

**LRB-2023-31 - 23/00593/FLL – Erection of a dwellinghouse,  
land 20 metres south west of Braeside House, Gairney  
Bank, Kinross**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100625141-005

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: Andrew Megginson Architecture

Ref. Number:

You must enter a Building Name or Number, or both: \*

First Name: \*

Andrew

Building Name:

Andrew Megginson Architecture

Last Name: \*

Megginson

Building Number:

Telephone Number: \*

0131 557 9129

Address 1  
(Street): \*

128 Dundas Street

Extension Number:

Address 2:

New Town

Mobile Number:

Town/City: \*

Edinburgh

Fax Number:

Country: \*

Scotland

Postcode: \*

EH3 5DQ

Email Address: \*

[andrew@andrewmegginsonarchitecture.com](mailto:andrew@andrewmegginsonarchitecture.com)

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" value="Mr./ Mrs."/> | Building Name:                                       | <input type="text" value="Braeside House"/> |
| First Name: *        | <input type="text" value="Cliff"/>     | Building Number:                                     | <input type="text"/>                        |
| Last Name: *         | <input type="text" value="Megginson"/> | Address 1 (Street): *                                | <input type="text" value="Hatchbank Road"/> |
| Company/Organisation | <input type="text"/>                   | Address 2:   | <input type="text"/>                        |
| Telephone Number: *  | <input type="text"/>                   | Town/City: *   | <input type="text" value="Kinross"/>        |
| Extension Number:    | <input type="text"/>                   | Country: *   | <input type="text" value="Scotland"/>       |
| Mobile Number:       | <input type="text"/>                   | Postcode: *  | <input type="text" value="KY13 9JY"/>       |
| Fax Number:          | <input type="text"/>                   |  |   |
| Email Address: *     | <input type="text" value="REDACTED"/>  |  |   |

## 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="BRAESIDE HOUSE"/>            |
| Address 2:  | <input type="text" value="HATCHBANK ROAD"/>            |
| Address 3:  | <input type="text" value="GAIRNEY BANK"/>              |
| Address 4:  | <input type="text"/>                                   |
| Address 5:  | <input type="text"/>                                   |
| Town/City/Settlement:   | <input type="text" value="KINROSS"/>                   |
| Post Code:  | <input type="text" value="KY13 9JY"/>                  |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="699223"/> | Easting | <input type="text" value="312542"/> |
|----------|-------------------------------------|---------|-------------------------------------|



## 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)

Erection of a dwellinghouse Land 20 Metres South West Of Braeside House Hatchbank Road Gairney Bank Kinross KY13 9JY

## 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.

Please see 'Review Statement', please note this should not be confused with 'Supporting Statement'. The supporting statement was submitted at the time of the planning application submission. Thank you.

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)

Application form, decision notice/ report of handling, proposal plans, sunlight/ daylight model, tree survey, [REDACTED] phosphate mitigation calculations, review and supporting statement, sustainability statement, noise impact assessment.

## Application Details

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

23/00593/FLL

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

14/04/2023

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

24/07/2023

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection would be helpful for the review body to understand the site.

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 Andrew Megginson

Declaration Date: 29/08/2023

# Review Statement

Planning application for the Erection of a Dwellinghouse to Land 20m SW of  
Braeside House, Hatchbank Road, Kinross

Date: August 2023



## Executive Summary

-The South-West corner to Braeside House has previously been identified as the most suitable location for development with the previously approved ancillary accommodation being located there along with planning officer guidance from the application in principle for a dwellinghouse also previously approved. The location of the proposed house benefits from adequate containment with the existing stone dyke wall and proposed trees to the West, the stone dyke wall and existing trees to the South, the stone dyke wall and the tress to the East and the existing house to the North. The location as proposed for the dwellinghouse will not obscure the approach to the existing house and its location is tucked into a corner of the garden that is well screened by surrounding trees.

- Braeside House is set back within the site compared to the cottages to the East which sit in front of Braeside House. The design approach on identifying the cottages, and other houses, to the East being located to the front of Braeside House and acknowledging the rotated orientation of the houses to the furthest East of Hatchbank Road where the proposed dwelling shall then bookend the settlement at the Western side, integrates the proposed dwelling clearly with the building pattern and overall area. The proposed dwelling also ties in with the unique orientation of the existing house with the gable ends facing the same direction.

-The proposed dwelling is clearly subservient to Braeside House. The proposed dwelling looks to replicate the existing cottages to the East in storey height, footprint, scale and form. Furthermore, the proposals are comparable to ancillary outbuildings such as garages, ancillary accommodation or garages with ancillary accommodation above as shown in the local examples which will be compatible with Braeside House.

-Materiality has been chosen to respect the existing houses and area overall. Stone has been chosen as a basecourse which ties in with the stone dyke walls surrounding the existing house, black timber has been chosen to tie in with the black timber to the house with timber being used elsewhere in the area and black metal has been chosen as a contemporary take on the dark tiles and slate seen on houses in the area. The materials chosen are of a high quality and are sustainable.

-The proposed house will be afforded a high standard of amenity whilst the amenity of Braeside House shall also be protected and shall remain at a high standard.



-Being located in an existing building group allows the development to utilise existing infrastructure and public transport provision whilst also allowing renewable energy technologies to serve the new proposed dwelling.

-As confirmed by our environmental consultants along with a tree surgeon Lord of the Trees, the trees to be removed to the West do not need any permission to fell. Also confirmed by our environmental consultants and understood by their nature being formed in a row, the trees were highly likely planted unnaturally to act as a screening hedge and all we are proposing is replacing this overgrown hedge with a new hedge consisting of more trees. Similar trees in the garden have previously fallen down so we justify felling these trees in respect of negating any risk to life or the existing and proposed house. We shall be taking these down and replacing them with 3 in their place as per Perth and Kinross Council's guidance, this will in turn enhance the habitat in this location. As per information contained within this statement as well as that in our sustainability statement, existing biodiversity will not be detrimentally affected by the works and actually enhanced. Existing trees being retained shall be protected throughout the construction phase and beyond.

-Our proposals have been informed by previous applications and pre-application discussions where we have engaged with Perth and Kinross Council to form a suitable dwellinghouse that is appropriate within the site and ties in with the character of the area.

### **Material Considerations**

Contrary to the case officers decision statement that there are "no material considerations apparent to justify setting aside the Development Plan" it is considered that there are several material considerations which, when properly taken into account, may reasonably justify departing from the Development Plan in this specific case, namely :-

(1) Uniqueness of Braeside House within Hatchbank Road / Gairneybank;

- distinctive character / scale and form of existing house.

- substantial front garden.

- building set well behind Hatchbank Road building line.

- ratio of built development within curtilage. Braeside House makes up only 12% of built form within the site.

- differing orientation of house frontage.

- site separated from other built development beyond agricultural field access.



(2) Planning History;

- 17/01281/FLL consent

- 19/01136/IPL consent

- the specific siting of development was previously considered acceptable by Perth and Kinross Council in the south-west corner of the site through the two applications stated above.

- it has been a short time (less than a year) since the planning application in principle has expired.

- Unfortunately, due to the COVID-19 pandemic having a knock on effect to the NHS waitlists, and uncertainty on the applicant's health following several operations in being able to plan best for the future, this has delayed a full application being submitted.

(3) Householder circumstances;

- nearing retirement.

- proposed down-sizing.

- in the first instance the applicant is hoping that the existing house can be retained/occupied by immediate family.

(4) Disability;

- householder is registered disabled and unable to enjoy established house.

- proposal makes appropriate provision for inclusive design.

(5) Precedent;

- the scale and form of the proposed development is very similar to structures approved within the curtilage of nearby houses in Gairneybank and along Hatchbank Road (See figures 22 – 27).

- Notably, the Webster Homes development to the B996 can be seen in the context of Braeside House. The two plots with garages have a very similar built form to open space percentage to that of Braeside House at 11%. When the garage is included within this it falls down to 19%. The built form vs. open space at Braeside House with the proposed dwelling to the site would also be 19%.

(6) Buffer / Screen Planting/ Green Network Enhancement;

- the proposal includes a substantial increase in tree planting.



- the proposal eliminates the risk that the existing unprotected boundary planting will be removed with no replacement.

- Reason for Refusal 3 is not considered fair and reasonable on this basis.

( 7 ) Public Interest;

- it is considered material that there has been no local opposition to the proposal.

(8) Pre-Application Advice;

- it is considered material that the pre-application advice did not discourage the submission of the current application on the basis of revised Development Plan policy since the previous applications were approved. The principle of development of a dwelling was understood to be acceptable in the site subject to appropriate detail design.

-Only a tree survey and noise impact assessment were noted to be external requirements for any full planning submission.

( 9 ) Additional Information / Planning Conditions;

- the applicant is more than willing to submit additional information to demonstrate the use of low and zero carbon generating technology in the proposed development and to enable a fuller assessment of the impact of the proposal on existing trees, biodiversity and associated mitigation measures.

- It is contended that pre-application advice did not suggest that further information on such matters was crucial to avoid this becoming 2 reasons for refusal. Furthermore, the tree survey simply suggests/ recommends an arboricultural method statement, tree protection plan and compensatory plan be carried out.

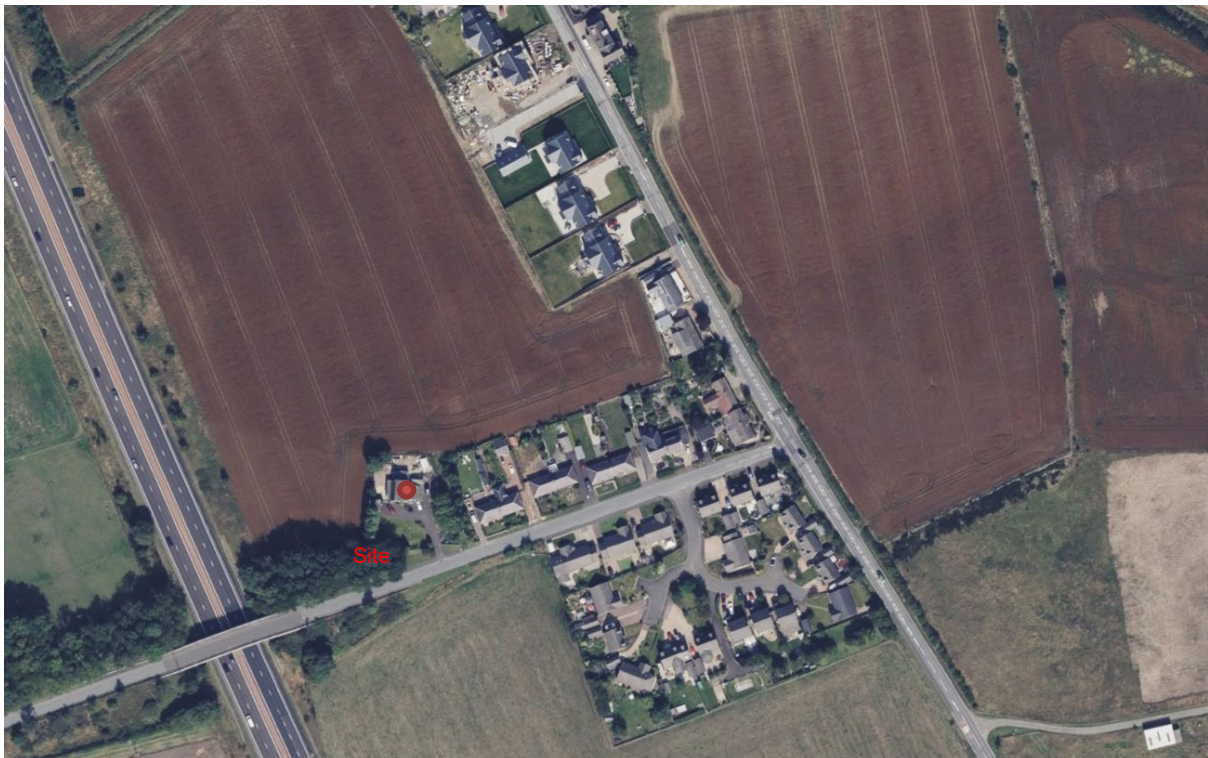
- It is contended that such matters can adequately be dealt with, in the standard process, as suspensive planning conditions.





This review Statement has been prepared by Andrew Megginson Architecture, on behalf of Lisa and Cliff Megginson, for a planning application for a new dwellinghouse adjacent to their existing house Braeside House at Hatchbank Road outside Kinross. The house is to be a downsize for our client who currently live in a 5 bedroom house which is too large for them forming a retirement home. Our client is also looking for a house over one level as Mrs. Megginson is registered disabled so a single storey house would be greatly beneficial for her.

Braeside House is within part of a rural housing settlement situated South of Kinross, the application site measures circa 1,640sqm and comprises a collection of residential and agricultural land uses. The site is bounded wholly with a stone dyke wall, the existing house sits to the North of the site with some trees located in the North-West corner. To the East there is a line of trees, further to this the site is contained to the South and West by existing trees. The house has a large front garden. There are many different house types in the settlement with largely varying plots.



**Figure 1 – Site aerial**





Figures 2 & 3 – Site plan, floor plan and elevations of proposed dwelling



The reasons for refusal of the planning application are stated below;

1. The proposed development is poorly designed, fails to respect the character and amenity of the place, will have a detrimental effect on the building pattern and character of the area and will have a significant detrimental impact on residential amenity. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and NPF4 Policy 17: Rural Homes and LDP2 Policy 1: Placemaking and related Placemaking Supplementary Guidance (2020) and LDP2 Policy 19: Housing in the Countryside and the related Housing in the Countryside Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
2. Insufficient information has been submitted by the applicant to demonstrate the use of low and zero carbon generating technology in the proposed development. The proposal does not satisfy NPF4 Policy 2: Climate Mitigation and Adaptation and LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development.
3. The removal of the existing mature tree group to enable the development is not supported as this offers an attractive mature green buffer and screening from the M90. The proposal will lead to the fragmentation of an existing green network. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, Policy 40B: Trees, Woodland and Development and Policy 42: Green Infrastructure.
4. Insufficient information has been submitted by the applicant to enable full assessment of the impact of the proposal on existing trees and biodiversity on the site and proposed mitigation measures. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees, NPF4 Policy 3: Biodiversity and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 40B: Trees, Woodland and Development, Policy 41: Biodiversity and Policy 42: Green Infrastructure.

We are going to discuss points 2-4 initially and then come to point 1 from thereon. With regard to point 2 we direct the Local Review Body to our sustainability statement submitted as part of this review which is copied below for convenience.



-We have a main aim to achieve as close to a passive house standard as possible. The dwelling shall be insulated to a high level as a result of this.

-Main living space shall be south orientated for solar gain.

-Electric car charging will be provided to the dwelling.

-The site lends itself to a number of renewable energy technologies which we shall utilise. Ground or air source heat pump, heat recovery system and solar technologies are all possible on the site. We shall explore the best suited technology at building warrant stage with an energy company and implement that most suited.

-Existing access and drainage provision shall be utilised.

-Materials shall be from local merchants/ suppliers. We are using stone, timber and metal which are sustainable materials.

-Proposals to the site shall benefit biodiversity. Additional trees are proposed with Hedgehog holes in fencing along with bird/ bat nest boxes will also be incorporated into the scheme.

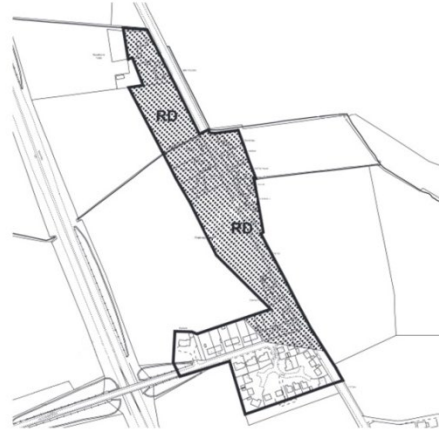
-A bus stop is located at the end of Hatchbank Road to the East of the site promoting public transportation.

-The proposal will also offset phosphorus to Loch Leven.

As above it can be seen that there is enough information here in relation to the dwelling aiming towards utilising low and zero carbon generating technology and general sustainability in a number of ways. We feel that this mitigates this reason for refusal and furthermore note that rather than a reason for refusal this information could simply form a condition with any planning approval.

In relation to points 3 and 4, firstly we would like to point out to the Local Review Body that Gairneybank was previously identified by Perth and Kinross Council as a settlement as per the below diagram. It has now for whatever reasoning been decided that Gairneybank is no longer a settlement although there are more house to the area within the black outline below now than there was when it was previously identified as a settlement. The reason for raising this is were it still classed as a settlement then no issues with the trees (unless protected by a TPO, within a conservation area or within an Ancient/ Native Woodland parcel – which the trees within the garden ground of Braeside House are not) would be forthcoming, it is simply now that the site is classed within the countryside that the trees are being raised.





**Figure 4 – Former settlement boundary for Garineybank**

Further to the above, we direct the Local Review Body to an excerpt below from Perth and Kinross Council's website: <https://www.pkc.gov.uk/article/15281/Trees-and-the-law>.

## ***Felling permission***

*The regulations are set out in the booklet "Tree felling in Scotland - Getting Permission" (Scottish Forestry) from which this information is taken. This is a short summary of felling permissions and does not include all details and exemptions.*

*From April 1, 2019, anyone wishing to fell trees in Scotland requires a Felling Permission issued by Scottish Forestry, unless an exemption applies, or another form of felling approval has been previously issued.*

*Permissions are not required to fell trees if any of the following conditions apply;*

- ***the trees in a garden, orchard, church yard, or public open space***
- *any trees with a diameter at breast height (measured at 1.3m from the ground) of 10cm or less*



- *where felling is immediately required for the purposes of carrying out development authorised by planning permission*
- *where required by order of a court, or tribunal or by any other enactment*

**Figure 5 – Excerpt from <https://www.pkc.gov.uk/article/15281/Trees-and-the-law>**

As seen in this excerpt any trees in a garden can be felled without any permission, this has been confirmed further by our environmental consultants Envirocentre along with a tree surgeon Lord of the Trees. Correspondence confirming this can be provided upon request.

Although it is clear from the above that the trees within the garden ground of Braeside House can simply be felled without any permissions, and should have no bearing on this application, we will be planting more trees along the Western boundary in a ratio of 3 planted for every 1 removed. Compensatory planting is offered by Perth and Kinross Council policy in this ratio where justification can be provided and as per section 3.9 within the design statement submitted as part of this application, our justification is as follows;

-It is highly likely that the existing Cypress trees to the West of the site were unnaturally planted by the former owner of Braeside House (this has been seconded by Envirocentre) for screening. The proposals will look to plant the exact same trees resulting in a like for like boundary treatment/ containment to the West which, with it now being more manageable, will result in an overriding benefit in terms of visual amenity to the area. The new Cypress tree planting will form a backdrop to the proposed house along with screening to the motorway for the proposals.

-There existed more Cypress trees to the north of the existing Western Cypress tree line which were of a similar height and form to those still remaining however these fell down onto Braeside House during high winds. It is likely that the trees were all planted incorrectly and there is possibility that the Cypress trees that remain will do same presenting a danger to life and the existing/ proposed house.

-Compensatory planting through 3 trees planted for every 1 tree removed in line with council policy and offered within pre-application discussions with Perth and Kinross Council for this application will result in more trees existing to the site bringing with them a positive impact to biodiversity on the site.







**Figure 6 – Cypress tree hedge that shall be replicated along the Western boundary**

The exact wording from policy is as follows "Compensation should be on or adjacent to the site of loss and be like for like unless providing greater biodiversity value. ... Compensation should take into account the biodiversity value lost and the time for planting to establish, and use local seed and stock wherever possible. Consideration of the carbon value of any loss is also encouraged. Losses should be compensated with at least 3 trees for every tree lost. ... All woodland removal for development requires compensatory planting with limited exceptions in PCWR. The area proposed should reflect the lost biodiversity and amenity value, and aim to improve connectivity.". We believe we are in line with this.

The trees we have proposed to be removed will be removed outside the main nesting bird seasons and red squirrel breeding seasons, where a check of vegetated habitats scoped for removal will be undertaken within 48 hours prior to works commencing by our environmental consultants. It is considered unlikely that there will be any significant wildlife affected by the removal of the existing trees and we shall ask our environmental consultants to confirm same prior to any removal. Further to this generally, there will be no permanent lighting on the site and any excavations during construction will not be left open for mammals to become trapped or injured i.e. temporary covers shall be installed otherwise a form of ramp to allow egress will be formed.



The planning officer notes that the existing tree line to be removed "offers an attractive mature green buffer and screening from the M90". As above the current Western boundary trees are overgrown and unkempt, the proposals will provide a like for like buffer in terms of the same tree species which will now however be maintained which will look better in terms of visual amenity and will still act as screening to the M90. The planning officer also notes that the proposal will "lead to the fragmentation of an existing green network". As evident on site the trees are simply an unnaturally planted hedge which lines the Western boundary from the SW corner of the site to the front door of the existing house, it is not considered to be any form of significant network. However, further to this the trees being removed will be replaced creating a like for like 'network' in the same location with more trees so this should be seen as an enhancement to the Western boundary area.

We iterate that the Western boundary consists of 5 Cypress trees, likely planted unnaturally as screening by the previous owner of the house, that are proposed to be removed for justification above. The Western boundary is not a vast woodland area that it seems to be being made out to be by the planning officer. The Western boundary will be replaced with a like for like boundary treatment of more trees that will have overriding benefits in terms of visual amenity and biodiversity.

In refusal point 3 the planning officer states that "Insufficient information has been submitted by the applicant to enable full assessment of the impact of the proposal on existing trees and biodiversity of the site and proposed mitigation measures". As stated above the trees being removed will be removed outside the main nesting bird seasons and red squirrel breeding seasons, where a check of vegetated habitats scoped for removal will be undertaken within 48 hours prior to works commencing by our environmental consultants. Additional trees are proposed with Hedgehog holes in fencing along with bird/ bat nest boxes which will also be incorporated into the scheme. All of this information is noted within our proposal plans and we feel with this in mind there will be no detrimental effect but positive effect on biodiversity of the site so this aspect of the reason for refusal can be dismissed. Furthermore, we have had a tree survey carried out which shows the root protection areas of trees we are looking to retain to the South and South-West generally of the proposed dwelling. We have noted on our plans "Existing mature trees as shown to be retained. Trees to be protected in full accordance with BS 5837:2012 'Trees in relation to design, demolition and construction. Any peripheral trees bounding the site that may be affected by any construction works to be protected in same way. Tree Protection measures shall not be removed, breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until





the protection can be repaired or replaced with a specification that shall provide a similar degree of protection" and provided a diagram on drawing 1133-PL-01 F of the protective fencing specification (as per BS 5837:2012) which shall be provided to all trees to be retained. Our environmental consultants have advised that these proposals are appropriate for the site and alongside the information in the tree survey there is adequate information to identify the root protection areas and where appropriate protection be provided/ no works be carried out which has informed the location of the proposed dwelling affording no impact to the retained trees. To this effect we feel this reason for refusal can be dismissed as we are providing sufficient information on the impact of the proposal on existing trees and biodiversity on the site insofar that the proposals and mitigation will not have a detrimental effect on either where both will be adequately protected. Although we feel the aforementioned information provides adequate information on preserving and protecting the trees being retained and biodiversity we would be happy to provide an arboricultural method statement, tree protection plan and compensatory planting specification/ plan as part of a condition to any permission. The tree survey simply suggested/ recommended an arboricultural method statement, tree protection plan and compensatory plan be carried out, it was not labelled as a requirement.

