

TCP/11/16(526) – 17/01297/FLL – Erection of a garage/workshop on land north west of Choc Sualtach, Kirkmichael

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**TCP/11/16(526) – 17/01297/FLL – Erection of a
garage/workshop on land north west of Choc Sualtach,
Kirkmichael**

**PAPERS SUBMITTED
BY THE
APPLICANT**



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100089135-001

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.

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:	Lochhead Consultancy		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	Millhole Farmhouse
Last Name: *	Lochhead	Building Number:	
Telephone Number: *	01738 710053	Address 1 (Street): *	Murthly
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 4LG
Email Address: *	james@lochheadconsultancy.co.uk		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Boreland Farm"/>
First Name: *	<input type="text" value="Mike"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Aitken"/>	Address 1 (Street): * <input type="text" value="Kirkmichael"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Blaigowrie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PH10 7NR"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

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="BORELAND FARM"/>
Address 2:	<input type="text" value="KIRKMICHAEL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BLAIRGOWRIE"/>
Post Code:	<input type="text" value="PH10 7NR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="759738"/>	Easting	<input type="text" value="308590"/>
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Description of Proposal

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

Erection of Garage/Workshop

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See short supporting statement.

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

☐ Yes ☒ No

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

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

Supporting Statement (It is assumed the Planning Authority will provide the decision notice etc..)

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/01297/FLL

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

03/08/2017

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

21/02/2018

Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare – Notice of Review

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

Declaration Name: Mr James Lochhead

Declaration Date: 28/03/2018

Proposed Erection of Garage/Workshop
At
Land North West of Choc Sualtach, Kirkmichael
Proposed Review

The determining issue in this Review is whether it is competent to impose conditions which would establish the maximum level of noise associated with the proposal. All other matters, such as siting and design were considered satisfactory by the Planning Officer.

Considerable weight must be given to the fact that the Environmental Health Officer raised no objection to the proposal subject to restricting the hours of operation, requesting the garage doors remain closed when noisy work is being undertaken and that the noise levels do not exceed a Rating Level of LAeq 37 dB over any given 1 hour period. All these conditions are acceptable to the appellant.

The key condition is the one setting the maximum noise level. If the condition is breached the Council have powers to take enforcement action. Having the doors open or closed is irrelevant. However, my client is more than content to fully comply with such a condition.

In the Report of Handling it is not stated why the Council could not enforce such a condition. Clearly the noise level condition can be enforced. Such conditions are very common within the Development Management process.

Finally, modern MOT garages, such as proposed, are not significant generators of noise – it is more computers and diagnostics. The Review Body is respectfully invited to approve this appeal with conditions recommended by the Environmental Health Officer.

James Lochhead

**TCP/11/16(526) – 17/01297/FLL – Erection of a
garage/workshop on land north west of Choc Sualtach,
Kirkmichael**

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr Mike Aitken
c/o Lochhead Consultancy
James Lochhead
Millhole Farmhouse
Murthly
Perth
Scotland
PH1 4LG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 21st February 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01297/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 3rd August 2017 for permission for **Erection of a garage/workshop Land North West Of Choc Sualtach Kirkmichael** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

- 1 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be controllable via planning conditions, the proposal would have an adverse impact on the residential amenity of adjacent properties. To this end, the proposal is contrary to Policy EP8 (Noise Pollution) of the adopted Perth and Kinross Local Development Plan 2014 which states that there is a presumption against the siting of new developments which will generate high levels of noise in the locality of noise sensitive uses.

- 2 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be controllable via planning conditions, the proposal would have an adverse impact on the residential amenity that is currently enjoyed by adjacent properties, and the proposal is not considered to be compatible with the surrounding land uses. To this end, the proposal is contrary to Policy ED3 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new proposals are compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

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

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

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

Plan Reference

17/01297/1

17/01297/2

17/01297/3

17/01297/4

17/01297/5

17/01297/6

17/01297/7

17/01297/8

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/01297/FLL	
Ward No	P3- Blairgowrie & Glens	
Due Determination Date	02.10.2017	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a garage/workshop

LOCATION: Land North West Of Choc Sualtach, Kirkmichael

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of a new rural garage/workshop on a site outside Kirkmichael as the development is considered to be contrary to the relevant provisions of the Development Plan, and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 22 August 2017 & a meeting on site with agent in
16 May 2017

BACKGROUND AND DESCRIPTION OF PROPOSAL

The proposal seeks to obtain a detailed planning permission for the erection of a new commercial MOT garage on an area of land outside the small village of Kirkmichael. The proposed site of the garage is on land which is part of a wider agricultural field which fills the natural gap between two residential properties (to the east and west), and then extends further to the north.

The site lies immediately to the north of the B950 rural road from Kirkmichael and measures approx. 23.5m in width (east to west) – *which is approx. ½ of the full gap between the two houses* - with a depth of approx. 36m (north to south).

The proposed building would be a steel framed structure measuring approx. 16m in its width (north to south) and 18m in length (east to west). The applicant has indicated that the building would be an MOT station for vehicles – which is considered to be a Class 5 (general industry) use of the Use Classes Order 1997.

Employee and customer parking associated with the proposed use is proposed to the rear of the building, whilst a new vehicular access into the site from the public road is also proposed. The site is sloping, and the proposed building and associated parking would be cut into an existing bank. To stabilise the rear bank, a high retaining wall is proposed along the northern site boundary and it is assumed that this would be constructed of typical engineering brick/gabions.

SITE HISTORY

A outline planning consent for the erection of a dwellinghouse and the change of use from agricultural land to garden ground was approved in 2008 (08/00699/OUT) on the full 'gap' between the two existing residential properties.

That consent was never advanced to a detailed stage, and has now expired.

PRE-APPLICATION CONSULTATION

A pre-application enquiry was made to the Council (17/00396/PREAPP) by the applicant. The response issued by the Council highlighted the likely issues which would arise if a planning application was to be made which focused on noise and compatibility with existing (residential) uses.

NATIONAL POLICY AND GUIDANCE

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

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

- Paragraphs 74 - 83, which relates to Promoting Rural Development
- Paragraphs 92–108, which relates to Supporting Business & Employment

Scottish Government Circular 4/1998

This Circular and the accompanying Annex sets out Government policy on the use of conditions in planning permissions.

PAN1/2011 – Planning and Noise

This Planning Advice Note (PAN) provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Information and advice on noise impact assessment methods is provided in the associated Technical Advice Note Assessment of Noise.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The site lies within the landward area of the Local Development Plan, where the following policies are directly applicable to the proposal,

Policy ED3 - Rural Business and Diversification

Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported.

All proposals will be expected to meet all the following criteria:

- (a) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
- (b) The proposal can be satisfactorily accommodated within the landscape capacity of any particular location
- (c) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.
- (d) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.
- (e) The local road network must be able to accommodate the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.
- (f) Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.
- (g) Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation

Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning

permission will not be granted for development likely to have an adverse effect on protected species.

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

OTHER COUNCIL POLICIES

Developer Contributions and Affordable Housing 2016

This policy outlines the Council's position in relation to Developer Contributions in relation to Primary Education, A9 upgrades and Transport Infrastructure as well as Affordable Housing provision.

EXTERNAL CONSULTATION RESPONSES

Scottish Water have commented on the proposal and raised no objections.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal in terms of the access and parking provision and have raised no objections to the proposal.

Development Negotiations Officer has commented on the proposal and confirmed that there is no requirement for any Developer Contributions.

Environmental Health have commented on the proposal in relation to noise nuisance, and commented on the noise impact assessment which has been lodged in support with of the planning application. It is their view that a noise nuisance may occur to an unacceptable level if the garage doors are to remain open during operations, however if the doors were to remain closed noise nuisance could be mitigated to an acceptable level.

REPRESENTATIONS

Three letters of representations have been received, relating to the proposal, all of which are objecting to the proposal. The main issues that have been raised within the letters of representations focus on noise concerns, and a concern that the proposed development is not compatible with existing land uses.

These issues are addressed in the appraisal section below.

ADDITIONAL INFORMATION

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Noise Impact Assessment, Planning Statement

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2017 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations, consideration of the Developer Contributions and Affordable Housing 2016 document is a material consideration.

Policy Appraisal

In terms of land use policies, the key policies are found within the Local Development Plan 2014 (LDP). Within that plan, the site lies within the landward area where *Policies PM1A and ED3* are directly applicable to new proposals.

Policy PM1A seeks to ensure that all new developments do not have an adverse impact on the amenity (visual and residential) of the area concerned,

whilst *Policy ED3* offers support for new rural business and the expansion of existing ones in rural areas, providing that a number of criteria can be met and delivered.

In addition to these policies, *Policy EP8* of the LDP seeks to ensure that new development which generates noise disturbance and nuisance are located away from noise sensitive receptors or suitable mitigation proposals are in place.

For reasons stated below, and after much consideration, I consider the proposal to be contrary to *Policies EP8 and RD3* on the sole issue that potential (and probable) noise nuisance cannot reasonably be controlled to a level which would not impact on the residential amenity of existing residential properties.

Land Use Acceptability

The key land use issues for this proposal is whether or not there is support for the proposal under *Policy ED3* of the LDP. This policy states that favourable consideration will be given to the expansion of existing businesses and the creation of new business. The policy goes on to say that there is a preference that this will generally be within or adjacent to existing settlements, but outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity which provides permanent employment.

