

<u>ITEM</u>	<u>EVENT</u>	<u>DESCRIPTION</u>	<u>SCH. DATE</u>	<u>ACT. DATE</u>	<u>OFF</u>	<u>ACTIVITY</u>
1	G05	Email received Hello		23/06/2025	NEB	
		<p>I want to draw your attention to the excessive noise emanating from the extractor fan at Chilo's Burger Bar on Clerk Street. This restaurant has recently opened and the noise coming from their extractor unit is affecting properties on Rankeillor Street directly behind the restaurant.</p> <p>I have lived here for 28 years and the gardens have always been a haven of peace and tranquility. However, since Chilo's installed their extractor unit the noise has become extremely invasive. The experience of my garden is now compromised and I can no longer open</p>				

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		my windows on the first and second floors of my house at night because of the noise. It sounds like an airplane engine and seems even worse in the evenings. This restaurant does not close until 1 pm and thus the noise persists well past bedtime.				

Please can you investigate this issue as it is seriously affecting our street—I have spoken with neighbours and they all agree that the noise is excessive. If you plan a site visit to assess the situation it would be best to come in the early evening on a calm day when the noise is increasing. Also, the council are doing building work in Cowan's Close so there is construction work happening until 4 pm and this generally masks the noise of the extractor.

Many thanks for your attention to this matter.

[REDACTED]

2	G38	Officer Referral Notification	23/06/2025	23/06/2025	BIN	
3	G10	15.48 Email sent to C 30/ 6/2025 12:01		23/06/2025	BIN	

Hi [REDACTED]

I refer to your email below re: noise from Chilos. Yes, we can investigate and can arrange a noise survey from the worst affected habitable room of your property. Noise surveys are often carried out on Tuesday evenings, however at the moment, next Tuesday is fully booked, so it may be the following week. I'll be in contact to confirm.

Kind regards

[REDACTED]

4	G05	Email received from [REDACTED] 30/ 6/2025 12:00		23/06/2025	BIN	
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Dear [REDACTED]

Many thanks for your quick response to my concerns. Either next Tuesday if a slot becomes available, or the following week will be fine with me. I will await confirmation from you.

With best wishes

[REDACTED]

[REDACTED]

[REDACTED]

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5	G05	15.30 Email received from C 9/ 9/2025 11:03 BIN		07/07/2025	BIN	
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Hi [REDACTED]

Further to your email below can you please confirm when the planned on-site visit will take place?

I am aware that one of my neighbours also complained and received a visit, but I do want register my extreme unhappiness that the noise level was deemed acceptable on that occasion. It is important to recognise that the extractor fan creates greater levels of noise at the restaurant's busiest times and that this goes on until 1 am. Also, my garden is impacted heavily by the loudness of the fan and is no longer the tranquil haven it once was. This will impact significantly on my health and on the value of my property.

That being the case, I feel that another site visit is imperative.

With thanks for your attention to this issue.

[REDACTED]

[REDACTED]

[REDACTED]

6	G10	16.12 Email sent to C 9/ 9/2025 11:04 BIN		07/07/2025	BIN	
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Hi [REDACTED]

Thanks for your email. Yes an appointment became available last week, but as your neighbour lives closer and will therefore be worse affected, I arranged the survey with them. They confirmed that they thought the noise sounded how it normally does. The kitchen was busy when we visited and was fairly smoky. The extractor fan could be turned up higher, but given the information we had it didn't seem necessary to measure at a higher setting.

I discussed this with the owner and he said that they are replacing the supply or intake part of the system. I'll follow up with the business to find out when this is due to take place as it may affect noise levels positively or negatively.

In terms of statutory nuisance, we can only protect you from noise inside your property. Although gardens receive some benefit as the noise is controlled to an acceptable level from inside a property.

I'll get back to you, when I hear from the owner.