Further to the above refusal point within the report of handling, the planning officer has noted that there may be loss of daylight to the dwelling as a result of the proposed trees. We have had an impact study carried out (see drawing by Hollis submitted as part of this review) which has been concluded as below (where we have a note on our drawing stating that the trees are to be maintained to 4m high maximum);

"We have undertaken the 25° method of assessment which can be used where the proposed development is directly opposite the obstruction (i.e., the proposed trees). The section line drawing has been undertaken at working plane level (tabletop height) from the centre of the proposed room. This indicates the sky visibility from the centre of the room and the test is satisfied where the obstruction subtends to an angle of less than 25°. As can be seen from the attached drawing, the trees along the western boundary would have no impact on the daylight amenity of the proposed house if they are kept within the permissible height which is circa 4m."



Evaluating reason for refusal 1, the following firstly should be taken into account. An application (17/01281/FLL) was approved by Perth and Kinross Council for ancillary accommodation where the accommodation was located to the front of the house in a similar location with similar facilities to the proposed dwellinghouse.



Figures 7, 8 & 9 – Extracts from approved application 17/01281/FLL showing the ancillary accommodation located in the SW corner of the site and utilising timber cladding



Further to this application an application (19/01136/IPL) was approved on the site for the erection of a dwellinghouse and garage in principle. It was noted in the approval that “there would be scope for some residential development of the site subject to agreement of detail.”. It was also noted in this permission that “The existing house will retain useable private amenity space sufficient to safeguard the amenity in terms of garden ground.”. In terms of visual amenity the planning officer for this application noted that “It would be preferable if the development were concentrated on the west side of the site where there is more scope due to topography and landscaping.”.



**Figure 10 – Extract from approved application 19/01136/FLL showing the proposed dwelling to the SW corner of the site**

We gained pre-application advice from Perth and Kinross Council (from a different planning officer than that which handled the application). The main aspects taken from the pre-application feedback are as follows;

- There was still scope under policy (19) of the Perth and Kinross Local Development Plan 2019 for the development of a dwellinghouse on the site.



-The planning officer confirmed that the site is well contained by a line of conifers and stone dyke wall to the West along with an existing stone dyke and existing trees to the South as well as deciduous trees to the East.

-3:1 compensatory planting for tree removal was noted in the feedback.

-Finally, the feedback suggested that the proposed house should relate to the existing house and cottage style buildings to the East.



**Figure 11 – View of house showing containment/ screening to the South-West corner of the site along with containment to the East and black timber existing to the house**

In the report of handling the planning officer firstly notes that the position of the proposed dwelling in the front garden as well the contemporary design is not in line with NPF4 Policy 17. It should be noted that there is no specific wording within NPF4 Policy 17 or Housing in the Countryside Supplementary Guidance (2020) that development in the front garden of an existing house is against policy so this should not be seen as a determining factor against the position of the proposed dwelling in the front garden of Braeside House. Further to this the contemporary design and materiality will not have a negative effect on the dwellinghouse or surrounding area. The stone basecourse is proposed to tie in with the stone dyke walls that surround the existing house, dark timber is used which can be seen on the existing house and





black metal sheeting is used to interpret the existing tiles on Braeside House as well slate on the cottages to the East in a modern way. Overall, the new house will use a simple palette of high quality, sustainable materials providing a light albeit recessive finish. Furthermore, timber cladding was approved to the walls of the ancillary accommodation and can be seen elsewhere in the area. Timber cladding will help the proposed house blend in with the vegetation around the site.



**Figure 12 – Timber cladding used on extension to 21 Hatchbank Road**

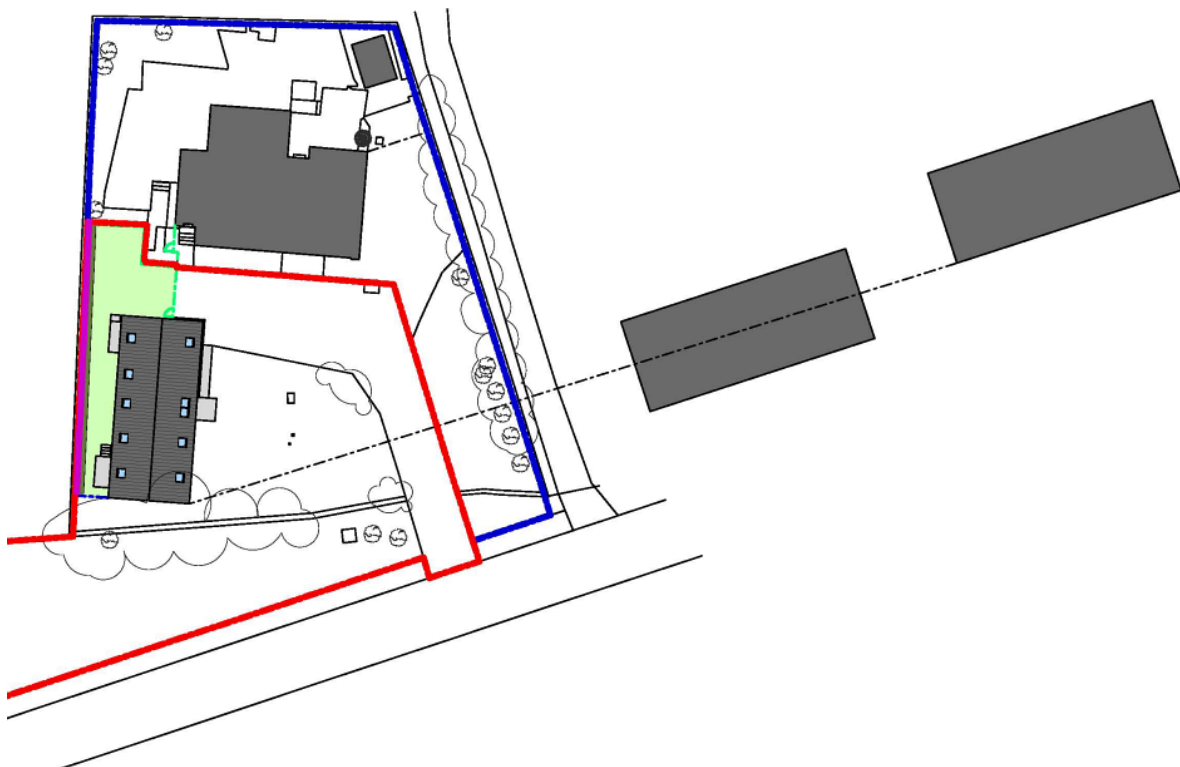
In terms of public facing elevations the openings are informed by the existing house. To the South architectural feature windows are proposed which will provide a great view out, although these will be interpreted as feature windows they will only be glimpsed from the public side through the woodland area. The style of windows proposed to the Southern elevation are not an uncommon architectural feature of new houses and causes no detriment to the area.

As has been established before in the ancillary accommodation and dwelling in principle applications, the South-West corner of the site has been concluded as acceptable for accommodating built form. The proposed dwelling in this location is bounded well by the stone dyke wall and proposed trees to the West, existing woodland and stone dyke wall to the South, the access road, then line of trees and stone dyke wall to the East and the existing house to



the North. The site at the front of the house thus has adequate containment/ definition. This location for the dwellinghouse will not obscure the approach to the house and its location is tucked into a corner of the garden that is well screened by surrounding trees. This was the same conclusion for the previously approved ancillary accommodation.

The proposed dwelling house would be located towards the South-West boundary of the site to give good separation between it and the existing house. The siting of the house will follow the street/ build line of the neighbouring cottages to the East. This siting also means that the full view and approach of the existing house is not obscured nor is the outlook from the existing house.



**Figure 15 – Diagram showing the proposed dwelling picking up the build line of the adjacent cottages to the East**

As is evident in the settlement, Braeside House is set back within the site compared to the cottages to the East which sit in front of Braeside House. Our proposals look to reflect this pattern with a comparable sized dwelling to the cottages located to the front of Braeside House but orientated to the Western boundary to bookend the edge of the settlement in an orientation similar to Gairney View and Lynwood, the houses furthest East of Hatchbank Road on the Northern side of the road that front onto the B996. The design approach on identifying the cottages, and other houses, to the East being located to the front of Braeside House and acknowledging the rotated orientation of the houses to the furthest East of Hatchbank Road where the proposed dwelling shall bookend the settlement at the Western side, integrates the proposed dwelling clearly with the building pattern and overall area. Furthermore, the proposed dwelling also matches in with the overall scale of Gairney View.



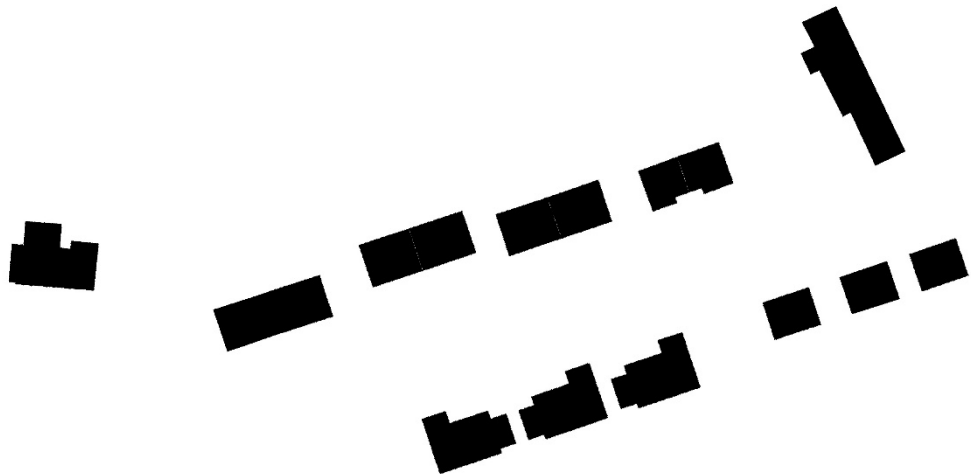


Figure 16 – Existing Figure ground diagram

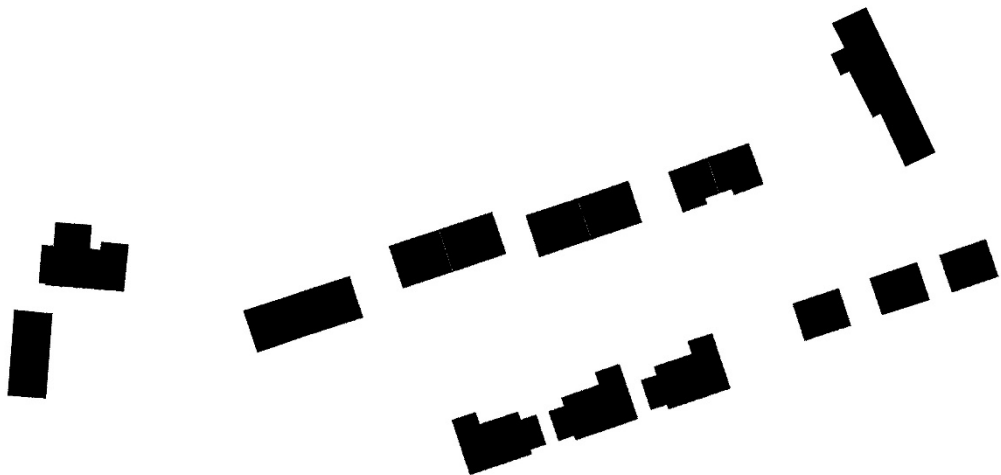


Figure 17 – Proposed figure ground diagram showing the cottages in front of Braeside House to the East and how the design approach allows the proposed dwelling to integrate well with the streetscape and area

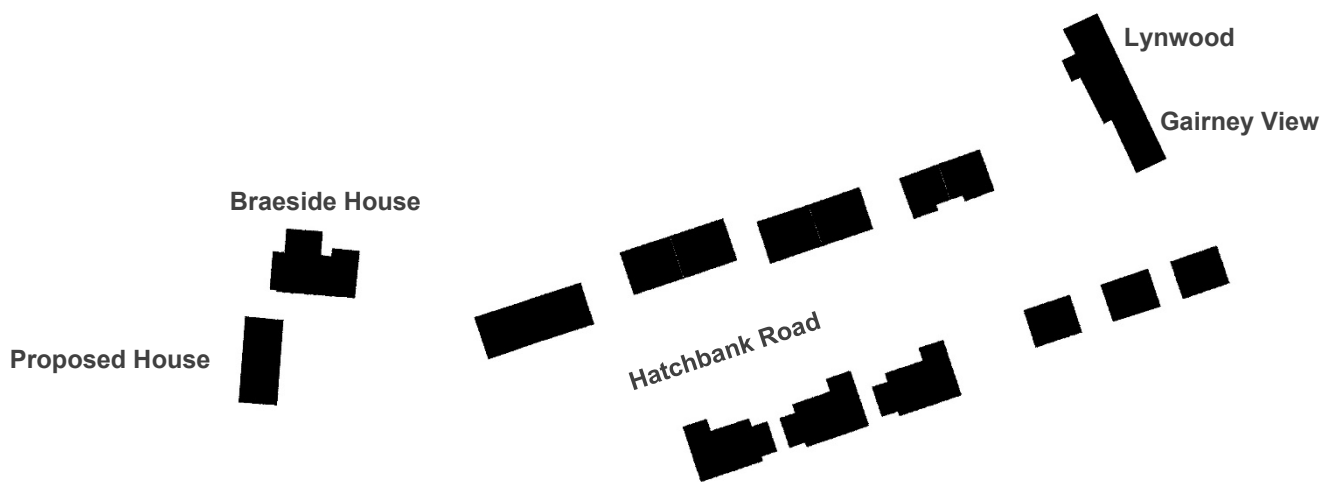


Figure 18 – Proposed figure ground diagram annotated



As per page 21 of Perth and Kinross Council's Placemaking Guide it is noted that it is good practice to provide 60 square meters of private garden ground for a 1-2 bedroomed house, the proposals provide 100 square meters. The 100 square meter garden will afford the residents sunlight to different areas in the garden throughout the day with the front shared garden providing even more garden space on top of this 100 square meters. The proposed dwelling is less than 9m away from the existing house which should not be considered as an issue, there are also no directly facing windows between the two.

Figure 19 shows firstly the build line of the front elevation of the proposed dwelling informed by the ground floor window making sure the proposals do not affect the outlook from the existing house as well as these windows in relation to the proposed dwelling. The 9m outlook from these windows is shown in the dashed boxes. The green dashed line represents a 1.8m high timber fence in both figures. Figure 20 shows the first floor windows in relation to the proposed dwelling with the 9m outlook from these windows shown in the dashed boxes. It is concluded in these figures that there will be no overlooking issues from either the ground or first floor windows to the proposed private garden ground of the new dwelling. The side door to the existing house is to the north of the proposed dwelling and as a side door will not have a negative effect on any amenity with it being in occasional use for access/ egress only to the existing house, the 1.8m fence will also provide screening from this door/ accessway. No windows of the existing house are directly overlooking the private garden area of the proposed house, the proposed private garden ground will achieve a high standard of amenity.

The proposed garden areas for the new dwelling can be seen to be proportionate to those of the existing house. Braeside House has a much larger front garden than the rear and this is reflected in the proposals. Further to this, there are many different house types in the settlement with largely varying plots. There is no set plot size/ proportions informing the settlement.

The two entrance doors shall be in comparable locations within the site at the front of both houses. Car parking will also wholly be located to the front of the two dwellings and with the proposed dwelling being one bedroomed will be limited in the number of cars associated with the proposed dwelling. There will be no issues as a result of this being detrimental to amenity of either of the properties as existing or proposed.





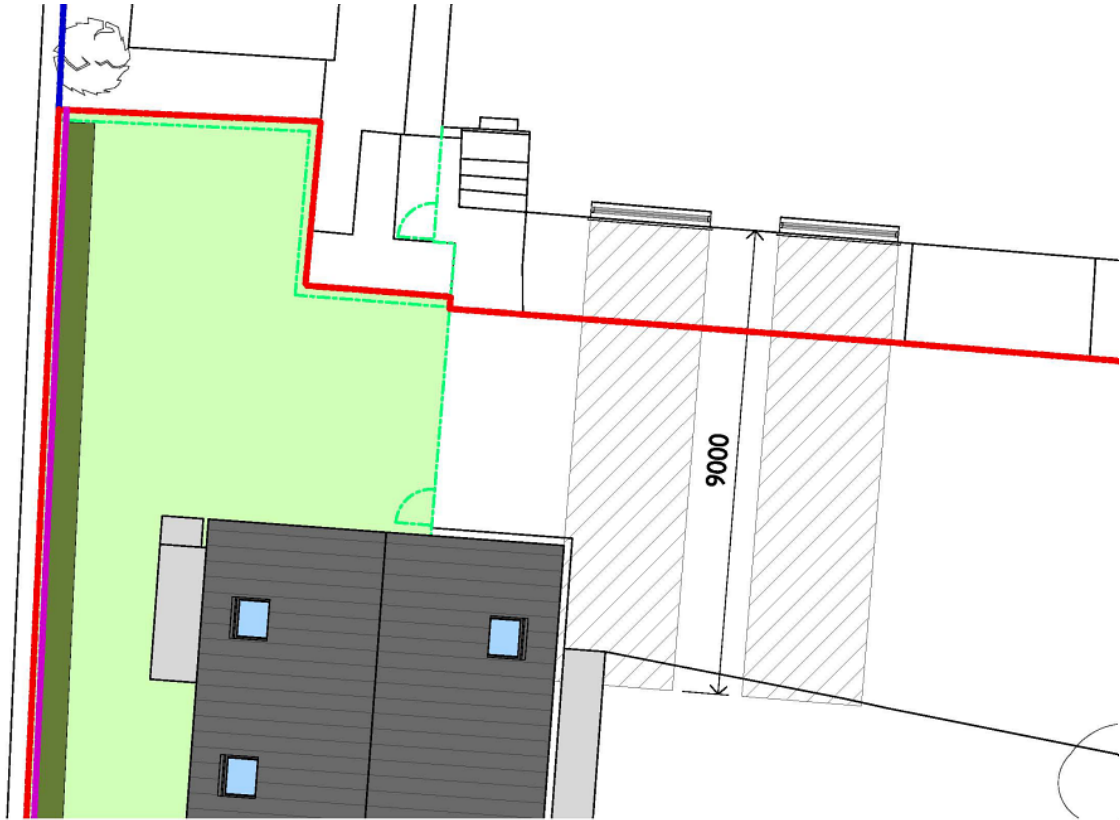


Figure 19 – Outlook from ground floor windows

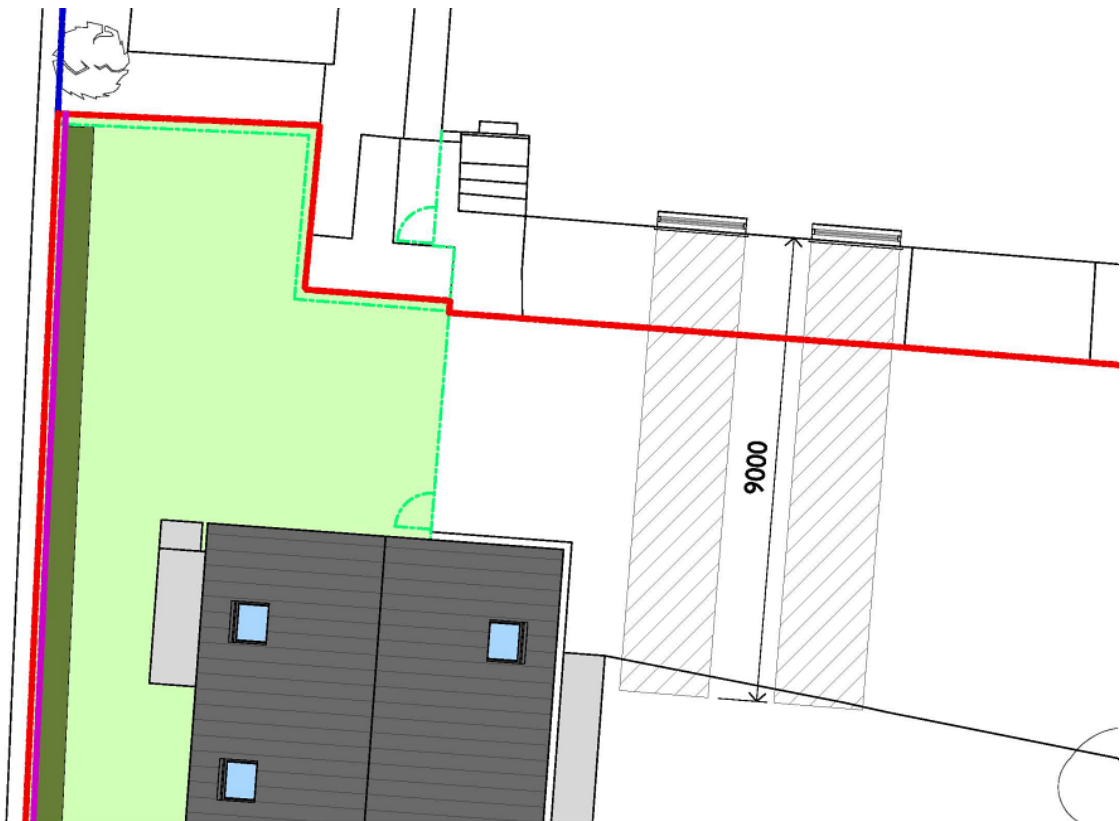
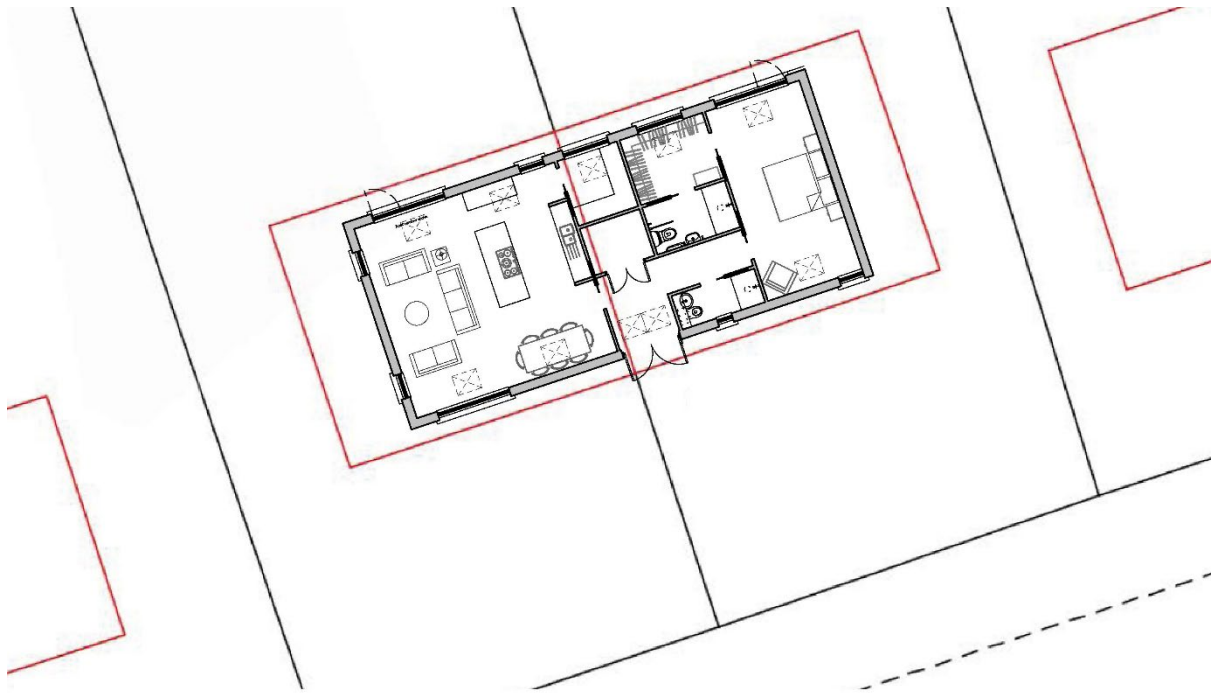


Figure 20 – Outlook from first floor windows



As noted previously the proposed dwelling is to be of a modest scale in the front curtilage of Braeside House which matches the single storey height of the cottages to the East. With the design approach noted previously in this document, matching in with the scale of the cottages to the East results in the proposed dwelling being appropriate and sympathetic in relation to other buildings in the locality and thus the area overall. The scale proposed in front of Braeside House also reinforces the building pattern.