The policy then goes on to say that all proposals will be expected to meet a number of specific criteria, which includes *i) the proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site, and ii) the proposal can be satisfactorily accommodated within the landscape capacity of any particular location*

The applicant has made a case for the need for the new business in the area, and I consider there to be some merit in that case. In terms of a site specific resource, the lack of a comparable facility in the area does suggest that there may be a need and demand for this type of facility, and I would consider this scenario to be linked to a site specific resource opportunity.

The applicant has also suggested that there would be permanent employment opportunities associated with this business, and I have no reasons to disagree with this.

To this end, I consider the key issues for whether or not the proposal is compliant with *Policy ED3* of the LDP to be firstly whether or not the proposal has a good landscape fit, and secondly whether or not the proposal is compatible with existing uses.

I shall address these in turn.

In terms of the landscape fit, the site is one half of a natural infill site between two existing properties, with a roadside frontage. Some engineering work would be necessary to create the required levels and a suitable building area, however I do not necessary have any concerns over this - subject to final levels being confirmed and agreed.

The rear (to the north) of the site is open, however as is the case with a number of infill sites (whether that be for housing or non-housing developments), the rear boundary is often open and undefined and this is the case here. I therefore consider the proposal to have a good landscape fit which is capable of absorbing the proposed development. I would however expect to have details of new boundary treatments and landscaping agreed at a later stage.

Turning to the second issue, compatibility with existing land uses I do however have some concerns.

The nature of the proposed development is one which could generate noise nuisance when the building is in operation. This issue has been raised within all the letters of representations – all of which are concerned about the impact that the proposal might have on their existing residential amenity. To support the planning application a noise impact assessment has been carried by a suitably qualified consultant, and this has been submitted for consideration.

My colleagues in Environmental Health have reviewed the document, and made the following comments within their consultation response,

This application for a new MOT garage is supported by a noise impact assessment (NIA) to quantify the impact on local neighbours and my comments regarding this are below.

The NIA was conducted in terms of BS4142:2014, which rates noise impacts in terms of the increase in noise relative to the pre-existing baseline. To this end a baseline was measured over an hour on a weekday in June. This is a short baseline, which serves to increase uncertainty in this assessment. The measured LA90 background for this location was said to be 31.5dB, which is a very low background level for the daytime period which is to be expected at such a location.

Operational noise levels were predicted at the 2 closest residential receptors based on library data at source and modelled back to the receptors accounting for the attenuation of the garage structure with both the doors open and closed. The receptors of Cnoc Sualtach and Laggan Fasgach are some 38m and 30m respectively.

The LAeq 1hour levels with the doors closed were predicted to be 31.9dB at Laggan Fasgach and 27dB at Cnoc Sualtach with the doors open figure 40.7dB and 41.7dB respectively.

BS4142:2014 allows for a penalty to be applied for specific acoustic features such as impulsivity, tonality and intermittency. The consultant has included a +3dB correction for impulsivity, which would account for any banging taking place but may be too low. I am also not entirely convinced that other acoustic effects will not be important such as intermittency and tonality. The consultant has taken a subjective approach to applying this penalty, but should Environmental Health become involved in the future through either the planning enforcement or nuisance regimes, we will likely use an objective method for penalising this which may well show up greater penalties than the +3dB.

Based on the consultants 3dB correction for impulsivity, the rating level at Laggan Fasgach is said to be +3.4dB over the background with the doors closed and +12.2dB with them open. For Cnoc Sualtach the difference is -1.5dB with the doors closed and +13.2dB with them open.

BS4142 states:

Where the rating level exceeds the background noise level by +10 dB or more then this is likely to be an indication of a significant adverse impact, depending on the context.

Where the rating level exceeds the background noise level +5 dB this is likely to be an indication of an adverse impact, depending on the context.

Based on the above, the in order to protect the existing residential amenity of the adjacent properties, in the event of supporting the proposal, the Council would need to consider controlling the use of the doors of the garage so that they remain closed when work/activities - that *may* result in an increase in noise levels (from the background base level) by 5db is being carried out.

Guidance on the use of Planning Conditions is offered in Circular 4/1998, and this circular states,

... that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise and that new development involving noisy activities should, if possible, be sited away from noise-sensitive land uses. Where it is not possible to achieve such a separation of land uses, planning authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning agreements.

In order to consider supporting this proposal, it is clear that some controls would therefore be needed, so the key issue now moves onto whether not such controls would meet with the specific requirements of a planning condition, which are also set in the circular. These are,

- Need for a Condition
- Relevance to Planning
- Relevance to the Development to be Permitted
- Ability to Enforce
- Precision
- Reasonableness

Going through these in turn,

Need for a Condition – There is clear need for a noise condition(s). I therefore consider any noise condition linked to the requirement to keep the doors closed during certain activities to be required.

Relevance to Planning – The planning system has a duty to protect existing residential properties from new developments which may adversely affect existing residential amenity. To this end, I consider the potential use of any noise condition linked to the requirement to keep the doors closed during certain activities condition to be relevant to planning.

Relevance to the Development to be Permitted – The need for the condition is only required because of the activity which is proposed, and the impact that the proposed activity may have on existing residential properties. To this end, I therefore consider any noise condition linked to the requirement to keep the doors closed during certain activities to be entirely relevant to the development proposed.

Reasonableness – A noise restriction condition and a condition in relation to keeping the garage doors closed would be required to ensure that the residential amenity of adjacent properties are not adversely affected by the development proposed. To this end, I consider a noise condition linked to the requirement to keep the doors closed during certain activities to be reasonable.

Precision – Possible conditions would seek controls of an upper noise level (at the neighbour's properties), and seek the closure of the doors when work is being carried out that may push the noise over the stated limit. To this end, assuming the conditions are worded appropriately, there can be precision in such conditions.

The remaining test is the Ability to Enforce.

In terms of seeking to control a specific noise level this is controllable and enforceable, and the Council does often attach planning conditions to that effect on planning permissions – in most cases to protect existing residential amenity. However, to achieve these levels it is clear that the doors of the garage would have to be closed for potentially long periods when the garage is in operation; otherwise the noise levels at the neighbouring properties would exceed the levels that are considered acceptable.

The ultimate issue then is whether or not a specific condition requires the doors to be closed when 'noisy' activities are taking place is enforceable, or *reasonably* likely to be enforceable by the Council.

Within the noise impact assessment, it is stated that the doors of the garage would require to be opened for short periods of time, and in the summer months only. No other details have been included about what the typical activities are which are likely to take place, and when and for how long doors may need to be open for. Likewise, there are no specification details regarding ventilation to demonstrate that the garage can operate for large period of time when on operation with the doors closed – which is suggested in the noise impact assessment.

I appreciate the comments made within the applicants submission, and also the position taken by my colleagues in Environmental Health, but I nevertheless do have some concerns about the likelihood of the garage doors being kept open, and after much deliberation, I unfortunately do not consider the imposing of a condition which restricts the garage doors to be closed when certain noise generating activities are occurring to be reasonably

enforceable and having such a condition on a planning permission would inevitably cause issues for the Council in terms of future monitoring and enforcing.

Whilst not necessary a planning issue, this arrangement would also cause the neighbours some anxiety in terms of the practical ability of the Council to control noise.

To this end, and bearing in mind the position regarding what is required to keep noise levels within acceptable levels (keeping the garage doors closed), I consider the proposal to be unacceptable as the proposal is not compatible with its residential neighbours.

Residential Amenity

In terms of the impact on existing residential amenity, as stated above this is an area of concern. I do not consider there to be any issues in terms of overlooking or loss of privacy, but the issue of control of noise and what can reasonably be enforceable by the Council is challenging.

In this case, the required condition would not meet the tests of enforceability and I therefore cannot propose it to be attached to the permission – which in turn, renders the proposal unacceptable as existing residential amenity cannot be protected.

Visual Amenity

In terms of the impact on the visual amenity of the area, I have no concerns.

I note that within the letters of representations concerns have been raised that the proposed 'shed' structure is out of keeping with the area; however I do not agree with these views. The proposed building is fairly modest in its scale and design, and takes the form of an agricultural building which in this rural area would not appear alien.

Roads and Access

In terms of road related matters I have no concerns. A suitable vehicular access into the site can be formed, and suitable onsite parking provision has been made available.

Drainage and Flooding

In terms of drainage and flooding matters, I have no concerns. Whilst some new hard surfaces are proposed (as well as the structure) run off from these

hard surfaces can be adequately controlled via the introduction of a suitable surface water drainage system.

Impact on Bio-diversity

There are no known protected species within the site, or the immediate surrounding area.

Impact on Trees

The proposal would have no impact on any existing trees. A tree stump is present at south west corner; however its removal to form a new access causes no concerns.

Movement across Class 5 (General Industry) – Use Classes Order

An MOT station is considered to be a Class 5, General Industrial use in the Use Classes Order 1997. Whilst the key issue for this proposal is noise, other uses within class 5 may generate other nuisances in relation to vibration, smell, fumes, smoke, soot, ash, dust or grit. To this end, in the event of an approval being considered the need to limit the use of the building and / or limiting the approval to the applicant only should be fully considered.

Developer Contributions

Affordable Housing

As the proposal does not include any dwellings, there is no requirement for any affordable housing provision.

Primary Education

As the proposal does not include any dwellings, there is no requirement for any Primary Education contributions.

A9 Junction Improvements

The site is located outwith the catchment area for A9 Junction Improvements.

