

LRB-2021-25
Review of Condition 1 on Planning Permission
20/01359/FLL – Change of use from office (class 2) to hot
food takeaway, 176-178 South Street, Perth

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LRB-2021-25
Review of Condition 1 on Planning Permission
20/01359/FLL – Change of use from office (class 2) to
hot food takeaway, 176-178 South Street, Perth

**PAPERS SUBMITTED
BY THE
APPLICANT**



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100240578-009

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	LJR+H Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Bob	Building Name:	
Last Name: *	Hynd	Building Number:	18
Telephone Number: *	01382 200 511	Address 1 (Street): *	SOUTH TAY STREET
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	DUNDEE
Fax Number:		Country: *	UK
		Postcode: *	DD1 1PD
Email Address: *	admin@ljrh.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="18"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="South Tay Street"/>
Company/Organisation	<input type="text" value="Doreus Property Company LTD"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01382 200 511"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD1 1PD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@ljrh.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="176A SOUTH STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PERTH"/>
Post Code:	<input type="text" value="PH2 8NY"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="723458"/>	Eastings	<input type="text" value="311650"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use from office (class 2) to hot food takeaway at 176-178 South Street Perth PH2 8NY

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☐ Refusal Notice.
- ☒ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate supporting statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

20/01359/FLL Plan of area Supporting statement Application drawings

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/01359/FLL

What date was the application submitted to the planning authority? *

24/09/2020

What date was the decision issued by the planning authority? *

20/04/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Bob Hynd

Declaration Date: 01/07/2021

Supporting Statement – Change of Use from Office (Class 2) to Hot Food Takeaway, 176 – 178 South Street, Perth PH2 8NY. Ref : 20/01359/FLL.

The above application was approved on 20th April. This appeal is against Condition 1 :

Permission is hereby granted for a limited period until 31/06/2023. Reason. In view of the nature of the proposed development and to enable the planning authority to review the circumstances pertaining to the proposal within a reasonable period of time". Our client feels that this is unnecessarily restrictive. Their financial commitment to this project is considerable. To date, they have arranged the purchase of this property and have a number of other expenses, which include architects' fees to carry out a survey of the building and lodge a planning application on their behalf. They have also paid the planning lodging fees and the cost of a sound engineer preparing a noise impact assessment. Given the restricted time period, they feel that it is not financially viable to spend the money required to overhaul the premises, install the necessary catering equipment, upgrade the kitchen and server area up the high standards required for food hygiene and also to fire protect and sound proof the ceiling. The estimate the cost of this is likely to be in excess of £50,000. They also point out that they would also still have apply for a Building Warrant and a Licence for a Hot Food Takeaway. A likely timescale for this would be as follows, on the assumption that work will not be able to progress until this appeal against this condition has been considered.

Likely time for consideration of the appeal including registration and a possible site visit – July to August 2021 - eight weeks.

Prepare and apply for a Building Warrant Application – two weeks.

Liaise with Building Control and provide the necessary information required to obtain a warrant – six weeks.

Apply for and obtain a Hot Food Takeaway Licence – four weeks.

Forward drawings to contractors for pricing and allow them a three-week period to provide their estimates – four weeks.

Employ a contractor and allow them sufficient leading time to start work – three weeks.

Carry out the work required to the premises, including sound attenuation measures, catering equipment, ventilation and extract system – eight weeks.

Decorate and obtain Completion Certificate from Building Control – two weeks.

This means that the premises would be unlikely to open until April 2022, effectively leaving a period of approximately thirteen months to operate, before a further application would have to be made to the Planning Department to extend the period for opening.

Our clients feel that the above points have not been taken into account when this condition was applied.

Our clients had already agreed with the other requirements requested by the Planning Department and Environmental Health of which they were already aware, but were disappointed that no

mention was made at any time during the consultation process that this condition was likely to be applied.

Our clients have also pointed out that Condition 2 requires that various sound reduction measures are put in place.

Condition 3 limits the noise generated from any plant and equipment to not exceed 35 decibels between 7am – 11am or 2 decibels from 11pm – 7am daily.

They have also pointed out that the other conditions attached to the approval such as the conditions applied were put in place in order to “*safeguard the residential amenity in the area*”. This is despite the fact that the property directly above the premises is not mainstream housing but short term accommodation for itinerant workers.

There are also numerous nightclubs, public bars and hot food takeaways within the immediate area and some on the opposite side of South Street. They have also made the point that this property, along with many in the centre of Perth, has been sitting empty for a number of years and that given the current move away from retail to online shopping, the current trend of increasing numbers of vacant premises is likely to continue. Our clients already have premises out with the town centre and have 15 employees. They are hopeful that should this condition be removed; they would then be in a position to confidently start work and double their workforce to 30. They are a young energetic business with innovative ideas for internet marketing and sales with green credentials, such as electric bicycles and cars for deliveries.

A hot food takeaway will also require to be licenced, so that should they breach any of the licencing legislation, such as justifiable noise complaints from neighbouring properties, the council already have the means to deal with this, by withdrawing the hot food takeaway licence.

We would be grateful if the above points could be taken into account when the appeal against this condition is considered by the Local Review Body.



Doreva Property Company LTD
c/o Bob Hynd
LJR+H Architects
18 South Tay Street
Dundee
DD1 1PD

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **20th April 2021**

Town and Country Planning (Scotland) Acts.

Application Number **20/01359/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 24th September 2020 for planning permission for Change of use from office (class 2) to hot food takeaway at 176-178 South Street Perth PH2 8NY subject to the undernoted conditions.

David Littlejohn
Head of Planning and Development

Conditions referred to above

- 1 Permission is hereby granted for a limited period until 31/06/2023.

Reason - In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

- 2 All mitigation measures as recommend within section 2.9 and 3.6 of the approved noise impact assessment planning reference 05, document reference 3630A08AR dated 17 March 2021 shall be implemented in full as part of the site operation as a hot food takeaway.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 3 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 4 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

- 5 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 6 No music, amplified or otherwise, shall be permitted within the premises at any time at any time and any TV or TV audio shall not be permitted within the premises after 23:00hours.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 7 In the event, that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to approved in writing by the Planning Authority. Thereafter recommendations/mitigation measures along with timescales for implementation will be incorporated into a Noise Management Plan (NMP) and submitted to the Planning Authority within 28 days of the assessment.

Reason - In order to safeguard the residential amenity of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 4 An application for Building Warrant may be required.
- 5 Following the expiry of the temporary permission, see condition 1. The use of the site will revert to a class 2 use as per the Town and Country Planning (Use Classes)(Scotland) Order 1997 unless other consents have been sought.
- 6 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

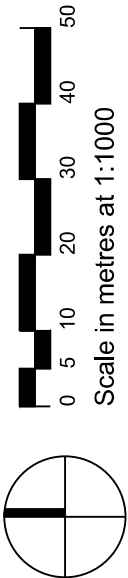
Plan and Document Reference

05
01
02
03
04



Planning Application Reference: 20/01359/FLL
Decision Date: 20-04-2021
Planning Decision: APPROVED

Location Plan



Restaurants & Takeaways located in the area:

