning legislation.**
  9. At 26 Harlaw Road we received at least three (I think we actually received 4 but I tore up one of the blanks) letters notifying us about the planning applications. Two (Three?) were blank and one referred to P150765. We have never had official notification of P150764. As we are objecting it is clear that we are aware of the applications but other notifiable residents may not be aware, and this is a denial of their rights under the planning legislation. I personally emailed the department on a number of occasions and was told that the neighbour notifications had been done properly. I have the blank applications and proof of lack of notification. On this basis alone I believe that the whole process should be started again.
  10. Reference the Supporting statement P150765 section 9.3.1 there was a door to the spiral staircase on the original plans (before the 'non-material variation') so the point is irrelevant.

Best regards

Jennifer West

26 Harlaw Road, Aberdeen Ab15 4YY

P&SD Letters	
Application Number	150765
RECEIVED	- 8
NOV	2015
Case Officer Initials	MEW
Date Acknowledged	08/09/2015

**Planning application – PL40990**

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

**Residents of 26 Harlaw Road – comments on the Noise Report**

**Latest date – 3<sup>rd</sup> February**

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

**Some minor revisions made 4<sup>th</sup> February**

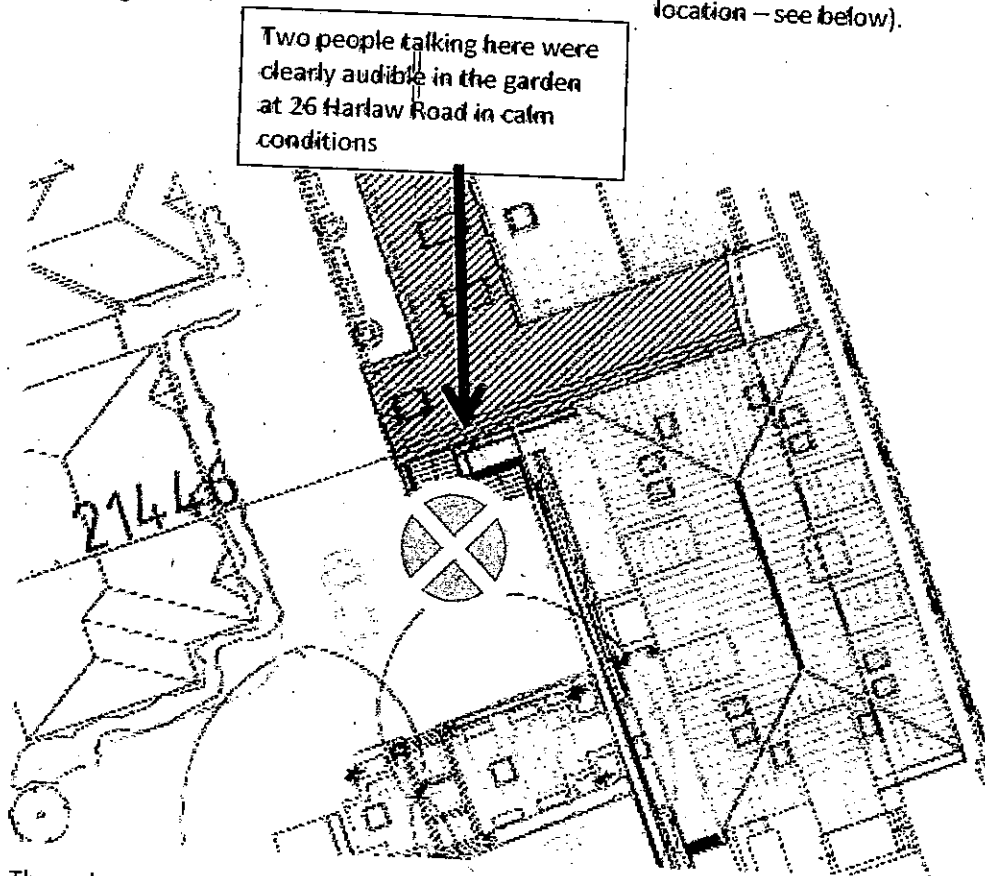
We have lodged objections to the granting of a licence for the raised balcony area adjacent to the hotel restaurant which was constructed last year instead of the pitched roof which was on the approved plans. The balcony, which is at a considerable height, was being used for the consumption of alcohol 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).



