

From: localreview
Sent: Tue, 18 Jan 2022 10:00:43 +0000
To: Planning Appeals
Subject: FW: Local Review Body - Waterloo Arms, Chirnside 21/00965/FUL and 21/00027/RCOND

Please could the e-mail below from Fraser Smith be placed on the 21/00027/RCOND file please.

Regards Fiona

Fiona Henderson

Democratic Services Officer

Democratic Services

Resources

Council Headquarters

NEWTOWN ST BOSWELLS TD6 0SA

 DDI : 01835 826502

 fhenderson@scotborders.gov.uk

From: Smith, Fraser <Fraser.Smith@scotborders.gov.uk>
Sent: 14 January 2022 11:33
To: Henderson, Fiona <FHenderson@scotborders.gov.uk>
Subject: RE: Local Review Body - Waterloo Arms, Chirnside 21/00965/FUL and 21/00027/RCOND

Hello Fiona,

Please find my response below:

I note the information submitted with the Notice of Review. This indicates that the seating area is not intended to be a smoking shelter which I accept. It also states the offer to increase fencing panels to the rear of the seating area.

I note the agent has stated that the potential for the application to increase usage of the seating area is conjecture. The construction of a covered pergola would allow the installation of heaters as the roof would increase heat retention within the seating area. I note the installation of heaters is not part of this application but it is also noted that a gas heater has already been installed in the seating area partially covered at present. I would contend that any reasonable minded person would be of the opinion that the provision of cover and heat within an outdoor seating area would be more attractive to a customer wishing to partake of food or drink outside. As such, I emphasise my opinion that the installation of a covered pergola will increase the usage of the seating area.

The usage of any external seating area would likely be restricted by weather and temperature throughout the day and seasons, with usage likely to be lower when temperatures were low in the evenings. The installation of a covered pergola with heaters would render it likely that usage would extend into the evening when background noise levels are generally lower due in part to reduced traffic noise.

There is no detail regarding noise attenuation properties of the fence in situ, or offered, at the back of the seating area. As such, I am not satisfied that this would materially reduce the adverse impact on nearby amenity.

The Review Body have queried whether a Noise Impact Assessment (NIA) would be required. In my opinion, a NIA may not be appropriate in this situation. There is no widely recognised standard or procedure to assess noise emanating from external seating areas for pubs. Due to the very close proximity of the seating area to the property adjacent and suspected low background noise level when the area may be used, I am concerned that the resources expended on an NIA may not satisfactorily demonstrate that nearby amenity will be protected. However, I would consider carefully any NIA submitted by the applicant.

The NIA should consider the worst case scenario in terms of number of persons likely to be speaking within the seating area and include appropriate background levels at different times throughout the day when the area will be in use. The assessment should consider garden amenity as well as internal domestic noise levels. The suitably qualified and competent noise consultant should contact Environmental Health to discuss the scope of the report prior to undertaking the assessment.

My opinion remains that the erection of a covered pergola at this location will increase the usage of the seating area, this will increase the amount of noise generated from patrons and this will likely result in an adverse amenity impact to the adjacent domestic property. As such, I cannot support the removal of the condition. I am of the opinion that a noise impact assessment may not be appropriate for this case but would consider one if submitted.

Kind regards,

Fraser Smith

Environmental Health Officer

Protective Services (Amenity & Pollution)

Scottish Borders Council

Tel: 01835 824000 Ext: 8032

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REHIS
Chartered Environmental Health Officer
2021

From: Henderson, Fiona <FHenderson@scotborders.gov.uk>

Sent: 20 December 2021 12:22

To: Smith, Fraser <Fraser.Smith@scotborders.gov.uk>

Subject: Local Review Body - Waterloo Arms, Chirnside 21/00965/FUL and 21/00027/RCOND

Importance: High

Hello Fraser

Waterloo Arms, Chirnside

Further to the Local Review Body held on 13 December 2021, please see attached further photograph showing an increase in height of the Fence Panels to mitigate noise and smells. The Review Body requested that Environmental Health comment as to whether a noise impact assessment was required.

Please send any comments to the above email address by 14 January 2021 at the latest.

Thanks Fiona

Fiona Henderson

Democratic Services Officer

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