**Figure 21 – Proposed house overlaid on top of one of the cottage buildings to the East where it can be seen the proposed house is of a smaller footprint**

The proposed house can also be seen to be relatable to an outbuilding, ancillary to the house whether it be a garage, ancillary accommodation unit, garage with ancillary accommodation above or the like to which there are many examples of this type of development nearby. The proposed house could easily be read similarly to a building such as this with the scale and form it affords as well being subservient to the main house. The material choice with its light touch also conveys this design approach too. As it can be seen in the below examples this type of development is regularly seen in relation to the house with the subservient nature clear.









Figures 22, 23 & 24 – Webster Homes development to B996 with large ancillary units to them

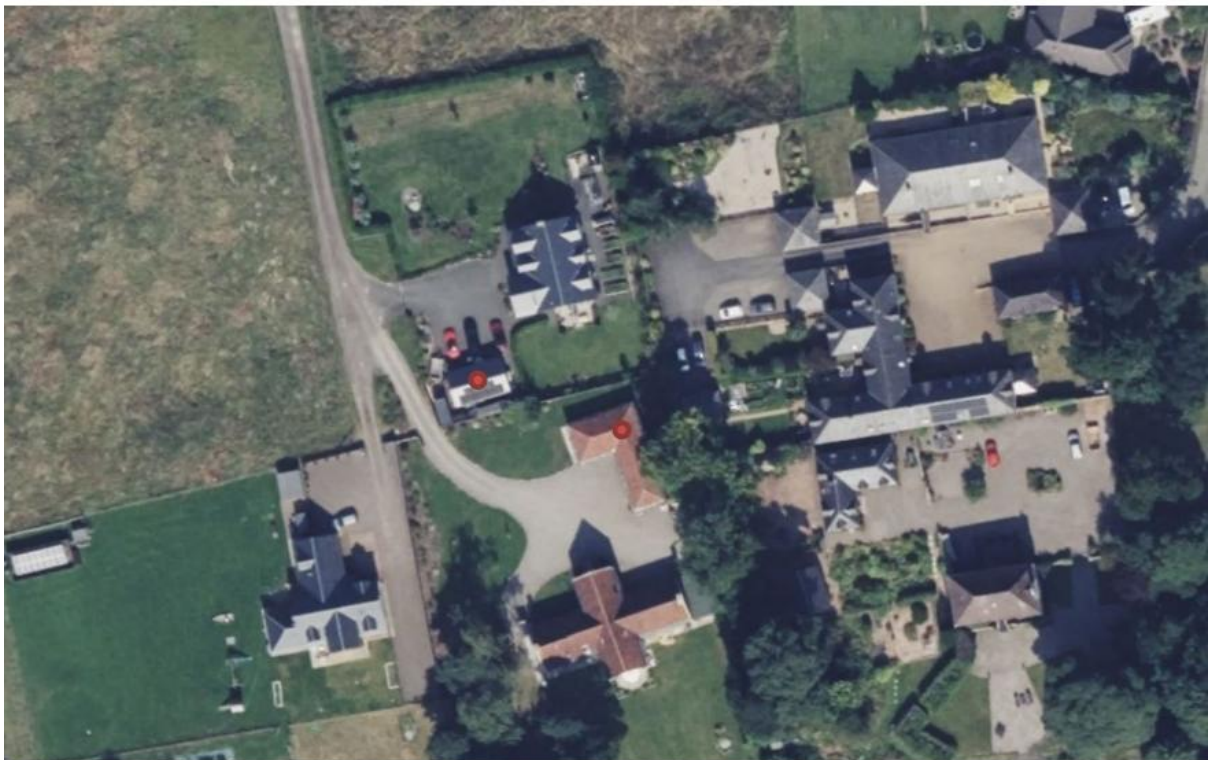


Figure 25 – Oakbrae and The Stackhouse west of the application site along Hatchbank Road with large ancillary buildings to the front (highlighted by red dot)





Figure 26 – The Stackhouse as shown in figure 25



Figure 27 – Hassentressle, west along Hatchbank Road from the application site





With the above and the application submission documents and information the following conclusions can be made;

-The South-West corner to Braeside House has previously been identified as the most suitable location for development with the previously approved ancillary accommodation being located there along with planning officer guidance from the application in principle for a dwellinghouse also previously approved. The location of the proposed house benefits from adequate containment with the existing stone dyke wall and proposed trees to the West, the stone dyke wall and existing trees to the South, the stone dyke wall and the tress to the East and the existing house to the North. The location as proposed for the dwellinghouse will not obscure the approach to the existing house and its location is tucked into a corner of the garden that is well screened by surrounding trees.

- Braeside House is set back within the site compared to the cottages to the East which sit in front of Braeside House. The design approach on identifying the cottages, and other houses, to the East being located to the front of Braeside House and acknowledging the rotated orientation of the houses to the furthest East of Hatchbank Road where the proposed dwelling shall then bookend the settlement at the Western side, integrates the proposed dwelling clearly with the building pattern and overall area. The proposed dwelling also ties in with the unique orientation of the existing house with the gable ends facing the same direction.

-The proposed dwelling is clearly subservient to Braeside House. The proposed dwelling looks to replicate the existing cottages to the East in storey height, footprint, scale and form. Furthermore, the proposals are comparable to ancillary outbuildings such as garages, ancillary accommodation or garages with ancillary accommodation above as shown in the local examples which will be compatible with Braeside House.

-Materiality has been chosen to respect the existing houses and area overall. Stone has been chosen as a basecourse which ties in with the stone dyke walls surrounding the existing house, black timber has been chosen to tie in with the black timber to the house with timber being used elsewhere in the area and black metal has been chosen as a contemporary take on the dark tiles and slate seen on houses in the area. The materials chosen are of a high quality and are sustainable.

-The proposed house will be afforded a high standard of amenity whilst the amenity of Braeside House shall also be protected and shall remain at a high standard.



-Being located in an existing building group allows the development to utilise existing infrastructure and public transport provision whilst also allowing renewable energy technologies to serve the new proposed dwelling.

-As confirmed by our environmental consultants along with a tree surgeon Lord of the Trees, the trees to be removed to the West do not need any permission to fell. Also confirmed by our environmental consultants and understood by their nature being formed in a row, the trees were highly likely planted unnaturally to act as a screening hedge and all we are proposing is replacing this overgrown hedge with a new hedge consisting of more trees. Similar trees in the garden have previously fallen down so we justify felling these trees in respect of negating any risk to life or the existing and proposed house. We shall be taking these down and replacing them with 3 in their place as per Perth and Kinross Council's guidance, this will in turn enhance the habitat in this location. As per information contained within this statement as well as that in our sustainability statement, existing biodiversity will not be detrimentally affected by the works and actually enhanced. Existing trees being retained shall be protected throughout the construction phase and beyond.

-Our proposals have been informed by previous applications and pre-application discussions where we have engaged with Perth and Kinross Council to form a suitable dwellinghouse that is appropriate within the site and ties in with the character of the area.

Taking into account all of the above, we respectfully ask councillors to overturn the planning officers decision and grant planning permission.





Mr And Mrs C Megginson  
c/o Andrew Megginson Architecture  
Andrew Megginson  
128 Dundas Street  
New Town  
Edinburgh  
EH3 5DQ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date of Notice: **24th July 2023**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT**

Application Reference: **23/00593/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 12th May 2023 for Planning Permission for **Erection of a dwellinghouse Land 20 Metres South West Of Braeside House Hatchbank Road Gairney Bank Kinross KY13 9JY**

**David Littlejohn**  
**Head of Planning and Development**

### **Reasons for Refusal**

1. The proposed development is poorly designed, fails to respect the character and amenity of the place, will have a detrimental effect on the building pattern and character of the area and will have a significant detrimental impact on residential amenity. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and NPF4 Policy 17: Rural Homes and LDP2 Policy 1: Placemaking and related Placemaking Supplementary Guidance (2020) and LDP2 Policy 19: Housing in the Countryside and the related Housing in the Countryside Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
2. Insufficient information has been submitted by the applicant to demonstrate the use of low and zero carbon generating technology in the proposed development. The proposal does not satisfy NPF4 Policy 2: Climate Mitigation and Adaptation and LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development.
3. The removal of the existing mature tree group to enable the development is not supported as this offers an attractive mature green buffer and screening from the M90. The proposal will lead to the fragmentation of an existing green network. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, Policy 40B: Trees, Woodland and Development and Policy 42: Green Infrastructure.



4. Insufficient information has been submitted by the applicant to enable full assessment of the impact of the proposal on existing trees and biodiversity on the site and proposed mitigation measures. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees, NPF4 Policy 3: Biodiversity and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 40B: Trees, Woodland and Development, Policy 41: Biodiversity and Policy 42: Green Infrastructure.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

### **Notes**

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 incorporate changes to the western boundary of the application site.

**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](http://www.pkc.gov.uk) "Online Planning Applications" page**

#### **Plan Reference**

01

05

06

07

09

10

11

12

# REPORT OF HANDLING

## DELEGATED REPORT

|                        |                   |  |
|------------------------|-------------------|--|
| Ref No                 | 23/00593/FLL      |  |
| Ward No                | P8- Kinross-shire |  |
| Due Determination Date | 11th July 2023    |  |
| Draft Report Date      | 11th July 2023    |  |
| Report Issued by       | cm                | Date updated 24/7/23 on receipt of further information from applicant. |

**PROPOSAL:** Erection of a dwellinghouse

**LOCATION:** Land 20 Metres South West Of Braeside House  
Hatchbank Road Gairney Bank Kinross KY13 9JY

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for a dwellinghouse in the front garden ground of an existing dwellinghouse located on the north side of Hatchbank Road, Gairney Bank, Kinross.

The application site measures 1640 sqm. A single storey dwellinghouse is proposed on the west side of the existing front garden ground, in front of the existing 2-storey dwellinghouse. The existing vehicular access is to be retained and shared.

The design of the new dwellinghouse is contemporary with a stone basecourse, black stained timber cladding and a black metal sheeting to the roof. Five Cypress trees on the west boundary of the site are to be removed to enable the development and 15 new Cypress trees planted on the same boundary, to the rear of the new dwellinghouse. A 3m high acoustic fence is also proposed on the west boundary to mitigate traffic noise from the M90.

The existing 2-storey detached 5-bedroom dwellinghouse is set back from the main road and the existing building line formed by a linear residential development along the north side of Hatchbank Road.

To the north and west of the application site are agricultural fields, further west is the M90 and to the south is a public road and agricultural fields. To the east is a mix of traditional and modern residential dwellinghouses forming a small settlement on the north and south side of Hatchbank Road.

### SITE HISTORY

19/01136/IPL Erection of a dwellinghouse and garage with ancillary accommodation (in principle) 17 September 2019 Application Approved

17/01281/FLL Erection of ancillary accommodation 14 September 2017 Application Approved

## **PRE-APPLICATION CONSULTATION**

16/00149/PREAPP Holiday Lodges on land to west of Braeside House, Hatchbank Road, Kinross

16/00562/PREAPP – Erection of an annexe, Braeside House

22/00068/PREAPL Erection of a dwellinghouse, Braeside House

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 6: Forestry, Woodland and Trees

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Policy 17: Rural Homes

Policy 20: Blue and Green Infrastructure

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

## **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 1A: Placemaking

Policy 1B: Placemaking

Policy 19: Housing in the Countryside

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 42: Green Infrastructure

Policy 46A: Loch Leven Catchment Area

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 56: Noise Pollution

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

### **Statutory Supplementary Guidance**

- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **OTHER POLICIES**

#### **Non-Statutory Guidance**

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

## **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

### **National Roads Development Guide 2014**

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **CONSULTATION RESPONSES**

### External

Scottish Water - No objection.

Scottish Environment Protection Agency - Assessed the P mitigation calculations and there is sufficient mitigation proposed. Recommend that relevant conditions in the MOU are attached to any planning permission granted.

## Internal

Transportation And Development - No objection.

Biodiversity/Tree Officer – Initial objection due to lack of supporting information on tree loss and biodiversity enhancement. Further information submitted by the applicant in response to consultation comments. However, this does not fully address the impact of the development on trees and biodiversity.

Environmental Health – Initial comments recommended further information on the submitted NIA as whilst it had assessed and addressed internal noise levels and has determined that with appropriate mitigation measures that daytime and nighttime criteria levels can be achieved, no such assessment addressing the amenity of the proposed external garden areas has been outlined in the NIA. The predicted daytime level of external areas to the rear for daytime period, when residents are likely to use garden areas, is 60dBLAeq(16hr). The criteria level of 55dB is deemed to be acceptable for the proposed garden area for the dwellinghouse. The applicant therefore needs to submit further information on how the 55dB LAeq(16hr) is going to be achieved and any proposed mitigation measures that maybe required to ensure an appropriate level of amenity within the garden area. The applicant submitted a revised NIA with modelling which indicated that the garden areas to the east of the dwellinghouse will be below 55dB criteria as the building itself will act as a physical barrier to the M90 road traffic noise. The garden area to the west of the proposed dwellinghouse requires additional mitigation to meet the upper limit criteria of 55dB. The NIA recommends that a 3.0-metre-high close boarded acoustic fence is erected along the western boundary/existing tree line as indicated in noise contour maps Figure 6 & Figure 7 in the NIA. Should planning permission be granted a condition is recommended to ensure that all mitigation measures in the revised NIA (version 2 dated 18 July 2023) are implemented.

## **REPRESENTATIONS**

No representations were received.

### **Additional Statements Received:**

|  |   |
|--|---|
| Screening Opinion  | EIA Not Required                          |
| Environmental Impact Assessment (EIA):<br>Environmental Report   | Not applicable                            |
| Appropriate Assessment under Habitats<br>Regulations             | Habitats Regulations /<br>AA Not Required |
| Design Statement or Design and Access<br>Statement               | Submitted                                 |
| Report on Impact or Potential Impact eg Flood<br>Risk Assessment | NIA 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 comprises

NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

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**

NPF4 Policy 17 Rural Homes is relevant to the proposal and this policy intends to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. The proposal for a new dwellinghouse in the front garden ground of an existing dwellinghouse does not meet any of the criteria set out in Policy 17 and the proposal by virtue of its location and contemporary design will have a negative effect on the distinct character of the dwellinghouse and the surrounding area. The proposal does not therefore satisfy NPF4 Policy 17.

The application site is not in an identified settlement in LDP2 and therefore Policy 19 Housing in the Countryside and the related Supplementary Guidance are relevant.

The housing in the countryside policy supports housing development in the countryside subject to various criteria and that the proposal fits in to one of the following categories:

- (1) Building Groups.
- (2) Infill sites.
- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
- (4) Renovation or replacement of houses.
- (5) Conversion or replacement of redundant non-domestic buildings.
- (6) Development on rural brownfield land.

The proposal can only be assessed under Category 1 Building Groups as it does not fit into Categories 2-6.

The Supplementary Guidance notes that permission may be granted, subject to the criteria above, for houses which extend the group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.

The front garden ground of the 5-bedroom house is not considered to be a readily definable site to extend the building group as recognised in the Supplementary

Guidance. The application site has an established boundary of trees to the west and to the south a stone wall forms the front garden boundary of the existing dwellinghouse. Fencing is proposed to define a boundary to the north around the proposed private garden area for the new dwellinghouse with the remaining grassed area, vehicular access and parking to remain open and shared. The application site cannot be considered to be a suitable setting for a dwellinghouse and a readily definable site to extend a building group.

Notwithstanding this matter, the Supplementary Guidance states that permission will be granted for houses within building groups providing it can be demonstrated that:

- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
- New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
- A high standard of residential amenity will be provided for both existing and new housing.

In respect of the first criterion above, the existing 2-storey detached 5-bedroom house is set back from the main road and the existing building line formed by a linear residential development along the north side of Hatchbank Road. The setting and position of the house makes it stand alone from the other dwellinghouses as it forms the western boundary of the residential development on the north side of the road.

This is acknowledged in the applicant's supporting statement which states the site can be seen as unique to others and should be evaluated on these unique elements. The supporting statement notes that the proposed dwellinghouse ties in with the cottages to the east and the overall settlement bookending the edge of it with a building similar to the cottages and orientated with the westernmost boundary of the settlement.

In response, the proposal does not respect the unique setting of the house and the loss of front garden ground to enable the dwellinghouse will have a detrimental effect on the character of the house and the wider setting. The plot created is not comparable to neighbouring plots. Further, the position and orientation of the new dwellinghouse does not respond positively to the linear development of cottages to the east which front the north side of Hatchbank Road. The proposal does not integrate well into the existing layout and building pattern by virtue of its position, design and orientation.

The proposal does not respect the character, scale and form of the existing group.

In respect of visual amenity, a contemporary design is proposed for the new single storey dwellinghouse comprising a stone basecourse, black stained timber cladding and a black metal sheeting to the roof. The design fails to respect the local character. The finish and materials are not appropriate in the context of the surrounding area and the proposal will not complement or enhance the surrounding area as required by the Supplementary Guidance.

The proposed development will detract from the visual amenity of the existing dwellinghouse and the group when viewed from the wider landscape.



In respect of residential amenity, the existing dwellinghouse is a large 2-storey property with windows on both levels and door openings fronting the garden area. The proposed single storey dwellinghouse is to be located less than 9m from the existing 2-storey dwellinghouse. As a result, residential amenity and the use of private garden areas will be negatively impacted.

The proposed site plan shows an area of rear garden ground for the existing dwellinghouse and an irregular shaped area of private garden ground measuring 100 sqm for the new dwellinghouse. The supporting statement notes that the remaining front and side areas of garden ground (east) are to be shared between the existing and proposed dwellinghouses.

The proposed and existing private garden areas are not proportionate to the size and layout of the buildings and do not respect the scale and character of the dwellinghouses. Further, the area of garden ground for the new dwellinghouse will be screened by a 3m high acoustic fence and proposed Cypress trees (15no) on the west boundary and existing planting on the south boundary which will reduce the daylight/sun into the property and impact the use and enjoyment of the private garden space which will have a detrimental effect on residential amenity.

The proposed site plan shows that the existing vehicular access is to be shared by the existing and proposed dwellinghouses. An area of parking for the new dwellinghouse is to be located immediately in front of the existing dwellinghouse and an area of parking will be retained at the side (east) for the existing dwellinghouse. The creation of a parking area immediately in front of the existing dwellinghouse will have a detrimental effect on existing residential amenity.

The proposal will not provide a high standard of residential amenity for both the existing and new dwellinghouse.

The proposal does not satisfy LDP2 Policy 19 Housing in the Countryside and related Supplementary Guidance.

## **Design and Layout**

As stated previously in the report, a contemporary design is proposed for the new single storey dwellinghouse comprising a stone basecourse, black stained timber cladding and a pitched black metal sheeting roof with rooflights on both sides. There are no window openings on the north/side elevation and two tall slim window openings are proposed on the south/side elevation. The main open plan living space and bedroom access the rear garden (west). The dwellinghouse is positioned along the west boundary with the main elevation looking onto the front garden (east). The design of the dwellinghouse respects the sloping site with a stone basecourse built up in part to reflect the changing levels and a flight of steps are shown to access the rear garden from the open plan kitchen/living space.

The design, finish and materials of the proposed dwellinghouse are not appropriate in the context of the surrounding area and the proposal will not complement or enhance the surrounding area. The poorly designed proposal is inconsistent with the six qualities of successful places outlined in national placemaking policy.

The proposed site plan shows an area of private garden ground measuring 100 sqm to the rear (west) and side (north) of the new dwellinghouse. Boundary trees (15) are proposed on the west boundary of the site to replace the 5 Cypress trees to be removed to enable the development. During the application process, an updated Noise Impact Assessment (NIA) was submitted by the applicant to address initial comments from Environmental Health. The updated NIA recommends a 3m high acoustic fence on the west boundary, to protect residential amenity from road traffic noise from the M90. This is shown on the amended site plan as a solid pink line. A 1.8m fence along a section of the north boundary is proposed to separate the two dwellinghouses as indicated by a green dashed line on the amended site plan. As noted previously in the report, the applicant's supporting statement highlights that the remaining front garden ground is to be shared together with the existing vehicular access. An area of parking for the new dwellinghouse is proposed in front of the existing dwellinghouse.

The Placemaking Supplementary Guidance (2020) states that private spaces require to be sized appropriate to the property they serve, proportionate to the size and layout of the building. It states that appropriate screening with hedges, walls or fencing may be necessary to ensure that the garden space is not overlooked from surrounding houses or gardens. Private spaces must be designed so that residents have a reasonable amount of sun/daylight. They should not be closely bounded by high walls or buildings.

The proposed dwellinghouse is to be located less than 9m from the existing 2-storey dwellinghouse and will be significantly overlooked. The replacement boundary planting and 3m high close board fence to the rear (west) will impact the amount of daylight/sunlight and amenity of the new dwellinghouse. The proposal will have a detrimental impact on the amenity of existing residents due to the proximity of the new dwellinghouse and parking area immediately in front. The proposal is poorly designed and will have a significant impact on existing and proposed residential amenity.

The proposal does not satisfy NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1 Placemaking and associated Placemaking Supplementary Guidance (2020).

Proposals for new buildings are required to embed low and zero carbon generating technology in their design. LDP2 Policy 32 confirms that a supporting statement is required to demonstrate compliance with this requirement. The supporting statement notes the use of renewable technologies however no statement and specific detail has been submitted and there is no reference to carbon emission reduction on the proposed plans.

The proposal does not satisfy NPF4 Policy 2: Climate Mitigation and Adaptation and LDP2 Policy 32 Embedding Low and Zero Carbon Generating Technology in New Development.

### **Residential Amenity – traffic noise**

The applicant submitted a Noise Impact Assessment (NIA) for traffic noise due to the proximity of the M90 (west). This was reviewed by Environmental Health (EH) and their initial comments noted that the NIA reports that internal noise levels can be achieved through suitable glazing which will mitigate any impact on internal amenity

from traffic noise. However, the NIA lacks any such assessment addressing the amenity of the proposed external garden areas. The predicted daytime level of external areas to the rear for daytime period, when residents are likely to use garden areas, is 60dB LAeq(16hr). The WHO Guideline Values for Community Noise for outdoor living area is 50-55dB LAeq(16hr). The criteria level of 55dB is widely regarded as acceptable for the proposed garden area for the dwellinghouse. The NIA requires to demonstrate how the 55dB LAeq(16hr) is going to be achieved and any proposed mitigation measures that maybe required to ensure an appropriate level of amenity within the garden area.

