Our Ref. EIR-18-0531 – 15 High Street
Contact Information Compliance Team
Email foienquiries@aberdeencity.gov.uk
Direct Dial 01224 522166

ABERDEEN CITY COUNCIL

19 April 2018

[redacted]

Information Compliance Team
Customer Feedback
Customer Experience
Aberdeen City Council
Marischal College
3rd Floor North
Business Hub 17
ABERDEEN
AB10 1AB

Tel 03000 200 292
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Dear [redacted],

Environmental Information (Scotland) Regulations 2004

EIR-18-0531 – 15 High Street

Thank you for your information request of 21 March 2018. Aberdeen City Council (ACC) has completed the necessary search for the information requested.

Please would you supply me with copies of all recorded information held in the City Council's Department of Development Management as follows:-

All recorded information relating to 15 High Street, Old Aberdeen, held by the Department of Development Management (including Masterplanning, Design and Conservation Section) recorded in the period from 10th March 2018 to 21st March 2018 inclusive (but excluding correspondence with our Society, and excluding the publicly available documents already on the Planning Website pages for applications ref170709/LBC and 170710/DPP).

We wish all this information, held by Development Management, whether in the form of correspondence (e mails, and letters, both internal and to and from third parties), notes from telephone calls, memos, diary entries, agendas, and minutes of meetings, notes from site visits, and any reports or other written material.
Please refer to the enclosed documentation.

Please note that Appendix 1 on page 1 and the attachments mentioned on page 4 refer to the 'Appendix 1 – Draft Environmental Health memo' which can be found at the end of the enclosed documentation. The attachments referred to on page 7 are no longer held by ACC.

ACC is unable to provide you with information on **the attachments referred to on page 7 of the enclosed documentation** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it.

ANDY MACDONALD
DIRECTOR OF CUSTOMER SERVICES

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ACC is unable to provide you with information on **the names and direct contact details of third parties and officers below Chief Officer level within the enclosed documentation** as it is excepted from disclosure. In order to comply with its obligations under the terms of Regulation 13 of the EIRs, ACC hereby gives notice that we are refusing your request under the terms of Regulation 11(2) in conjunction with Regulation 11(3)(a)(i) – Personal Information - of the EIRs.

In making this decision ACC considered the following points:

ACC is of the opinion that Regulation 11(2) applies to the information specified above as the information in question is personal information relating to living individuals, and the applicant is not the data subject.

ACC is of the opinion that Regulation 11(3)(a)(i) applies, as ACC considers that disclosure of this information would be a breach of the first Data Protection Principle (that personal information must be processed fairly and lawfully). Third parties and officers below Chief Officer level would not expect ACC to release this information about them into the public domain under the EIRs (or the Freedom of Information (Scotland) Act 2002 (FOISA)).

We hope this helps with your request.

Yours sincerely,

Anna Buchan
Information Compliance Officer

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA. However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

EIR-18-0531 – 15 High Street

Hi [redacted]

Edits completed. Hope that's OK now. **NOTE: document now in public domain.**

Kind regards

[redacted]
[redacted]

Protective Services
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 15
Third Floor South
Marischal College
Broad Street
Aberdeen
AB10 1AB

Email: [redacted]@aberdeencity.gov.uk
Direct Dial: [01224] 52[redacted]

From: [redacted]
Sent: 21 March 2018 15:15
To: [redacted]
Subject: RE: URGENT - 170710/DPP - 15 High St Noise Assessment

Hi [redacted]

No worries, I understand you're under pressure to get this one to Committee.

I've reviewed the assessment and I attach my comments to this email **(see Appendix 1).**
No concerns for EH and comments reflect this.

Hope that helps.

Kind regards

[redacted]
[redacted]

Protective Services

Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 15
Third Floor South
Marischal College
Broad Street
Aberdeen
AB10 1AB

Email: [redacted]@aberdeencity.gov.uk
Direct Dial: [01224] 52[redacted]

From: [redacted]
Sent: 21 March 2018 10:13
To: [redacted]
Subject: RE: URGENT - 170710/DPP - 15 High St Noise Assessment

Hi [redacted]

I fully appreciate you will have been busy with your own work, so fully understand.

Some today or tomorrow will be fine for your comments.

Many thanks in advance.

Kind regards,

[redacted] [redacted]
[redacted] (Development Management)

Strategic Place Making |Aberdeen City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street |Aberdeen |AB10 1AB
Tel: +44(0) 1224 52[redacted] | Email: [redacted]@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: [redacted]
Sent: 20 March 2018 17:37
To: [redacted]
Subject: RE: URGENT - 170710/DPP - 15 High St Noise Assessment

Hi [redacted]

Yes, I have been busy with fieldwork yesterday and today.