Transport Infrastructure

The site is located outwith the catchment area for Transport Infrastructure contributions.

Economic Impact

The nature of the proposal means that an approval of this application could have positive impact on the local economy, however any impact would be fairly localised to the surrounding area.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan.

On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this planning application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the planning application because of the following reasons,

- 1 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be controllable via planning conditions, the proposal would have an adverse impact on the residential amenity of adjacent properties. To this end, the proposal is contrary to Policy EP8 (Noise Pollution) of the adopted Perth and Kinross Local Development Plan 2014 which states that there is a presumption against the siting of new developments which will generate high levels of noise in the locality of noise sensitive uses.
- 2 As the necessary controls which would be required to mitigate noise at neighbouring residential properties are not considered to be

controllable via planning conditions, the proposal would have an adverse impact on the residential amenity that is currently enjoyed by adjacent properties, and the proposal is not considered to be compatible with the surrounding land uses. To this end, the proposal is contrary to Policy ED3 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2014 which seeks to ensure that all new proposals are compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

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

None applicable.

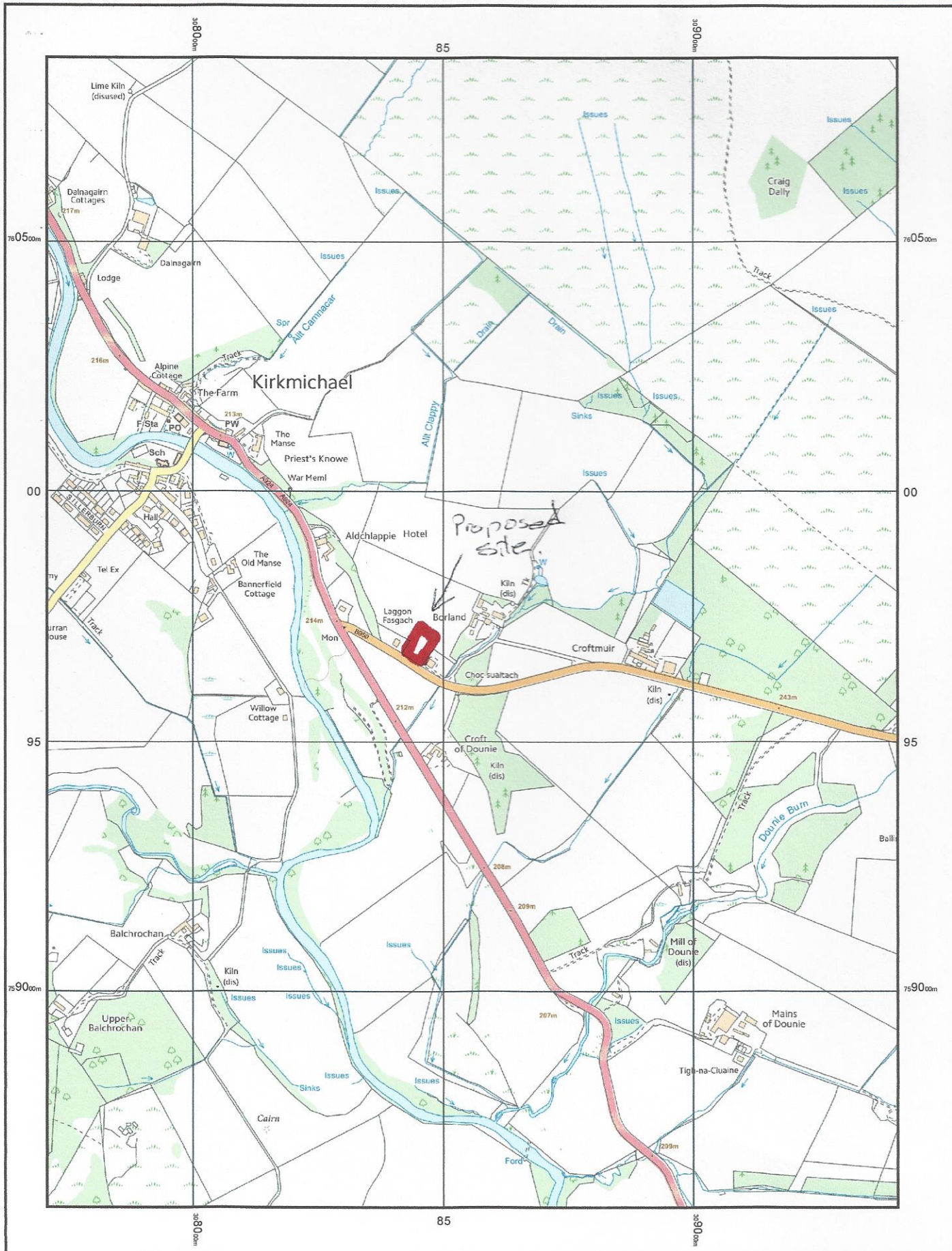
Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/01297/1 - 17/01297/8 (*inclusive*)

Date of Report - 21 February 2018





Mike Aitken

Erection of 16m x 18m
garage / workshop
building

Boreland Farm
Kirkmichael
PH10 7NR

Location Plan

PMS 2216 - 100

REV	REV NOTES	DATE
A	BOUNDARY NOTE	JULY 17
A	REVISED BLUE HATCHED AREA	JULY 17

1:1000 - A2

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PLANNING	<input checked="" type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/>
AMENDMENT TO BW	<input type="checkbox"/>
CONSTRUCTION	<input type="checkbox"/>
AS BUILT	<input type="checkbox"/>

July 2017



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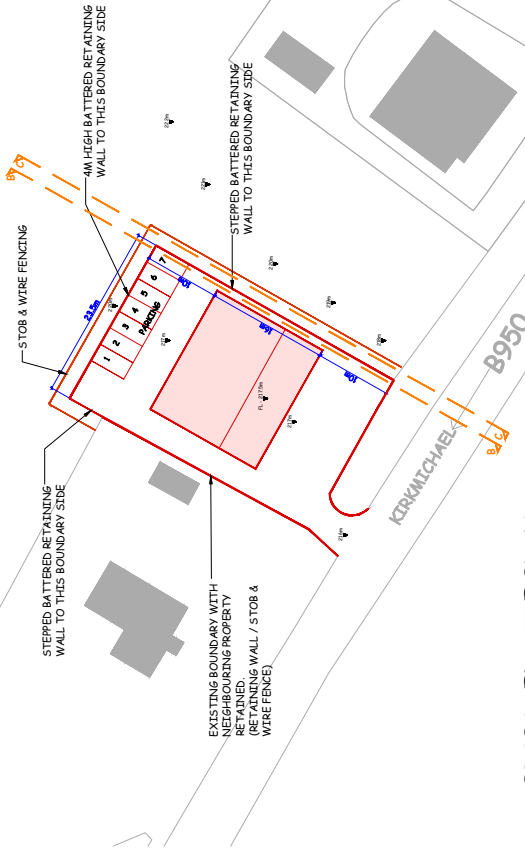
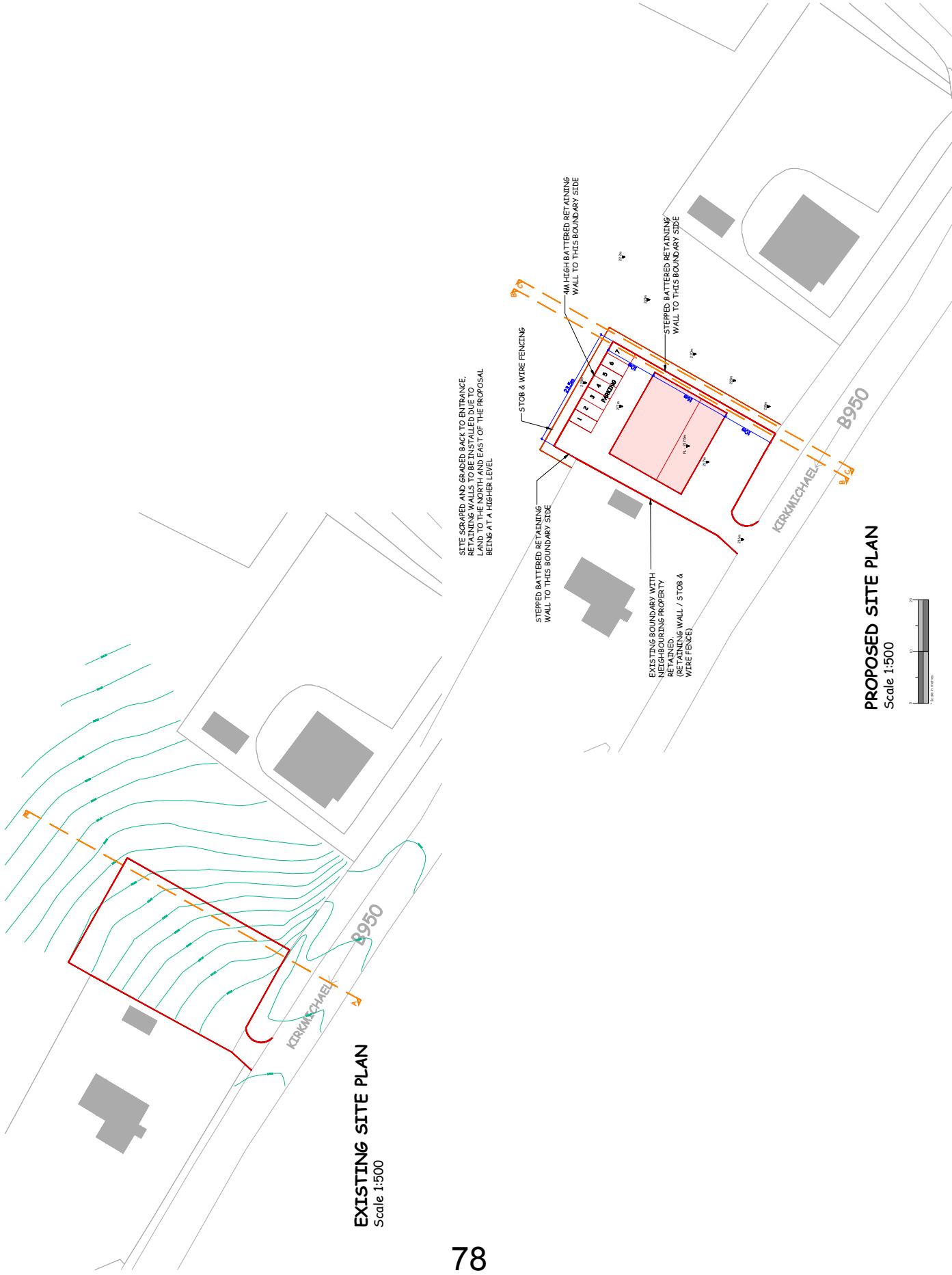
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
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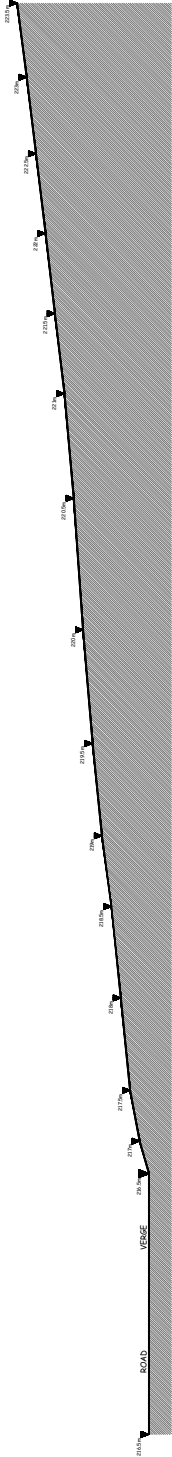