Kind regards

[REDACTED]

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7	G05	12.31 Email received from C 9/ 9/2025 11:05 BIN		09/07/2025	BIN	
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Dear [REDACTED]

Thanks for this update. I will pass this info onto my other neighbours. Obviously it is disappointing that gardens aren't covered by statutory rights, but I do still find the noise levels are disturbing when the windows are open upstairs in the hot weather.

Hopefully a new filter will dampen the noise. ??

I will await further news.

Kind regards

8	G05	Email received From: [REDACTED] Sent: 04 August 2025 13:18 To: [REDACTED] Subject: FW: Noise from Chilo's burger bar		04/08/2025	AOL	
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Afternoon [REDACTED]

Please see below - can someone get int touch with Cllr Flannery in terms of her queries?

Regards,

From: [REDACTED]
Sent: 04 August 2025 13:17
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Noise from Chilo's burger bar

Good afternoon [REDACTED]

Extractor fan noise is treated as commercial noise, as from a licensing perspective the only noise conditions relate to amplified music and vocals. So the visit will have been from my colleagues in Environmental Protection, so I'll therefore send this query onto their team leader [REDACTED], as she is both very helpful and knowledgeable on such matters and would be the best source of information or other options to try and resolve or mitigate any ongoing noise.

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Regards,

From: [REDACTED]
Sent: 04 August 2025 11:49
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Noise from Chilo's burger bar

Morning [REDACTED]

Just looking for your take on this: there has been a site visit which confirms that noise levels are acceptable but it's unclear if this was an environmental or LSO check.

The resident mentions other restaurants in the area whose extractor fans do not cause noise. Is there any recommendation given to restaurant owners on the type of extractor fan to instal in residential areas?

Can you suggest any options that the resident might have in this situation?

All the best

[REDACTED]
From: [REDACTED]
Sent: 03 August 2025 10:12
To: [REDACTED]
Subject: Fwd: Noise from Chilo's burger bar

Dear all Please see the email below that I sent to your colleague, [REDACTED]. I hope you can help. [REDACTED]

External email

First time sender

Dear all

Please see the email below that I sent to your colleague, [REDACTED]. I hope you can help.

[REDACTED]

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[REDACTED]

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: 3 August 2025 at 09:45:20 BST
To: [REDACTED]
Subject: Noise from Chilo's burger bar
[REDACTED]

I am writing to you in the hope that you can help with a noise problem coming from Clerk Street.

I have lived in my house on Rankeillor Street for 28 years and have always enjoyed the locality, the community, and the calm atmosphere in my garden. However, in recent months Chilo's burger bar opened on Clerk Street and installed an extractor fan. This fan makes so much noise that it is ruining the experience of my garden. Worse still, since the commencement of the Festival it seems to have increased in volume and last night I could hear it from my bedroom even with window closed and the curtains shut. I dare not open the bedroom window as I wouldn't get any sleep. The place doesn't close until 1 pm.

I know that my neighbours are being affected too. We complained to the council and they did a site visit. However, they concluded that the noise levels in the house are acceptable. We were informed that they cannot take garden noise into consideration. This is very distressing for me as my garden has been a place of tranquil consolation since the loss of my husband and my retirement. Also, in the warm weather the windows on the upper floors need to be open at night and the noise is very audible until closing time. I am concerned that this disturbance will affect the value of my property.

I find the judgement of the council hard to understand. Surely the noise should not be affecting us so seriously. Furthermore, there are other restaurants nearby and their fans do not make any noise. My house is three or four doors down from Clerk Street, number 16, and I am sure that people in the flats closer to Chilo's must be much more severely affected.

I hope you can look into this matter and resolve it for us.

With best wishes

[REDACTED]

[REDACTED]

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[REDACTED]

9	G05	Email received from Cllr 16/ 9/2025 15:38 BIN	04/08/2025	BIN		
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Afternoon [REDACTED]

I hope you can offer advice here:

I understand that Environmental Health received a complaint about the extractor fan at this premises and that a site visit was carried out at No 14 Rankeillor Street. This showed that noise levels were tolerable. I have received emails that the persistence in noise has increased, and is through till 1.00am, each day.