1

ELRASHEED TAKEAWAY

2

PIZZAHUT

3

CAFE BODRUM

4

ROYAL BAR

5

LA CASA PIZZERIA

6

THAT BAR / LOFT NIGHTCLUB

7

MAE PING THAI DINING

8

TABLA

9

HIMALAYA INDO-BANGLA TAKEAWAY

10

DOMINO'S PIZZA

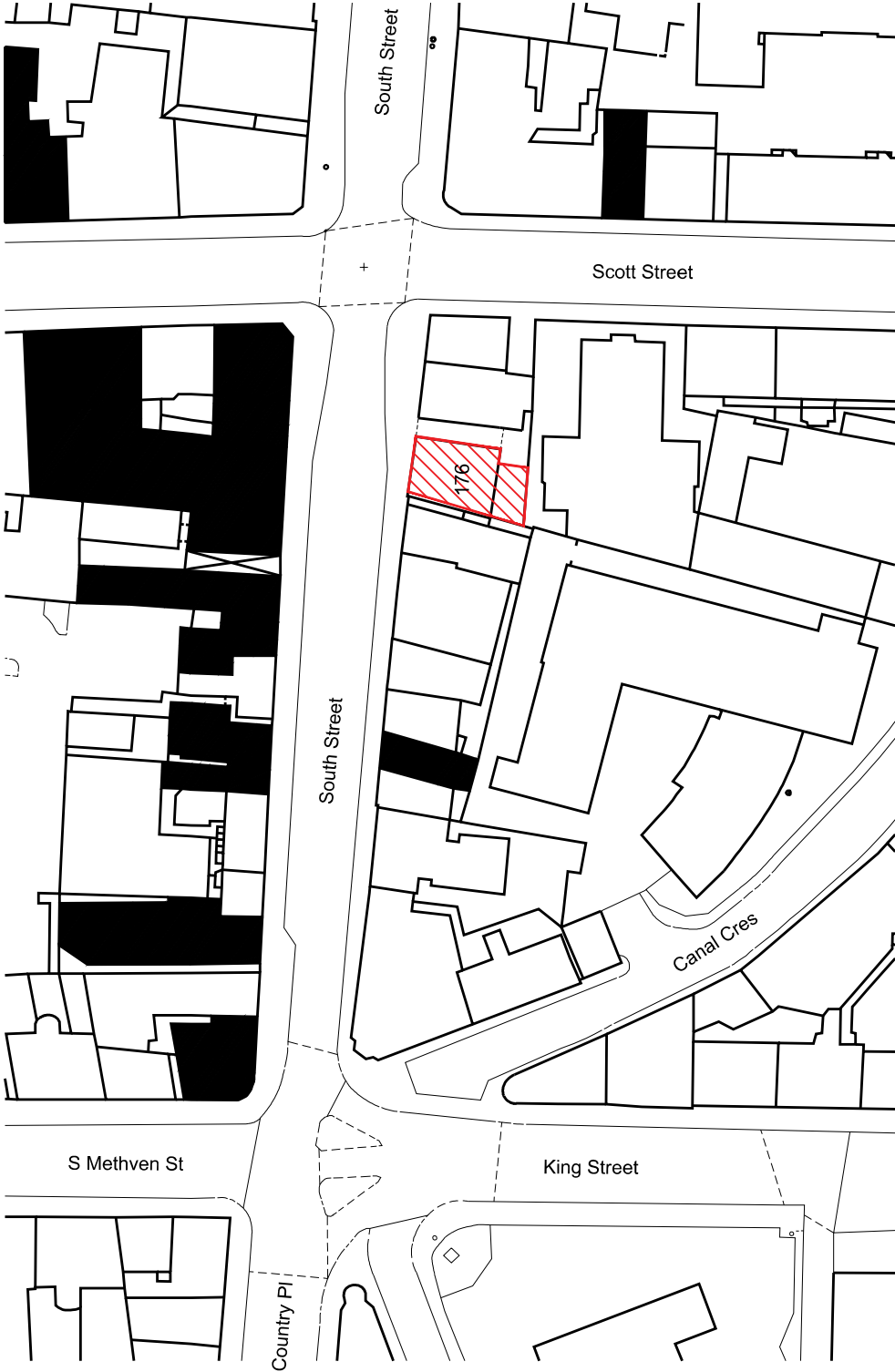
11

DICKENS

12

DR NOODLES

Site Boundary

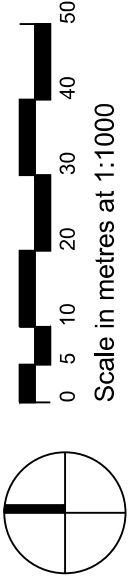


Planning Application Reference: 20/01359/FLL

Decision Date: 20-04-2021

Planning Decision: APPROVED

Local Food Amenities Plan



Rev.

LEADINGHAM JAMESON ROGERS + HYND

C H A R T E R E D A R C H I T E C T S

18 South Tay Street Dundee DD1 1PD Tel: 01382 225226 Fax: 01382 225226 e-mail: admin@LJRH.co.uk

Job Name

Job No.

Drwg Title

Scale

Series

Date

Rev.

Hot Food Takeaway at 176 South Street, Perth

4507

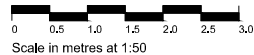
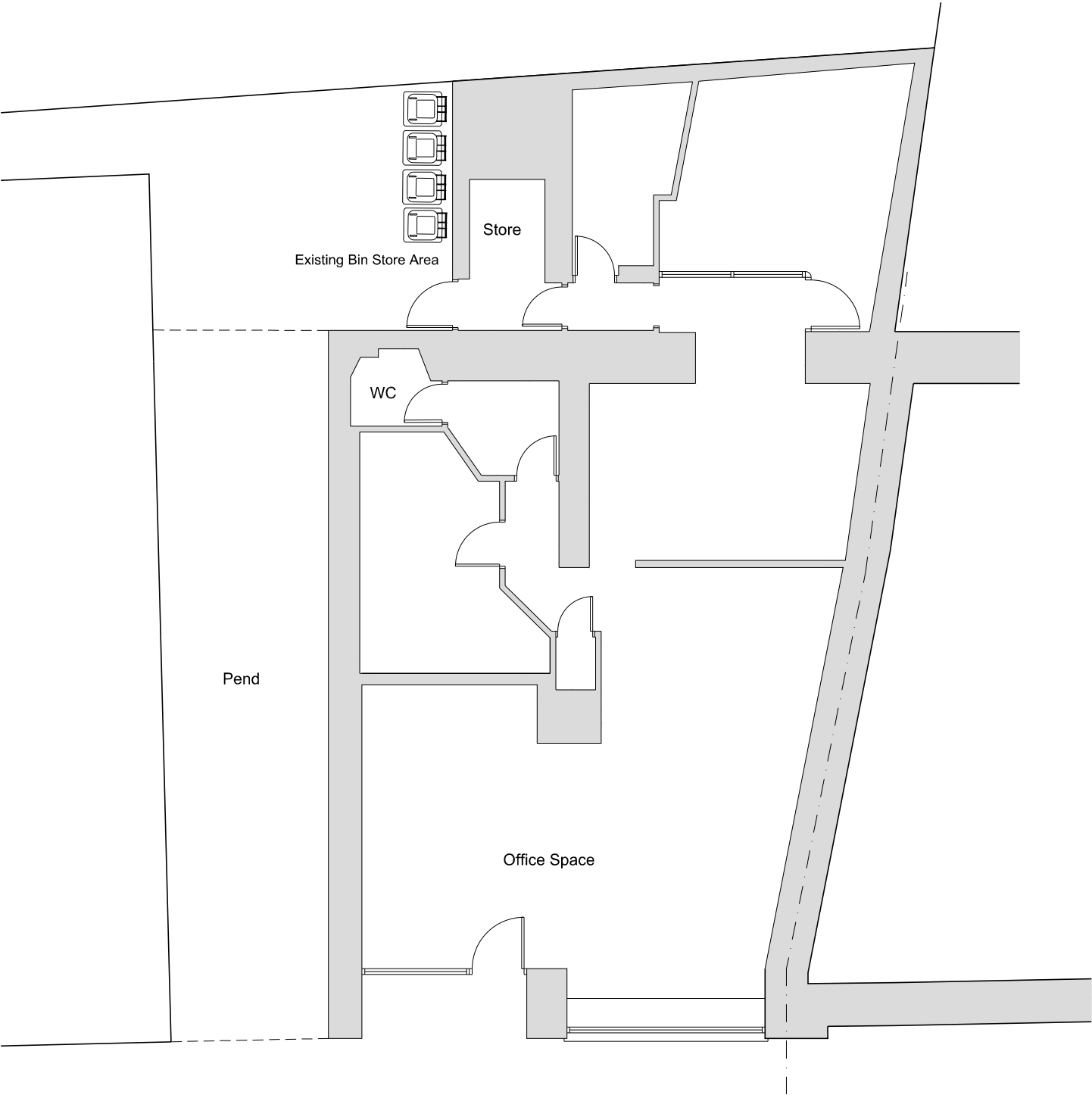
Local Food Amenities Plan

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PA

Sept/20

02



Existing Ground Floor Plan

SOUTH STREET

Planning Application Reference:	20/01359/FL
Decision Date:	20-04-2021
Planning Decision:	APPROVED

Rev.
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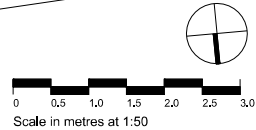
LEADINGHAM JAMESON ROGERS + HYND
C H A R T E R E D A R C H I T E C T S
18 South Tay Street Dundee DD1 1PD Tel: 01382 200511 Fax: 01382 225226 e-mail: admin@LJRH.co.uk

Job Name
• Hot Food Takeaway at 176 South Street, Perth
Drwg Title
• Existing Ground Floor Plan

Job No.
• 4507
Scale
• 1:50 @A2

Series
• PA
Date
• Sept'20

Drwg. No.
• 03
Rev.
•



Ground Floor Plan

SOUTH STREET

Planning Application Reference:	20/01359/FLL
Decision Date:	20-04-2021
Planning Decision:	APPROVED

Rev.
•

LEADINGHAM JAMESON ROGERS + HYND

CHARTERED ARCHITECTS
18 South Tay Street Dundee DD1 1PD Tel: 01382 200511 Fax: 01382 225226 e-mail: admin@LJRH.co.uk

Job Name
• Hot Food Takeaway at 176 South Street, Perth
Drwg Title
• Proposed Ground Floor Plan

Job No.
• 4507
Scale
• 1:50 @A2
Series
• PA
Date
• Sept'20

Drwg. No.
• 04
Rev.
•

LRB-2021-25

**Review of Condition 1 on Planning Permission
20/01359/FLL – Change of use from office (class 2) to
hot food takeaway, 176-178 South Street, Perth**

PLANNING DECISION NOTICE *(included in
applicant's submission, pages 575-577)*

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in
applicant's submission, pages 579-582)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	20/01359/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	23rd November 2020 Extended to 1st June 2021	
Draft Report Date	13th April 2021	
Report Issued by	JHR	Date 20.04.2020

PROPOSAL: Change of use from office (class 2) to hot food takeaway

LOCATION: 176-178 South Street Perth PH2 8NY

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: N/A - In accordance with the on-going restrictions of the coronavirus pandemic, the application site has not been visited by the case officer. The application site and its context have, however, been viewed by mapping databases and streetview. This information means that it is possible and appropriate to determine this application as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

South Street is one of the main thoroughfares through Perth and contains several different commercial types of property to be expected of a city centre location. There is a neighbouring restaurant use on the first floor to the east with an associated ventilation system to the rear.

This planning application seeks alterations and a change of use to 176-178 South Street to enable the premises to operate as a hot food takeaway (Sui generis use). The premises were previously used as an office (Class 2) and it is currently vacant.

An earlier application for the site was refused due to the potential impact on residential amenity as well as the impacts external ventilation features had on the listed building and wider conservation area.

The scheme has been amended, the ventilation is fully contained within the chimney and no external alterations to the chimney stack are proposed. In support of the application a noise impact assessment has now been submitted and further clarity provided on the waste strategy for the site.

The interlinked listed building application has been approved.