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.

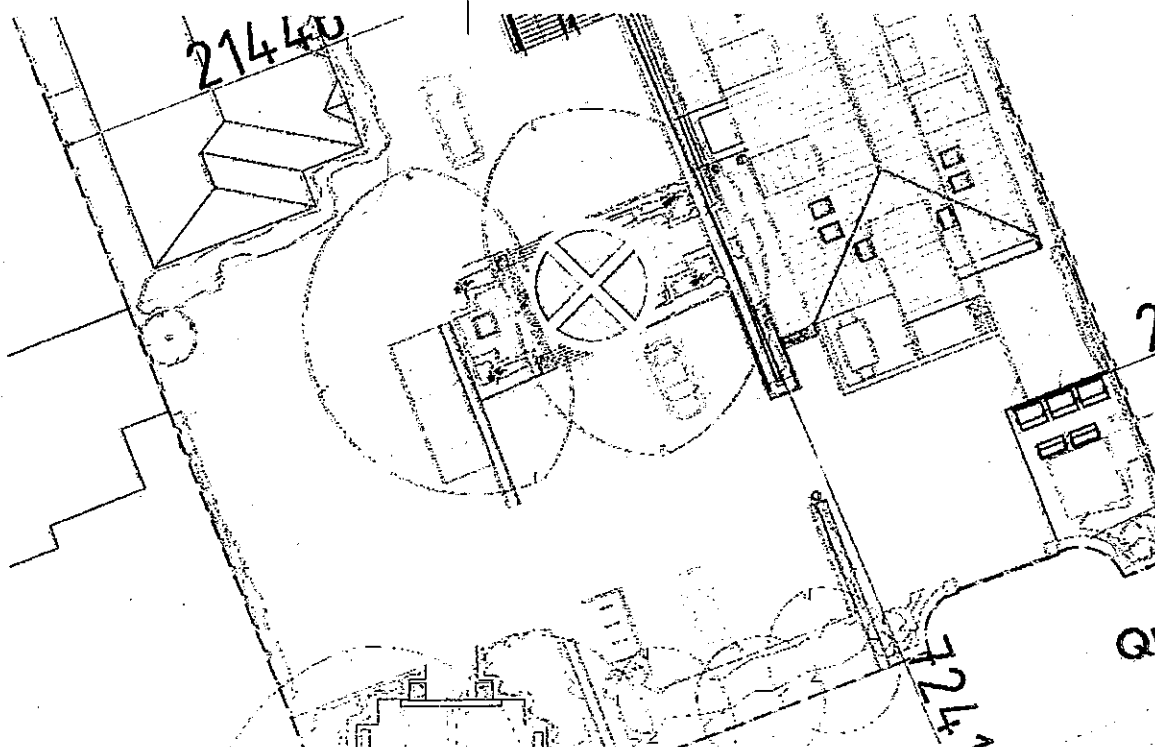
Please see below our assessment of the calculation. This is based on Table 3 in Noise Report.

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	<b>46</b>	<b>53</b>	<b>56</b>
Existing ambient level.	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	<b>50 to 48.5</b>	<b>47</b>	<b>47</b>
Exceedance of existing noise level	<b>-4 to -2.5</b>	<b>6</b>	<b>9</b>

\*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
	L <sub>Aeq,t</sub>	L <sub>Aeq,t</sub>	L <sub>Aeq,t</sub>
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	<b>57</b>	<b>57</b>	<b>60</b>
Existing ambient level	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	<b>50 to 48.5</b>	<b>47</b>	<b>47</b>
Exceedance of existing noise level	<b>7 to 8.5</b>	<b>10</b>	<b>13</b>

\*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.