It would be helpful to know:

Can the Council influence/suggest on the installation of extractor fans to premises owners, and are there any recommended guidelines for this?

Is there a follow-up procedure if the number of complaints by residents increases?

And can you suggest any further actions/recourse open to residents?

This is for information only so I can advise them.

All the best

[REDACTED]

10	G05	12.13 Email received from C 9/ 9/2025 11:07 BIN	04/08/2025	BIN		
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Hi [REDACTED]

I'm afraid that the situation with the noise from Chilo's on Clerk

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Street has worsened. On Saturday night the fan was ramped up to full capacity during the late evening and into the morning. It was finally turned off at 1 am. Despite my windows and curtains being closed I could still hear it in my bedroom and couldn't sleep. Last night it was finally turned off at midnight and then I could sleep. I cannot even open the windows on hot nights because of the noise.

The problem is affecting not only me, but also my neighbours. Those in the upper tenements nearer to Chilo's must be even more severely disturbed by the constant droning of the fan, especially when the volume suddenly increases. Even my neighbours in the flat next door to me, which is further away are being disturbed by it, and I know that neighbours in the ground floor flat next to the dentist surgery are complaining.

Further, although I understand your point about the limits of statutory nuisance, it surely cannot be right that we are driven from our gardens by the constant noise. I currently rarely sit outside in the evenings because of the noise levels. Clearly the warm summer weather and volume of customers because of the Festival has exacerbated the problem, but it is at this time of year that I want to escape the throng on the street and enjoy the tranquility of my garden: that possibility is now badly compromised.

In addition, I do not understand why there is no noise from the other extractor fans in the restaurants etc. on Clerk Street, and yet Chilo's creates all this disruption with theirs. This is a conservation area and, I believe, contributes to Edinburgh's status as a World Heritage site. Furthermore, the side streets are residential areas. This industrial level of noise is thus wholly inappropriate.

Please advise as I am getting very agitated by the relentless noise and lack of sleep.

Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

11	G10	Email sent to [REDACTED]	07/08/2025	BIN
		9/ 9/2025 11:08	BIN	

From: [REDACTED]
Sent: 07 August 2025 17:54

To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Chilo's Burger Bar, Southside Newington

Dear [REDACTED]

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I refer to your email below. I've also received an email from the resident whom I've yet to respond to, but copied in. As it's been reported that noise levels have increased then we will arrange to re-survey the noise. We previously measured it from a neighbour's property who lived closer to the premises.

In relation to your questions, if we determine that the noise is a statutory nuisance, then it's up to the business to investigate solutions and decide how they wish to proceed. There are many different noise mitigation measures to resolve noise problems, but we generally avoid providing advice in such situations, as it can compromise further enforcement action should the recommended solution prove to be ineffective. It depends on the particulars of the case, as sometimes the solution is clear and there are no such concerns.

The number of complaints doesn't really have a bearing on the investigation as we generally investigate from the worst affected property and make a decision on the noise level in conjunction with other considerations such as locality, duration, time, characteristics, convention, etc.

I can provide a further update when available.

If you have any questions, please do not hesitate to contact me.

Kind regards

[REDACTED]

12	G05	Email received from Cllr 9/ 9/2025 11:09 BIN	08/08/2025	BIN
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Morning [REDACTED]

Thank you for your email and prompt response here it is much appreciated.

A further noise survey would be welcome, as are the next steps. Could you copy [REDACTED] and I in as to the survey and its outcome?

All the best

[REDACTED]

13	G05	13.53 Email received from C 9/ 9/2025 11:10 BIN	08/08/2025	BIN
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Dear [REDACTED]

Thank you so much for following up on this issue. I know that my neighbour at [REDACTED] is monitoring the noise levels, and neighbours at number [REDACTED] have also been disturbed.

I do hope this can be resolved.