SITE HISTORY

07/02499/FUL Change of use from class 1 (tanning and beauty salon) to class 2 (insurance brokers) 14 January 2008 Application Approved

20/00349/FLL Change of use from office (class 2) to hot food takeaway 13 July 2020 Application Refused

20/00391/LBC Alterations 10 July 2020 Application Refused

20/01360/LBC Alterations 10 November 2020 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: Undertaken following previous refusal. Highlighted requirement for further information to fully assess proposal. Highlighted that locating a premises without residential accommodation above would be advantageous.

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 10: City, Town and Neighbourhood Centres

Policy 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 56: Noise Pollution

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Managing Change in the Historic Environment: - Use and adaption of Listed Buildings.

CONSULTATION RESPONSES

Environmental Health (Noise Odour) – No objection subject to conditional control.

Commercial Waste Team – No objection to revised waste strategy.

Development Negotiations Officer - No comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.

Scottish Water – No objection.

Enterprise Team – No objection received. Previously noted the following:-Given the current climate it is highly likely that the demand for office space will reduce as businesses adapt to greater remote working and leases come to an end. In addition, the trend for takeaway food is likely to continue. For these reasons the Enterprise Team would support a change of use from office to hot food takeaway.

REPRESENTATIONS

The following points were raised in the 2 representation(s) received:

- Noise.
- Odour.
- Fumes.
- Vehicle/Parking Issues.
- Waste. There are already ongoing issues with food waste from neighbouring premises.

The above matters are addressed in the Appraisal section of this report. However the following elements are best addressed at this stage under the following headings:-

- No need for a hot-food outlet, it will dilute the market - the existence of a significant number of food and drink establishments, including takeaway outlets, in the wider area are noted. However, as there is no development plan policy to restrict the number of takeaways in the area, this factor would not amount to a justifiable reason to refuse the application.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan and the adopted LDP2.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal and Residential Amenity

Policy 10: City, Town and Neighbourhood Centres encourages ground floor uses within Classes 2 and 3 (building societies, estate agents, restaurants and cafés etc) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and leisure, entertainment, recreation, cultural and community facilities, provided that they contribute to the character, vitality and viability of the retail area and satisfy all of the following criteria:

- (a) Ensure there is a high and continuous degree of public contact involved in the normal day- to- day running of the use.
- (b) An attractive shop frontage is provided which is appropriate to the prime retail location.
- (c) Residential amenity is protected.

- (d) Ensure there are no adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation and Loch Leven Special Protection Area.

With regards to criterion (a) the hot food takeaway will have a degree of public contact involved in the normal day to day running of the use. However, this will likely be limited to key timescales associated with the operator's business model, such as early afternoon to cater for lunches or late evening to cater for evening meals and likely passing trade. The proposed use would not conflict with the vitality and viability of the city centre. It is acknowledged that there is a need for hotfood takeaway uses and town/ neighborhood centre's are an appropriate place for these to be located, subject to complying with further criterion which is considered below.

If planning consent is granted, then the operator who utilises the premise will likely want to advertise their brand/products. If their advertisement scheme does not meet the express consent terms in the Control of Advertisement Regulations 1984 (as amended) an advertisement consent application would be required. At that stage the advertisement application would assess and take cognisance of the shop frontage treatment. There is no conflict with criterion (b).

Criterion (c) seeks to protect residential amenity. This is a key determining point as cooking smells from takeaways can cause amenity problems for nearby residents. A suitable means of ventilation is required to ensure this is avoided.

In addition, there is also a requirement to take account of noise associated with ventilation system as well as other operational issues associated with running a hot food establishment such as food waste.

Consultation with Environmental Health notes that the applicant has submitted a noise impact assessment for the site. The consultant had previously corresponded with this Environmental Health to advise that they could not gain access to the above flat which would have made the NIA more robust.

The sound power levels of the in-duct fan for a 45 Maxfan Compac axial fan were used for the assessment as this is the extract fan system to be installed.

The closest third floor flat bedroom window to the fan's exhaust with calculation for a 10% open window have been used for the assessment. The level calculated within the room was predicted to be NR 39 and the standard internal condition for plant noise would be NR25 for night time period 23:00 to 0700 therefore further mitigation to the extract fan sysytem would be required with the installation of an in -duct silencer as suggested in section 2.9 of the report.

To prevent reradiated structure borne noise from fan of the extraction system the report recommends in section 3.6 that the fan be supported by the ground floor and not hung from the first floor It should also be supported on anti-vibration mounts with an isolation efficiency of 99% and should be helical spring type which incorporate a neoprene pad. The flexible connections should be lagged with a high performance barrier, or breaker mat. All duct work hung from the first floor should be supported on anti-vibration hangersto the same specification.

The NIA concluded that noise from the delivery take-away meals being collected for delivery would not significantly disturb residents of the flats above.

The deliveries of raw material are unlikely to significantly disturb existing flat properties as these will be undertaken once a week between the hours of 14:30 and 17:00 hours.

Environmental Health recommend conditional control to protect the residential amenity of neighbouring properties to comply with criterion (c) residential amenity of Policy 10: City, Town and Neighbourhood Centres as well as Policy 56.

Given there are uncertainties with this proposal (the noise impact assessment was carried out on the third floor property) there is potential that despite the mitigation recommended there could be impacts on the closest residential unit to the hot food takeaway. It is noted that an objection has questioned the sound proofing between properties and considering this it is prudent to include conditional control for further noise assessment work and noise management plan if a justifiable noise complaint is received. Furthermore, a temporary consent should be granted to allow a trial run and allow the noise management plan to be developed further (should this be required). This will also provide a greater understanding on how the proposal relates to surrounding residential property.

With regards to waste the waste adviser has updated his consultation response and confirms they are content with the revised container dimensions and collection schedule.

With regards to criterion (d) the change of use application will not have an impact on the integrity of the nearby River Tay Special Area of Conservation.

Roads and Access

Representation highlights concerns with the proposed use and the potential impact this will have on parking.

All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. Sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car and ensure a realistic choice of access and travel modes is available as per Policy 60B: Transport Standards and Accessibility Standards.

The proposed use is likely to result in traffic generation however it is not considered to result in an adverse effect that would warrant refusal of the application. From my previous site inspection there are double yellow lines outside the premises but in close proximity there are single yellow lines, allocated on street parking and other designated parking areas in relatively close proximity to the site (such as Scott Street Car Park). Taking this into account there will not be an adverse impact on parking, traffic and safety and there is no conflict with Policy 60B: Transport Standards and Accessibility Standards.

Conservation Considerations

A detailed assessment of the ventilation/extraction system was undertaken under the listed building application and found to comply with Policy 27A: Listed Buildings. The change of use application is not considered to conflict with Policy 28A: Conservation Areas: New Development, there is no detrimental impact on the character of the Conservation Area.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application. No contributions are required in this instance.

Economic Impact

Consultation has been undertaken with the Enterprise Team. They confirm there will be a positive economic impact associated with this proposal if approved. This will be associated with the operation of the hot food takeaway as well as the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

The variations include the submission of Noise Impact Assessment that was subject to further neighbour notification and an advert in the press.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly, the proposal is approved subject to the following conditions

Conditions and Reasons

- 1 Permission is hereby granted for a limited period until 31/06/2023.

Reason - In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

- 2 All mitigation measures as recommend within section 2.9 and 3.6 of the approved noise impact assessment planning reference 05, document reference 3630A08AR dated 17 March 2021 shall be implemented in full as part of the site operation as a hot food takeaway.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 3 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 4 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

- 5 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 6 No music, amplified or otherwise, shall be permitted within the premises at any time at any time and any TV or TV audio shall not be permitted within the premises after 23:00hours.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 7 In the event, that justified complaints for noise are received by the Council, the applicant at their own expense, shall employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to approved in writing by the Planning Authority. Thereafter recommendations/mitigation measures along with timescales for

implementation will be incorporated into a Noise Management Plan (NMP) and submitted to the Planning Authority within 28 days of the assessment.

Reason - In order to safeguard the residential amenity of the area.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 4 An application for Building Warrant may be required.
- 5 Following the expiry of the temporary permission, see condition 1. The use of the site will revert to a class 2 use as per the Town and Country Planning (Use Classes)(Scotland) Order 1997 unless other consents have been sought.
- 6 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

02

03

04

05



CHARLIE FLEMING ASSOCIATES

ACOUSTICAL CONSULTANTS
NOISE CONTROL ENGINEERS

Report on Sound of Proposed Take-away Restaurant

At

176 South Street, Perth

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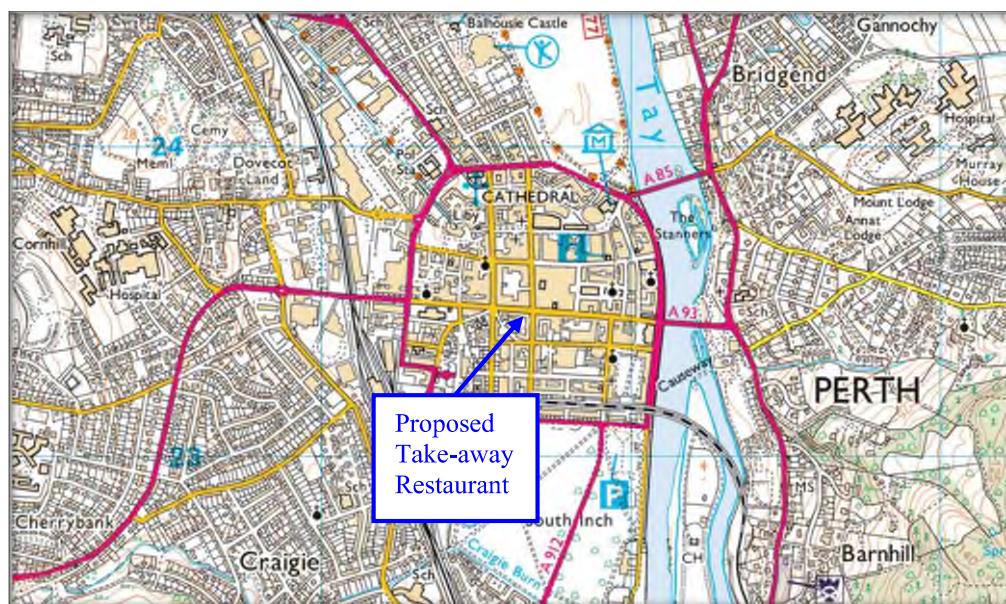
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1.0 Introduction