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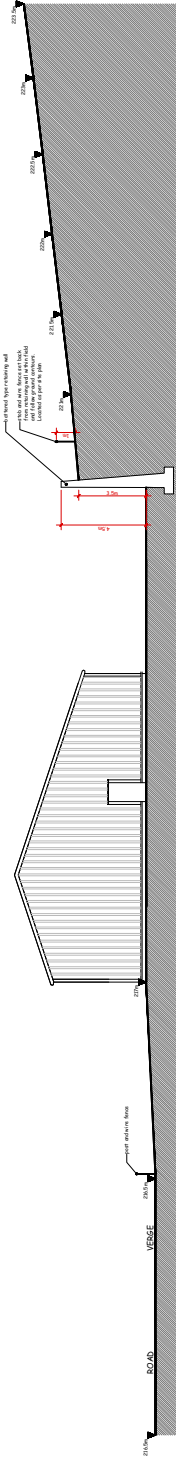
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CLIENT	Mike Aitken	
PROJECT	Erection of 16m x 18m garage / workshop building	
ADDRESS	Boreland Farm Kirkmichael PH10 7NR	
DRAWING TITLE	Site Plans	
DRAWING NUMBER	PMS 2216 - 101	
REV/NOTES	DATE	
A	BOUNDARY NOTE	JULY 17
B	SECTION LINES ADDED	AUG 17
B	BOUNDARY NOTES AMENDED	AUG 17
B	RED BOUNDARY ADDED TO EXISTING SITE PLAN	AUG 17
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DIRECTION  NORTH		
DATE	July 2017	CHECKED BY
DRAWN BY		P. Birse
CAD REFERENCE	boreland	
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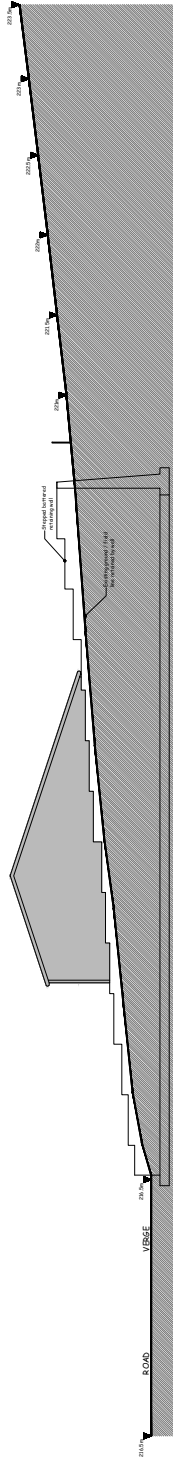
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CLIENT	Mike Aitken	
PROJECT	Erection of 16m x 18m garage / workshop building	
ADDRESS	Boreland Farm Kirkmichael PH10 7NR	
DRAWING TITLE	Site Sections	
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DATE	August 2017	
DRAWN BY	CHECKED BY	
	P. Birse	
CAD REFERENCE	boreland	
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SECTION A-A
Scale 1:200



SECTION B-B
Scale 1:200



SECTION C-C
Scale 1:200



Mike Aitken

Erection of 16m x 18m
garage / workshop
building

Boreland Farm
Kirkmichael
PH10 7NR

DRAWING TITLE
Floor plan, elevations and section

PMS 2216-205

[illegible]

1:100 - A2

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DIRECTION



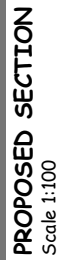
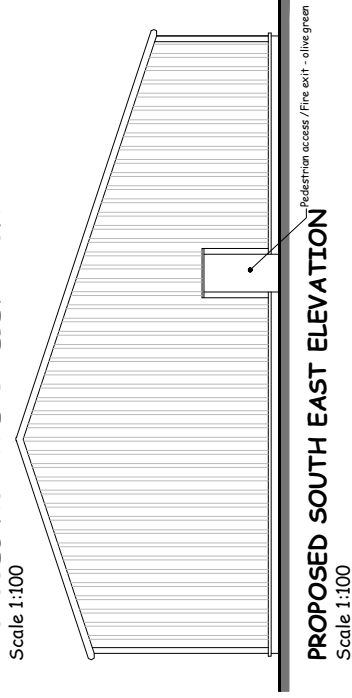
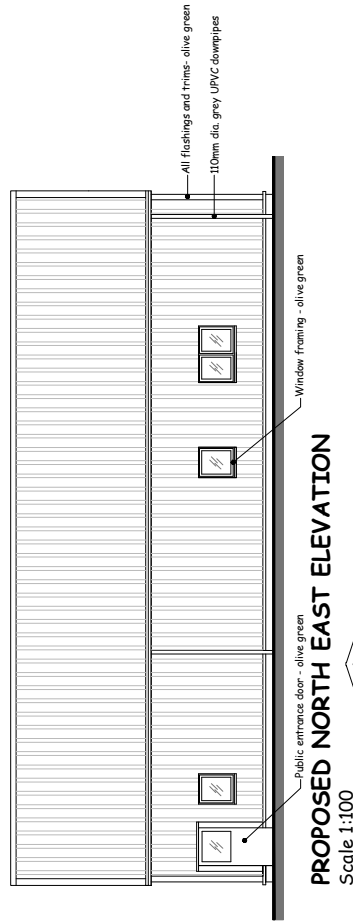
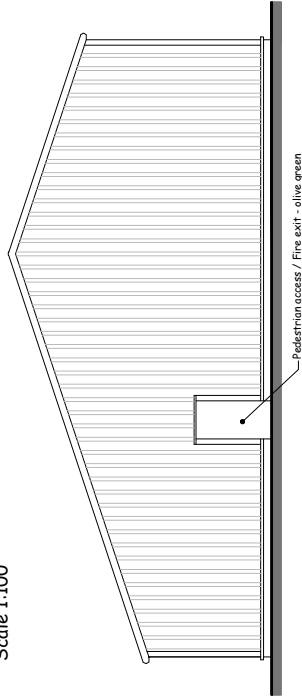
July 2017

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CAD REFERENCE

boreland

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NOISE IMPACT ASSESSMENT

Proposed MOT Garage

Prepared for:

Mr. James Lochhead

Ref: 1182 001PR V1

Date: 25th July 2017

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Document Revision History

Version	Reason	Date/Edits Made By:
1182 001 PR V1	1 st Issue	25 th July 2017 PR/PC

1.00 Introduction

- 1.01** This Report has been prepared to support a Planning application on behalf of James Lochhead Development & Planning Consultant. It is proposed to build a MOT Garage at Boreland Farm, Kirkmichael, PH10 7NR. Perth & Kinross Council Environmental Health Department requires that a noise impact assessment is included as part of the planning application. CSP Acoustics has been engaged to carry out this work; details and results of the assessment completed are summarised in this report.
- 1.02** CSP Acoustics has completed noise measurements of existing ambient noise levels at the nearest dwellings with respect to the site.. This data together with historical garage noise source data was used as the basis for assessing noise impact from the new development.
- 1.03** The noise impact from activities associated with the proposed industrial building has been assessed at nearby dwellings using the method set out in BS 4142:2014, WHO and BS8233:2014.
- 1.04** Predictions of noise within this report were made using proprietary noise prediction software CadnaA[®] (Computer Aided Noise Abatement) developed by Datakustik.