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Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

14	G10	10.52 Email sent to c		11/08/2025	BIN	
		9/ 9/2025 11:11 BIN				

Hi [REDACTED],

Are you available on Tuesday, 2 September at 11pm for the noise survey? If so, I'll check that date and time are ok with the business as well.

Kind regards

[REDACTED]

15	G05	11.12 Email received from c		11/08/2025	BIN	
		9/ 9/2025 11:14 BIN				

Hi [REDACTED]

Yes that would be fine with me. I would welcome a survey-this Saturday I didn't get to sleep until nearly 2 am... However that is 3 weeks away and means we have to put up with the noise for another 3 weekends. Also, the Festival will be over by that time and I doubt they will be that busy during the week.

If you could manage sooner it would be preferable. Lunchtimes are very noisy too so...

Many thanks

[REDACTED]

16	G10	11.20 Email sent to c		11/08/2025	BIN	
		9/ 9/2025 11:17 BIN				

Hi [REDACTED]

I'm sorry but we're not able to visit before then as we are exceptionally busy with all the extra concerts that we are monitoring this month as well as an office move next week that we are having to prepare for, which is creating logistical difficulties.

Noise surveys of food premises need to be carried out when the business is less busy, as we require their co-operation in switching the kitchen ventilation system off, as well as to different speed

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settings. It's also carried out when the background noise level is less likely to interfere with the measurements.

Kind regards

[REDACTED]

17	G05	12.11 Email received from C 9/ 9/2025 11:19 BIN	11/08/2025	BIN
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Okay, I understand your dilemma. I just hope that my neighbours and I can bear this in the meantime.

[REDACTED]

[REDACTED]

[REDACTED]

18	G05	13.03 Email received from Place Directorate 9/ 9/2025 11:20 BIN	12/08/2025	BIN
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Thanks [REDACTED]

Can you let me know when the survey is completed and I can close this off at our end.

Regards

[REDACTED]

19	G10	13.15 Email sent to Place directorate 9/ 9/2025 11:22 BIN	12/08/2025	BIN
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Hi,

Yes, I will do.

Regards

[REDACTED]

20	G10	Email sent copy to C 9/ 9/2025 11:23 BIN	15/08/2025	BIN
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Hi [REDACTED],

Sorry, I advised your [REDACTED] of the findings at the end of the noise

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survey. We had measured at the fan setting claimed by the business as the maximum used and confirmed by your [REDACTED] as representative of the noise being complained about. As you have contacted us again and it's been reported to be louder, we can repeat the noise survey and because you are closer than [REDACTED] to the business, it's better to measure inside your property. I can change the survey to the Wednesday 3rd at 11pm, is that ok with you? It is not possible to visit before this date.

The owner had advised at the visit that they were going to install a new supply (intake fan) which may have led to the increase in noise levels reported.

For statutory nuisance, we can only assess the noise inside a habitable room of a property such as living room or bedroom etc. Premises only require planning consent if there is a change of use, or for some external alterations such as additional equipment being added. However, Planning don't normally require a planning application when there is already a ventilation extract system and external duct in place and this is replaced with a new system.

On checking they applied to vary the planning consent. You can view the relevant documents below. No consultations were carried out by Planning:

20/04838/VARY | Non-Material Variation to change approved twin 250mm diameter rear extract ducts for single 560mm diameter duct in same location. | 30 - 32 Clerk Street Edinburgh EH8 9HX

For the original planning application for change of use, Environmental Protection was consulted and a Noise Impact Assessment (NIA) was provided and conditions recommended as part of the consent: 20/04838/FUL | Application for change of use from (Class 2) bookmakers to (Class 3) restaurant and erection of external flue on rear elevation. | 30 - 32 Clerk Street Edinburgh EH8 9HX

I look forward to hearing from you.

Kind regards

[REDACTED]

21	G05	13.57 Email received (copy) from Cllr 16/ 9/2025 15:39 BIN	15/08/2025	BIN
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Afternoon [REDACTED]

Just wanted to acknowledge your email in the first instance. Thank you, too, for the readings and comments.