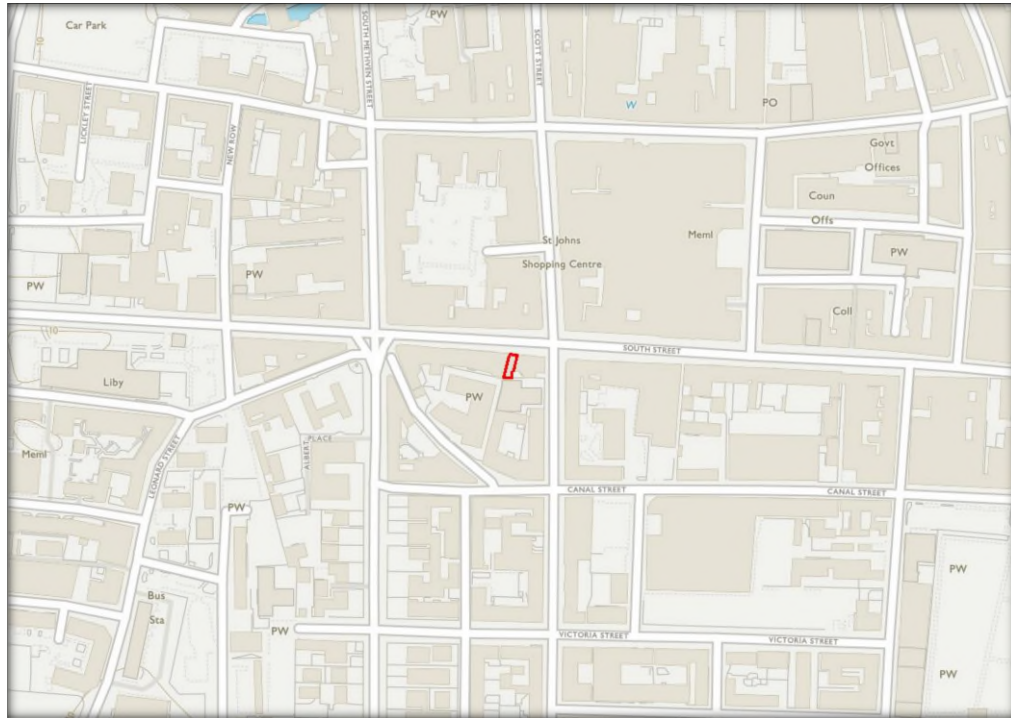
- 1.1 Our client proposes to open a take-away restaurant at 176 South Street, in Perth. The location of the proposed restaurant is shown by the blue arrow below in the centre Figure 1(a) and outlined in red overleaf in Figure 1(b), both of which are reproduced with the permission of Ordnance Survey.

Figure 1(a)

Location of Proposed Take-away Restaurant
(Courtesy of Ordnance Survey)



- 1.2 The concern was raised, by officers of Perth & Kinross Council, that the sound of the kitchen canopy extract fan might disturb residents in the vicinity of the proposed take-away restaurant. Also of concern was that the sound of delivery vehicles might disturb residents in the vicinity. Charlie Fleming Associates was asked, by the applicant, to predict what sound there would be from the fan and delivery vehicles, and, if necessary, recommend how to reduce it.
- 1.3 In Section 2.0, the sound in the flat closest to the fan's exhaust is calculated and compared to noise rating (NR) 25, the limit which local authorities usually apply to this type of sound. In Section 3.0, the sound of the fan casing being transmitted up through the floor into the flat above the take-away is calculated, and compared to NR25. In Section 4.0, the sound of deliveries is considered.
- 1.4 Section 5.0 concludes the main text of the report, and is followed by Section 6.0 which contains references to various documents cited in the text. There then follows an appendix which describes basic principles of acoustics and explains the technical terms used in the report. The calculations of the ductborne sound of the fan are presented in full in Appendix Two, with those of its casing following in Appendix Three.

Figure 1(b)**Location of Proposed Take-away Restaurant
(Courtesy of Ordnance Survey)**

2.0 Calculation of Ductborne Fan Sound Levels

- 2.1** It is understood that the extract fan will be a *45 Maxfan Compac* axial fan made by Flakt Woods. The in-duct sound power levels of the fan were read from the manufacturer's product literature.
- 2.2** The flat which will be closest to the fan's exhaust is the one on the third floor above the proposed take-away. The noise has been calculated at the bedroom window of this flat. The principle in this is that, if the noise at the most exposed flat is acceptable, it follows that it will also be acceptable at other, less exposed ones. The noise has been calculated using standard procedures¹, as shown in Appendix Two at the end of this report.
- 2.3** The noise level at the window of the flat was found to be NR57.
- 2.4** The noise inside the flat was calculated using the following equation².

$$L_{\text{Internal}} = L_{\text{External}} - R + 10 \log S - 10 \log 0.161 V + 10 \log T$$

Where, R = sound reduction index of elevation.
 S = area of elevation.
 V = volume of receiving room.
 T = reverberation time of receiving room.

- 2.5** The ingress of sound through the façade of the flat into the room will be determined by the transmission path through the windows, this being far greater than that through the masonry blockwork. The type of glazing was not known, but, erring on the side of caution, it was assumed to be single, 4mm thick. The sound reduction indices of this glazing were taken from the literature³. Notwithstanding, the calculations have been performed with the window 10% open. When open to this extent, the type of glazing has no bearing on the sound reduction of the elevation. The sound reduction index of the open part of the window was taken to be 0dB.
- 2.6** The dimensions of the bedroom window were scaled off a Google street maps image and found to be 1600mm x 900mm.
- 2.7** The width and height of the bedroom were scaled off a Google street maps image and found to be 3300mm and 2300mm. The depth of the bedroom was assumed, based on the age and type of flat, to be 3500mm.
- 2.8** The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a bedroom of this size in a flat in Tranent, in East Lothian. These varied across the frequency range from 0.4 seconds to 0.7 seconds.
- 2.9** The level calculated in the room, with the window 10% open, was NR39, which exceeds the limit, of NR25, usually applied to this type of noise. It will, therefore, be necessary to install an in-duct silencer, with dynamic insertion losses as shown overleaf in Table 1.

Table 1**Dynamic Insertion Losses of Silencer**

Octave Band Centre Frequency (Hz)	63	125	250	500	1000	2000	4000	8000
Dynamic Insertion Loss Required (dB)	-	-	7	14	8	5	1	-

3.0 Calculation of Fan Casing Sound Levels

- 3.1 Sound breaking out of the fan casing will be transmitted up through the floor into the flat above. The transmission of sound from one part of a building through a separating floor to another can be calculated using the following equation¹. The calculations are shown in full in Appendix Three at the end of this report.

$$L_{\text{Received}} = L_{\text{Source}} - R + 10 \log S - 10 \log 0.161 V + 10 \log T$$

Where, R = sound reduction index of separating floor.
 S = area of separating floor.
 V = volume of receiving room in neighbouring property.
 T = reverberation time of receiving room in neighbouring property.

- 3.2 The separating floor between the take-away restaurant and the flat above is a traditionally constructed timber one, consisting of timber floorboards on timber joists, with ash deafening between them, and a lath and plaster ceiling.

The octave band sound reduction indices of the floor are shown below in Table 2. These have been derived from the results of measurements made, by Charlie Fleming Associates, of the sound insulation of similar constructions.

Table 2
Sound Reduction Indices Used in Calculations

Building Element	Octave Band Centre Frequency (Hz)							
	63	125	250	500	1000	2000	4000	8000
Separating Timber Floor	<i>30.4</i>	36.9	45.6	54.5	60.5	65.4	70.1	<i>76.1</i>

Values in *italics* have been extrapolated.

- 3.3 The width and height of the bedroom were scaled off a Google street maps image and found to be 3300mm and 2300mm. The depth of the bedroom was assumed, based on the age and type of flat, to be 3500mm. Hence the area of the common floor through which the sound will radiate was taken to be 3300mm x 3500mm. The volume was calculated from the three dimensions.
- 3.4 The reverberation times of the room have been taken to be the same as those measured by Charlie Fleming Associates in a living room of this size in a flat in Tranent, in East Lothian. These varied across the frequency range from 0.4 seconds to 0.7 seconds.
- 3.5 The level calculated in the bedroom, was NR18, which is well within the limit, of NR25, usually applied to this type of noise.
- 3.6 Notwithstanding, fans in this situation sometimes cause noise problems due to re-radiated structure borne sound. This is due to vibration being transmitted directly into the structure which supports the fan. To avoid this, the fan should be supported by the ground floor, not hung from the first floor. It should be supported on anti-vibration mounts, with an isolation efficiency of 99%. They should be helical spring type and

incorporate a neoprene pad. Flexible connections should be used to connect the fan to the ductwork to avoid bridging of the mounts. The flexible connections should be lagged with a high performance barrier, or breaker mat. All ductwork hung from the first floor should also be supported on anti-vibration hangers, of the same specification as mentioned earlier in this paragraph. The following companies can supply anti-vibration mounts and barrier mat.