- 1.05 All CSP Acoustics Consultants/Surveyors hold membership of the Institute of Acoustics.

CSP Acoustics:

- Fort Street House, 63 Fort Street, Broughty Ferry, Dundee DD5 2AB
- 29 Eagle Street, Craighall Business Park, Glasgow G4 9XA

2.00 Summary

- 2.01 CSP Acoustics has completed a noise impact assessment for a proposed MOT garage to be located at Boreland Farm, Kirkmichael, PH10 7NR. The proposed development will include typical MOT Garage noise. The proposed operational times for the development are from 08.00 hours to 18:00 Monday to Friday, and 08.00 hours to 13.00 hours on Saturdays. Generally the Garage will operate with closed doors; these will be opened where necessary for access and may also be open for longer periods during summer months.
- 2.02 CSP Acoustics has completed a daytime noise level survey at the nearest dwelling to establish the existing noise climate. These are Laggan Gasgach, to the west and Cnoc Sualtach to the East at distances of 30 and 38 metres respectively. This survey data together with historical CSPA data for Garage activities has been used to prepare a noise impact assessment.
- 2.03 Assessment of the impact of the proposed MOT Garage on the nearest dwellings has been carried out using the methods set out in BS4142:2014, WHO and BS8233:2014.
- 2.04 Predictions of noise impact within this report were made using proprietary noise prediction software CadnaA® (computer Aided Noise Abatement) developed by Datakustik.
- 2.05 Calculations indicate that when the proposed development operates with doors closed then the following is likely:
- noise levels at Laggan Gasgach are expected to be +3.4dB above background noise levels during daytime hours. BS4142: 2014 gives no specific guidance where noise levels are no more than 5 dB above background noise levels. Thus for Laggan Gasgach dwelling it can be inferred that noise from the development does not have an adverse impact.
 - noise levels at Cnoc Sualtach are expected to be below existing background noise levels respectively. BS4142 notes that where the noise level from the assessed source does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.
- 2.06 Where the MOT Garage operates with doors open noise levels at both Laggan Gasgach and Cnoc Sualtach more than 10 dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceeds the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact, depending on the context. It should be considered that this is likely to be limited to short periods of time and

summer months only. Further context is also provided by a comparison of Garage noise levels arising in dwellings against noise limits out in WHO/ BS8233:2014.

- 2.07** Calculations indicate that noise levels arising in dwellings Laggan Fasgach and Cnoc Sualtach from the proposed Garage operations are unlikely to exceed WHO/ BS8233:2014 daytime noise limits. This is true with the MOT Garage doors closed or open.
- 2.08** Accordingly this indicates that noise from the proposed development should not be considered an impediment to the grant of planning permission.

3.00 Impact Assessment Criteria

3.01 The Scottish Office Development Department issued SODD Circular 10/1999 and the associated Planning Advice Note - PAN 56 - "Planning and Noise" in April 1999. In March 2011, the Scottish government issued PAN1/2011 "Planning and Noise" and an associated Technical Advice Note which replaced PAN 56.

3.02 PAN 1/2011: The Planning Advice Note recommends the use of Quantitative and Qualitative assessments of noise together with assessments of the level of its significance to help planning authorities determine applications for a development types including commercial and workshop development. The PAN and its accompanying Technical Advice Note do not however offer specific guidance with respect to the standards to be applied in assessments of noise impact.

In the Technical Advice Note that accompanies the PAN in Chapter 3, para 3.8 states that: "The choice of appropriate criteria noise levels and relevant time periods are the responsibility of the local authority. Although this may lead to inconsistencies between different Local Authorities and, indeed, across areas within a given Local Authority, it does provide flexibility, allowing particular circumstances to be taken into account and the use of the latest guideline values to be included where appropriate."

3.03 The PAN also notes, in Appendix 1, a range of Technical Standards and Codes of Practice that may be relevant to assessments including BS4142:2014 which can be used for assessing the impact of industrial/commercial developments, BS 8233:2014 which provides general guidance on acceptable levels within buildings and WHO Guidelines for Community Noise, 1999 et alia.

3.04 BS 4142:2014 - provides a rating method to give an indication of the likelihood of complaints when a sound source affects dwellings. The rating level of the sound source is compared against existing levels of background noise level (L_{A90}) present at the nearest residential properties, without the influence of the source. Where this is carried out the following guidance is given on the assessment of impact:

- 1) Typically, the greater the rating level exceeds the background noise level then the greater the magnitude of the impact will be.
- 2) Where the rating level exceeds the background noise level by +10 dB or more then this is likely to be an indication of a significant adverse impact, depending on the context.
- 3) Where the rating level exceeds the background noise level +5 dB this is likely to be an indication of an adverse impact, depending on the context.

3.05 BS 8233: 2014: Guidance on sound insulation and noise reduction for buildings

This document establishes basic criteria for dwellings as follow:

Accommodation	Period	Noise Limit
Residential Living Rooms	Daytime	35dB, LAeq, 16hrs
Residential Dining Rooms		40dB, LAeq, 16hrs
Residential Bedroom		35dB, LAeq, 16hrs
	Night Time	30dB, LAeq, 8hrs 45 dB, LAmax
Hotel Bedrooms	Daytime	30 – 40dB, LAeq, 16hrs
	Night Time	25 – 35dB, LAeq, 8hrs 45 – 55, LAmax
Office Open Plan	Daytime	45 – 50, LAeq, 16hrs

3.06 World Health Organisation (WHO): From research commissioned to examine community noise the WHO recommends criteria to prevent sleep disturbance of less than 30dB $L_{Aeq, 8hr}$ within an affected property subject to a maximum level of 45dBA [L_{Amax}] for a limited number of noise events, typically between . By assuming a reduction across a slightly open window of 15dB the WHO concluded that external levels should generally not exceed 45dBA, $L_{Aeq, 8hr}$ at 3.5 metres from the facade of a dwelling and that occasional external event levels should not exceed 60dBA L_{Amax} . It should be noted that these are free-field values and façade reflection effects will give levels some 3dBA higher at 1 metre in front of receiving facades.

WHO guidance for daytime levels are for maximum exposure levels of 35dB $L_{Aeq, 16hr}$ for indoor living areas (no L_{Amax} limit specified) and maximum exposure levels of 55dB $L_{Aeq, 16hr}$ for outdoor living areas (no L_{Amax} limit specified). By assuming a reduction across a window open for ventilation of 15dB the WHO concluded that external levels in relation to indoor use should not exceed 50dBA, L_{Aeq} at 3.5 metres from the facade of a dwelling. It should be noted that these are free-field values and façade reflection effects will give levels some 3dBA higher at 1 metre in front of receiving facades.

3.07 Perth & Kinross Council: Environmental Health Officer Ms. Lynne Reid has advised that the impact of noise from the proposed MOT Garage activities should be assessed in accordance with the methods set out in BS4142: 2014.

In addition, Environmental Health Officer Ms. Lynne Reid has also indicated that the impact of noise from the proposed MOT Garage activities should be assessed with respect to internal noise limits set out in BS8233:2014 reproduced below and WHO Guidelines.

BS8233:2014 – “Table 4: Indoor ambient noise levels for dwellings”			
Activity	Location	07:00 to 23:00 (Daytime)	23:00 to 07:00 (Night Time)
Resting	Living Room	35dB, $L_{Aeq,16hrs}$	-
Dining	Dining room/ area	40dB, $L_{Aeq,16hrs}$	-
Sleeping (daytime resting)	Bedroom	35dB, $L_{Aeq,16hrs}$	30dB, $L_{Aeq,8hrs}$

4.00 Survey

- 4.01 CSP Acoustics completed a noise survey in the area of the proposed development to measure representative noise levels at the nearest dwellings. Two dwellings are located to either side of the development site. The nearest is “Laggan Gasgach”, at a distance of approximately 30 metres to the west of the proposed MOT Garage. The other dwelling is “Cnoc Sualtch” located to the East at a distance of approximately 38 metres. Survey measurements were completed at the site boundary with Laggan Gasgach.
- 4.02 Observations at site indicate that the B950 and A924 roads passing to the south of the proposed development site are the dominant noise source in the area. Some noise influence was also noted from livestock in the proximity of this site.
- 4.03 Noise measurements were carried out on the 14th of June 2017 at Laggan Gasgach. The measurement location is shown in Figure 1 below, in relation to the development site and the nearest dwellings.