I know [REDACTED] and his team are not able to make their visit till early September but they will have noted residents' full concerns. While the visit will be done outside of Festival time, it will be noted that complaints were raised about unacceptable noise levels outside permitted hours. I realise this is a consideration for next year's licence, and in the short term, does not alleviate the immediate issue for you. If you are able to take further readings

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		between now and the site visit, however, this will be helpful to give the full context.				
		Please do keep in contact.				
		All the best				
		[REDACTED]				
22	G10	09.00 Email sent to [REDACTED] 16/ 9/2025 15:41 BIN		27/08/2025		BIN
		Hi [REDACTED]				
		Thanks for your emails. In relation to which property to measure in, we'd only measure in both if there was uncertainty over which was worst affected, which can occur when there is multiple noise sources and differences in direction and topography etc. In your situation, as [REDACTED] property is closer, there is no doubt it will be marginally louder. We measure with a window slightly open, or if a patio door, it slightly open, so it wouldn't make any difference. Although different rooms are influenced by the individual room acoustics.				
		We can only measure inside a habitable room which means a dining kitchen rather than solely a kitchen. However, another consideration is that 11pm is considered as the start of night hours when we can apply a stricter standard for sleeping, where a bedroom is affected. As the business are operating until 1 and 2am we'd need to measure inside a bedroom. Also, with the bedrooms being slightly higher up, in the room I measured from in [REDACTED] property, it had a clear line of sight to the noise sources. I suspect [REDACTED] kitchen will be affected by the garden boundary walls which if they block the line of sight to the noise source, will reduce noise levels.				
		Therefore, I'd prefer to measure inside [REDACTED] property as I believe it will be worst affected. However, if it's preferred by you that I measure from [REDACTED] property, then I can do that instead, although it would need to be a bedroom that we measure from for the reasons given above.				

I look forward to hearing from you both.

Kind regards

[REDACTED]

23	G08	14.57 Telephone call made to [REDACTED] [REDACTED], no answer left message re: survey date and time asked for calol back		29/08/2025		BIN
24	G03	15.00 Telephone call received from [REDACTED] survey confirmed for next Wednesday 3 Sept at 11pm		29/08/2025		BIN

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25	G05	16.45 Email received from C 16/ 9/2025 15:42 BIN		29/08/2025	BIN	
		Thanks [REDACTED] See you then. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]				
26	G10	Email sent to C 3/ 9/2025 13:31 BIN		03/09/2025	BIN	
		Hi [REDACTED] I noticed that I don't have a contact phone number for you. Could you send me one please? Kind regards [REDACTED] [REDACTED] [REDACTED]				
27	G05	Email received from C 3/ 9/2025 13:29 BIN		03/09/2025	BIN	
		Hi [REDACTED] My mobile number is as follows: [REDACTED] See you tonight [REDACTED] [REDACTED] [REDACTED] [REDACTED]				
28	G10	Email sent to C 3/ 9/2025 13:30 BIN		03/09/2025	BIN	
		Thanks, see you tonight. Regards				

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[REDACTED]

29	G05	08.00 Email received from C 9/ 9/2025 11:24 BIN		27/08/2025	BIN	
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Hi both

I will be happy to facilitate a visit on the night of 3 September at my house if that works best. In fact, because I have patio doors from my kitchen to the terrace and garden it means that my lower floor is more affected than [REDACTED] so that makes sense.

Best

[REDACTED]

[REDACTED]

[REDACTED]

30	G10	09.00 Email sent to C 9/ 9/2025 11:25 BIN		27/08/2025	BIN	
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Hi [REDACTED]

Thanks for your emails. In relation to which property to measure in, we'd only measure in both if there was uncertainty over which was worst affected, which can occur when there is multiple noise sources and differences in direction and topography etc. In your situation, as [REDACTED] property is closer, there is no doubt it will be marginally louder. We measure with a window slightly open, or if a patio door, it slightly open, so it wouldn't make any difference. Although different rooms are influenced by the individual room acoustics.