Douglas Muir (agent for Innovent)
Innovent
61 Mayfield Crescent
Howwood
Renfrewshire
PA9 1BL

Telephone: 01505 714 686
Telephone: 07913 647 049

Stuart Gunn
Sound Vent (agent for Allaway Acoustics)
2-20 Broad Street
Glasgow
G40 2QL

Telephone: 07824 312 155

Allaway Acoustics
26 Howlett Way
Thetford
IP24 1HZ

Telephone: 01842 751 813

21st July 2017

CMS Acoustic Solutions
1 Netherton Road
Wishaw
ML2 0EQ

Telephone: 01698 356 000

4.0 Delivery Sound Levels

- 4.1** The applicant has said that the take-away meals being delivered locally will be done so by bicycle. Those further afield will be delivered by electrically powered cars. There will, therefore, be no significant noise from these modes of transport.

The environmental health officer is also concerned that the radios and doors of delivery vehicles might disturb the residents of the flats in the vicinity of the take-away. Car radios and doors closing will, obviously, not apply to delivery bicycles. The deliveries will be made by companies like Deliveroo, Just Eat and Uber Eat. The way they operate is that when the take-away meal is ready, the company is sent a message over the internet to let them know. The driver arrives, collects the meal and leaves. The driver is paid per delivery and so is in a hurry. The drivers will simply collect the meal and leave. They will not have to wait for the meal to be ready and will not chat to the staff of the restaurant. If a driver has his, or her, radio on to the extent that it is audible in the take-away they will be instructed to turn it off. Any sound of radios and car doors will be very brief. The section of South Street that the take-away will be in has a night-club, 3 public houses, 4 take-away restaurants and 2 other restaurants. The street is thus busy at night to the extent that the sound of the delivery car doors and radios is not likely to be noticed by the residents of the flats.

- 4.2** It is understood that deliveries of raw ingredients will be made once a week by a van. The van will be smaller, for example, than a Ford Transit van. They will be made between 14:30hrs and 17:00hrs. The sound of these deliveries will not be significant compared to that of the traffic on South Street and so will not disturb the residents of the flats in the vicinity.

5.0 Conclusions

- 5.1** Our client proposes to open a take-away restaurant at 176 South Street, in Perth. The concern was raised, by officers of Perth & Kinross Council, that the sound of the kitchen canopy extract fan might disturb residents in the vicinity of the proposed take-away restaurant. Also of concern was that the sound of delivery vehicles might disturb residents in the vicinity. Charlie Fleming Associates was asked, by the applicant, to predict what sound there would be from the fan and delivery vehicles, and, if necessary, recommend how to reduce it.
- 5.2** The flat which will be most exposed to the sound of the extract fan exhaust will be the one on the third floor directly above the take-away restaurant. In this flat, with its windows open, the sound from the exhaust has been calculated, as described in Section 2.0 of this report, to be NR39. This exceeds the limit, of NR25, usually applied to this type of sound and so it is recommended that an in-duct silencer be installed as suggested in Section 2.9.
- 5.3** The flat which will be most exposed to the sound of the extract fan's casing will be the one on the first floor directly above the take-away restaurant. In this flat, the sound of the fan's casing has been calculated, as described in Section 3.0 of this report, to be NR18. This is within the limit of NR25 usually applied to this type of noise. Notwithstanding, to prevent structure borne noise, it is recommended that the fan be supported as described in Section 3.6.
- 5.4** The sound of take-away meals being collected for delivery is considered in Section 4.0. In this it is concluded that they will not disturb residents of the flats above the take-away restaurant. The sound of deliveries of raw ingredients being made to the take-away is also considered in Section 4.0. It was also concluded that this sound would be unlikely to disturb the residents of the flats.



Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

6.0 References

- 1) Sound Research Laboratories, *Noise Control in Building Services*, Pergamon Press, Oxford, 1988, ISBN 0-08-034067-9.
- 2) British Standards Institution, *British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings*, British Standards Institution, London, 2014, ISBN 978 0 580 74378 8.
- 3) Tindsdeall N. J., *The Sound Insulation Provided by Windows*, BRE Information Paper 6/94, Building Research Establishment, Watford, May 1994.

Appendix One

A1.0 Basic Principles of Acoustics

A1.1 Sound Pressure

The sound we hear is due to tiny changes in pressure in the air, caused by something disturbing the air, such as a loudspeaker cone moving back and forward, the blades of a fan heater going round, the moving parts of a car engine, and so on. From the initial point of the disturbance the sound travels to the receiver in the form of a wave. It is not like a wave in water, rather like one that would travel along a stretched spring, such as a child's *Slinky* toy laid flat on the ground and “pinged” at one end. Whether the human ear can hear the sound wave as it travels through the air, however, depends on the size of the disturbance and the frequency of it. That is, if the loudspeaker moves very slightly we may not be able to hear the changes in air pressure that it causes because they are too small for the ear to detect. The magnitude of sound pressures that the human ear can detect ranges from about 0.00002 Pascals (Pa) to 200Pa. This enormous range presents difficulties in calculation and so, for arithmetic convenience, the sound pressure is expressed in decibels, dB. Decibels are a logarithmic ratio as shown below:

$$\text{Sound Pressure Level } L \text{ (dB)} = 20\text{Log}_{10}\{p/p\}$$

Where p = the sound pressure to be expressed in dB

and P = reference sound pressure 0.00002Pa

Hence, if we substitute 0.00002Pa, the smallest sound the ear can hear, for p , the result is 0dB. Conversely, if we substitute 200Pa, the loudest sound the ear can hear, for p , the result is 140dB. Hence, sound is measured in terms of sound pressure level in dB relative to 0.00002Pa.

A1.2 Sound Power and Sound Power Level, dB

This is the acoustic power of a noise source expressed in dB. Note that the units are Watts and the reference is 10^{-12} Watts, as opposed to those of sound pressure level.

$$\text{Sound Power Level } L_w \text{ (dB)} = 10\text{Log}_{10}\{w/w\}$$

Where w = the sound power to be expressed in dB

and W = reference sound power 10^{-12} Watts

The sound pressure level at a given position due to a source depends not only on the sound power level of that source, but also on the factors which affect the propagation of sound from the source to the receiver. For an external source this involves the distance, presence of acoustic barriers, the type of ground cover, the wind speed and direction, the temperature and humidity. The sound power is analogous to the electrical power rating of a fire, with the temperature being analogous to the temperature in the room. Placing the fire in an igloo in Greenland, for example, the temperature will much lower than if the fire is placed in a house in Equador.

A1.3 Range of Audible Sound Pressure Levels

An approximate guide to the range of audible pressures is presented overleaf in Table A1. The sound pressure levels noted are typical of the source given and should not be considered to be precise. The notes in the "Threshold" column of the Table are for general guidance, the sound pressure levels of those thresholds varying between individuals.

Table A1

Range of Audible Sound Pressure Levels and Sound Pressures

Sound Pressure Level (dB re 2x10 ⁻⁵ Pa)	Sound Pressure (Pa)	Source	Threshold of:
160	2000	Rifle at ear	Damage
140	200	Jet aircraft take off @ 25m	Pain
120	20	Boiler riveting shop	Feeling
100	2	Disco, noisy factory	
80	0.2	Busy street	
60	0.02	Conversation @ 2m	
40	0.002	Quiet office or living room	
20	0.0002	Quiet, still night in country	
0	0.00002	Acoustic test laboratory	Hearing

A1.4 Frequency and Audible Sound

Returning to the example of the loudspeaker cone, if it moves back and forward very slowly, for example once or twice a second, then we will not be able to hear the sound because the ear cannot physically respond to such a low frequency sound. Human ears are sensitive to sound pressure waves with frequencies between about 30Hertz (Hz) and 16,000Hz, where Hz is the unit of frequency and is also known as the number of cycles per second. That is, the number of times each second that the loudspeaker cone moves in and out, the fan blade goes round, etc. At the other end of the frequency spectrum, a sound with a frequency of 30,000Hz will also be inaudible, again because the ear cannot physically respond to sound pressure waves having such a high frequency.

Across the audible frequency range, the response of the ear varies. For example, a sound having a frequency of 63Hz will not be perceived as being as loud as a sound of exactly the same sound pressure level, having a frequency of 250Hz. A sound having a frequency of 500Hz will not be perceived as being as loud as a sound of the same sound pressure level with a frequency of 1,000Hz. Indeed, for a given sound pressure level, the hearing becomes progressively more sensitive as the frequency increases up to around 2,500Hz. Thereafter, from 2,500Hz upwards to about 16,000Hz, the sensitivity decreases, with sounds having frequencies above 16,000Hz being inaudible to most adults.

Virtually all sounds are made up of a great many component sound waves of different sound pressure levels and frequencies combined together. To measure the sound pressure level contributed at each of the frequencies between 30Hz and 16,000Hz, that is, 15,970 individual frequencies, would require 15,970 individual measurements. This would yield a massive, unwieldy amount of data.

A1.5 Octave Bands of Frequency

As a compromise, the sound pressure level in particular ranges, or "bands", of frequencies can be measured. One of the commonest ranges of frequency is the octave band. An octave band of frequencies is defined as a range of frequencies with an upper limit twice the frequency of the lower limit, eg 500Hz to 1,000Hz. This octave is exactly the same as a musical octave, on the piano, violin, etc, or *doh* to high *doh* on the singing scale. Octave bands are defined in international standards and are identified by their centre frequency. Sound measurements are generally made in the eight octave bands between 63Hz and 8,000Hz. This is because human hearing is at its most sensitive, in terms of its frequency response, over this range of frequencies. Furthermore, the sound waves that make up speech have frequencies in this range.