As a result of the comments from EH, an amended NIA (version 2 dated 18 July 2023) was submitted by the applicant for review. The further comments from EH noted that the predicted façade daytime levels are 60dB LAeq(16hr) and the report states that this level will reduce to approximately 57dB in free field conditions. Modelling indicated that the garden areas to the east of the dwellinghouse will be below 55dB criteria as the building itself will act as a physical barrier to the M90 road traffic noise. The garden area to the west of the proposed dwellinghouse requires additional mitigation to meet the upper limit criteria of 55dB. The NIA recommends that a 3.0-metre-high close boarded acoustic fence is erected along the western boundary/existing tree line, as indicated in noise contour maps Figure 6 & Figure 7 in the NIA.

EH are satisfied that the updated NIA demonstrates that internal and external noise criteria levels at the proposed dwellinghouse can be achieved through the recommended mitigation measures to ensure a satisfactory level of residential amenity at the property. Should planning permission be granted, a condition is recommended to ensure all measures are implemented in accordance with Section 4 of the approved Noise Impact Assessment reference 22-084 'Traffic Noise Assessment- Proposed Dwelling at Braeside House, Hatchbank Road, Kinross', version 2 dated 18 July 2023 to the satisfaction of the Planning Authority.

The proposal satisfies NPF4 Policy 23 Health and Safety and LDP2 Policy 56 Noise Pollution, subject to condition.

For the record, page 10 of the NIA shows indicative floorplans for the proposed dwellinghouse with a basement level games room and wine cellar and ground floor accommodation incorporating a bedroom and open plan living area. The plans submitted with the planning application show ground floor level accommodation only.

## **Roads and Access**

Transportation and Development note that the dwellinghouse will utilise the existing vehicle access onto the public road network. The applicant is proposing to provide 8 car parking spaces on site, which meets the requirements of the national Roads Development Guide.

Transportation and Development have no objections to this proposal in respect of roads and parking.

## **Drainage and Phosphorous Mitigation**

The proposed site plan shows a treatment plant will serve the existing and proposed house and will connect into an existing drainage line and soakaway for the existing house and replace a septic tank. Surface water will also connect into the existing drainage line and soakaway.

The proposal satisfies NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 53B: Water Environment and Drainage: Foul Drainage and Policy 53C: Water Environment and Drainage: Surface Water Drainage.

SEPA was consulted and confirm that there is sufficient phosphorous mitigation proposed. Conditions are recommended by SEPA should the application be approved.

The proposal satisfies NPF4 Policy 22: Flood Risk and Water Management and LDP 2 Policy 46A: Loch Leven Catchment Area.

## **Natural Heritage and Biodiversity**

### Trees

The Biodiversity Officer's initial consultation comments confirmed that the submitted Tree Survey doesn't contain adequate information to assess a planning application such as impact assessment of the proposed development, how many trees are to be removed to allow development and compensation for lost trees. It was highlighted that the submitted Tree Survey recommends, an arboricultural method statement, tree protection plan and compensatory planting plan are required.

The applicant responded to the Biodiversity Officer's initial consultation comments to advise that the proposed site plan shows that 5 Cypress trees on the west boundary are to be removed to enable the development and 15 Cypress trees will be planted on the same boundary to compensate for the loss, in line with the Council's guidance.

The Biodiversity Officer highlights that the first consideration should always be to retain existing trees and the removal of the existing mature tree group to enable the development will result in the loss of an attractive green buffer and screening. Also, the species choice of cypress so close to the proposed new dwellinghouse is an issue as this may lead to conflicts in future such as shading and loss of light.

The consultation comments note that the intention to retain all existing trees to the south is positive. However, as the proposed new dwellinghouse is located so close concern is raised as to how these trees will be protected during construction. As the submitted Tree Survey recommends, an arboricultural method statement and tree protection plan are required. The tree protection plan must include detail on how the root protection areas of these trees will be protected during construction taking into consideration the positioning of infrastructure.

## Biodiversity

As required by NPF4, enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations.

The Biodiversity Officer initially noted that no information on biodiversity was provided. The applicant provided evidence by email that there have been no records of wildlife along Hatchbank Road and confirmed that the trees would be felled out with bird nesting season. The applicant responded to the Biodiversity Officer comments to advise that the proposed site plan shows hedgehog holes are to be provided in proposed fences along with swift and bat boxes provided to trees to the south. These are measures proposed by the applicant without the benefit of an ecologist report outlining a survey of the site, its characteristics and professional ecologist recommendations.

The Biodiversity Officer advises that swift boxes/bricks would be better incorporated into the proposed new building as they nest in buildings. Also, they prefer cooler aspects of north and east facing walls. Bat boxes/bricks incorporated into the new building or on nearby trees would be suitable. Suitable planning conditions could ensure biodiversity measures are incorporated into the proposal.

Overall, the removal of the existing mature tree group to enable the development is not supported as this offers an attractive mature green buffer and screening from the M90. The proposal will lead to the fragmentation of an existing green network.

The proposed development does not satisfy NPF4 Policy 6 Forestry, Woodland and Trees, NPF4 Policy 3 Biodiversity and NPF4 Policy 20 Blue and Green Infrastructure and LDP2 Policy 40B Trees, Woodland and Development, Policy 41 Biodiversity and Policy 42: Green Infrastructure.

## **Material Considerations**

### Site History

The Applicant's Supporting Statement notes planning permissions 17/01281/FLL for an annex and 19/01136/IPL for a dwellinghouse. The applications were approved under Local Development Plan (2014), now superseded.

The application has been assessed under the adopted national and local planning policy which seeks to facilitate the delivery of more high quality and sustainable rural homes in the right locations. The assessment above demonstrates that the proposal is not supported by national and local planning policy.

There are no material considerations to justify approval of the application.

## **Developer Contributions**

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

## **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to 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 variation is for the erection of a 3m high close board fence on the west boundary of the site, as recommended by a revised Noise Impact Assessment (version 2 dated 18 July 2023).

## **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 Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly, the proposal is refused on the grounds identified below.

### **Reasons**

1. The proposed development is poorly designed, fails to respect the character and amenity of the place, will have a detrimental effect on the building pattern and character of the area and will have a significant detrimental impact on residential amenity. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and NPF4 Policy 17: Rural Homes and LDP2 Policy 1: Placemaking and related Placemaking Supplementary Guidance (2020) and LDP2 Policy 19: Housing in the Countryside and the related Housing in the Countryside Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
2. Insufficient information has been submitted by the applicant to demonstrate the use of low and zero carbon generating technology in the proposed development. The proposal does not satisfy NPF4 Policy 2: Climate Mitigation and Adaptation and LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development.

3. The removal of the existing mature tree group to enable the development is not supported as this offers an attractive mature green buffer and screening from the M90. The proposal will lead to the fragmentation of an existing green network. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, Policy 40B: Trees, Woodland and Development and Policy 42: Green Infrastructure.
4. Insufficient information has been submitted by the applicant to enable full assessment of the impact of the proposal on existing trees and biodiversity on the site and proposed mitigation measures. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees, NPF4 Policy 3: Biodiversity and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 40B: Trees, Woodland and Development, Policy 41: Biodiversity and Policy 42: Green Infrastructure.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

### **Informatives**

Not Applicable.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

01, 05, 06, 07, 09, 10, 11, 12



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto: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 100625141-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

New dwelling to land at front of existing house.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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: | Andrew Megginson Architecture          |  |                               |
| Ref. Number:          |  | You must enter a Building Name or Number, or both: * |                               |
| First Name: *         | Andrew                                 | Building Name:                                       | Andrew Megginson Architecture |
| Last Name: *          | Megginson                              | Building Number:                                     |                               |
| Telephone Number: *   | 0131 557 9129                          | Address 1 (Street): *                                | 128 Dundas Street             |
| Extension Number:     |  | Address 2:   | New Town                      |
| Mobile Number:        |  | Town/City: *   | Edinburgh                     |
| Fax Number:           |  | Country: *   | Scotland                      |
|                       |  | Postcode: *  | EH3 5DQ                       |
| Email Address: *      | andrew@andrewmegginsonarchitecture.com |  |                               |

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |            |  |                |
|----------------------|------------|--|----------------|
| Title:               | Other      | You must enter a Building Name or Number, or both: * |                |
| Other Title:         | Mr/ Mrs    | Building Name:                                       | Braeside House |
| First Name: *        | C          | Building Number:                                     |                |
| Last Name: *         | Megginson  | Address 1 (Street): *                                | Hatchbank Road |
| Company/Organisation |            | Address 2:   |                |
| Telephone Number: *  |            | Town/City: *   | Kinross        |
| Extension Number:    |            | Country: *   | Scotland       |
| Mobile Number:       |            | Postcode: *  | KY13 9JY       |
| Fax Number:          |            |  |                |
| Email Address: *     | [REDACTED] |  |                |

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

Please state the measurement type used:  Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*  Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

8

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

8

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

New treatment plant being installed to serve existing and proposed house.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Kerbside collection as existing.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andrew Megginson

On behalf of: Mr/ Mrs C Megginson

Date: 14/04/2023

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Andrew Megginson

Declaration Date: 14/04/2023

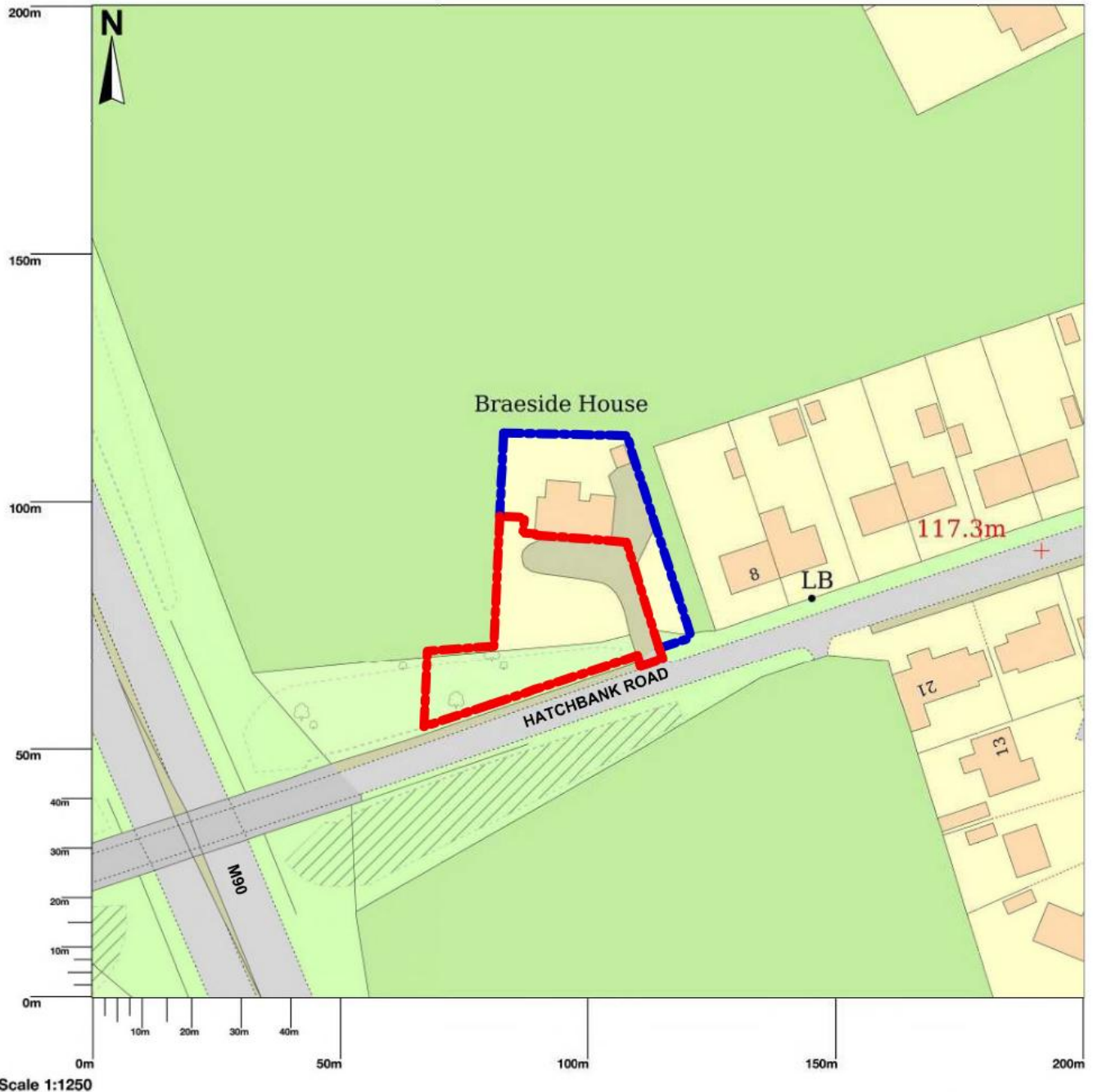
## Payment Details

Online payment: 014264

Payment date: 14/04/2023 12:09:09

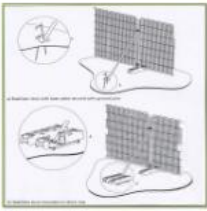
Created: 14/04/2023 12:09

## Braeside House, Hatchbank Road, Kinross, KY13 9JY



© Crown copyright and database rights 2023 OS 100054135. Map area bounded by: 312445,699126 312645,699326. Produced on 12 May 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: p4b/uk/948639/1279581

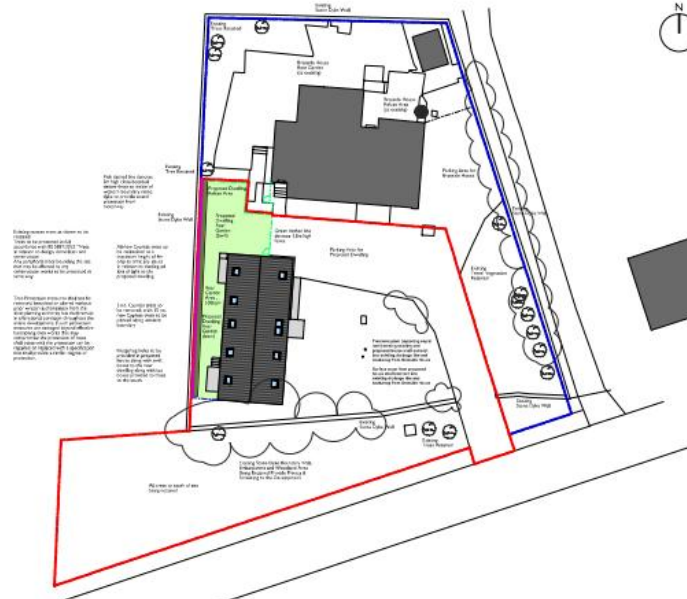




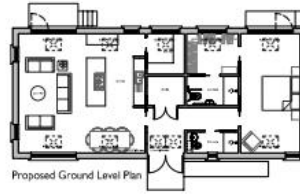
Notes: specifications for all fencing products (timber, metal, plastic) to be shown on the ground.



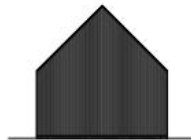
Protective Fencing Specification as per BS 5837:2012



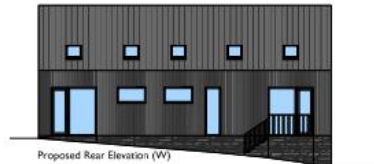
Proposed Site Plan



Proposed Ground Level Plan



Proposed Side Elevation (N)



Proposed Rear Elevation (W)

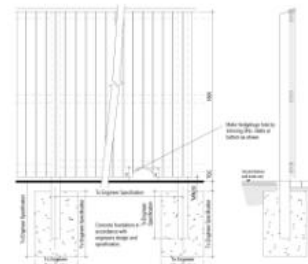


Proposed Side Elevation (S)

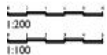


Proposed Front Elevation (E)

Proposed Materiality:  
 Pitched Roof - Black metal sheeting  
 Roof Windows - Black aluminium  
 Walls - Black stained timber  
 Doors and Windows - Black aluminium

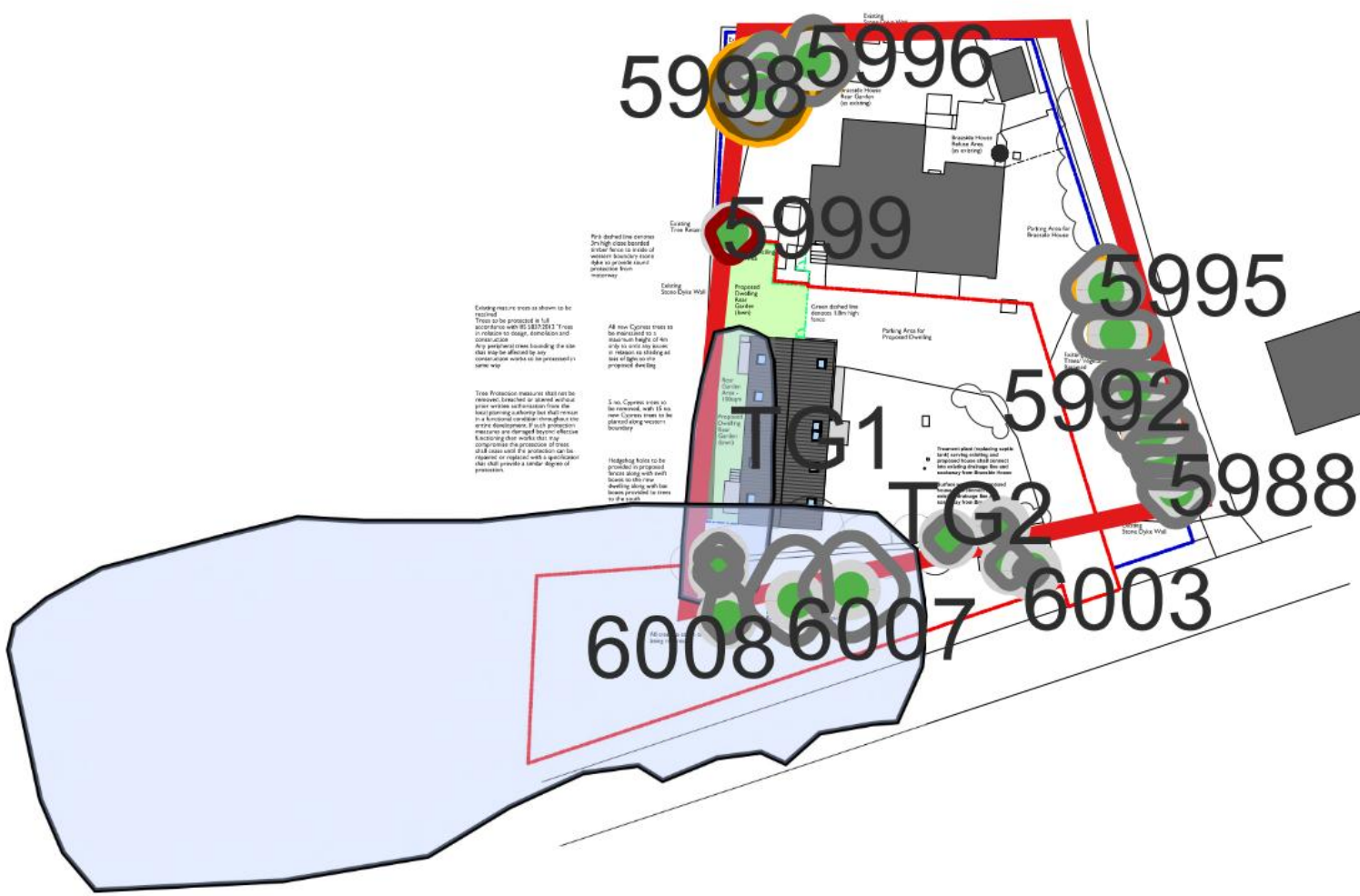


Fence Details



|                 |   |                  |                                      |
|-----------------|---|------------------|--------------------------------------|
| Client          | Mr & Mrs Morgan   | Address          | 123 Dandelion Street, London, E1 1AA |
| Project         | Proposed New Dwelling in Lane of Dandelion Street, Dandelion Street, London | Architect        | ALANMERC                             |
| Phase           | Proposed  | Date             | 10/10/2024                           |
| Scale           | 1:100   | Drawn by         | ALANMERC                             |
| Author          | ALANMERC  | Checked by       | ALANMERC                             |
| Project Manager | ALANMERC  | Client Reference | ALANMERC                             |

ALANMERC  
 123 Dandelion Street, London, E1 1AA  
 Tel: 020 7123 4567  
 Email: info@alanmerc.co.uk  
 www.alanmerc.co.uk



Existing mature trees to remain to be retained. Trees to be proposed a full 10m buffer zone to be retained. These are identified with the 10m buffer zone. Any proposed trees located in a site that may be affected by any construction works to be proposed in same way.

Tree Protection measures shall not be removed. Council or other relevant authority written confirmation that the tree protection is being put in place in a formal manner. Each protection measure are damaged by other external landscaping that works that may compromise the protection of trees. All trees shall be protected by the proposed measures. In respect of any tree that is to be removed, the proposed measures shall provide a similar degree of protection.

All new Cypress trees to be retained with 10m buffer zone. All new Cypress trees to be planted along western boundary.

Hedgehog holes to be provided throughout the site along with earth banks to allow the hedgehog to move through the site.

