

**From:** localreview  
**Sent:** 02 February 2022 10:45  
**To:** Planning Appeals  
**Cc:** Miller, Craig  
**Subject:** FW: Local Review Body - Waterloo Arms, Chirnside 21/00965/FUL and 21/00027/RCOND

Good Morning

Please could this email be placed on the Appeals File 21/00027/RCOND file on public access.

Regards Fiona

Fiona Henderson  
Democratic Services Officer  
Democratic Services  
Resources  
Council Headquarters  
NEWTOWN ST BOSWELLS TD6 0SA  
 DDI : 01835 826502  
 [fhenderson@scotborders.gov.uk](mailto:fhenderson@scotborders.gov.uk)

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**From:** David McKnight <[dm@richardamosltd.co.uk](mailto:dm@richardamosltd.co.uk)>  
**Sent:** 02 February 2022 08:34  
**To:** localreview <[localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)>  
**Subject:** RE: Local Review Body - Waterloo Arms, Chirnside 21/00965/FUL and 21/00027/RCOND

**CAUTION:** External Email

Hello,

With regards to the further comments of the Environmental Health Officer, my response is as follows –

The EHO is objecting to this application based on an assumption that there will be increased use of this existing outside seating area due to the construction of the covered pergola. I believe that this is conjecture and should not have a bearing on the consideration of this application.

However, I would like to point out that the applicant could place mobile patio heaters (and, as noted by the EHO, has already done so) to this area without the covered pergola structure being there, so his comment regarding heaters is, in my view, not pertinent.

Also, the applicant could, in theory, have tables in this area with large patio parasols that would provide the cover that he refers to without the construction of the covered pergola, so again, this is not a pertinent point.

Taken together, both of these measures could increase usage of the outside seating area in any case, so I fail to see how the construction of the covered pergola would make a material difference.

The covered pergola and fence will in themselves help shelter the properties behind from noise and channel it away from the neighbour and towards the road, although I cannot provide sound attenuation figures without a Noise Impact Assessment, and I agree with the EHO that a NIA would not be appropriate in this case.

The applicant has offered to increase the fencing panels at the rear of the pergola structure to help attenuate noise and I assume that this could be conditioned if the appeal were successful.

Could you please acknowledge receipt of this email.

Kind regards,

David McKnight ACIAT  
Richard Amos Ltd  
2 Golden Square  
Duns  
Berwickshire  
TD11 3AW  
TEL - 01361 882599  
FAX - 01361 882577  
E-Mail - [dm@richardamosltd.co.uk](mailto:dm@richardamosltd.co.uk)

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**From:** localreview <[localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)>

**Sent:** 18 January 2022 09:53

**To:** David McKnight <[dm@richardamosltd.co.uk](mailto:dm@richardamosltd.co.uk)>

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

**Importance:** High

Waterloo Arms  
Per Richard Amos Ltd

2 Golden Square  
Duns  
Scottish Borders  
TD11 3AW

Dear Mr Amos

Further to our email and letter of 20 December 2021, regarding further procedure in respect of the review of the above application, please now find below comments from the Environmental Health Officer, in response to the new information.

Should you wish to respond to these comments please send these to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk) by 4 February 2022.

Consideration of this review will continue at the Local Review Body meeting on 21 February 2022.

Kind regards  
Fiona Henderson

Fiona Henderson  
Democratic Services Officer  
Democratic Services  
Resources  
Council Headquarters  
NEWTOWN ST BOSWELLS TD6 0SA  
 DDI : 01835 826502  
 [fhenderson@scotborders.gov.uk](mailto:fhenderson@scotborders.gov.uk)

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**From:** Smith, Fraser <[Fraser.Smith@scotborders.gov.uk](mailto:Fraser.Smith@scotborders.gov.uk)>  
**Sent:** 14 January 2022 11:33  
**To:** Henderson, Fiona <[FHenderson@scotborders.gov.uk](mailto: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  
[Web](#) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

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REHIS  
Chartered Environmental Health Officer  
2021

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**From:** Henderson, Fiona <[FHenderson@scotborders.gov.uk](mailto:FHenderson@scotborders.gov.uk)>  
**Sent:** 20 December 2021 12:22  
**To:** Smith, Fraser <[Fraser.Smith@scotborders.gov.uk](mailto:Fraser.Smith@scotborders.gov.uk)>  
**Subject:** Local Review Body - Waterloo Arms, Chirside 21/00965/FUL and 21/00027/RCOND  
**Importance:** High

Hello Fraser

**Waterloo Arms, Chirside**

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  
Democratic Services  
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