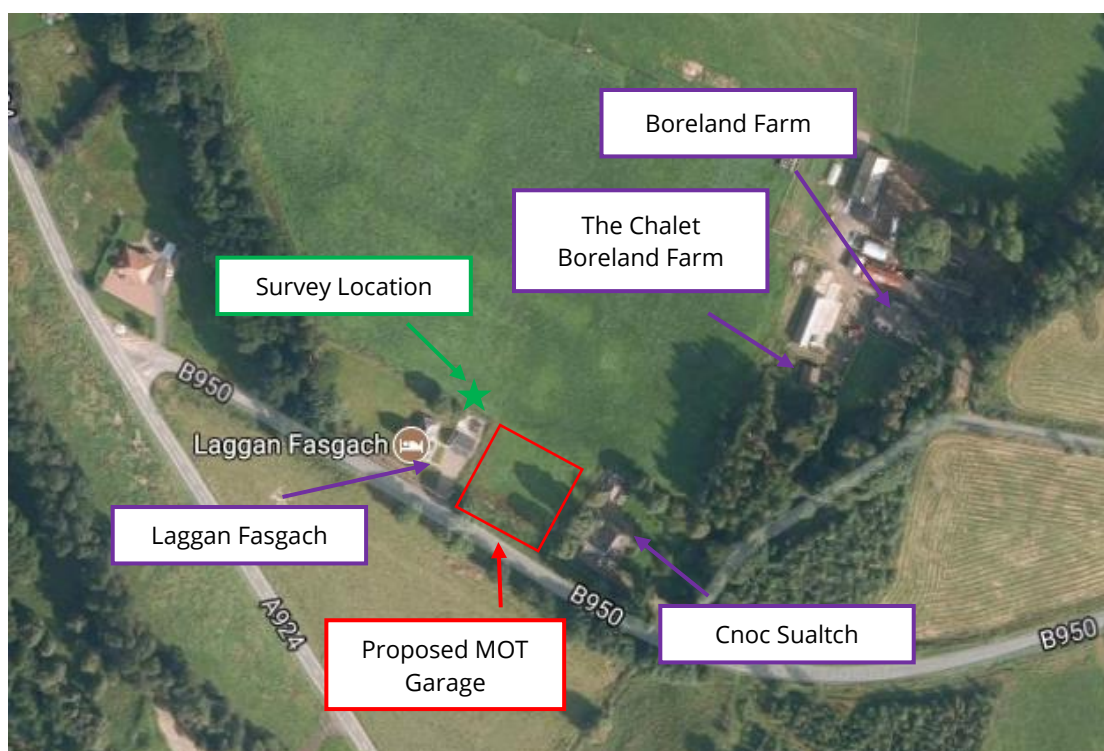


Figure 1 Survey Location in Relation to Dwellings and Proposed Development

4.04 The sound level meter was positioned 1.2 metres above ground level with no vertical reflecting surfaces within 1 metre of the chosen measurement locations. Equipment was operated in accordance with British Standard and ISO procedures. The sound level meter was calibrated prior and post to site measurements using the appropriate calibrator to a reference tone of 114 dB at 1 kHz. Pre and post calibrations indicated a shift of no more than 0.1 dB. Details of sound level meter equipment used is set out below:

- Norsonic Nor140 Serial Number 1404033
- Norsonic Microphone Type 1225 Serial Number 118448
- Norsonic Calibrator Type 1251 Serial Number 32465

4.05 Weather conditions at the time of the surveys were dry and settled with wind speed below 5.0m/sec.

4.06 A summary of measured noise levels are shown in Table 1 below.

Table 1 : Noise Survey Results for at Laggan Fasgach		
Measurement Period (5 min)	L _{Aeq} (dB)	L _{A90} (dB)
14:15 - 14:20	39.0	30.5
14:20 - 14:25	40.9	30.8
14:25 - 14:30	39.9	31.5
14:30 - 14:35	39.6	31.2
14:35 - 14:40	42.7	31.9
14:40 - 14:45	35.6	29.4
14:45 - 14:50	38.2	30.4
14:50 - 14:55	44.3	31.3
14:55 - 15:00	42.8	33.0
15:00 - 15:05	45.3	32.7
15:05 - 15:10	42.5	34.1
15:10 - 15:15	40.0	31.3
Mean/ Average	41.7	31.5

5.00 MOT Garage Operational Noise Levels

5.01 Information on operations at the proposed development were established through discussions with, Ms. Donna Aitken the applicant and Mr. James Lochhead of James Lochhead Development & Planning Consultancy. This is summarised below:

- It is understood that the proposed MOT Garage will operate from 08.00 hours to 18:00 Monday to Friday, and 08.00 hours to 13.00 hours on Saturdays.
- Proposed activities are car repair, servicing, air conditioning servicing, welding and MOT's. This will include typical garage hand tools, air tools and diagnostic tools. Some equipment will be powered by compressed air.
- Hand tools will be used regularly within a one hour period, with air tools being used for short spells, 1 to 2 mins maximum at a time. Computer based diagnostic tools will be used regularly within a one hour period. This latter activity is assumed to generate negligible levels of noise.
- It is anticipated that approximately 6 to 8 vehicles will undergo work within the garage on week days; on Saturday only 2 to 3 cars are expected.
- Deliveries to the garage would be 3 to 4 times weekly and that would be for parts and spares, collection and drop offs. These activities take no longer than a few minutes at a time and are considered to have minimal contributions to operational noise levels.
- All the garage work will take place within the garage; however, occasionally and for short periods, diagnostic/assessment work could be done outside.
- Door to the garage will be generally closed when work takes place. Doors may be open for short periods and during summer months.

5.02 Operational noise level data for activities noted in the Workshop are based on CSPA historical measurement data. Activities at the proposed development, their operational noise level and typical duration in any one hour period of operational hours are summarised in Table 2 below.

Table 2: MOT Garage Noise Sources				
Location	Noise Sources	Noise Level dB at 1 metre	Typical Duration of Activity (min)	Time corrected average level Leq
		LAeq		
MOT Garage operations	Air, compressed, filling tires	83 ⁽¹⁾	5	72.2
	Wrench, impact, fitting/removing lug nuts	99 ⁽¹⁾	1	81.2
	Automobile, engine idling	66 ⁽¹⁾	5	54.8
	Automobile, door slamming	85 ⁽¹⁾	1	67.2
	General Hand Tools in fabrication	85 ⁽²⁾	15	79.0
⁽¹⁾ CSPA on site database measurements				
⁽²⁾ Based on HSE (Health and Safety Executive) research data				

5.03 The impact of the proposed development on nearby dwellings has been assessed using the proprietary noise prediction software CadnaA[®] and the general methods of calculation set out in ISO 9613. Descriptions are set out below indicating the general procedures to create noise source input data for the model created for the assessment.

5.04 Internal noise levels within the proposed building extension have been calculated from the noise data shown in Table 2 above. Indoor noise levels have been calculated taking account of direct and reverberant components of noise sources located within it using the following formula:

$$\text{Workshop Level} = L_w + 10 \log \left\{ \frac{Q}{4\pi r^2} + \frac{4}{Rc} \right\} \text{dB}$$

Where L_w = Sound power level of equipment;

Q = Directivity of the source, in all cases this is 2;

r = distance from source, all equipment is taken to be at least 5m from facades and hence this is the distance used;

Rc = the room constant which is determined from:

$$Rc = \frac{S\alpha}{1 - \alpha}$$

Where $S\alpha$ = the total effective sound absorbent area in the workshop;

α = the average absorption coefficient, 0.25 which takes into account large areas of reflective surfaces typical for garages.

5.05 Calculated MOT Garage noise levels are as set out in Table 3.

Table 3: MOT Garage Internal Noise Levels	
Calculation Notes	Noise Level
Garage Activity Noise Level	84.0dB, L_{Aeq}
Garage Sound Power Level $L_w = L_p + 8$	92.0dB
Direct level to Garage façade	64.4dB
Reverberant Level at Garage façade	74.3dB
Total Indoor Noise Level	74.7dBA

5.06 It is understood that the walls and roof of the proposed buildings will be made up of profiled metal composite cladding with glazed windows. These elements are likely to provide the following typical sound insulation performances, R_w , as set out in Table 4 below.

Table 4: Sound Insulation performance of proposed development building envelope elements	
Garage Element	Sound Insulation Performance, R_w in dB
Roof & Walls	25
Windows	31
Open Doors	0
Closed Doors	25

5.07 Calculated levels of noise within the new building and levels of sound insulation for its building envelope have been used to determine break out noise levels to the nearest dwellings.

5.08 A straight line was used to represent vehicle movements between the site entrance the circuit around the proposed building. The movement circuit has been created within the noise model overlaying them on the existing site layout. The circuit possess a sound power level attribute which was calculated using the CadnaA® concept of a moving point source within Internal Driveways and Areas. The sound power level of a moving source is calculated using the following formulas:

$$\text{Line Source: } L_{WA} = L_{WA-PQ} + 10\lg Q + 10\lg l - 10\lg v - 30\text{dB}$$

Where,

- L_{WA} is the sound power level, dBA
- L_{WA-PQ} is the sound power level of a moving point source, dBA
- Q is the number of pass-bys, per hour
- l is the length of the circuit, metres

- v is the speed of the vehicle, in km/h
- 30dB is a constant of the formula

5.09 Table 5 below sets out information on the number of vehicle movements likely to occur within a one hour period, this has been used to assess their impact.

Table 5: Assessment Noise Source Parameters				
Location	Noise Sources	LWA-PQ (dBA)	Number of pass-bys per hour	Speed (Km/h)
Access road/ Vehicle circuit / Parking	Vehicle manoeuvring arrival / departure / Parking	94.8	3	10

5.10 Noise levels likely to arise at the nearest dwellings due to the operation of the MOT Garage have been calculated and are set out in Table 6. For noise break out levels with the MOT Garage doors being closed and open were used.