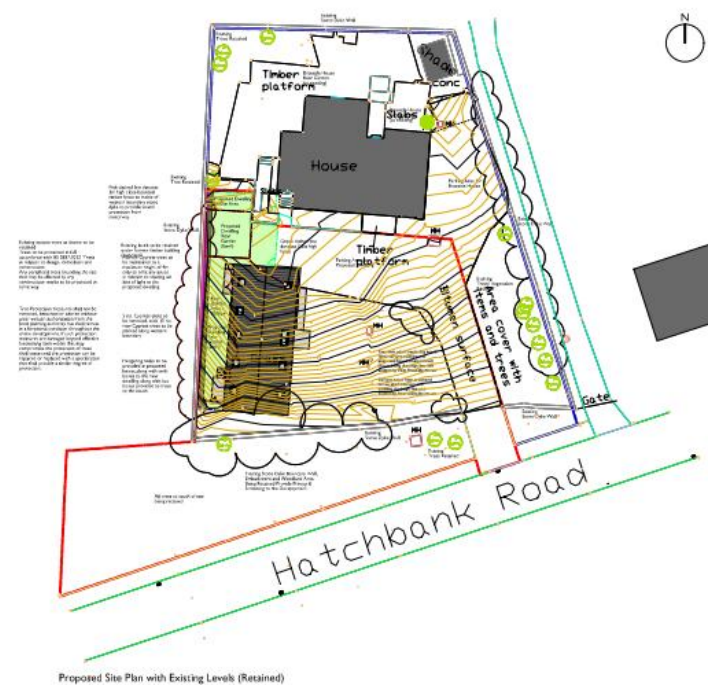
| NO. | DATE     | BY | REVISION                                       |
|-----|----------|----|--|
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| 2   | 10/11/20 | AM | Proposed scheme including DWG, A106 Assessment |
| 3   | 10/11/20 | AM | Proposed scheme including DWG, A106 Assessment |
| 4   | 10/11/20 | AM | Proposed scheme including DWG, A106 Assessment |

|         |   |
|---------|---|
| CLIENT  | M. & Mrs. Megginson   |
| PROJECT | Proposed New Dwelling to Land at Braselade House, Hilltop Road, Kinross |
| DATE    | Site Plan with Tree Survey Overlay                                      |
| SCALE   | PLANNING  |
| DATE    | 10/11/20  |

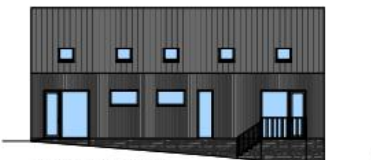
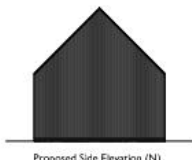
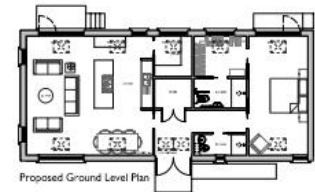
Andrew Megginson Architecture  
 125 Dundas Street  
 New Town  
 Edinburgh  
 EH3 5JQ  
 Tel: 0131 557 9129  
 Email: info@andrewmegginsonarchitecture.com



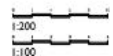
ANDREW MEGGINSON ARCHITECTURE



Over Bridge



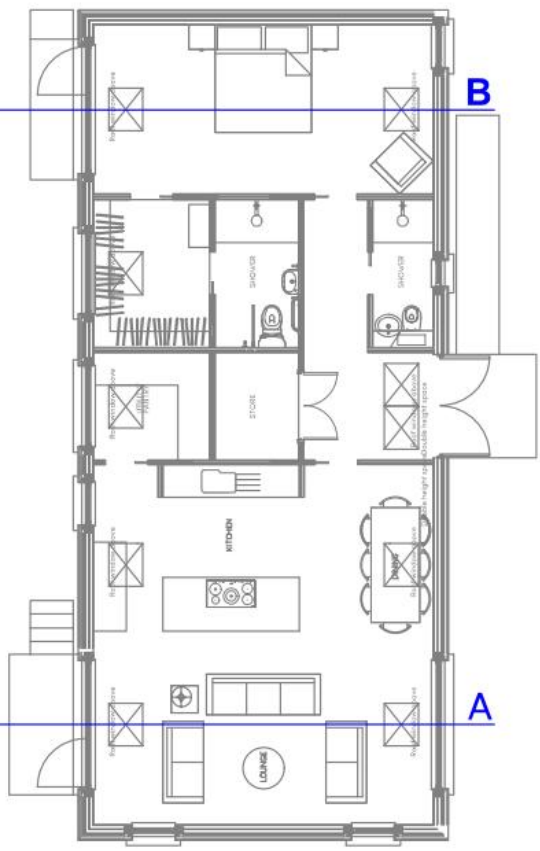
Proposed Materiality:  
 Pitched Roof - Black metal sheeting  
 Roof Windows - Black aluminium  
 Walls - Black stained timber  
 Doors and Windows - Black aluminium



|  |  |   |
|--|--|---|
| M. A. Ellis Architects<br>Proposed New Dwelling & Level at Kilmorie House<br>100/101, The Arcade<br>Auckland City Centre<br>Auckland 1010<br>Tel: 09 308 9200<br>Fax: 09 308 9201<br>www.mae.co.nz |  | Andrew Maguire Architecture<br>124 Dunedin Street<br>Christchurch<br>8013<br>Tel: 03 378 4433<br>Fax: 03 378 4434<br>www.andrewmaguire.co.nz                      |
| Date: 10/10/2014<br>Drawn: M. A. Ellis<br>Checked: M. A. Ellis<br>Title: Proposed New Dwelling & Level at Kilmorie House   | Scale: 1:200<br>1:100<br>1:50<br>1:25<br>1:10<br>1:5<br>1:2<br>1:1 | Project No: 100/101, The Arcade<br>Drawing No: 100/101, The Arcade - 01<br>Date: 10/10/2014<br>Scale: 1:200<br>1:100<br>1:50<br>1:25<br>1:10<br>1:5<br>1:2<br>1:1 |



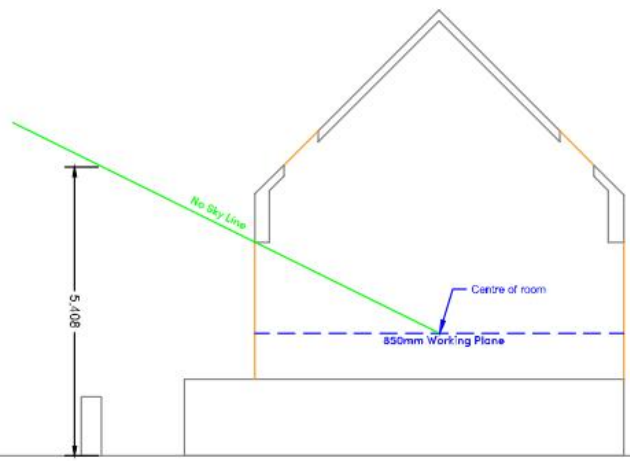
B



A

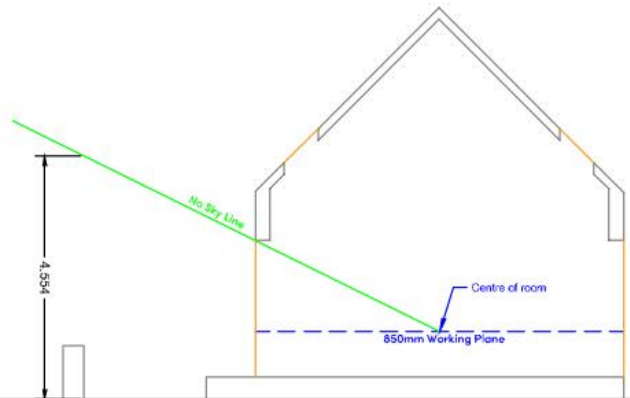
Existing Stone Dyke Boundary Wall, Embankment and Woodland Area Being Retained Provide Privacy & Screening to the Development

Proposed Site Plan (1:100@A3)



Existing Stone Dyke Boundary Wall, Embankment and Woodland Area Being Retained Provide Privacy & Screening to the Development

Section A-A (1:100@A3)



Existing Stone Dyke Boundary Wall, Embankment and Woodland Area Being Retained Provide Privacy & Screening to the Development

Section B-B (1:100@A3)

SOURCES OF INFORMATION:  
 ANDREW MEGGINSON ARCHITECTURE  
 Plans.dwg  
 1133-PL-01 D.pdf  
 1133-PL-02 B.pdf  
 1133-PL-03 A.pdf  
 Location Plan C.pdf  
 Received 10 July 2023

| Rev.   | Date | Amendments | Initial |
|--|------|------------|---------|
| HOLLIS SHALL BE INFORMED IN WRITING OF ANY DISCREPANCIES. ALL DIMENSIONS ARE IN METRES ONLY. |      |            |         |

TITLE  
**Plan and Sections  
 No Sky Line**

CLIENT  
**Andrew Megginson Architecture**

PROJECT  
**Erection of a dwellinghouse |  
 Land 20 Metres South West Of  
 Braeside House, Hatchbank  
 Road, Gairney Bank Kinross**

|                          |                          |
|--------------------------|--------------------------|
| DRAWN BY<br><b>OW</b>    | CHECKED<br><b>BM</b>     |
| SCALE<br><b>1:100@A3</b> | DATE<br><b>July 2023</b> |

**HOLLIS**

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| DRAWING NO.<br><b>122280_CTXT_01</b> | RELEASE NO.<br><b>1</b> |
|--------------------------------------|-------------------------|



**Braeside House  
Tree Survey Report**

**March 2023**

# CONTROL SHEET

Client: Andrew Megginson Architecture  
 Project Title: Braeside House  
 Report Title: Tree Survey Report  
 Document number: 13291  
 Project number: 778028

## Issue Record

| Issue | Status | Author    | Reviewer   | Approver   | Issue Date |
|-------|--------|-----------|------------|------------|------------|
| 1     | FINAL  | G. Millar | P. Dolling | P. Dolling | 31/03/2023 |
| 2     |        |           |            |            |            |

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VAT no. GB 348 6770 57.



## **EXECUTIVE SUMMARY**

EnviroCentre Ltd were commissioned by Andrew Megginson Architecture to conduct a tree survey of a site known as Braeside House. The focus of the tree survey was to determine the constraints placed on future development by tree stock.

The site is situated at Hatchbank Road, Kinross, KY13 9JY. A total of 16 trees were individually surveyed in addition to two unique tree groups identified on and adjacent to site.

Trees present are predominantly naturalised species, located generally on the perimeter of the site. Tree groups are described by location, species composition, quality and age profile.

The desk study found that trees surveyed are not subject to a Tree Preservation Order and do not fall within a Conservation Area.

This report details the findings of the desk study, field data interpretation, tree constraints, and recommendations based on current knowledge of the project. It is suggested at this stage that the primary constraint to a development design is TG1 with expected estimated root protection area infringement and TG2 with expected over-ground constraints associated with the group canopy.



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# 1 INTRODUCTION

## 1.1 Terms of Reference

EnviroCentre Ltd were commissioned by Andrew Megginson Architecture to conduct a tree survey of a site known as Braeside House. The focus of the tree survey was to determine the constraints placed on future development by the tree stock on site.

This report details the findings of the desk study, field data interpretation, tree constraints, and recommendations based on current knowledge of the project.

## 1.2 Aims and Objectives

The aim of this study was to present the potential constraints in relation to trees and vegetation to in relation to the design for future development of the site. The objectives of the study were as follows:

- Undertake a desk study to ascertain and statutory/non-statutory designations pertaining to the site, including tree preservation orders (TPOs) in addition to any pertinent guidance from the Perth & Kinross Local Development Plan<sup>1</sup>.
- Utilise tree survey data in reference to BS5857:2012 *Trees in relation to design, demolition and construction –Recommendations* to depict the influence that tree constraints pose to the design.
- Describe broadly how trees and woodlands should be protected during construction.
- Provide management recommendations to encourage the persistence of any high-quality trees and tree groups on or adjacent to the site.
- Provide suggestions to guide the design and development in limiting impacts on trees.

## 1.3 Site Description

The site is situated on Hatchbank Road, Kinross, KY13 9JY. It is approximately centred at NT 12546 99214. The site is a residential home and gardens and comprises approximately 0.2 hectares (ha). It is generally flat throughout. Trees present on site are semi-mature to mature broadleaves with a conifer shelter belt, all located on the site boundaries with an external tree grouping located to the southwest of the site.

## 1.4 Author Qualifications

I, Graeme Millar am an Arboricultural Consultant with EnviroCentre Ltd. I have extensive experience in professional arboricultural consultancy, advising on matters relating to BS5837 and tree and woodland management in relation to design and construction. I hold a Higher National Diploma in Arboriculture and Urban Forestry and am a technician member of the Arboricultural Association.

---

<sup>1</sup> Available at <https://www.edinburgh.gov.uk/local-development-plan-guidance-1/edinburgh-local-development-plan> (Accessed on 09 March 2023)

## **1.5 Report Usage**

The information and recommendations contained within this report have been prepared in the specific context stated above and should not be utilised in any other context without prior written permission from EnviroCentre Limited.

If this report is to be submitted for regulatory approval more than 12 months following the report date, it is recommended that it is referred to EnviroCentre Limited for review to ensure that any relevant changes in data, best practice, guidance or legislation in the intervening period are integrated into an updated version of the report.

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## 2 METHODS

### 2.1 Guidance Documents

The survey was conducted applying the standards and methods outlined in:

- BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations<sup>2</sup>
- BS 5837 – Advanced: Tree Assessment for Planning<sup>3</sup>
- Guidance Note 7: Tree Surveys - A Guide to Good Practice<sup>4</sup>

### 2.2 Desk Study

A desk study was undertaken prior to the initial field survey which included a review of:

- Available aerial imagery
- Tree Preservation Orders (TPOs), and statutory and non-statutory designated sites<sup>5</sup>
- The Ancient Woodland Inventory and Native Woodland Survey of Scotland<sup>6</sup>
- Perth & Kinross Local Development Plan<sup>7</sup>

### 2.3 Tree Survey

Trees and groups of vegetation were visually assessed from ground level. No invasive instruments were used in assessing the trees' condition. The following information was recorded:

- Unique identification number
- Species
- Height measured using a Haglofs digital clinometer to the nearest 0.5m
- Diameter at 1.5m above ground level measured with a diameter tape to the nearest 5mm
- Crown dimensions estimated or measured to the nearest meter
- Life stage (age profile)
- Condition
- General observations including preliminary management recommendations
- Tree quality categorisation

For multi-stemmed trees and those on sloping ground, variance to the measurement method was made according to BS5837:2012. Where trees stems were inaccessible, e.g., obscured by vegetation, the DBH has been estimated.

---

<sup>2</sup>Available at: <https://shop.bsigroup.com/products/trees-in-relation-to-design-demolition-and-construction-recommendations/standard> (Accessed on 28 March 2023)

<sup>3</sup> Barrell, J. (2016) BS 5837 – Advanced: Tree Assessment for Planning (1<sup>st</sup> ed.). Arboricultural Association.

<sup>4</sup>Available at: <https://www.trees.org.uk/Book-Shop/Products/Guidance-Note-7-Tree-Surveys-%e2%80%93-A-Guide-to-Good-Practice> (Accessed on 28 March 2023)

<sup>5</sup> Available at: <https://www.pkc.gov.uk/treesandtpos> (Accessed on 28 March 2023)

<sup>6</sup> Available at: <https://map.environment.gov.scot/sewebmap/> (Accessed on 28 March 2023)

<sup>7</sup> Available at <https://www.pkc.gov.uk/article/15042/Adopted-Local-Development-Plan> (Accessed on 28 March 2023)

### 2.3.1 Tree Numbering and Identification

Individually surveyed trees were tagged with unique ID numbers. All tags were attached on the main stem where possible.

Tree and hedge groups have been assigned an identification code in the format: *TG#*

### 2.3.2 Life Stage

**Table 2.1: Tree Age Classes**

| Abbreviation | Category     | Description  |
|--------------|--------------|--|
| Y            | Young        | A juvenile tree newly planted or recently established.   |
| EM           | Early mature | A tree that is becoming established increasing in height and landscape significance.   |
| SM           | Semi-mature  | An established tree but not showing any species-specific mature characteristics such as ridged bark.   |
| M            | Mature       | A tree which has reached maturity and contains features such as anticipated climax height, and species-specific mature characteristics.  |
| LM           | Late mature  | A tree which is exhibiting physiological and biomechanical changes associated with aging and has the potential to become veteran or ancient.   |
| V            | Veteran      | A tree usually in the mature stage of its life and has important wildlife and habitat features including hollowing or associated decay fungi; holes; wounds and large dead branches.   |
| A            | Ancient      | A tree with one or more of the following characteristics: <ul style="list-style-type: none"> <li>• Biological, aesthetic or cultural interest because of its great age</li> <li>• A growth stage that is described as ancient or post-mature</li> <li>• A chronological age that is old relative to others of the same species.</li> </ul> |

### 2.3.3 General Observations and Management Recommendations

General (non-invasive) observations were made of individual trees regarding their structural and physiological condition (e.g., the presence of decay or physical defects shown by external bio-mechanical signs). Trees were classified in terms of their general condition using the categories outlined in Table 2.2.

**Table 2.2: Tree Condition Classes**

| Abbreviation | Category | Description   |
|--------------|----------|---|
| G            | Good     | A tree not showing more mechanical defects than would be expected or that could be easily remedied. |
| F            | Fair     | A tree showing more defects than could be reasonably expected, or which could be remedied.          |
| P            | Poor     | A tree in a poor structural condition with defects which could not be easily remedied.              |
| D            | Dead     | A tree afflicted with a pathogen or having suffered a trauma which has resulted in death.           |

Tree groups were classified in terms of their general condition using the categories outlined in Table 2.3 below.

**Table 2.3: Tree Group Condition Classes**

| Abbreviation | Category | Description  |
|--------------|----------|--|
| G            | Good     | Most trees did not show more mechanical defects and/or ill-health than would be expected and/or signs of ill-health. |
| F            | Fair     | Some of the trees show more defects and/or ill-health than could be reasonably expected.                             |
| P            | Poor     | Most trees show signs of in poor structural condition or health  |

### 2.3.4 Tree Quality Categorisation

Individual and groups of trees were afforded a general quality categorisation from **A/B/C** for retention or **'U'** as unviable for retention. The categorisation also reflects the future contribution that the tree may provide. Please refer to Appendix B: Tree Quality Assessment Criteria for further details of the categorisation.

### 2.3.5 Root Protection Areas (RPA)

The RPA was calculated as an area equivalent to a circle with a radius 12 times that of the stem DBH or the equivalent diameter for multi-stemmed trees.

At a minimum, tree groups shall be afforded an RPA that extends to the dripline of the group. Where tree groups require additional RPA allowance beyond their dripline, a modified RPA will be added to the tree plans.

Where access was not possible for individual trees or tree groups, estimated dimensions will be identified with the suffix # (British Standard 5837:2012 section 4.4.2.6 – c) and aimed to be representative of the likely constraints plus allowance for future growth.

## 2.4 Tree Survey Plan

Individual trees and tree groups have been plotted on the Tree Survey Plan following survey of the site. The trees and woodlands were plotted using GPS field data collection equipment and cross referencing with aerial imagery.

The Tree Survey Plan shows the following information:

- The location of the surveyed trees and groups of trees on site
- The tree quality colour code of individual trees and tree groups
- The estimated extent of individual tree crowns and tree group canopies
- The calculated individual tree RPAs (tree group polygons include considered RPA allowance)

## 2.5 Disclaimers

This survey does not specifically address or quantify the health and safety risks posed by tree groups, although where potential hazards have been recognised it is possible to recommend an appropriate strategy for management. Regular arboricultural assessment should be undertaken of trees, particularly those recognised as posing a risk to persons or property within the site.

The survey conclusions relate solely to the conditions recorded at the time of inspection. Trees can be affected by environmental changes such as weather events, topographical alterations, or changes in hydrological regime; therefore, such changes may necessitate further survey.

Individually surveyed trees within tree groups are representative of the dominant trees within the group and are not an exhaustive survey of all trees within the woodland. Much of the tree stock on the southern perimeter was located within residential gardens. As such, tree measurements here were estimated.

The Tree Schedule presented in this document includes preliminary management recommendations but is not a schedule of works and is not designed to be submitted to a contractor. Task specific Arboricultural Method Statements can be provided upon request.



## 3 RESULTS

### 3.1 Desk Study

Significant results from the desk study are displayed in Table 3.1 below.

**Table 3.1: Desk Study Results**

| Desk Study Area                               | Results within the Site Boundary   |
|---|--|
| Tree Preservation Orders & Conservation Areas | No tree stock surveyed is subject to a TPO and the site does not fall within a Conservation Area.  |
| Ancient Woodland Inventory                    | No trees or woodland groups within the subject canopy area were noted in the Ancient Woodland Inventory of Scotland  |
| Native Woodland Survey of Scotland            | No trees or woodland groups within the subject canopy area were noted in the Native Woodland Survey of Scotland  |
| Perth & Kinross Local Development Plan        | <p><b>Policy 40A: Forest and Woodland Strategy</b><br/>The Council will support proposals which:</p> <ul style="list-style-type: none"> <li>a) deliver woodlands that meet local priorities as well as maximising benefits for the local economy, communities, sport and recreation and environment;</li> <li>b) protect existing trees/woodland including orchards, especially those with high natural, historic and cultural heritage value;</li> <li>c) seek to expand woodland cover in line with the guidance contained in the Perth and Kinross Forest and Woodland Strategy Supplementary Guidance;</li> <li>d) encourage the protection and good management of amenity trees, or groups of trees, important for visual amenity, sport and recreation or because of their cultural or heritage interest;</li> <li>e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and trees on development sites in accordance with BS5837 'Trees in Relation to Construction';</li> <li>f) seek to secure establishment of new woodland in advance of major developments where practicable and secure new tree planting in line with the guidance contained in the Perth and Kinross Forest and Woodland Strategy. The planting of native trees and woodland will be sought where it is appropriate.</li> </ul> <p><b>Policy 40B: Trees, Woodland and Development</b><br/>Tree surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where there are existing trees on a site. The scope and nature of such surveys will reflect the known or potential amenity, nature conservation and/or recreational value of the trees in question and should be agreed in advance with the Council. The Council will follow the principles of</p> |

| Desk Study Area | Results within the Site Boundary  |
|-----------------|---|
|                 | <p>the Scottish Government Policy on Control of Woodland Removal and developers are expected to fully accord with its requirements. In accordance with that document, there will be a presumption in favour of protecting woodland resources except where the works proposed involve the temporary removal of tree cover in a plantation, which is associated with clear felling and restocking.</p> <p>In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided. Note: The Council prepared Supplementary Guidance Forest and Woodland Strategy which provides locational guidance and seeks to:</p> <ul style="list-style-type: none"> <li>• promote multi-objective woodland management that delivers environmental, economic and social benefits;</li> <li>• enhance the condition of existing woodland cover and expand them to develop habitat networks that complement the landscape character and other land uses;</li> <li>• enhance landscapes through sensitive restructuring or removal of inappropriately sited and commercially unviable forest blocks;</li> <li>• encourage sustainable forestry that contributes to adaptation and mitigation of a changing climate;</li> <li>• enhance habitat connectivity both within and between river catchments using the most appropriate species and/or land management options;</li> <li>• conserves and expands riparian woodlands using appropriate species for the benefit of biodiversity and flood alleviation purposes;</li> <li>• promote community participation in woodland planning and management;</li> <li>• promote the value of trees and woodlands as a sustainable tourism asset;</li> <li>• apply the guidance and advice in the Scottish Government’s Control of Woodland Removal Policy when considering proposals for tree removal;</li> <li>• identify trees and woodlands in the Perth and Kinross area where nature conservation is of primary importance</li> </ul> |

### 3.2 Site Survey Details

The site survey was conducted on 17<sup>th</sup> March 2023. No inclement weather occurred that could have limited the survey quality. Trees were in typical winter condition with foliage absent from all deciduous trees.

### 3.3 Current Tree Stock

This section should be read in conjunction with:

- Appendix A Tree Quality Assessment Criteria
- Appendix B Tree Schedule
- Appendix C Tree Survey Plan

Species recorded during the survey are detailed in Table 3.2.

**Table 3.2: Tree Species Recorded on Site**

| Common Name  | Scientific Name            |
|--------------|----------------------------|
| Ash          | <i>Fraxinus excelsior</i>  |
| Cypress      | <i>Cupressus sp.</i>       |
| Norway maple | <i>Acer platanoides</i>    |
| Rowan        | <i>Sorbus aucuparia</i>    |
| Sycamore     | <i>Acer pseudoplatanus</i> |

### 3.3.1 Individual Trees and Arboricultural Features

A total of 16 trees were individually surveyed, generally on the edge of the site perimeters. Tree quality was predominantly low (Category C) with the majority of examples having a history of crude management and being in poor condition. The minor ash example surveyed was found to be symptomatic of ash dieback and considered unviable for retention (Category U).

**Table 3.3: Individually Surveyed Trees by Category**

| Tree Category | Number of Trees |
|---------------|-----------------|
| A             | 0               |
| B             | 0               |
| C             | 15              |
| U             | 1               |

### 3.3.2 Tree Groups

The tree survey identified two unique tree groups on the site. The overall quality of the tree groups is on site is moderate.

**TG1** is a linear shelterbelt grouping of cypress on the site's western edge with most examples in good condition.

**TG2** is an external broadleaf plantation predominantly comprised of wild cherry and sycamore located on a north facing embankment. Most examples are in fair condition.

## 3.4 Tree Constraints

Client drawings suggest the erection of an outbuilding on the front lawn area of the property. It is expected that the construction of the building would infringe on the estimated root protection area of TG1. Further above ground constraints may be presented by the canopy of TG2 and may require pruning to facilitate the erection of any building elevation.

## 3.5 Mitigation

I suggest the following measures to minimise and mitigate potential arboricultural impacts because of development:

1. Consider retention of trees where possible to meet the local development plan requirements.
2. Upon final design, complete an impact assessment and tree protection plan so that retained trees in proximity to development activities are afforded protection using the British Standard default barrier specification.