I had put it in my diary to review asap and my intention was to get to it tomorrow morning once I'm in.

Many thanks

[redacted]

Protective Services
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 15
Third Floor South
Marischal College
Broad Street
Aberdeen
AB10 1AB

Email: [redacted]@aberdeencity.gov.uk
Direct Dial: [01224] 52[redacted]

From: [redacted]
Sent: 20 March 2018 11:52
To: [redacted]
Cc: [redacted] ; [redacted]
Subject: FW: URGENT - 170710/DPP - 15 High St Noise Assessment
Importance: High

Hi [redacted]

I just tried calling you further to my email below but seems you're on-site and I left you a message on your mobile.

In short, my line manager ([redacted]) and I are getting pressured by Councillors to consider this public house application at the April planning committee, meaning I have a report writing deadline of next Wednesday.

Therefore I need a quick answer from you today or tomorrow on whether or not the report is satisfactory in terms of providing EH comfort that anticipated noise levels generated from inside the pub would not be audible from adjoining premises.

I look forward to hearing from you ASAP.

Kind regards,

[redacted]

[redacted] (Development Management)

Strategic Place Making |Aberdeen City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street |Aberdeen |AB10 1AB

Tel: +44(0) 1224 52[redacted] | Email: [redacted]@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: [redacted]
Sent: 16 March 2018 09:25
To: [redacted]
Subject: FW: 170710/DPP - 15 High St Noise Assessment

Hi [redacted]

Further to the audibility testing for the adjoining premises last week by [redacted] please see attached the noise report for you to review.

The applicant has informed me that noise was not audible from either of the adjoining premises, suggesting no sound mitigation is required. This is a very key issue given the building is listed and there is a preference not to introduce a sound mitigation if it is not considered necessary. That is the key question I wish to obtain an answer for from your service.

I look forward to hearing from you as soon as possible.

Kind regards,

[redacted]

[redacted] (Development Management)

Strategic Place Making |Aberdeen City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street |Aberdeen |AB10 1AB

Tel: +44(0) 1224 52[redacted] | Email: [redacted]@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: [redacted] [mailto:[redacted]
Sent: 15 March 2018 18:50
To: [redacted]
Subject: 15 High St Noise Assessment

Dear [redacted]

I apologise for the delay in supplying the report. The version attached has to be reviewed by yourself and Environmental Health and then [redacted] will supply the final version that can be

uploaded onto your site.

Kind regards,

[redacted]

Received: 15/03/2018 at 18:50

Dear [redacted]

I apologise for the delay in supplying the report. The version attached has to be reviewed by yourself and Environmental Health and then [redacted] will supply the final version that can be uploaded onto your site.

Kind regards,

[redacted]

Received: 14/03/2018 at 16:30

Conservation 1 – 0 breeze blocks.

☺ ☺ ☺ ☺ ☺ ☺

Received: 14/03/2018 at 16:10

Hi [redacted]

I am also very pleased with the results, especially as we were not getting anywhere with the proposed methods of blocking up chimneys/cupboards. The report will be with you very shortly, we just have to amend the layout plans that [redacted] initially used.

Surprisingly the Chaplaincy didn't have anything against us running the tests and agreed almost immediately. Maybe they were hoping the tests would turn out in their favour.

Speak soon,

[redacted]

From: [redacted] <[redacted]@aberdeencity.gov.uk>
Sent: Wednesday, March 14, 2018 4:03 PM
To: [redacted]'
Cc: [redacted]
Subject: RE: 15 High St meeting (Confirmation)

Hi [redacted]

Thanks very much for your quick response.

This seems very encouraging, but the report is needed to support this notion and for it to be verified by our Environmental Health Service.

Did the Chaplaincy allow you to conduct tests in the end?

Kind regards,

[redacted] (Development Management)

Strategic Place Making |Aberdeen City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street |Aberdeen |AB10 1AB
Tel: +44(0) 1224 52[redacted] | Email: [redacted]@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: [redacted] [mailto:[redacted]]
Sent: 14 March 2018 16:01
To: [redacted]
Subject: Re: 15 High St meeting (Confirmation)

Hi [redacted]

The tests proved that no noise permeates the walls and that filling in the cavities is unnecessary. I will forward the report to you tonight.

[redacted]

From: [redacted] <[redacted]@aberdeencity.gov.uk>
Sent: Wednesday, March 14, 2018 3:47 PM
To: [redacted]'
Subject: RE: 15 High St meeting (Confirmation)

Hi [redacted]

Can you confirm how the testing [redacted] conducted last week went? And when she will be able to provide her findings?