We can only measure inside a habitable room which means a dining kitchen rather than solely a kitchen. However, another consideration is that 11pm is considered as the start of night hours when we can apply a stricter standard for sleeping, where a bedroom is affected. As the business are operating until 1 and 2am we'd need to measure inside a bedroom. Also, with the bedrooms being slightly higher up, in the room I measured from in [REDACTED] property, it had a clear line of sight to the noise sources. I suspect [REDACTED] kitchen will be affected by the garden boundary walls which if they block the line of sight to the noise source, will reduce noise levels.

Therefore, I'd prefer to measure inside [REDACTED] property as I believe it will be worst affected. However, if it's preferred by you that I measure from [REDACTED] property, then I can do that instead, although it would need to be a bedroom that we measure from for the reasons given above.

I look forward to hearing from you both.

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Kind regards

[REDACTED]

31	G05	11.02 Email received from C 9/ 9/2025 11:26 BIN	28/08/2025	BIN		
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Hi [REDACTED]

[REDACTED] and I have spoken about the logistics of your visit and have agreed that on this occasion it would be best to take the noise levels measurements at my house.

Can you please confirm that you visit my house at 11pm on Wednesday 3 September?

Many thanks

[REDACTED]

[REDACTED]

[REDACTED]

32	G10	11.39 Email sent to C 9/ 9/2025 11:27 BIN	28/08/2025	BIN		
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Hi Linda,

Yes that's ok. I hadn't received confirmation from the business about the visit so I'll follow up with that today.

Kind regards

[REDACTED]

33	G05	11.42 Email received from C 9/ 9/2025 11:28 BIN	28/08/2025	BIN		
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Thanks [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

34	G05	15.10 Email received from C 9/ 9/2025 11:29 BIN		29/08/2025		BIN
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Hi [REDACTED]

That's the noise survey visit confirmed for next Wednesday, 3rd September at 11pm.

[REDACTED]

[REDACTED]

35	G15	Visit to Concern		03/09/2025		BJA
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36	G14	Visit to Client 9/ 9/2025 11:41 BIN		03/09/2025		BIN
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Advised the [REDACTED] at the end of the survey that the noise from the fan complied. It did sound pretty loud outside in the garden considering the distance from the fan, but noise levels were satisfactor inside.

[REDACTED] has a beautiful garden and that appears to be the main issue for [REDACTED]

37	N23	Noise Survey		03/09/2025		BIN
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38	G10	Email sent to C - copy 22/ 9/2025 10:44 BIN		22/09/2025		BIN
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From: [REDACTED]
Sent: 22 September 2025 10:40
To: [REDACTED]
Cc: [REDACTED]

Subject: RE: Chilo's Burger Bar, South Clerk St., Newington

Hi [REDACTED]

I can confirm that the noise survey carried out several weeks ago from your neighbour's, [REDACTED] property, showed that noise from Chilos fans complied with the relevant standards. We measured them at maximum, although the business claimed that they are never operated at that setting. Consequently, no action can be taken and we're obliged to close the complaints.

If you have any questions, please do not hesitate to contact me.

Kind regards

[REDACTED]

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		[REDACTED]				
39	G82	Environmental Protection investigation - no contravention.		22/09/2025	BIN	
40	G05	08.15 Email received from C 23/ 9/2025 11:57 BIN		23/09/2025	BIN	

Thank you for this [REDACTED]

Obviously we are disappointed that nothing more can be done. I would also add that the staff at Chilo's are mistaken. The maximum level is indeed used regularly, especially in the evenings at weekends. The noise level that you measured at my house is the same level that I and my neighbours experience all the time.

I am also aware that the trees in the garden behind Chilo's are due to be felled very soon. This may have an impact on how the noise permeates surrounding areas.

With best wishes

[REDACTED]