3. All compensatory planting should meet a minimum 1:1 ratio (2:1 preferable) of trees replanted to trees removed (or area for groups).
4. Select a diverse species mix that is native to the area with appropriate hardiness for the climate. This pattern of compensatory planting would serve to bolster retained tree and woodland habitats and invest in their longevity.
5. Employ tree guards to protect young trees from browsing.
6. Survival of the replacement stock should be inspected annually for the first five years after planting
  - a. Replace dead stock discovered during the inspection
  - b. Repair or remove any damaged or obsolete tree guards discovered during the inspection
7. One final inspection 10 years after planting targeting 90% survival of all stock planted
  - a. If 90% survival is not achieved in the 10<sup>th</sup> year, additional planting and monitoring will be required.
8. Design landscape tree planting in a manner that will restore lost habitat connectivity
  - a. Conduct all planting as early in the development phasing as possible to allow planted trees to have an opportunity to establish prior to removal of existing habitat.

### **3.6 Further Assessment**

The tree data within this report should be used to inform the design process. At final design with engineering and landscaping information, the arboricultural impact can be assessed and bespoke protection plans and method statements formed to inform the planning process and construction stage.

## **APPENDICES**

## A TREE QUALITY ASSESSMENT CRITERIA

| Category and colour on Tree Plans  | Criteria   |   |  |
|--|--|---|--|
| <p><b>U - Removal</b></p> <p>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.</p> | <ul style="list-style-type: none"> <li>Trees that have a serious, irremediable structural defect such that early loss is expected through collapse or become unviable after removal of other category U trees.</li> <li>Trees that are dead or are showing signs of significant, immediate, or irreversible overall decline.</li> <li>Trees infected with pathogens of significance to the health and/or safety of other nearby trees or trees of very low quality, suppressing adjacent trees of better quality.</li> </ul> |   |  |
| <p><b>A - Retain</b></p> <p><b>Trees of high quality</b> with an estimated remaining life expectancy of at least 40 years.</p>   | <p><b>Mainly arboricultural value</b></p>  | <p><b>Mainly landscape value</b></p>  | <p><b>Mainly cultural values including conservation</b></p>  |
|  | <p><b>1</b> Trees that are particularly good examples of their species, especially if rare or unusual. Essential components of groups or formal or semi-formal arboricultural features (i.e., dominant/principal trees in an avenue).</p>  | <p><b>2</b> Trees, groups, or woodlands of particular visual importance as arboricultural and/or landscape features.</p>  | <p><b>3</b> Trees, groups, or woodlands of significant conservation, historical, commemorative or other value (e.g., Veteran trees or wood-pasture).</p> |
| <p><b>B - Retain</b></p> <p><b>Those of moderate quality</b> with an estimated remaining life expectancy of at least 20 years.</p>   | <p><b>1</b> Trees that might be included in the high category, but are downgraded because of impaired condition (e.g., remediable defects or poor past management/storm damage) such that they are unlikely to be suitable for retention beyond 40 years.</p>  | <p><b>2</b> Trees present in numbers usually as groups or woodlands, such that they form distinct landscape features thereby attracting a higher collective rating than they might as individuals, or trees occurring as collectives but situated to make little visual contribution to the wider locality.</p> | <p><b>3</b> Trees with measurable conservation or cultural value.</p>  |
| <p><b>C - Retain</b></p> <p><b>Those of low quality</b> with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm.</p>         | <p><b>1</b> Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.</p>   | <p><b>2</b> Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value and/or trees offering low or only temporary/transient landscape benefits.</p>  | <p><b>3</b> Trees with very limited conservation or cultural value.</p>  |

## B TREE SCHEDULE

| Tree No. | Species                                     | Height (m) | DBH (mm) | Branch Spread # (m) |   |   |   | Age Class<br>Y/EM/SM/M/LM/V | Physiological Condition<br>G/F/P/D | General Observations of Structure/Physiological Condition and/or Preliminary Management Recommendations (detailed in bold). | Category |
|----------|---|------------|----------|---------------------|---|---|---|-----------------------------|------------------------------------|---|----------|
|          |   |            |          | N                   | E | S | W |                             |                                    |   | U/A/B/C  |
| 5988     | Norway maple<br>( <i>Acer platanoides</i> ) | 8          | 320      | 1                   | 5 | 5 | 5 | M                           | P                                  | History of unsympathetic management   | C        |
| 5989     | Norway maple<br>( <i>Acer platanoides</i> ) | 8          | 250      | 1                   | 5 | 1 | 5 | M                           | P                                  | History of unsympathetic management   | C        |
| 5990     | Norway maple<br>( <i>Acer platanoides</i> ) | 11         | 330      | 1                   | 6 | 1 | 5 | M                           | P                                  | History of unsympathetic management   | C        |
| 5991     | Norway maple<br>( <i>Acer platanoides</i> ) | 11         | 310      | 1                   | 6 | 1 | 6 | M                           | P                                  | History of unsympathetic management   | C        |
| 5992     | Norway maple<br>( <i>Acer platanoides</i> ) | 11         | 230      | 1                   | 5 | 1 | 6 | M                           | P                                  | History of unsympathetic management   | C        |
| 5993     | Norway maple<br>( <i>Acer platanoides</i> ) | 11         | 250      | 1                   | 6 | 1 | 6 | M                           | P                                  | History of unsympathetic management   | C        |
| 5994     | Norway maple<br>( <i>Acer platanoides</i> ) | 11         | 310      | 3                   | 6 | 1 | 6 | M                           | P                                  | History of unsympathetic management   | C        |
| 5995     | Norway maple<br>( <i>Acer platanoides</i> ) | 11         | 350      | 6                   | 5 | 2 | 6 | M                           | P                                  | History of unsympathetic management   | C        |
| 5996     | Norway maple<br>( <i>Acer platanoides</i> ) | 8          | 440      | 6                   | 6 | 6 | 4 | M                           | P                                  | History of unsympathetic management   | C        |
| 5997     | Norway maple<br>( <i>Acer platanoides</i> ) | 10         | 400      | 5                   | 3 | 2 | 5 | M                           | P                                  | 2 Co-dominant stems,<br>History of unsympathetic management   | C        |
| 5998     | Sycamore<br>( <i>Acer pseudoplatanus</i> )  | 13         | 620      | 4                   | 5 | 6 | 6 | M                           | P                                  | 2 Co-dominant stems with included bark,<br>History of unsympathetic management  | C        |
| 5999     | Ash<br>( <i>Fraxinus excelsior</i> )        | 6          | 170      | 3                   | 4 | 4 | 3 | EM                          | P                                  | Early stages of ash dieback with reduced bud size<br>and discoloured internodes   | U        |
| 6000     | Cypress<br>( <i>Cupressus sp.</i> )         | 7          | 250      | 3                   | 3 | 3 | 3 | EM                          | G                                  | Minor garden tree   | C        |
| 6001     | Cypress<br>( <i>Cupressus sp.</i> )         | 4          | 180      | 2                   | 2 | 2 | 2 | EM                          | G                                  | Minor garden tree   | C        |
| 6002     | Rowan<br>( <i>Sorbus aucuparia</i> )        | 5          | 160      | 3                   | 3 | 3 | 3 | M                           | G                                  | Minor garden tree beyond site perimeter wall  | C        |
| 6003     | Rowan<br>( <i>Sorbus aucuparia</i> )        | 5          | 120      | 1                   | 2 | 2 | 2 | EM                          | F                                  | Minor garden tree beyond site perimeter wall  | C        |

| Tree No. | Species                                    | Height (m) | DBH (mm) | Branch Spread # (m) |   |   |   | Age Class<br>Y/EM/SM/M/LM/V | Physiological Condition<br>G/F/P/D | General Observations of Structure/Physiological Condition and/or Preliminary Management Recommendations (detailed in bold). | Category |
|----------|--|------------|----------|---------------------|---|---|---|-----------------------------|------------------------------------|---|----------|
|          |  |            |          | N                   | E | S | W |                             |                                    |   | U/A/B/C  |
| 6004     | Cypress<br>( <i>Cupressus sp.</i> )        | 11         | 200      | 3                   | 3 | 3 | 3 | M                           | F                                  | Suppressed subdominant example  | C        |
| 6005     | Cypress<br>( <i>Cupressus sp.</i> )        | 11         | 200      | 3                   | 3 | 3 | 3 | M                           | F                                  | Suppressed subdominant example  | C        |
| 6006     | Wild cherry<br>( <i>Prunus avium</i> )     | 13         | 220      | 8                   | 8 | 7 | 7 | M                           | F                                  | Located on edge of woodland block   | C        |
| 6007     | Sycamore<br>( <i>Acer pseudoplatanus</i> ) | 10         | 250      | 9                   | 5 | 6 | 7 | M                           | F                                  | Suppressed subdominant example  | C        |
| 6008     | Wild cherry<br>( <i>Prunus avium</i> )     | 9          | 180      | 5                   | 3 | 3 | 3 | M                           | F                                  | Suppressed subdominant example  | C        |

| Tree Group No. | Species Composition  | Maximum Height (m) | Maximum DBH (mm) | Age Class<br>Y/EM/SM/<br>M/LM/V | General Condition<br>G/F/P/D | General Observations of Structure/Physiological Condition and/or Preliminary Management Recommendations (detailed in bold).        | Category |
|----------------|--|--------------------|------------------|---------------------------------|------------------------------|--|----------|
|                |  |                    |                  |                                 |                              |  | U/A/B/C  |
| TG1            | Cypress<br>( <i>Cupressus sp.</i> )  | 13                 | 200              | SM                              | G                            | Linear shelterbelt on western perimeter of site, Inclusive of approximately nine individual trees, Most examples in good condition | B        |
| TG2            | Sycamore<br>( <i>Acer platanoides</i> ),<br>Wild cherry<br>( <i>Prunus avium</i> ) | 15                 | 350              | M                               | G                            | Woodland plantation external to site and located on north facing embankment, Most examples in fair condition                       | B        |



## **C TREE SURVEY PLAN**





**Legend**

- Site Boundary
- Tree Locations
- Root Protection Areas (RPAs)

**Tree Crowns by Category**

- C - Low Quality
- U - Unviable for Retention

**Tree Groups by Category**

- B - Moderate Quality

Do not scale this map

**Client**  
Andrew Megginson Architecture

**Project**  
Braeside House

**Title**  
Tree Survey Plan

**Status**  
FINAL

|                                      |                      |                            |
|--------------------------------------|----------------------|----------------------------|
| <b>Drawing No.</b><br>778028-QGIS001 | <b>Revision</b><br>- | <b>Date</b><br>27 Mar 2023 |
| <b>Drawn</b><br>GM                   | <b>Checked</b><br>DB | <b>Approved</b><br>DB      |

**Scale**  
1:200 @ A3

| Rev | Date | Amendment | Initials |
|-----|------|-----------|----------|
| -   | -    | -         | -        |

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## PHOSPHATE MITIGATION

### Proposed Development

Proposed house has 1 bedrooms = 5 persons

Proposed discharge to be treatment plant discharge with phosphate stripping to achieve 2mg/l

Daily discharge of phosphate =  $2 \times 150 \times 5 = 1,500\text{mgP/day}$

### Phosphate Mitigation Requires

A reduction of 125% of the amount of phosphate to be discharged from new development =  $125\% \times 1500 = 1,875 \text{ mgP/day}$

PHOSPHATE MITIGATION is proposed by upgrading the existing septic tank to Braeside House to a sewage treatment plant with phosphate stripping facilities to achieve 2mgP/l.

Existing house has 5 bedrooms = 7 persons

Existing discharge =  $7\text{PE} \times 150 \text{ litre} \times 10\text{mgP} = 10,500\text{mgP litre /day}$

Discharge after upgrade =  $7\text{PE} \times 150 \text{ litre} \times 2\text{mgP} = 2,100\text{mgP / day}$

**Mitigation Offered = 8,400mgP / day**

**IN EXCESS OF REQUIREMENT**

# Design Statement

Application for Planning Permission for the Erection of a Dwelling and Associated Infrastructure to Land to Front of Braeside House, Hatchbank Road Gairney Bank

Date: April 2023



## 1.1 Introduction

1.1 This Supporting Statement has been prepared by Andrew Megginson Architecture, on behalf of Mr & Mrs Megginson, for planning permission for a dwelling to garden ground at Braeside House, Gairney Bank.

1.2 The purpose of this statement is to provide an overview of the proposal and an assessment of the proposal's conformity with the relevant national and local planning policies in which any residential development in Perth and Kinross should be considered against.

1.3 Braeside House is within part of a rural housing settlement situated South of Kinross, the application site measures circa 1,640sqm and comprises a collection of residential and agricultural land uses. (hereafter referred to as the 'site').



Figure 1 – Site Aerial



1.4 This document is structured as follows:

- It describes the site and its context (Section 2),
- It provides details on the development proposals (Section 3),
- It appraises planning policies (Section 4) and the material considerations against which the planning in principle application should be judged,
- It reaches conclusions in relation to the acceptability of the planning in principle application in the context of the Development Plan and other material considerations (Section 5).

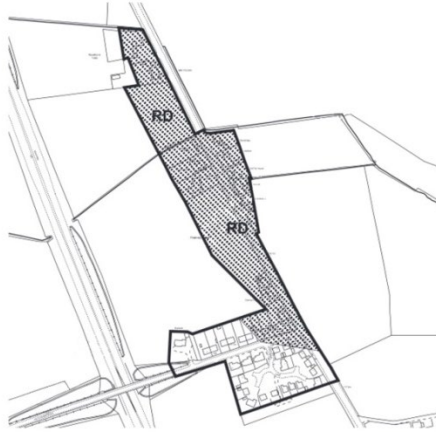
## **2.1 The Site & Surrounding Area**

2.1 The site is defined by its stone dyke boundaries and has various areas of vegetation including woodland and evergreen trees, along with individual trees located in and around the site. There is also an embankment which sits at the South West of the site. The site can be seen as unique to others in the settlement due to its size, setback siting of the house and location at the end of the settlement. It should be evaluated on these unique elements.

2.2 The site is part of the small settlement of Gairney Bank, located South of Kinross. At present it comprises of an existing house and a generous amount of land with an existing North to South slope. The mixed residential density of the area is characterised by a variance of scale and massing. Semi-detached cottages mainly lie to the North of Hatchbank Road, detached one and a half storey dwellings are located to the South and within Hatchbank Lane and there are several detached two storey properties also in the area. Braeside House itself is a two-storey uniquely designed dwelling in which the gable fronts Hatchbank Road. The frontage to Hatchbank Road varies fairly significantly and is made up of flat elevation, stepped elevation and gable forms.

2.3 The settlement has excellent transport links with public transport being accessed by means of bus stops located at the end of Hatchbank Road on the B996. Loch Leven Heritage Trail is in very close proximity to Gairney Bank, it is a unique trail linking natural, historic and cultural heritage around Loch Leven. The trail is level and barrier-free for most of its length and is suitable for walkers of all ages and abilities, for cyclists, for wheelchair and motorised scooter users. The National Cycle Network Route 1 also passes around the Northern part of Loch Leven. The Kinross area can be seen as being in a strategic location nationally, located within central Scotland, alongside the M90 where there are a significant number of people passing throughout the year. This location in turn also allows people within the area to travel locally, regionally and nationally very easily.





**Figure 2.1 – Settlement Boundary**

### **3.0 Proposals**

3.1 This application is for full Planning Permission for a dwelling and associated infrastructure to garden ground at Braeside House, Gairney Bank.

3.2 As can be seen in application 17/01281/FLL, an annex in similar footprint and form and in a similar position within the site to that of the proposals has been formerly approved. Further to this as seen in application 19/01136/IPL, the principal of a dwelling again in similar footprint and position to that of the proposals has formerly been approved. The dwelling in principle was also proposed at over one storey.

3.3 The proposed dwelling house would be located towards the South-West boundary of the site to give good separation between it and the existing house. The siting of the house will generally follow the street line of the neighbouring properties. This siting also means that the full view and approach of the existing house is not obscured nor is the outlook from the existing house. The site is currently served by an access driveway which adjoins the public road to the South-East. It is proposed that this existing driveway will be retained largely intact to serve both houses. There will be the same visibility onto Hatchbank Road, which we feel is adequate for safety. The large driveway area will provide adequate car parking and turning space.

3.4 Currently the site overall is unkempt and in part overgrown, it is relatively beyond the maintenance capabilities or recreational needs of the present occupiers and well beyond present day standards for new development. At this stage, we propose that the siting, layout and design of the proposed dwelling house would be respectful to the existing house and take cognisance of the other built form and woodland surroundings in this collection. The proposed site layout plan submitted with this application illustrates the proposed position of the dwellinghouse in relation to the existing properties.



3.5 The proposed dwelling location provide the opportunity for a large amount of the site to be designed to integrate hardscaping and soft landscaping resulting in an overriding benefit in terms of visual improvement. Garden areas to the front and rear existing and proposed will provide the residents of both dwellings plenty of private external space. The development will be of a density which represents the most efficient use of the site while respecting its environs. There will be minimal impact on the amenity of neighbours due to the existing and proposed screening, of the woodland areas and newly planted screening, the topography also allows the proposed house to sit at a lower level than that of the existing house again reducing their impact on the site.

3.6 We submitted a two storey version of a dwellinghouse to Perth and Kinross Council where the response was that a more modest response was preferred. Since this comment we have reduced the house to single storey and it is now one bedroom. This decision was made following on from guidance from the pre-application enquiry and also discussion with our client. The house is to be a downsize for our client who currently live in a 5 bedroom house which is too large for them. Our client is also looking for a house over one level as Mrs. Megginson is registered disabled so a single storey house would be greatly beneficial for her. In the pre-application advice it was specifically noted that the two storey house previously proposed did not relate to the cottage style buildings to the east. Following on from this comment we have proposed a dwelling that ties in with the footprint of the cottages to the east and also the single storey height. As a result the proposals tie in with the overall settlement bookending the edge of it with a building similar to the cottages seen to the east orientated in line with the westernmost boundary of the settlement.



**Figure 3.1 – Proposed house overlaid on top of existing cottage to east of application site**





3.7 The materials that shall be used will be stone to match the existing boundary walls at basecourse level so that when viewed from the street the basecourse shall blur into the surrounding walls. Above this black stained timber shall be used with black metal sheeting to the roof to give the new dwelling a contemporary look that shall sympathetically contrast with the existing house.

3.8 As per the traffic noise assessment there are some mitigation measures including minimum glazing requirements and trickle ventilator requirements that shall be proposed to the house accordingly.

3.9 As per the tree survey the proposed house is within some root protection areas of the Cypress Trees to the western boundary. These trees would have been planted by the previous owner to form a hedge. Previously in the past other Cypress trees have existed to the site but have fallen down in high winds, the trees that remain are large, overgrown and unkempt. It is proposed that 5 of these trees are removed with 15 planted in their place along the western boundary. This shall result in a like for like boundary treatment/ containment to the west which with it now being more manageable resulting in an overriding benefit in terms of visual amenity to the settlement. The new Cypress trees shall form a backdrop to the proposed house and provide screening to the motorway which will also be beneficial to the proposed house. As per drawing PL-02 the footprint of the proposed house is out with the root protection areas of any other trees which shall all be retained. Trees shall be cut down out with wildlife breeding seasons and the like.



**Figure 3.2 – Cypress tree hedge that shall be replicated along the western boundary**



#### **4.1 Planning Policy**

4.1 Principle National, regional and local planning guidance will be examined in this section of the statement to justify the proposal for the dwelling house.

#### **Scottish Planning Policy**

4.2 SPP confirms that the planning system should encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

4.3 SPP promotes a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces (Para 75).

4.4 SPP also encourages "provision for small-scale housing and other development which supports sustainable economic growth in a range of locations".

4.5 The aim of the SPP is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

4.6 Planning policies and decisions should not prevent or inhibit development unless there are sound reasons otherwise. The planning system guides the future development and use of land in cities, towns and rural areas in the long-term public interest.

#### **Perth and Kinross Local Development Plan**

4.7 The application site is covered by the Perth and Kinross Local Development Plan. The principle of the new dwelling house on the proposed application site needs to be considered against the following Local Plan policies:

#### ***Placemaking***

#### ***Transport Standards and Accessibility Requirements***

#### ***Drainage within the Loch Leven Catchment***



## **Placemaking**

4.8 The policy states that “Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.” It also lists place making criteria as follows (in which we have responded to each element);

“(a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.” The proposals will follow the existing access principal of the site and provide safe access with generous open space, both hard and soft landscaped, to the site.

“(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.” With a North to South slope the proposals are located to work with the existing contours. The siting of the proposals means that the full view and approach of the existing house is not obscured, nor is the outlook from the existing or proposed dwellings.

“(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.” The height, scale, massing, materials, finishes and colours are all informed by the surrounding area, the neighbouring properties and the existing house.

“(d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.” The proposals follow the existing building line of the neighbouring properties and the existing house.

“(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.” The proposals will be accessible by all of the aforementioned transportation modes.

“(f) Buildings and spaces should be designed with future adaptability in mind wherever possible.” The layout plans and construction methods for the proposed dwelling and garage will be flexible to provide for future adaptability.

“(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.” The existing house and natural features around the site will be retained and not harmed by the proposals but in fact enhanced.

“(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.” The generous site allows for the proposed dwelling to be sited



without decreasing, to an unreasonable degree, the green infrastructure in the site. Existing landscape features will be retained with more trees being proposed.

### **Transport Standards and Accessibility Requirements**

4.9 Policy TA1 aims to provide a framework for the shift to more sustainable modes of transport, thereby assisting in reducing emissions from transport sources, and create satisfactory road safety and traffic management standards for all road users including pedestrians, cyclists, children and the elderly.

4.10 The proposed development aims to use the existing road infrastructure in place. The site has good accessibility to public transport network with bus networks within walking distance.

4.11 The additional traffic created by the addition of the dwelling house would be negligible and we therefore believe that the existing road network can comfortably accommodate the addition of the dwelling house without impacting upon the road safety within the area.

4.12 Adequate off-street car parking spaces are provided for both the existing and proposed.

### ***Drainage within the Loch Leven Catchment***

As the development is within the Loch Leven Catchment area, there will be an opportunity to upgrade the existing, historical drainage system. We will look to install a new system which will provide mitigation for phosphate at a level of 125%, the proposed system will be to the complete satisfaction of Perth and Kinross Council and SEPA.

## **5.0 Conclusions**

5.1 It is considered that the proposals are acceptable in terms of the relevant policies within the Perth and Kinross Local Development Plan. The principle of the dwelling house in the proposed location is acceptable without prejudicing any local amenity or landscaping for the following reasons:



- The principle of a house to this site has previously been supported under the building group section of policy.
- The proposed house is informed by site specific features. The building line, height, scale, density, etc. will be sympathetic to the existing house and cottages to the east meaning that the proposals will fit in respectfully with the site and existing streetscape. The generous site and siting of the house will not detrimentally disrupt any of the residential/ visual amenity of the existing house or neighbouring properties.
- The proposals will be of a high design quality, will use renewable technologies and be a benchmark for any new development built within the area.
- The defined site, formed by existing topography and landscape features, provides a natural setting in which the proposals will fit within without any negative impact on the landscape. Existing and proposed boundary vegetation will also be enhanced for the amenity of the site and to screen the development from the surrounding areas and also form a backdrop to the proposed house.
- The access and parking arrangements allows the scheme to adhere to Perth and Kinross Council's Transportation Guidelines.

5.2 It is acceptable in all other respects and there are no material considerations that are considered to outweigh these conclusions and we therefore respectfully request that the Council support this application.