Table 6: Maximum Predicted Noise Levels at nearest Dwellings		
Garage Doors	Dwelling	Evening Period L _{Aeq, 1 hour} (dB)
Open	Laggan Fasgach	40.7
	Cnoc Sualtach	41.7
Closed	Laggan Fasgach	31.9
	Cnoc Sualtach	27.0

6.00 BS4142: 2014 Noise Assessment

6.01 The noise impact of the proposed development at the nearest dwellings, has been assessed in accordance with BS4142: 2014; the results are shown in Table 7 below:

Table 7: Proposed Development Daytime Noise Levels at Nearest Dwellings in dB				
Calculation Notes	Laggan Fasgach		Cnoc Sualtach	
	Doors Open	Doors Closed	Doors Open	Doors Closed
Garage Operational Noise Level, $L_{Aeq,1hr}$	40.7	31.9	41.7	27.0
Impulsivity correction (dB)	+3 ⁽¹⁾	+3 ⁽¹⁾	+3 ⁽¹⁾	+3 ⁽¹⁾
Rating level (dBA)	43.7		44.7	30
Background Noise L_{A90} (dB)	31.5	31.5	31.5	31.5
Level above or below Noise Level (dB)	+12.2	+3.4	+13.2	-1.5
Notes: Garage equipment is considered likely to have impulsive characteristics and a +3dB correction has been applied to take account of this. This is on the basis that dwellings are subject to frequent impulsive events from road traffic on local roads.				

6.02 With reference to table 7, when the proposed development operates with doors closed then the following is likely:

- Garage noise levels at Laggan Gasgach are likely to be +3.4dB above background noise levels during daytime hours. BS4142: 2014 gives no specific guidance where noise levels are no more than 5 dB above background noise levels. Thus for Laggan Gasgach dwelling it can be inferred that noise from the development does not have an adverse impact.
- Garage noise levels at Cnoc Sualtach are likely to be below existing background noise levels. BS4142 notes that where the noise level from the assessed source does not exceed the background noise level, this is an indication of the specific sound source having a low impact, depending on the context.

6.03 Where the MOT Garage operates with doors open it can be seen that noise levels at both Laggan Gasgach and Cnoc Sualtach are likely to be 12.2dB and 13.2dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceed the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact, depending on the context. It should be considered that this impact is likely to be limited to short periods of time and summer months only. Further context

is also provided by a comparison of Garage noise levels arising in dwellings against noise limits out in WHO/ BS8233 as follows.

7.00 WHO / BS 8233:2014 Internal Noise Limits

- 7.01 Where windows to dwellings are partially open for ventilation then they are taken to attenuate noise ingress by 15 dB, based on WHO guidance. Applying this correction to internal noise limits, set out in section 3.07, gives trigger noise levels as set out in Table 8 below. Effectively where external noise levels due to all noise sources exceed these trigger noise levels then it indicates that permanent ventilation by partially open windows would result in an excess of internal noise limits within the building.

Table 8: Trigger Noise Levels	
Period	External Noise Limit
Daytime, 07.00 to 23.00	50 dB $L_{Aeq,16hr}$
Night time 23.00 to 07.00	40 dB $L_{Aeq,8hr}$
	55 dB L_{Amax}

- 7.02 Trigger noise levels sets out in Table 8 apply outside the windows of the nearest dwellings facades. Assessed levels of noise for Garage are for one hour of operation. BS8233 noise limits are applicable over longer periods i.e. for daytime for the limits relates to an average over 16 hours and at night over an eight hour period. The Garage will be open for a maximum of 10 hours during weekday daytime and 5 hours on Saturday. This means in reality Garage noise levels over a 16 hours daytime period at the nearest dwellings will be lower as it does not operate for 6 of the total daytime hours. Results therefore represent a worst case scenario; these are set out in Table 9 below.

Table 9: Predicted L_{Aeq} 16 hours Daytime Noise Levels at Nearest Dwellings in dB			
Laggan Fasgach		Cnoc Sualtach	
Doors Open	Doors Closed	Doors Open	Doors Closed
40.7	31.9	41.7	27.0

- 7.03 Calculated results shown in Table 9 indicate the predicted daytime noise levels at both Laggan Fasgach and Cnoc Sualtach are below the daytime trigger limit set out in Table 8. Consequently, mitigation measures will be not be required to control noise impact at nearest dwellings from the proposed MOT Garage operations.
- 7.04 WHO/ BS8233:2014 predicted L_{Aeq} 16 hours daytime noise levels at both Laggan Fasgach and Cnoc Sualtach are below trigger limit set out in this report. Consequently, mitigation measures will be not be required to control noise impact at nearest dwellings from the proposed MOT Garage operations.

- 7.05 Accordingly this indicates that noise from the proposed development should not be considered an impediment to the grant of planning permission.



Report Authors:

Pedro Rodrigues,
MSc Civil Eng., MIOA (CEng)
Consultant

Checked By:

Paul Cockram,
MIOA
Senior Consultant

Appendix A: Acoustic Glossary

Word	description
Acoustic environment	Sound from all sound sources as modified by the environment
Ambient Noise	Totally encompassing sound at a given location, usually composed of sound from many sources near and far
Background Noise	The lowest noise level present in the absence of any identifiable noise sources. This is usually represented by the L_{A90} measurement index.
Break-in	Noise transmission into a structure from outside
Break-out	Noise transmission from inside a structure to the outside
Cross-talk	Noise transmission between one room and another room or space
Ctr	Correction term applied against the sound insulation single-number values (R_w , D_w , and $D_{nT,w}$) to provide a weighting against low frequency performance
dB (decibel)	Defined as 20 times the logarithm of the ratio between the root-mean-square pressure of the sound field and a reference pressure (2×10^{-5} Pa).
dBA	Level of sound across the audible spectrum with a frequency filter to compensate for the varying sensitivity of the human ear to sound at different frequencies at a lower SPL
Façade Level	A sound field determined at a distance of 1m in front of a building façade.
Free-field Level	A sound field measured at a point away from reflective surfaces other than the ground
Frequency (Hz)	Number of cycles of a wave in one second measured in Hertz.
Impact sound pressure level	Average sound pressure level in a specific frequency band in a room below a floor when it is excited by a standard tapping machine or equivalent
Indoor ambient noise	Noise in a given situation at a given time, usually composed of noise from many sources, inside and outside the building, but excluding noise from activities of the occupants

$L_{Aeq,T}$	$L_{Aeq,T}$ is defined as the equivalent continuous "A"-weighted Sound Pressure Level in dB over a given period of time.
L_{Amax}	Maximum A - weighted sound pressure level recorded over the measurement period. Usually has a time constraint (L_{Amax} , L_{Amax})
Measurement time interval, T_m	Total time over which measurements are taken
Noise	Unwanted sound.
Noise criteria	Numerical indices used to define design goals in a given space
Noise rating NR	Graphical method for rating a noise by comparing the noise spectrum with a family of noise rating curves. This is usually used to control noise that has tonal characteristics that $L_{Aeq,t}$ wouldn't detect.
Noise-sensitive premises (NSPs)	Any occupied premises outside the assessment location used as a dwelling (including gardens), place of worship, educational establishment, hospital or similar institution, or any other property likely to be adversely affected by an increase in noise level
Normalized impact sound pressure level	Impact sound pressure level normalized for a standard absorption area in the receiving room
Octave band	Band of frequencies in which the upper limit of the band is twice the frequency of the lower limit
Percentile level $L_{AN,T}$	A-weighted sound pressure level obtained using time-weighting "F", which is exceeded for N% of a specified time period
Rating level, $L_{Ar,Tr}$	Specific sound level plus any adjustment for the characteristic features of the sound
Reference time interval, T_r	Specified interval over which the specific sound level can be determined.
Residual sound	Ambient sound remaining at the assessment location when the specific sound source is suppressed to such a degree that it does not contribute to the ambient sound
Residual sound level, $L_r = L_{Aeq,T}$	Equivalent continuous A-weighted sound pressure level of the residual sound at the assessment location over a given time interval, T
Reverberation time T	Time that would be required for the sound pressure level to decrease by 60 dB after the sound source has stopped within a reverberant space

Sound level difference D	Difference between the sound pressure level in the source room and the sound pressure level in the receiving room
Sound power level, LWA	Ten times the logarithm to the base 10 of the ratio of the sound power radiated by a sound source to the reference sound power, determined by use of frequency-weighting network "A"
Sound pressure level	Is the Root Mean Squared value of the instantaneous sound level over a period of time expressed in decibels, usually measured with an appropriate frequency weighting
Specific sound level, $L_S = L_{Aeq,Tr}$	Equivalent continuous A-weighted sound pressure level produced by the specific sound source at the assessment location over a given reference time interval, T_r
Specific sound source	The sound source which is being assessed
Third octave band	Octave bands sub-divided into three parts, equal to 23% of the centre frequency
Weighted level difference D_w	Single-number quantity that characterizes airborne sound insulation between rooms, but which is not adjusted to reference conditions
Weighted standardized level difference $D_{nT,w}$	Single-number quantity that characterizes the airborne sound insulation between rooms


Appendix B: Noise Maps

- Daytime L_{Aeq} , 1 hour Noise Map – Doors Open





- Daytime LAeq, 1 hour Noise Map – Doors Closed



 FORT STREET HOUSE,
FORT ST, BROUGHTY FERRY
DUNDEE, DD5 2AB
01382 731813

 29 EAGLE STREET
CRAIGHALL BUSINESS PARK
GLASGOW
G4 9XA
01414 283 906

 cspacoustics.co.uk
 info@cspacoustics.co.uk



CSPAoustics



JAMES LOCHHEAD
Development & Planning Consultant

Land North West of Choc Sualtach, Kirkmichael, PH10 7NR

Proposed Commercial Garage

The Proposal

My client, Mr M. Aitken, wishes to construct a commercial garage – car maintenance, MOT's etc. at the above location. Plans have been prepared by Project Management Scotland.