A1.6 "A-Weighting" and dB(A)

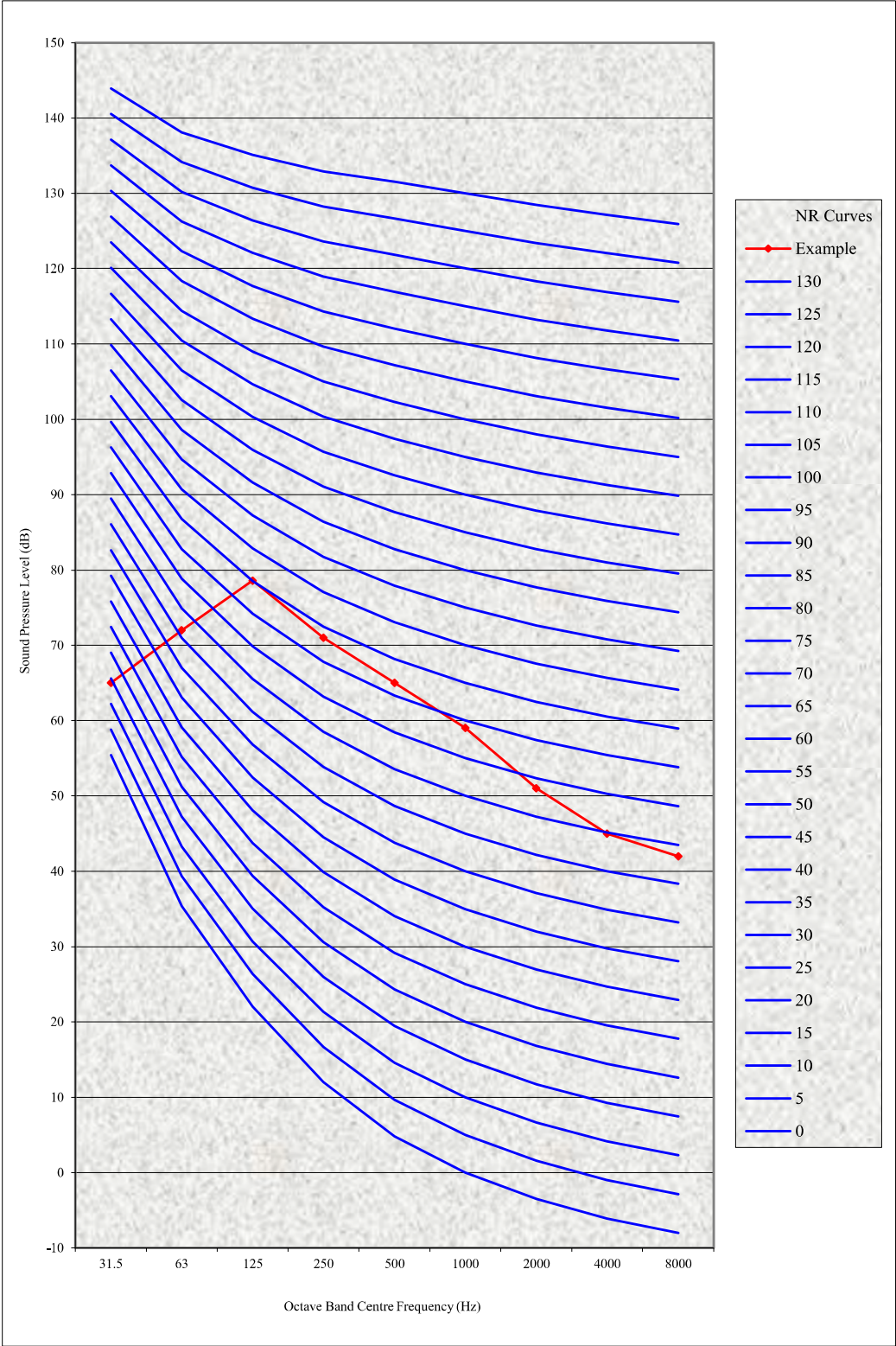
Whilst an octave band analysis gives quite detailed information as to the frequency content of the sound, it is rather clumsy in terms of presenting results of measurements, that is, having to note sound pressure levels measured at eight separate octave bands. Furthermore, the ear hears all these separate frequency components as a whole and thus it would seem sensible to measure sound in that way.

When sound pressure level is measured with a sound level meter, the instrument can analyse the sound in terms of its octave band content as described above in section A1.4, or measure all the frequencies at once. Bearing in mind that the response of the ear varies with frequency, the sound level meter can apply a correction to the sound it is measuring to simulate the frequency response of the ear. This correction is known as "A-weighting" and sound pressure levels measured with this applied are described as having been measured in dB(A).

A1.7 Noise Rating, NR.

A complaint often levelled at "A-weighting" is that it reduces the influence of the low frequencies by too much, eg 16dB @ 125Hz, 26dB @ 63Hz and a massive 39dB at 31.5Hz. An alternative way of describing a sound with a single figure was thus developed. Noise Rating curves are a series of octave band sound pressure level values. The designation of the curve is from the value thereof at 1000Hz. A series of octave band sound pressure levels can then be given a noise rating according to the highest rating curve that the series breaks. An example of this is shown in Figure A1, in which the noise rating would be NR65.

Figure A1
Noise Rating Curves and Example



A1.8 Variation of Sound Level With Time

Virtually all sounds vary with time. For example, speech, music, a person hammering, road traffic, an aircraft flying overhead, all vary with respect to time. Various terms can be applied to describe the temporal nature of a sound as shown in Table A2.

Table A2

Examples of the Temporal Nature of Sound

Description	Example of Noise Source
Constant or steady state	Fan heater, waterfall
Impulsive	Gun shot, hammer blow, quarry blast
Irregular or fluctuating	Road traffic, speech, music
Cyclical	Washing machine, grass mowing
Irregular impulsive	Clay pigeon shooting
Regular impulsive	Regular hammering, tap dripping, pile driving

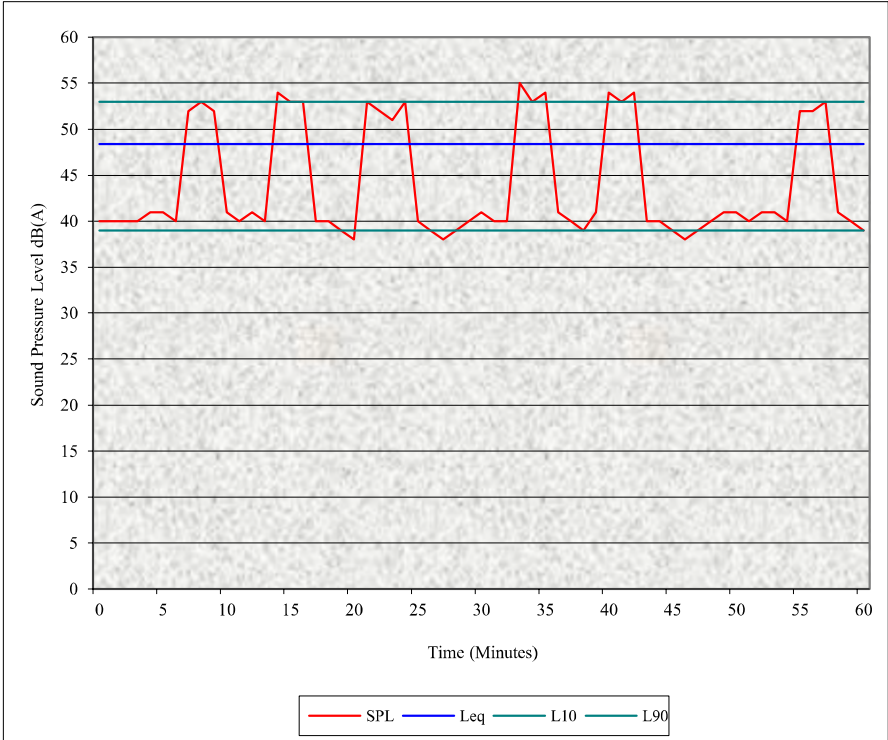
In practice, combinations of virtually any of the above can exist. In measuring noise it is necessary to deal with the level as it varies with respect to time.

A1.9 Time History

Consider the time history, as it is known, shown below in Figure A2. Note that it is not an actual time history, rather an approximate representation of that which a person might experience some 100m away from a building site on which a man is operating a pneumatic drill.

Figure A2

Example of Time History of Construction Site Noise



The noise of the compressor and other activity on the site is reasonably constant with time, having a level of between 38dB(A) and 41dB(A). When the drill operates the noise level rises to between around 51dB(A) and 55dB(A).

A measurement of the noise between the 25th minute and the 32nd minute, when the noise is that of the compressor, would result in a level of about 40dB(A). This is very different from the result of a measurement made between the 33rd minute and the 35th minute, when the drill is operating, which would give a noise level of about 54dB(A). In the past acousticians therefore had to develop some way of measuring the noise which gives us information as to its variation in time. The easiest parameters to understand are the maximum and minimum levels, in this case 55dB(A) and 38dB(A) respectively. These do not tell us much about the noise other than the range of levels involved. The most widely used parameter is the equivalent continuous sound level, L_{eq} , which is explained in Section A1.9.