Kind regards,

[redacted] (Development Management)

Strategic Place Making |Aberdeen City Council |Business Hub 4 |Ground Floor North |Marischal College | Broad Street |Aberdeen |AB10 1AB

Tel: +44(0) 1224 52[redacted] | Email: [redacted]@aberdeencity.gov.uk |
Web: www.aberdeencity.gov.uk

From: [redacted] [mailto:[redacted]]
Sent: 01 March 2018 16:51
To: [redacted]
Subject: Fw: 15 High St meeting (Confirmation)

Hi [redacted]

Im forwarding an email sent out to [redacted] and [redacted] concerning the tests taking place next week. They will take place from 6-7pm in case you would like to attend.

Kind regards,

[redacted]

From: [redacted] <[redacted]>
Sent: Thursday, March 1, 2018 4:08 PM
To: [redacted] [redacted]
Subject: 15 High St meeting

Dear [redacted] and [redacted]

Hope all is well. Concerning the tests that are planned to take place next week on Wednesday 7th March, I have spoken to adjacent properties and received permission for you to gain access to both. The window for these tests to take place will be 6-7pm. The Confucius Institutes [redacted] will not be present at that time but she said she will inform the teachers, that will be onsite, of your arrival at that time. The room that you will need access to (Please see attachment 1) will be open and empty.

In relation to the Chaplaincy, the Greyfriars have stated that it would be best for you to arrive post 6.15pm so I would suggest to conduct the test in the Confucius Institute first. The room you will need access to (Please see attachment 2) will also be made available upon your arrival and emptied of any people present.

Concerning the keys to the property, I have spoken to [redacted] from the Clerks Office and he said he will leave the keys with Security Office the day before. Their office is located on Market Lane, Old Aberdeen (Please see attachment 3) and can be picked up anytime on Wednesday.

Contact details:

Confucius Institute [redacted]
[redacted]: +44 (0) 1224 [redacted], [redacted]@abdn.ac.uk

Chaplaincy
[redacted]: 01224 [redacted], rcc.abdn@gmail.com

Clerks Office:
[redacted]: [redacted], [redacted]@abdn.ac.uk

University of Aberdeen Security Office (Open 24 hours)**:**
Address: Market Lane, Aberdeen AB24 3FX, 01224 272000

[redacted] stated that Environmental Health feel that they do not to need be present during the tests at that [redacted] can complete the test unaccompanied.

I will confirm once again with [redacted] on Tuesday to make sure the keys are delivered to Security to avoid any potential mishaps.

Good luck!

[redacted]

Appendix

Appendix 1 – Draft Environmental Health memo

Detailed Planning Permission
170710/DPP: Change of use of from residential (Class 9) to public house (Sui Generis) with outside seating at 15 High Street
Aberdeen
AB24 3EE

All plans and supporting documentation available at the following link:

https://publicaccess.aberdeencity.gov.uk/online-applicaiton/applicationDetails.do?activeTab=summary&keyVal=ORJ7SEBZLKH00

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	✓
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	
Object to the application (please specify reasons below).	

COMMENTS

With regard to the above detailed planning permission application a Conversation Noise Assessment was carried out. The outcomes of this assessment have been reviewed, including a visit to the site during the assessment by officers of this Service.

Conversation Noise Assessment

The noise impact assessment (dated 10/10/2017) found that customer conversations and low-level background music from the interior of the proposed bar is likely to be inaudible inside the adjacent buildings, based on the nature of the wall construction. Nonetheless, the noise impact assessment author suggested indirect flanking transmission mitigation measures could be applied to the development. The aim of the conversation noise assessment is to establish the likelihood of the indirect flanking transmission mitigation measures being required in order to protect the amenity of the occupants of the adjoining buildings from adverse noise impacts.

During the assessment, conversation noise, to a sound level equivalent to 16 people and 14 people respectively in the large and small rooms of the bar was played and the sound level was measured in the adjoining office of the Confucius Institute at 17 High Street, and in the Library of the Catholic Chaplaincy at 7 High Street. The internal sound pressure levels measured within both the office of 17 High Street and 7 High Street when the conversation noise was ON was below the typical noise levels for equivalent non-domestic rooms given in table 6 BS 8233:2014. In addition, the conversation noise was not audible in number 17 or number 7 High Street.

The findings of the conversation noise assessment are acceptable to this Service. This conclusion has been reached on the basis that the findings of the conversation noise assessment are considered reasonable.

Responding Officer: [redacted]
Date: 21/03/2018