# Sustainability Statement

- We have a main aim to achieve as close to a passive house standard as possible.
- The dwelling shall be insulated to a high level.
- Main living space shall be south orientated for solar gain.
- Electric car charging will be provided to the dwelling.
- The site lends itself to a number of renewable energy technologies which we shall utilise. Ground or air source heat pump, heat recovery system and solar technologies are all possible on the site. We shall explore the best suited technology at building warrant stage with an energy company and implement that most suited.
- Existing access and drainage provision shall be utilised.
- Materials shall be from local merchants/ suppliers. We are using stone, timber and metal which are sustainable materials.
- Proposals to the site shall benefit biodiversity. Additional trees are proposed with Hedgehog holes in fencing along with bird/ bat nest boxes will also be incorporated into the scheme.
- A bus stop is located at the end of Hatchbank Road to the East of the site promoting public transportation.
- The proposal will also offset phosphorus to Loch Leven.



## Traffic Noise Assessment

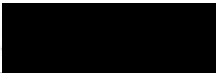
**Project:** Proposed Dwelling at Braeside House,  
Hatchbank Road,  
Kinross

**Prepared for:** Andrew Megginson Architecture  
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**Issue Date:** 18<sup>th</sup> July 2023

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| Issued by:       | Allan Barbour BSc (Hons), PgDip, AMIOA  |

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| V1       | 20/02/2023  | AB          | Main writing                 |
| V2       | 18/07/2023  | AB          | Added external noise section |
| Signed:  |  |             |                              |

### Disclaimer

Any recommendations, opinions or findings stated in this report are based on the circumstances and facts as they existed at the time we prepared this report and any such information is subject to change without notice. Guidelines on environmental noise measurement and assessment are subject to review and best practice is constantly evolving. DB Acoustics & Environmental Services cannot accept liability for 3<sup>rd</sup> party data utilised in this assessment.



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## **1.0 Introduction & Site Description**

- 1.1 dB Acoustics & Environmental Services were appointed by Andrew Megginson of Andrew Megginson Architecture to undertake a noise assessment for a proposed dwelling on land situated at Braeside House, Hatchbank Road, Kinross, KY13 9JY.
- 1.2 Details regarding the assessment methodology used and the subsequent conclusions and recommendations are presented in the report.
- 1.3 The current proposal is for a single storey bungalow to be built adjacent to the existing Braeside House. The location of the development site is indicated in Appendix A of the report.
- 1.4 The report has been prepared as part of the planning application to assess the potential impact of traffic noise from the adjacent M90 motorway.
- 1.5 The various units and indices referred to are described in the glossary.

## 2.0 Relevant Standards and Noise Planning Guidance

### 2.1 Planning Advice Note 1/2011: Planning and Noise, Scottish Government (2011)

- 2.1.1 This guidance is to provide developers with information on dealing with the planning process where noise sensitive developments are planned near to existing noise sources, or where potentially noisy developments are introduced into existing noise sensitive areas.
- 2.1.2 PAN1/2011 refers to 'Technical Advice Note: Assessment of Noise' which provides guidance on the technical evaluation of noise and assists in assessing the significance of impact.
- 2.1.3 For noise sensitive development i.e. where development is planned and the impact from a nearby noise source is to be assessed. Table 1 provides classification of the magnitude of noise impact based on the difference between the existing or measured noise level and the target noise level.

**Table 1:** Exceedance Noise Levels with Magnitudes of Impacts

| (Existing – Target) Noise Level, x | Magnitude of Impact |
|------------------------------------|---------------------|
| $\geq 10$                          | Major adverse       |
| $5 \leq x < 10$                    | Moderate adverse    |
| $3 \leq x < 5$                     | Minor adverse       |
| $0 \leq x < 3$                     | Negligible adverse  |
| $x < 0$                            | No change           |

### 2.2 British Standard 8233:2014: *Guidance on Sound Insulation and Noise Reduction for Buildings*

- 2.2.1 BS8233:2014, '*Guidance on Sound Insulation and Noise Reduction for Buildings*' provides information on the design of internal acoustics for buildings. It deals with control of noise from outside buildings of various types and provides internal noise criteria for various rooms depending on their use.
- 2.2.2 The BS8233 internal design criteria for dwellings are shown in Table 2:

**Table 2:** BS8233 Indoor ambient noise levels for dwellings

| Activity                   | Location         | 07:00 to 23:00         | 23:00 to 07:00        |
|----------------------------|------------------|------------------------|-----------------------|
| Resting                    | Living Rooms     | 35dB $L_{Aeq, 16hour}$ | -                     |
| Dining                     | Dining room/area | 40dB $L_{Aeq, 16hour}$ | -                     |
| Sleeping (daytime resting) | Bedroom          | 35dB $L_{Aeq, 16hour}$ | 30dB $L_{Aeq, 8hour}$ |

It should be noted that the noise limits described above are for noise that is of a steady nature such as that due to road traffic, mechanical services or continuously running plant.

- 2.2.3 BS8233 does not suggest any specific design criterion for control of peaks of externally generated noise for bedrooms at night (i.e. in  $L_{Amax}$ ).  $L_{Amax}$  values can be highly variable and unpredictable such that for design purposes it is usual to take into account the findings of research described in WHO guidelines that "for a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB  $L_{Amax}$  more than 10-15 times per night".
- 2.2.4 BS8233 states that where windows are open for ventilation, sound reduction is reduced to 15dB. Where the design levels cannot be achieved with windows open, suitable attenuated background ventilation

should be provided to allow suitable ventilation with windows closed. Windows may still be openable for rapid or purge ventilation or through the occupant’s own choice.

**2.3 World Health Organisation, ‘Guidelines for Community Noise’**

2.3.1 The World Health Organisation (WHO) provides some guidance as to suitable internal and external noise levels in and around residential properties as shown in Table 3.

**Table 3: WHO Guideline Values for Community Noise in Specific Environments**

| Specific Environment | Critical Health Effect(s)  | L <sub>Aeq</sub> (dB) | Time Base (Hours) | L <sub>AFmax</sub> (dB) |
|----------------------|--|-----------------------|-------------------|-------------------------|
| Outdoor Living Area  | Serious annoyance, daytime and evening                             | 55                    | 16                | -                       |
|                      | Moderate annoyance, daytime and evening                            | 50                    | 16                | -                       |
| Dwelling, Indoors    | Speech intelligibility and moderate annoyance, daytime and evening | 35                    | 16                | -                       |
| Inside Bedrooms      | Sleep disturbance, night-time                                      | 30                    | 8                 | 45                      |
| Outside Bedrooms     | Sleep disturbance, window open (outdoor values)                    | 45                    | 8                 | 60                      |

2.3.2 The WHO guideline values for daytime can be considered to be either facade levels (when assessing effects inside dwellings) or free-field levels (when assessing effects in gardens).

**2.4 Perth & Kinross Council**

2.4.1 Perth & Kinross Council have used the following planning condition in order to control noise and limit the impact on amenity at proposed residential premises;

2.4.2 “Prior to the commencement of the development... the developer shall ensure that the habitable rooms can achieve the internal sound levels Daytime 35 dBL<sub>Aeq</sub>,16hrs and Night time 30dB L<sub>Aeq</sub>,8hrs.”

### 3.0 Traffic Noise Survey

#### 3.1 Survey Details

3.1.1 Noise monitoring has been carried out at an appropriate location on the development site in order to establish the level of traffic noise from the adjacent M90 motorway.



3.1.2 Attended surveys were carried out during the daytime between 10:30 and 13:30 on Tuesday 7<sup>th</sup> February 2023. The night-time survey was carried out between 23:10 on Tuesday 7<sup>th</sup> February and 02:10 on Wednesday 8<sup>th</sup> February 2023 which were deemed to be representative periods for both the day and night-time.

3.1.3 Due to the layout of the proposed dwelling, living rooms and bedrooms are located towards the rear of the building facing toward the M90. As such it has been deemed necessary to assess both the daytime resting levels (living rooms and bedrooms) and night-time sleeping levels (bedrooms) as indicated in BS8233.

#### 3.2 Weather Conditions

3.2.1 Weather information was recorded during the survey using a handheld anemometer/thermometer to ensure winds speeds were below 5m/s and rain did not affect the measurements. Weather conditions during the measurement period were favourable for undertaking environmental noise measurements. Weather conditions were recorded as shown in Table 4.

**Table 4: Noise Survey Weather Conditions**

| Date                            | Time  | Conditions  | Temp (°c) | Wind Speed (m/s) | Cloud Cover (Oktas) |
|---------------------------------|-------|---|-----------|------------------|---------------------|
| 7th February 2023               | Day   |  | 9.3       | 1.6              | 5                   |
| 7/8 <sup>th</sup> February 2023 | Night |  | 5.3       | 0.0              | 6                   |

#### 3.3 Equipment

3.3.1 The survey was conducted using a Bruel & Kjaer Type 2250 sound level meter which was fitted with an appropriate windshield. The meter is a precision grade class 1 integrating sound level meter (in accordance with IEC 61672-1). The equipment shown in Table 5 was used to carry out the survey.

**Table 5: Noise Monitoring Equipment**

| Equipment Details       | Manufacturer and Model     | Serial Number | Calibration Date              |
|-------------------------|----------------------------|---------------|-------------------------------|
| Sound Level Meter       | Bruel & Kjaer Type 2250    | 2659071       | 11 <sup>th</sup> October 2021 |
| Condenser Microphone    | Bruel & Kjaer Type 4189    | 2650598       | 11 <sup>th</sup> October 2021 |
| Microphone Preamplifier | Bruel & Kjaer Type ZC-0032 | 9840          | 11 <sup>th</sup> October 2021 |
| Calibrator              | Bruel and Kjaer Type 4231  | 1761561       | 3 <sup>rd</sup> October 2022  |

\*Calibration certificates have been issued by: ANV Measurement Systems, Beaufort Court, 17 Roebuck Way, Milton Keynes, MK5 8HL

3.3.2 The sound level meter was set to use the 'Fast' time weighting parameter and to record using 'A' weighted values. Levels were recorded continuously to determine the  $L_{Aeq}$ ,  $L_{A10}$ ,  $L_{A90}$ ,  $L_{Amin}$  and  $L_{Amax}$  indices.

3.3.3 The equipment was calibrated before and after the survey period to a reference level of 94.0dB at 1kHz, no significant drift was observed.

### 3.4 Measurement Procedure

3.4.1 Measurements were taken at ground level with the meter mounted in a tripod approx. 1.5 metres above ground level. The meter was positioned at least 3.5m away from any reflective surface, therefore measurements were considered to be 'free-field'. A 3dB correction will therefore be applied to convert to 'façade' levels which will be applicable once the proposed dwelling is built.

3.4.2 The sound level meter was positioned in the front garden of Braeside House at the location of the rear façade of the proposed dwelling. The meter was situated approximately 70m from the M90 with direct line of sight to the source. The approximate measurement position is indicated in green in Figure 1.



**Figure 1:** Microphone Position

### 3.5 Subjective Noise Sources

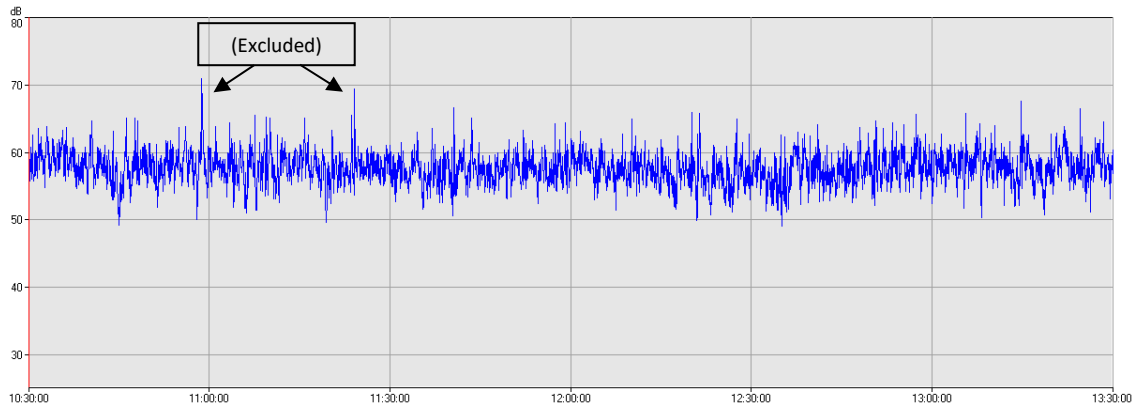
3.5.1 Noise was generated from predominately road traffic passing along the M90, the majority of which were cars and commercial goods vehicles. Other noise sources included bird calls and occasional vehicle movements along Hatchbank Road.

### 3.6 Measured Noise Levels (Daytime)

3.6.1 Table 6 summarises the sound data recorded during the daytime survey. Two transient high noise level events occurred at 10:58 (helicopter flyby) and 11:24 (truck horn) which were excluded from the results. The measured daytime noise time history is shown in Figure 2.

**Table 6:** Summary of Daytime Traffic Noise Monitoring Data

| Time Period                      | Duration (hh:mm:ss) | L <sub>Aeq</sub> (dB) | L <sub>AF(max)</sub> (dB) | L <sub>AF10</sub> (dB) | L <sub>AF90</sub> (dB) |
|----------------------------------|---------------------|-----------------------|---------------------------|------------------------|------------------------|
| 10:30-11:30                      | 01:00:00            | 58.3                  | 68.4                      | 60.4                   | 55.1                   |
| 11:30-12:30                      | 01:00:00            | 57.7                  | 67.4                      | 59.7                   | 54.6                   |
| 12:30-13:30                      | 01:00:00            | 58.1                  | 68.7                      | 60.4                   | 54.6                   |
| Average, L <sub>AF10</sub> (3hr) |                     |                       |                           | <b>60</b>              |                        |



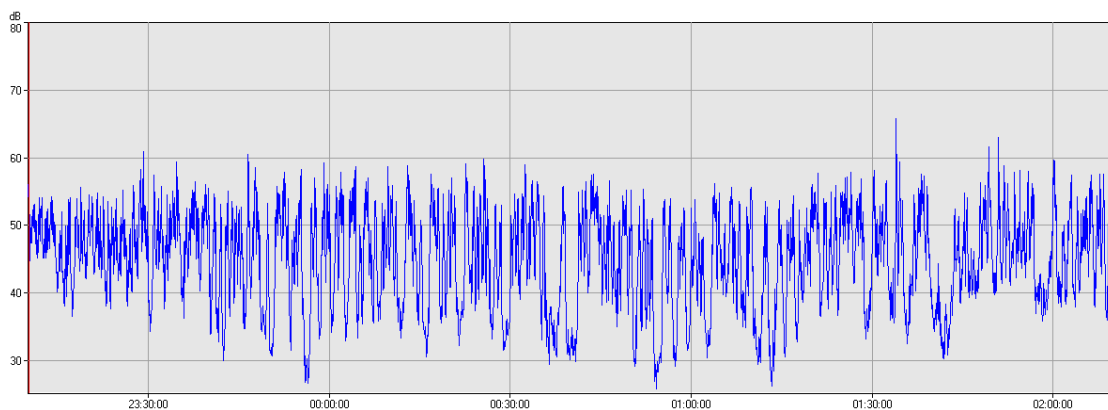
**Figure 2:** Daytime Time History Analysis ( $L_{Aeq}$ )

### 3.7 Measured Noise Levels (Night-time)

3.7.1 Table 7 summarises the sound data recorded during the night-time survey. The measured night-time noise time history is shown in Figure 3.

**Table 7:** Summary of Night-time Traffic Noise Monitoring Data

| Time Period              | Duration (hh:mm:ss) | $L_{Aeq}$ (dB) | $L_{AF(max)}$ (dB) | $L_{AF10}$ (dB) | $L_{AF90}$ (dB) |
|--------------------------|---------------------|----------------|--------------------|-----------------|-----------------|
| 23:10-00:10              | 01:00:00            | 49.0           | 62.4               | 52.9            | 36.4            |
| 00:10-01:10              | 01:00:00            | 48.2           | 63.0               | 52.8            | 32.8            |
| 01:10-02:10              | 01:00:00            | 48.9           | 67.4               | 53.1            | 35.7            |
| Average, $L_{AF10(3hr)}$ |                     |                |                    | <b>53</b>       |                 |



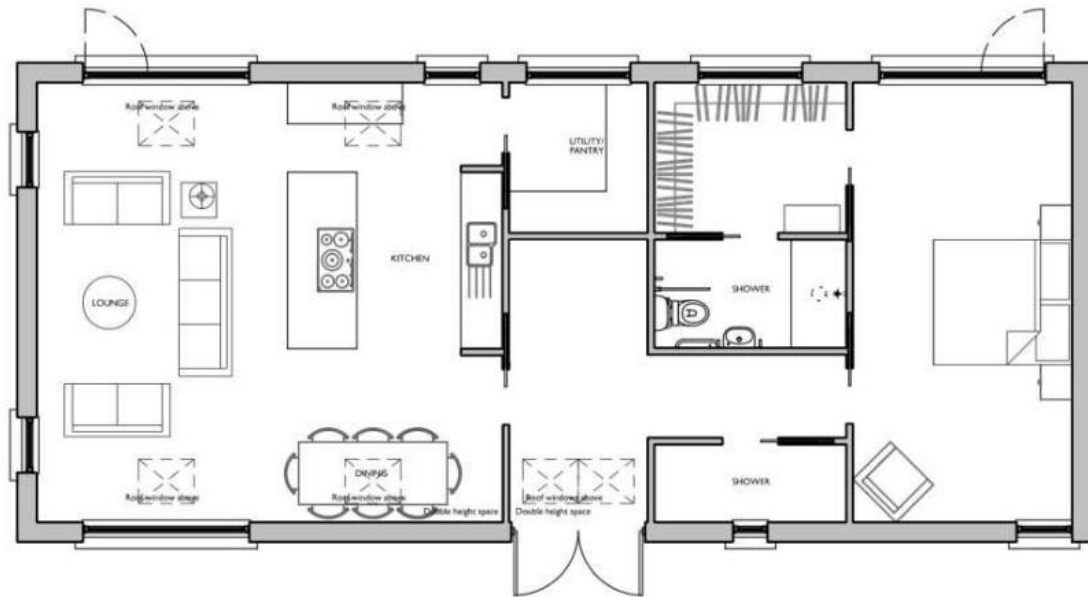
**Figure 3:** Night-time Time History Analysis ( $L_{Aeq}$ )

## 4.0 Traffic Noise Assessment

### 4.1 Assessment Details

4.1.1 As bedroom windows are facing toward the M90 and exposed to higher levels of exterior noise from road traffic, the internal levels for both the day and night-time have been considered.

4.1.2 Indicative floor plans are shown in Figure 4.



**Figure 4: Proposed Ground Floor Plan**



## 4.2 Predicted Daytime Indoor Noise Levels

4.2.1 The measured daytime noise levels have been evaluated in accordance with the ‘shortened measurement method’ described in the Department of Transport document ‘Calculation of Road Traffic Noise’ (CRTN), 1988. The CRTN shortened measurement method involves taking traffic noise measurements ( $L_{A10}$ ) over representative sample periods within any three consecutive hours between 10:00 hours and 17:00 hours. By using the  $L_{A10(3\text{ hour})}$ , as the arithmetic mean of the measured  $L_{A10}$  values, the  $L_{A10(18\text{ hour})}$  value can then be calculated. The  $L_{A10(18\text{ hour})}$  values can be converted into an equivalent  $L_{Aeq(16\text{ hour})}$  value using the corrections described in BS 8233:2014 and shown in Section 4.2.3 of the report.

4.2.2 Note that the survey was carried out in free-field conditions, therefore a +3dB reflective surface or façade correction has been applied to the recorded levels.

4.2.3 The recorded traffic noise was converted to a 16-hour daytime noise level  $L_{Aeq(16\text{ Hr})}$  as follows;

$$L_{A10(18\text{ hr})} = L_{A10(3\text{ hr})} - 1\text{dB, then}$$

$$L_{Aeq(16\text{ hr})} = L_{A10(18\text{ hr})} - 2\text{dB.}$$

Therefore, the predicted  $L_{Aeq(16\text{ hr})}$  is;

$$60\text{dB } L_{A10(3\text{ hr})} \text{ Free-field} + 3\text{dB} = 63\text{dB } L_{A10(3\text{ hr})} \text{ Façade}$$

$$63\text{dB } L_{A10(3\text{ hr})} - 1\text{dB} = 62\text{dB } L_{A10(18\text{ hr})}$$

$$62\text{dB } L_{A10(18\text{ hr})} - 2\text{dB} = \mathbf{60\text{dB } L_{Aeq(16\text{ hr})}}$$

**Table 8:** Predicted Daytime Indoor Noise Levels

|   |     |
|---|-----|
| Recorded Free-field Level $L_{A10(3\text{ hr})}$ (dB)                         | 60  |
| +3dB Correction to Façade Level $L_{A10(3\text{ hr})}$ (dB)                   | 63  |
| Predicted Façade Level $L_{Aeq(16\text{ hr})}$ (dB)                           | 60  |
| Predicted Indoor Level with Windows Open<br>(13dB Attenuation)                | 47  |
| Difference from Indoor Noise Level Criteria –<br>35dB $L_{Aeq(16\text{ hr})}$ | +12 |

4.2.4 Table 8 indicates that the daytime indoor noise level exceeds the 35dB(A) requirement for living rooms/bedrooms with windows partially open for ventilation.

## 4.3 Predicted Night-time Indoor Noise Levels

4.3.1 The measured night/early morning period  $L_{Aeq}$  values have been logarithmically averaged to obtain the  $L_{Aeq(3\text{ hour})}$  night-time value which has been taken as representative of the  $L_{Aeq(8\text{ hour})}$  night-time value.

4.3.2 Note that the survey was carried out in free-field conditions, therefore a +3dB reflective surface or façade correction has been applied to the recorded levels.

4.3.3 The recorded traffic noise has been converted to the 8-hour night-time noise level  $L_{Aeq(8\text{ Hr})}$  as follows;

**Table 9: Predicted Night-time Indoor Noise Levels**

|  |    |
|--|----|
| Recorded Façade Level $L_{Aeq(3hr)}$ (dB)                            | 49 |
| +3dB Correction to Façade Level $L_{Aeq(3hr)}$ (dB)                  | 52 |
| Predicted Façade Level $L_{Aeq(8hr)}$ (dB)                           | 52 |
| Predicted Indoor Level with Windows Open<br>(13dB Attenuation)       | 39 |
| Difference from Indoor Noise Level Criteria –<br>30dB $L_{Aeq(8hr)}$ | +9 |

4.3.4 Table 9 indicates that the night-time indoor noise level exceeds the 30dB(A) requirement for bedrooms with windows partially open for ventilation.

#### 4.4 Proposed Mitigation

4.4.1 In order to comply with the prescribed indoor noise levels, windows would need to be closed and ventilation provided for either passive trickle ventilators or a mechanical whole house ventilation system.

4.4.2 The sound attenuation required by the building facade will be obtained from a combination of the glazing, window vents and building facade. Table 10 shows various glazing configurations and their attenuation ( $R_w + C_{tr}$  is typically used for road traffic noise).