A1.10 Equivalent Continuous Sound Level, L_{eq}

A representative measurement of the noise to which the person in the example is exposed must deal with these changes in level. This can be done by measuring what is known as the equivalent continuous sound level, denoted as L_{eq} . If the measurement has been made in dB(A) it can be denoted as L_{Aeq} and expressed in dB. This is the sound level which, if maintained continuously over a given period, would have the same sound energy as the actual sound (which varied with time) had. In the example the L_{eq} is 48.4dB(A) and it is shown on Figure A2 as a blue line. In layman's terms it may be considered to be the average of the sound over a period of time.

A1.11 Free-field

As sound propagates from the source it may do so freely, or it may be obstructed in some way by a wall, fence, building, earth bund, etc. The former is known as free-field propagation. .

A1.12 Hemi-spherical

Most noise sources, being on the ground, radiate sound into a half, or hemi-sphere. Exceptions to this are road traffic noise and railway noise which is considered to radiate into a hemi-cylinder, and flying aircraft noise which radiates into a sphere.

A1.13 Quarter-spherical

As mentioned in item A1.12, most noise sources radiate sound into a half, or hemi-sphere. If, however, there is another acoustically reflective surface present, such as the facade of a building, the sound propagates into quarter of a sphere.

A1.14 Level Difference, D

This is the most basic of sound transmission measurements. It is the difference in sound pressure level due to a building element, that is, a floor or wall. It is determined by placing a sound source in one room, measuring the sound pressure level in that room, which is then known as L_1 (source). Whilst the sound source is still radiating, the sound pressure level is measured in the room upstairs in the house below, for a floor test, or next door through the separating wall, for a wall test. This is known as L_2 (received). The level difference D is then simply:

$$\text{Level Difference } D = L_1 \text{ (source)} - L_2 \text{ (received)}$$

Hence the parameter D represents the reduction in sound pressure level that occurs as the sound passes from one room to another through the floor or wall. This applies equally to the noise of televisions, hi-fi systems, speech and so on, as it does to the noise used in conducting the test. The greater the value of D the better the “sound insulation”. This can be seen if we re-arrange the above equation and work out the received level as:

$$L_2 \text{ (received)} = L_1 \text{ (source)} - \text{Level Difference } D$$

That is, for a given source of noise such as a television, the bigger the level difference D , the less $L_2 \text{ (received)}$ will be.

A1.15 Sound Reduction Index, R

The level difference described above is a function of the wall in terms of how much sound is transmitted through that element. It is, however, also a function of the acoustical absorption in the receiving room, and the area of the wall radiating the sound.

Considering the acoustical absorption first, for example, the same sound energy will be transmitted through a wall depending on the construction of that element. If the receiving room is full of furniture, curtains and carpeting, the measured sound pressure level $L_2 \text{ (received)}$ will be less than if all the furnishings were removed. Thus, with the furnishings present, D , equal to $L_1 \text{ (source)} - L_2 \text{ (received)}$ will be greater, (because $L_2 \text{ (received)}$ will be less). If the furnishings are removed, $L_2 \text{ (received)}$ will increase as there is no longer anything to absorb the sound, and hence D will decrease.

The level difference D is also a function of the area of the partition radiating the sound from one room to the other. The bigger the area, the more sound will be transmitted, the received level will increase, and the difference D will decrease.

To determine the sound transmission performance of the wall itself, regardless of the effect of the acoustical absorption in the receiving room, and the area of the partition, the sound reduction index R is defined as:

$$R = D + 10 \log S - 10 \log A$$

Where S = area of wall radiating sound into receiving room.

A = the acoustical absorption in the receiving room.

A1.16 Reverberation Time

The acoustical absorption of a room can be quantified by measuring what is called the reverberation time, in seconds, of the room.

$$A = 0.161 V / RT$$

where V = volume of the room.

In turn, the reverberation time is defined as the time taken for the sound pressure level in a room to decay to -60dB relative to its original value from the time the sound source is switched off. It may be subjectively described as a measure of the amount of echo in a room, which is dependent on the room's volume, internal surface area and acoustical absorption.

Appendix Two

A2.0 Calculation of Ductborne Fan Sound Levels

	Data Input			63	63	125	125	250	250	500	1000	1000	2000	2000	4000	4000	8000	8000	
Fan L _w					93		89		98		99		95		94		90		87
A weighting					0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0
Attenuator					0		0		0		0		0		0		0		0
Duct @ 75-200mm				-0.07	0	-0.10	0	-0.10	0	-0.16	0	-0.33	0	-0.33	0	-0.33	0	-0.33	0
Duct @ 200mm		9.7		-0.07	-0.68	-0.10	-0.97	-0.10	-0.97	-0.16	-1.55	-0.28	-2.72	-0.28	-2.72	-0.28	-2.72	-0.28	-2.72
Duct @ 200-400mm				-0.07	0	-0.10	0	-0.10	0	-0.16	0	-0.23	0	-0.23	0	-0.23	0	-0.23	0
Duct @ 400mm				-0.07	0	-0.09	0	-0.09	0	-0.13	0	-0.20	0	-0.20	0	-0.20	0	-0.20	0
Duct @ 400-800mm				-0.07	0	-0.07	0	-0.07	0	-0.10	0	-0.16	0	-0.16	0	-0.16	0	-0.16	0
Duct @ 800mm				-0.05	0	-0.05	0	-0.05	0	-0.09	0	-0.12	0	-0.12	0	-0.12	0	-0.12	0
Duct @ 800-1500mm				-0.03	0	-0.03	0	-0.03	0	-0.07	0	-0.07	0	-0.07	0	-0.07	0	-0.07	0
Bend @ 150-250mm		1		0	0	0	0	0	0	0	-1	-1	-2	-2	-3	-3	-3	-3	
Bend @ 250mm				0	0	0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3	0
Bend @ 250-500mm				0	0	0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3	0
Bend @ 500mm				0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3	0
Bend @ 500-1000mm				0	0	0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3	0
Bend @ 1000mm				0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3	0	-3	0
Bend @ 1000-2000mm				0	0	-1	0	-2	0	-3	0	-3	0	-3	0	-3	0	-3	0
End Effect	200mm diameter			-15.5		-11.0		-6.5		-2.5		-0.5		0.0		0.0		0.0	
Chimney Lw	Exhaust			76.8		77		90.5		94.9		90.8		89.3		84.3		81.3	
Airflow Fraction	1.000			0		0		0		0		0		0		0		0	
Directivity, from below	500mm diameter			2.0		1.5		0.0		-4.5		-11.5		-16.0		-16.0		-16.0	
Distance to receiver	7.4			-25.4		-25.4		-25.4		-25.4		-25.4		-25.4		-25.4		-25.4	
Correction for Facade Effect				0.0		0.0		0.0		0.0		0.0		0.0		0.0		0.0	
Correction for Barrier Effect				-5.0		-5.0		-5.0		-5.0		-5.0		-5.0		-5.0		-5.0	
Lp Direct				48.5		48.2		60.2		60.1		48.9		42.9		37.9		34.9	
Area _{Open}	0.1			0.141		0.141		0.141		0.141		0.141		0.141		0.141		0.141	
SRI _{Open}	0.1			0		0		0		0		0		0		0		0	
Area _{Window}	1.6	0.9		1.267		1.267		1.267		1.267		1.267		1.267		1.267		1.267	
SRI _{Window}				19.3		17.6		23.3		28.9		32.6		30.8		42.0		45.0	
SRI _{Composite}				9.6		9.4		9.8		9.9		10.0		10.0		10.0		10.0	
10log S				1.5		1.5		1.5		1.5		1.5		1.5		1.5		1.5	
10log 0.161 x V	3.3	3.5	2.3	6.2		6.2		6.2		6.2		6.2		6.2		6.2		6.2	
RT				0.5		0.4		0.5		0.6		0.7		0.7		0.6		0.6	
10log RT				-3.1		-3.9		-3.3		-2.2		-1.3		-1.7		-2.4		-2.4	
Level _{Internal}				31.1		30.2		42.3		43.2		32.9		27		20.7		17.7	
Design Target	25			55.2		43.8		35.3		29.2		25		21.9		19.5		17.8	
Excess Noise				-24.1		-13.6		7.1		14.0		7.9		4.7		1.2		0.0	
Directivity Calculation																			
0.5m wide on axis				2.0		2.5		3.0		3.5		4.0		4.5		4.5		4.5	
0.5m wide at 140 degrees				0.0		-1.0		-3.0		-7.5		-15.0		-20.0		-20.0		-20.0	
0.5m high on axis				2.0		2.5		3.0		3.5		4.0		4.5		4.5		4.5	
0.5m high at 20 degrees				2.0		2.5		3.0		3.0		3.5		4.0		4.0		4.0	
Total directivity				2.0		1.5		0.0		-4.5		-11.5		-16.0		-16.0		-16.0	

Appendix Three

A3.0 Calculation of Fan Casing Sound Levels

Calculation of Sound in Take-away Restaurant				63	125	250	500	1000	2000	4000	8000
SWL of fan casing				83.0	71.0	76.0	76.0	70.0	66.0	68.0	63.0
RT				1.2	1.0	0.7	0.9	0.8	0.6	0.6	0.6
10log RT				0.7	-0.1	-1.5	-0.6	-0.8	-2.1	-2.4	-2.4
10log V	8.0	4.0	2.7	19.3	19.3	19.3	19.3	19.3	19.3	19.3	19.3
Constant				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Sound level in take-away restaurant				78.3	65.6	69.1	70.1	63.9	58.6	60.3	55.3
Derivation of Sound Reduction Index of Floor				63	125	250	500	1000	2000	4000	8000
Traditional timber tenement floor				30.4	36.9	45.6	54.5	60.5	65.4	70.1	76.1
Less mineral fibre between floor battens.				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Less mass law correction	150	150		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
SRI of first floor				30.4	36.9	45.6	54.5	60.5	65.4	70.1	76.1
Calculation of Sound in Bedroom of First Floor Flat				63	125	250	500	1k	2k	4k	8k
Sound level in take-away restaurant				78.3	65.6	69.1	70.1	63.9	58.6	60.3	55.3
SRI of first floor				-30.4	-36.9	-45.6	-54.5	-60.5	-65.4	-70.1	-76.1
10log S	3.3	3.5		10.6	10.6	10.6	10.6	10.6	10.6	10.6	10.6
10log 0.161 x V	3.3	3.5	2.3	-6.2	-6.2	-6.2	-6.2	-6.2	-6.2	-6.2	-6.2
RT				0.5	0.4	0.5	0.6	0.7	0.7	0.6	0.6
10log RT				-3.1	-3.9	-3.3	-2.2	-1.3	-1.7	-2.4	-2.4
Level in First Floor Flat Bedroom				49.3	29.2	24.6	17.8	6.5	-4.0	-7.8	-18.8
Design Target	25			55.2	43.8	35.3	29.2	25.0	21.9	19.5	17.8
Excess Noise				-5.8	-14.6	-10.6	-11.4	-18.5	-25.9	-27.3	-36.5

LRB-2021-25
Review of Condition 1 on Planning Permission
20/01359/FLL – Change of use from office (class 2) to
hot food takeaway, 176-178 South Street, Perth

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/01359/FLL	Comments provided by	Ruairidh Hanna
Service/Section	Commercial Waste Team – Waste Services	Contact Details	01738 476436
Description of Proposal	Change of use from office (class 2) to hot food takeaway		
Address of site	176-178 South Street, Perth, PH2 8NY		
Comments on the proposal	Concerns over the bin storage area, they have a letter from a waste management company giving a recommendation that they have 2 x 1100L containers and 1 x 240L container however have only included storage for 3 x 240L containers on site; as such do not have sufficient capacity.		
Recommended planning condition(s)	<p>I would recommend that they obtain a larger storage area for containers:</p> <ul style="list-style-type: none"> • 1 x 1100L general waste bin (1280x980x1370)mm • 1 x 1100L mixed recycling bin (1280x980x1370)mm • 1 x 240L food waste bin (585x740x1070)mm <p>They will also need to ensure that they have the room to manoeuvre bins within the store as well as down the pend to the presentation point at the kerbside.</p>		
Recommended informative(s) for applicant	For further information or assistance regarding commercial waste systems they can contact the Commercial Waste Team on 01739 476436.		
Date comments returned	13 October 2020		

Wednesday, 14 October 2020



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: 176-178 South Street, Perth, PH2 8NY
PLANNING REF: 20/01359/FLL
OUR REF: DSCAS-0024369-FRX
PROPOSAL: Change of use from office (class 2) to hot food takeaway

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Perth Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Scone Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



619



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We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team

Development Operations Analyst

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	20/01359/FLL	Comments provided by	Lucy Sumner
Service/Section	Strategy & Policy	Contact Details	Development Contributions Officer: Lucy Sumner
Description of Proposal	Change of use from office (class 2) to hot food takeaway		
Address of site	176-178 South Street Perth PH2 8NY		
Comments on the proposal	<p>Transport Infrastructure</p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposed Change of Use does not include change in floorspace and trip rates between the two uses would likely not result in increased traffic impact. I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	23 October 2020		

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 20/01359/FLL

Our ref LRE

Date November 2020

Tel No

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

20/01359/FLL RE: Change of use from office (class 2) to hot food takeaway 176-178 South Street Perth PH2 8NY for Doreva Property Company LTD

I refer to your letter dated 13 October 2020 in connection with the above application and have the following comments to make.

Environmental Health Recommendation

I do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the proposed development. I am currently unable to complete my appraisal of this application, and request that the application be deferred until a noise impact assessment has been submitted to, and evaluated by, this Service.

Comments

This application is for the change of use from office space to hot food takeaway.

There are flatted residential properties above the proposed fast food takeaway.

There are no letters of representation at the time of writing this memorandum.

Noise/Odour

There is the potential for noise from the daily operations of the fast food takeaway to adversely effect the residential amenity of neighbouring properties, especially the flatted properties above.

The intends hours of operations for the premises are 1100 to 0100 hours daily.

Therefore, I have concerns with regards to noise and vibration from the proposed kitchen ventilation system, which is to be ducted through an existing chimney and terminates at chimney pot height, especially when the ventilation system is in operation during the nighttime period (2300 to 0700).

The applicant should submit a noise impact assessment which should be undertaken by a qualified consultant. The assessment should demonstrate that structure and air borne noise and vibration from the ventilation/extraction system can be adequately controlled to adjoining flats.

From: gordoes <[REDACTED]>
Sent: 05 April 2021 22:29
To: Development Management - Generic Email Account <DevelopmentManagement@pkc.gov.uk>
Subject: Objection ref no 20/01359/fil

Hello

I stay above this shop . NOISES noise from takeaways below is unbearable and granting another Indian Takeaway puts more noise on an over the top area full of takeaways .10 in this small area. Of South street .over supply in this location . This shop has no sound proofing and

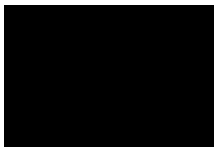
PARKING .Parking is a nightmare .Delivery drivers constantly blocking our entrances at 176. All night Customers picking up orders blocking the road at traffic lights
Road can not cope with this

Garbage is left out blocking stairwells and entrances to our property's No more room for large wheelie bins without causing a fire risk .(2 fires within months off each other) .residents put in danger

The takeaway next door has no regard for hygiene and the cooking smells of burning fat is bliwingbinto ourvfrobt door. PkC environment service are hopeless to act
This area is saturated with takeaways and yet another Indian adds nothing but duplicates what is already TRADING .

Thank you and I expect the application to be refused .

Resident
John Gordon



Sent from Samsung tablet.

From: La Casa Pizzeria <[REDACTED]>
Sent: 08 April 2021 02:11
To: Development Management - Generic Email Account <DevelopmentManagement@pkc.gov.uk>
Subject: 176-178 South street Perth

Ref No: 20/01359/FLL

I would like to note my objection to the proposed change of use of 176-178 South Street, Perth from an office to a hot food takeaway.

The street already has a number of hot food premises, adding another would overcrowd the street and would be out of character with the area.

The parking is limited on the street, which is a main bus route into the centre. Customers, delivery drivers and goods deliveries would generate a high level of traffic on a road lacking parking/loading and turning space.

This is a one-way street and I feel the extra traffic could affect the safety of the pedestrians and other road users.

The development would cause an increase in noise, disturbance and smells in a densely populated street, surrounded by residential properties.

I would also like to note that the property did not display notice in the window of their intention to change the use of the premises from an office to a hot food takeaway.

Kind regards

La Casa Pizzeria

143 south street
Perth
PH2 8ny

Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 20/01359/FLL

Our ref LRE

Date 12 April 2021

Tel No

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

20/01359/FLL RE: Change of use from office (class 2) to hot food takeaway 176-178 South Street Perth PH2 8NY for Doreva Property Company LTD

I refer to your letter dated 18 March 2021 in connection with the above application and have the following comments to make on the Noise Impact Report submitted.

Environmental Health

Recommendation

I have no objection in principle to the application but recommend the under noted conditions be included on any given consent.

Comments

This application is for a change of use from office to hot food takeaway and this Service requested that the applicant submitted a noise impact assessment in memo dated November 2020.

There are two letters of representation at the time of writing this memorandum raising concerns with regards to noise and odours.

Noise

The supporting statement with this application states that the intended hours of operation for the premises is from 11:00 to 01:00 hours daily. Deliveries of goods to the premises shall take place between the hours of 09:00 to 17:00 hours Monday to Saturday.

The applicant has submitted a noise impact assessment ' Report on Sound of Proposed take-away restaurant at 176 South Street,Perth' document reference 3630\08\R dated 17 March 2021 and undertaken by Charlie Fleming Associates.

The consultant had previously corresponded with this Service to advise that they could not gain access to the above flat which would have made the NIA more robust.

The sound power levels of the in-duct fan for a 45 Maxfan Compac axial fan were used for the assessment as this is the extract fan system to be installed.

The closest third floor flat bedroom window to the fan's exhaust with calculation for a 10% open window have been used for the assessment.

The level calculated within the room was predicted to be NR 39 and the standard internal condition for plant noise would be NR25 for night time period 23:00 to 0700 therefore further

mitigation to the extract fan system would be required with the installation of an in-duct silencer as suggested in section 2.9 of the report.

To prevent reradiated structure borne noise from fan of the extraction system the report recommends in section 3.6 that the fan be supported by the ground floor and not hung from the first floor. It should also be supported on anti-vibration mounts with an isolation efficiency of 99% and should be helical spring type which incorporate a neoprene pad. The flexible connections should be lagged with a high performance barrier, or breaker mat. All duct work hung from the first floor should be supported on anti-vibration hangers to the same specification.

The NIA concluded that noise from the delivery take-away meals being collected for delivery would not significantly disturb residents of the flats above.

The deliveries of raw material are unlikely to significantly disturb existing flat properties as these will be undertaken once a week between the hours of 14:30 and 17:00 hours.

In light of the above recommendation of the submitted noise impact assessment I recommend that the undernoted conditions be included on any given consent to protect the residential amenity of neighbouring properties

Conditions

- All mitigation measures as recommended within section 2.9 and 3.6 of the approved noise impact assessment document reference 36301081R dated 17 March 2021 shall be implemented in full to the satisfaction of the Planning Authority.

EH10 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

EH20 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any

EH02 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.