**Table 10: Glazing Configurations and Attenuation**

| Glazing Configuration<br>(Glass / Air Gap / Glass) | Sound Reduction in Octave Band / Hz (dB) |       |       |      |      |      | Sound Reduction<br>$R_w (C; C_{tr})$ |
|--|--|-------|-------|------|------|------|--------------------------------------|
|  | 125.0                                    | 250.0 | 500.0 | 1k   | 2k   | 4k   |                                      |
| 4mm / 6-16mm / 4mm                                 | 21.0                                     | 17.0  | 25.0  | 35.0 | 37.0 | 31.0 | 29 (-1; -4)                          |
| 6mm / 6-16mm / 4mm                                 | 21.0                                     | 20.0  | 26.0  | 38.0 | 37.0 | 39.0 | 32 (-2; -4)                          |
| 6mm / 6-16mm / 6mm                                 | 20.0                                     | 18.0  | 28.0  | 38.0 | 34.0 | 38.0 | 31 (-1; -4)                          |
| 8mm / 6-16mm / 4mm                                 | 22.0                                     | 21.0  | 28.0  | 38.0 | 40.0 | 47.0 | 33 (-1; -4)                          |
| 8mm / 6-16mm / 6mm                                 | 20.0                                     | 21.0  | 33.0  | 40.0 | 36.0 | 48.0 | 35 (-2; -6)                          |
| 10mm / 6-16mm / 4mm                                | 24.0                                     | 21.0  | 32.0  | 37.0 | 42.0 | 43.0 | 35 (-2; -5)                          |
| 10mm / 6-16mm / 6mm                                | 24.0                                     | 24.0  | 32.0  | 37.0 | 37.0 | 44.0 | 35 (-1; -3)                          |
| 6mm / 6-16mm / 6mm Laminated                       | 20.0                                     | 19.0  | 30.0  | 39.0 | 37.0 | 46.0 | 33 (-2; -5)                          |
| 6mm / 6-16mm / 10mm Laminated                      | 24.0                                     | 25.0  | 33.0  | 39.0 | 40.0 | 49.0 | 37 (-1; -5)                          |

\*The above are generally accepted values for generic products taken from EN 12758.

4.4.3 A typical sound reduction of 51dB  $R_w$  for a masonry (brick/block) external wall is considered representative of the building façade at basement and ground floor level. As the lounge/kitchen area features a vaulted ceiling, a reduced level of 43dB  $R_w$  has been used to represent the roof which consists of tiles on felt, pitched roof with 100mm mineral wool and plasterboard internal lining. Both values are taken from BS8233 and are reproduced in Table 11.

**Table 11: Facade Attenuation**

| Facade Material  | Sound Reduction in Octave Band / Hz (dB) |       |       |    |    | Sound Reduction |
|--|--|-------|-------|----|----|-----------------|
|  | 125.0                                    | 250.0 | 500.0 | 1k | 2k | Rw              |
| Masonry (Brick/Block)  | 40                                       | 44    | 45    | 51 | 56 | 51              |
| Roof (Tiles on felt / pitched roof / 100mm mineral wool / plasterboard lining) | 28                                       | 34    | 40    | 45 | 49 | 43              |

4.4.4 In order to meet the required daytime indoor noise level of 35dB  $L_{Aeq(16hr)}$  in the living room/bedroom with an exterior noise level of 60 dB  $L_{Aeq(16hr)}$ , a minimum whole façade reduction of 25dB is required. Based on the octave banded calculations shown in Table 12 (Appendix B), this reduction can be achieved with the proposed external wall, 4mm/6-16mm/4mm double glazing (29dB Rw) and standard hit and miss trickle vents such as the Titon Trimvent XS13 with a  $D_{n,e,w}$  of 32dB when open. Note that the sound reduction values shown in Table 10 are for only for the glazed part of the window and do not include the attenuation provided by the window frame. A minimum reduction of 25 dB should therefore be achieved by the glass and the frame as an integral unit. Also, in order to reduce air path leakage, good quality rubber/neoprene compression seals should be used around the perimeter of any openable part of the window so that the seal is fully compressed when the window is in the closed position.

4.4.5 During the night, an indoor noise level of 30dB  $L_{Aeq(8hr)}$  is required in bedrooms. With a predicted exterior façade level of 52 dB  $L_{Aeq(8hr)}$ , a minimum façade reduction of 22dB is required which can be met using the same window/vent specification noted in 4.4.4. Detailed octave banded calculations are included in Appendix B.

4.4.6  $L_{max}$  levels in bedrooms should be kept below 45 dB(A) during the night-time to prevent disturbance to sleep. Based on the calculation shown in Table 14 with the proposed window glazing and trickle ventilation, an external level of 67.4 dB(A); which was the highest night-time  $L_{max}$  recorded during the survey period, would result in an internal  $L_{Amax}$  of 38.3 dB. This is therefore within the recommended maximum level of 45 dB  $L_{Amax}$ .

#### 4.5 Predicted External Noise Levels

4.5.1 The daytime external noise levels have been predicted within the external amenity areas of the proposed development using the acoustic modelling software 'SoundPlan'.

4.5.2 The World Health Organisation guideline values for noise in outdoor living areas is 50dB  $L_{Aeq(16hr)}$  with an upper limit of 55dB  $L_{Aeq(16hr)}$ .

4.5.3 Section 4.2 of this report indicates daytime levels of 60dB  $L_{Aeq(16hr)}$  at the building façade. Moving away from the façade, this level will reduce to approximately 57dB in free-field conditions. The building itself will act as a physical barrier for noise which when modelled indicates external areas to the east of the proposed dwelling will be below the 55dB limit without further mitigation.

4.5.4 In order to meet the upper limit in the external amenity area (garden) to the west of the dwelling, additional mitigation would be required. This would involve the erection of a 3.0m high close boarded acoustic fence along the western boundary/existing tree line. The position of the fence is indicated in the noise contour maps shown below.



Figure 6: Noise Contour Map (1:1500)

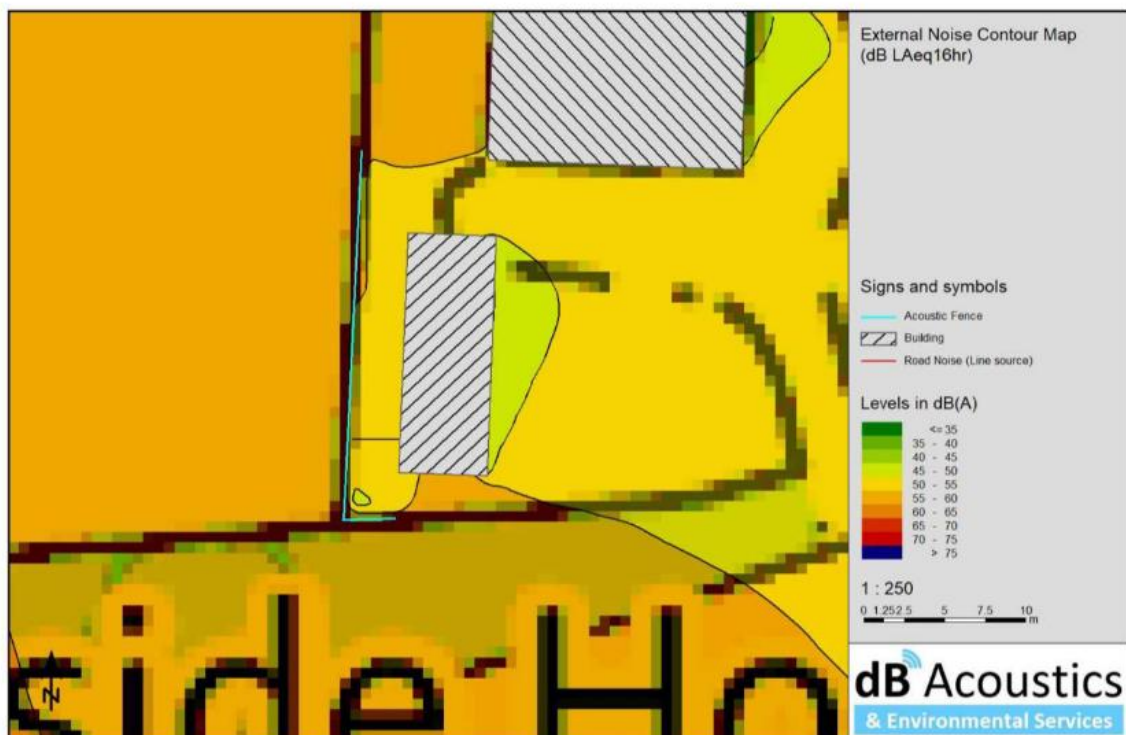


Figure 7: Noise Contour Map (1:250)

## **5.0 Conclusion**

- 5.1 A Noise survey and assessment has been carried out for traffic noise affecting the proposed residential development located at Braeside House, Hatchbank Road, Kinross.
- 5.2 Consideration and recommendations have been made regarding the noise climate impacting the development. It has been shown that with suitable glazing, the proposed dwelling can achieve the internal levels in line with BS8233 which limits disturbance to occupants.
- 5.3 A minimum reduction of 25dB(A) during the day and 22dB(A) at night would be required to achieve the target internal levels. Based on the Pilkington Design Guide performance tables, a glazing configuration of 4/6-16/4 double glazing which achieves a performance of 29(-1; -4) dB Rw(C; Ctr) is recommended.
- 5.4 Noise levels in external amenity areas associated with the proposed dwelling can also remain below the 55dB  $L_{Aeq(16hr)}$  upper limit as prescribed by the WHO with suitable mitigation in place in the form of an acoustic fence along the west boundary.

## Glossary

### Definition of Acoustic Terms

#### **Decibel (dB)**

The main unit in acoustics, denoted dB.

In general, 1dB is a very small change in level and would not be noticed in day-to-day life. A 3dB change in levels is normally just noticeable despite it being a doubling of energy. A 10dB change in level is large and is perceived as a doubling or halving in loudness and is a tenfold increase in energy.

#### **Sound Power Level ( $L_w$ )**

The total amount of sound energy generated by a particular sound source independent of the acoustic environment that it is in.

#### **Sound Pressure Level ( $L_p$ )**

The sound level at a point in space which is influenced by the environment it is being measured in. Sound pressure levels will vary depending on a number of factors such as distance from the sound source and proximity of reflecting surfaces.

#### **Frequency**

Measured in Hertz (Hz), it is defined as the oscillations per second of a repeating event, in this case a sound wave. The audible range for the human ear is roughly 20Hz to 20kHz, although this varies from person to person. The frequency of sounds is important as it affects factors such as the amount of absorption which takes place in the atmosphere and the amount of noise reduction provided by an acoustic barrier.

#### **Facade noise level**

The sound level at a facade (usually taken to be 1 metre from the facade (see for example BS 4142). A facade level is taken to be 3 dB higher than the level in the absence of the facade (i.e. the equivalent free-field level) although "Calculation of Road Traffic Noise" assumes a 2.5 dB difference.

#### **Free-field**

A sound field in a homogeneous isotropic medium whose boundaries exert a negligible influence on the sound waves. In practice, a field in which the effects of the boundaries are negligible over the frequencies of interest. Often taken to be > 3.5 metres from a building facade (ref: BS 4142).

#### **Octave Bands**

In practice, the frequency range is divided into manageable segments in order to measure and analyse sound. There is a set of internationally agreed octave bands that are referred to by their centre frequencies. The centre frequency of the primary octave is 1000Hz. All other octave bands are derived from this primary octave.

The octave band centre frequencies commonly used which cover the range of human hearing are; 31.5Hz, 63Hz, 125Hz, 250Hz, 500Hz, 1kHz, 2kHz, 4kHz, 8kHz and 16kHz. This can be further refined into 1/3 Octave bands if more detailed analysis is required.

## A Weighting

This is a weighting applied to each frequency band in order to simulate the human ears sensitivity to sound, the ear being less sensitive at low and very high frequencies compared to those between. Typically shown as either 35dB(A)  $L_{eq}$  or 35dB  $L_{Aeq}$ . Often used in noise assessments so that measurements correlate better with the sound an average person would actually hear.

## Description of Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB(A) level. However, when the noise level varies with time, the measured dB(A) level will vary as well. In this case it is therefore not possible to represent the noise climate with a simple dB(A) value. In order to describe noise where the level is continuously varying, a number of other indices, including statistical parameters, are used. The indices used in this report are described below.

### $L_{eq}$

This is the equivalent continuous sound pressure level. It is an average of the total sound energy measured over a specified time period.

### $L_{max}/L_{min}$

The maximum and minimum sound pressure level measured over a measurement period.

### $L_{10}$

This is a statistical parameter indicating the sound pressure level exceeded for 10% of the time.  $L_{10}$  tends to be used to measure road traffic noise.

### $L_{90}$

This is a statistical parameter indicating the sound pressure level exceeded for 90% of the time.  $L_{90}$  is usually synonymous with the background sound pressure level, and generally describes the underlying level of sound that is experienced.



Appendix A

Location of Development Site



 - Proposed Development Site



## Appendix B

### Façade Sound Insulation Calculations

The noise level in a room due to sound penetrating a façade element may be calculated according to BS EN 12354-3 and BS 8233 from:

$$L_{eq,2} = L_{eq,ff} + 10 \log_{10} \left( \frac{A_0}{S} 10^{\frac{-D_{n,e}}{10}} + \frac{S_{wi}}{S} 10^{\frac{-R_{wi}}{10}} + \frac{S_{ew}}{S} 10^{\frac{-R_{ew}}{10}} + \frac{S_{rr}}{S} 10^{\frac{-R_{rr}}{10}} \right) + 10 \log_{10} \left( \frac{S}{A} \right) + 3$$

(Equation G.1)

Where:

- $L_{eq,ff}$  is the equivalent continuous sound pressure level outside the room elements under consideration.
- $A_0$  is a reference absorption area of 10 m<sup>2</sup> and is independent of frequency;
- $S_f$  is the total facade area in square metres ( m<sup>2</sup> ) of the room in question;
- $S_{wi}$  is the area in square metres (m<sup>2</sup>) of the windows of the room;
- $S_{ew}$  is the area in square metres (m<sup>2</sup>) of the external wall of the room;
- $S_{rr}$  is the area in square metres (m<sup>2</sup>) of the ceiling of the room;
- $S$  is the total area in square metres ( m<sup>2</sup> ) of elements through which sound enters the room, i.e.  $S_f + S_{rr}$ ;
- $D_{n,e}$  is the insulation of the trickle ventilator measured according to BS EN ISO 10140;
- $R_{wi}$  is the sound reduction index (octave band value) of the window;
- $R_{ew}$  is the sound reduction index (octave band value) of the external wall;
- $R_{rr}$  is the sound reduction index (octave band values) of the roof/ceiling;
- $A$  is the equivalent absorption area of the receiving room being considered.
- $3$  is a correction factor.

Values of  $L_{eq}$ ,  $D_{n,e}$ ,  $R$  and  $A$  are frequency dependent, and the calculation of  $L_{eq,2}$  has to be repeated using values for each octave band of interest. If the dBA level in the room ( $L_{Aeq,2}$ ) is to be estimated, the resulting values of  $L_{eq,2}$  ought to be A-weighted (to give  $L_{Aeq,125}$  in the 125 Hz octave band, etc.) and summed logarithmically (see Annex A). The equation for summing the levels in each frequency is as follows.

$$L_{Aeq,2} = 10 \log_{10} \left( 10^{\frac{L_{Aeq,125}}{10}} + 10^{\frac{L_{Aeq,250}}{10}} + \dots + \right)$$

(Equation G.2)

The noise penetration through the wall/roof, vents and the glazing is calculated and then combined in each frequency band to give an overall internal level from the external sources by these routes. Calculations are carried out in six octave bands as indicated in BS 8233.

Calculations for all habitable rooms are shown in Table 12, 13 and 14. These values include the +3dB correction to convert from recorded free-field levels into façade levels.

**Table 12. Predicted Daytime Internal Noise Levels (L<sub>Aeq</sub>)**

| <b>Lounge/Kitchen</b>                      |       |
|--|-------|
| Volume, V (m3)                             | 211.2 |
| Total façade Area, S (m2)                  | 94.1  |
| Window Area, S <sub>win</sub> (m2)         | 15.8  |
| External Wall Area, S <sub>wall</sub> (m2) | 45.4  |
| External Roof Area, S <sub>roof</sub> (m2) | 32.8  |

| Daytime LAeq, 16 hr (dB)                           | Frequency (Hz) |       |       |       |       |       | Total dB(A) |
|--|----------------|-------|-------|-------|-------|-------|-------------|
|  | 125            | 250   | 500   | 1k    | 2k    | 4k    |             |
| External Noise Levels (Façade Levels), LAeq        | 40.5           | 41.8  | 50.9  | 57.6  | 54.1  | 42.7  | 60          |
| External Masonry Wall, R <sub>wall</sub>           | 40             | 44    | 45    | 51    | 56    | 60    |             |
| External Tiled Roof, R <sub>roof</sub>             | 28             | 34    | 40    | 45    | 49    | 52    |             |
| Glazing (4mm/6-16mm/4mm), R <sub>win</sub>         | 21             | 17    | 25    | 35    | 37    | 31    |             |
| Ventilator (Titon Trimvent XS13), D <sub>n,e</sub> | 30.0           | 35.0  | 35.0  | 36.0  | 34.0  | 29.0  |             |
| Total Façade Attenuation                           | -25.9          | -24.3 | -31.1 | -36.4 | -35.3 | -30.3 |             |
| Room Correction                                    | 1.4            | 1.4   | 1.4   | 1.4   | 1.4   | 1.4   |             |
| Internal Noise Levels                              | 16.0           | 18.9  | 21.3  | 22.6  | 20.2  | 13.8  | <b>27</b>   |

| <b>Games Room</b>                          |       |
|--|-------|
| Volume, V (m3)                             | 116.6 |
| Total façade Area, S (m2)                  | 31.9  |
| Window Area, S <sub>win</sub> (m2)         | 4.4   |
| External Wall Area, S <sub>wall</sub> (m2) | 27.5  |

| Daytime LAeq, 16 hr (dB)                           | Frequency (Hz) |       |       |       |       |       | Total dB(A) |
|--|----------------|-------|-------|-------|-------|-------|-------------|
|  | 125            | 250   | 500   | 1k    | 2k    | 4k    |             |
| External Noise Levels (Façade Levels), LAeq        | 40.5           | 41.8  | 50.9  | 57.6  | 54.1  | 42.7  | 60          |
| External Masonry Wall, R <sub>wall</sub>           | 40             | 44    | 45    | 51    | 56    | 60    |             |
| Glazing (4mm/6-16mm/4mm), R <sub>win</sub>         | 21             | 17    | 25    | 35    | 37    | 31    |             |
| Ventilator (Titon Trimvent XS13), D <sub>n,e</sub> | 30.0           | 35.0  | 35.0  | 36.0  | 34.0  | 29.0  |             |
| Total Façade Attenuation                           | -24.7          | -24.6 | -29.4 | -32.2 | -30.4 | -25.4 |             |
| Room Correction                                    | -0.7           | -0.7  | -0.7  | -0.7  | -0.7  | -0.7  |             |
| Internal Noise Levels                              | 15.1           | 16.5  | 20.9  | 24.7  | 23.0  | 16.6  | <b>29</b>   |

| <b>Bedroom</b>                             |      |
|--|------|
| Volume, V (m3)                             | 48.8 |
| Total façade Area, S (m2)                  | 23.2 |
| Window Area, S <sub>win</sub> (m2)         | 6.1  |
| External Wall Area, S <sub>wall</sub> (m2) | 17.1 |

| Daytime LAeq, 16 hr (dB)                           | Frequency (Hz) |       |       |       |       |       | Total dB(A) |
|--|----------------|-------|-------|-------|-------|-------|-------------|
|  | 125            | 250   | 500   | 1k    | 2k    | 4k    |             |
| External Noise Levels (Façade Levels), LAeq        | 40.5           | 41.8  | 50.9  | 57.6  | 54.1  | 42.7  | 60          |
| External Masonry Wall, R <sub>wall</sub>           | 40             | 44    | 45    | 51    | 56    | 60    |             |
| Glazing (4mm/6-16mm/4mm), R <sub>win</sub>         | 21             | 17    | 25    | 35    | 37    | 31    |             |
| Ventilator (Titon Trimvent XS13), D <sub>n,e</sub> | 30.0           | 35.0  | 35.0  | 36.0  | 34.0  | 29.0  |             |
| Total Façade Attenuation                           | -24.6          | -22.5 | -29.0 | -33.8 | -32.4 | -27.4 |             |
| Room Correction                                    | 1.7            | 1.7   | 1.7   | 1.7   | 1.7   | 1.7   |             |
| Internal Noise Levels                              | 17.6           | 21.1  | 23.7  | 25.4  | 23.4  | 17.0  | <b>30</b>   |

**Table 13. Predicted Night-time Internal Noise Levels ( $L_{Aeq}$ )**

| Bedroom                        |      |
|--------------------------------|------|
| Volume, V (m3)                 | 48.8 |
| Total façade Area, S (m2)      | 23.2 |
| Window Area, Swin (m2)         | 6.1  |
| External Wall Area, Swall (m2) | 17.1 |

| Night-time $L_{Aeq}$ , 8 hr (dB)                 | Frequency (Hz) |       |       |       |       |       | Total dB(A) |
|--|----------------|-------|-------|-------|-------|-------|-------------|
|  | 125            | 250   | 500   | 1k    | 2k    | 4k    |             |
| External Noise Levels (Façade Levels), $L_{Aeq}$ | 31.9           | 34.8  | 44.1  | 49.5  | 45.7  | 33.9  | 52          |
| External Masonry Wall, Rwall                     | 40             | 44    | 45    | 51    | 56    | 60    |             |
| Glazing (4mm/6-16mm/4mm), Rwin                   | 21             | 17    | 25    | 35    | 37    | 31    |             |
| Ventilator (Titon Trimvent XS13), Dn,e           | 30.0           | 35.0  | 35.0  | 36.0  | 34.0  | 29.0  |             |
| Total Façade Attenuation                         | -24.6          | -22.5 | -29.0 | -33.8 | -32.4 | -27.4 |             |
| Room Correction                                  | 1.7            | 1.7   | 1.7   | 1.7   | 1.7   | 1.7   |             |
| Internal Noise Levels                            | 9.0            | 14.0  | 16.8  | 17.3  | 14.9  | 8.3   | <b>22</b>   |

**Table 14. Predicted Night-time Internal Noise Levels ( $L_{Amax}$ )**

| Bedroom                        |      |
|--------------------------------|------|
| Volume, V (m3)                 | 48.8 |
| Total façade Area, S (m2)      | 23.2 |
| Window Area, Swin (m2)         | 6.1  |
| External Wall Area, Swall (m2) | 17.1 |

| Night-time  | Frequency (Hz) |       |       |       |       |       | Total dB(A) |
|---|----------------|-------|-------|-------|-------|-------|-------------|
|   | 125            | 250   | 500   | 1k    | 2k    | 4k    |             |
| External Noise Levels (Façade Levels), $L_{Amax}$ | 49.7           | 52.6  | 59.6  | 65.0  | 60.1  | 50.6  | 67          |
| External Masonry Wall, Rwall                      | 40             | 44    | 45    | 51    | 56    | 60    |             |
| Glazing (4mm/6-16mm/4mm), Rwin                    | 21             | 17    | 25    | 35    | 37    | 31    |             |
| Ventilator (Titon Trimvent XS13), Dn,e            | 30.0           | 35.0  | 35.0  | 36.0  | 34.0  | 29.0  |             |
| Total Façade Attenuation                          | -24.6          | -22.5 | -29.0 | -33.8 | -32.4 | -27.4 |             |
| Room Correction                                   | 1.7            | 1.7   | 1.7   | 1.7   | 1.7   | 1.7   |             |
| Internal Noise Levels                             | 26.8           | 31.9  | 32.3  | 32.9  | 29.4  | 24.9  | <b>38</b>   |