At the present time people residing in this rural location have to travel significant distances to have car repair and maintenance (Blair Athol is some 20 miles away and Blairgowrie is approximately 15 miles). The proposed garage would be a welcome addition to the services and facilities of Kirkmichael and the surrounding area.

The adopted Local Development Plan provides “a positive and flexible framework to encourage new wealth creation opportunities throughout the Plan area.” The Plan also recognises that most opportunities would be within or on the edge of existing settlements. The proposed site is on the settlement edge of, but not adjoining, Kirkmichael.

The key policy against which the proposal must be judged is Policy ED3: Rural Businesses and Diversification. The proposal is considered to find considerable favour under the terms of this policy and the listed criteria.

Following pre-application discussions with the Planning Authority the proposed building has been located to respect the building line of the adjacent properties. Given the rural nature of the site it is proposed that the boundary treatment would be a simple stob and wire fence. However, my client is content to provide additional landscaping if the Planning Authority would wish to see this.

In 2008 outline planning permission was granted for a dwellinghouse. The principle of development in this general location has therefore been established. This consent has subsequently expired.

At the request of the Planning Authority a Noise Impact Assessment has been carried out by CSP Acoustics. The report which accompanies this planning application concludes that “*the noise from*

the proposed development should not be considered an impediment to the grant of planning permission.”

There are no viable alternative locations for a commercial garage in Kirkmichael. There is a garage in the centre of the village but this specialises in the restoration of classic cars (Milford Vintage Engineering). The established village envelope has been drawn quite tightly round the village and a review of alternative locations for the proposed garage revealed only one potential location – land to the west of the A924 near to the junction with the B950. However, a review of the SEPA Flood Map reveals that this land is at severe risk of flooding from the River Ardle.

In conclusion it is considered that the proposal complies with the development plan. There are no viable alternative locations within the village of Kirkmichael and that the predicted noise levels from the proposed garage should not be an impediment to the granting of planning permission. The proposed garage would be a significant asset to the village of Kirkmichael and the surrounding rural area.

James Lochhead

Development & Planning Consultant

July 2017

**TCP/11/16(526) – 17/01297/FLL – Erection of a
garage/workshop on land north west of Choc Sualtach,
Kirkmichael**

REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01297/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	██████████ ████████████████████
Description of Proposal	Erection of a garage/workshop		
Address of site	Land North west of Choc Sualtach, Kirkmichael		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal on the following condition.		
Recommended planning condition(s)	<p>AR01 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type A construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
Recommended informative(s) for applicant	<p>The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>		
Date comments returned	10 August 2017		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	17/01297/FLL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin T [REDACTED]
Description of Proposal	Erection of a garage/workshop		
Address of site	Land North West Of Choc Sualtach, Kirkmichael		
Comments on the proposal	In terms of the Developer Contributions and Affordable Housing Guidance I have no comments to make on this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	11 August 2017		

18/08/2017

Perth & Kinross Council
Pullar House 35 Kinnoull Street
Perth
PH1 5GD



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

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

Dear Local Planner

PH10 Kirkmichael Land North West Of Choc Sualta 0
PLANNING APPLICATION NUMBER: 17/01297/FLL:
OUR REFERENCE: 749087
PROPOSAL: Erection of a garage/workshop

Please quote our reference in all future correspondence

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

Water

- This proposed development will be fed from Kirkmichael Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link
www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal

connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

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

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

- **Non Domestic/Commercial Property:**
Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk
- **Trade Effluent Discharge from Non Dom Property:**
Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

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

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk



2nd from same household

STEWART IRVING

ARCHITECTURAL QUANTITY SURVEYING
& PLANNING CONSULTANT

RECEIVED

25 AUG 2017

AMB

RECEIVED

25 AUG 2017

SDI/JI/2017.4

21 August 2017

Director Of Planning
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth

ENTERED IN COMPUTER

25 AUG 2017

Dear Sirs

PLANNING APPLICATION 17/01297/FLL
ERECTION OF GARAGE / WORKSHOP ON LAND NORTH WEST OF
CHOC SUALTACH KIRKMICHAEL

I act on behalf of Mr David Campbell, owner of Laggan Fasgach, Kirkmichael.

Mr Campbell objects to the proposed development on the following grounds:

Local Development Plan
Economic Development
Policy ED1A

Sub-clause (a)

“Proposals should not detract from the amenity of adjoining, especially residential, areas.”

This development clearly is located between two houses and will detract from their amenity given the depth of excavations being proposed, scale, location, basic design of the building, noise levels, and vehicle movements. Furthermore, should planning consent be granted this would set a precedent for a further similar application for the remaining gap site adjacent to Cnoc Sualtach.

Sub-clause (d)

“Proposals for retail uses in employment areas will not generally be acceptable unless they are ancillary to an acceptable use on the site.”

I would ask Perth & Kinross Council to impose a condition preventing the sale of motor vehicles from this site should planning consent be granted.

**Local Development Plan
Policy ED1B**

This area is not identified for a mixed use development and the range of uses stated in the policy does not include garage / workshops.

**Local Development Plan
Policy ED3**

The proposed development is not situated or adjacent to the existing envelope of the settlement, the business is not related to a site specific resource or opportunity, and is not the diversification of an existing business. The business is very unlikely to generate much local employment given that specialist technicians will be required and they are unlikely to be sourced within the 200 Kirkmichael inhabitants.

Sub-clause (a)

The proposed use is not compatible with the surrounding land uses and will detrimentally impact on the amenity of the residential properties adjacent to the site.

Sub-clause (b)

The building cannot be adequately accommodated due to the nature of the sloping site. There is a 3.50 metre difference in the ground levels to the rear of the site to be retained by a 4.50 metre high concrete retaining wall.

Sub-clause (d)

The proposed garage workshop does not achieve a high quality of design given its prominent location and is not in keeping with the setting or scale of the existing residential buildings adjoining the site.

Noise Impact Assessment

I note in CSP Acoustics Report, Clause 2.06, that it envisages the garage doors should be open for short periods of time throughout the year and the summer months only.

Given that the garage doors will be open for considerable periods of time during the summer months I would contend that the noise level calculations at Laggan Fasgach, as stated in Clause 6.03 of the Report, should be considered as the norm as they will have a significant adverse impact on the amenity of Laggan Fasgach.

Covering Letter From James Lochhead Development and Planning Consultant

He mentions in Paragraph 2 of his letter that local residents have to take their vehicles to surrounding towns for maintenance and repairs. Could it be that in most instances these people just happen to work in these towns and therefore it is more convenient for them to drop their cars off first thing in the morning and collect them at finish of work?

He mentions in Paragraph 6 of his letter that outline planning permission was granted for a dwelling house in 2008 at Borland Farm. This has no relevance whatsoever to the current application before Perth & Kinross Council.

Observations

The applicant owns Borland Farm which has several steadings and outbuildings clustered around the farmhouse and only lies approximately 200 metres northeast of the current site. I'm sure these buildings would be suitable for conversion to a garage / workshop or that they could be demolished and a new building erected in their place similar to what has been envisaged. Also that site would not be prone to flooding.

Conclusion

I would be grateful if you would take the above objections into account in the determination of the Planning Application. Please acknowledge receipt of this letter and advise me of any Committee date (if applicable) and decision in due course.

Yours faithfully



Stewart Irving

Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	17/01297/FLL	Our ref	MP
Date	22 August 2017	Tel No	

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission RE Erection of a garage/workshop Land North West Of Choc Sualtach Kirkmichael for Mr Mike Aitken

I refer to your letter dated 4 August 2017 in connection with the above application and have the following comments to make.

Recommendation

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

Comments

This application for a new MOT garage is supported by a noise impact assessment (NIA) to quantify the impact on local neighbours and my comments regarding this are below.

The NIA was conducted in terms of BS4142:2014, which rates noise impacts in terms of the increase in noise relative to the pre-existing baseline. To this end a baseline was measured over an hour on a weekday in June. This is a short baseline, which serves to increase uncertainty in this assessment. The measured LA90 background for this location was said to be 31.5dB, which is a very low background level for the daytime period which is to be expected at such a location.

Operational noise levels were predicted at the 2 closest residential receptors based on library data at source and modelled back to the receptors accounting for the attenuation of the garage structure with both the doors open and closed. The receptors of Cnoc Sualtach and Laggan Fasgach are some 38m and 30m respectively.

The LAeq 1hour levels with the doors closed were predicted to be 31.9dB at Laggan Fasgach and 27dB at Cnoc Sualtach with the doors open figure 40.7dB and 41.7dB respectively.

BS4142:2014 allows for a penalty to be applied for specific acoustic features such as impulsivity, tonality and intermittency. The consultant has included a +3dB correction for impulsivity, which would account for any banging taking place but may be too low. I am also not entirely convinced that other acoustic effects will not be important such as intermittency and tonality. The consultant has taken a subjective approach to applying this penalty, but should Environmental Health become involved in the future through either the planning enforcement or nuisance regimes, we will likely use an objective method for penalising this which may well show up greater penalties than the +3dB.

Based on the consultants 3dB correction for impulsivity, the rating level at Laggan Fasgach is said to be +3.4dB over the background with the doors closed and +12.2dB with them open. For Cnoc Sualtach the difference is -1.5dB with the doors closed and +13.2dB with them open.

BS4142 states:

Where the rating level exceeds the background noise level by +10 dB or more then this is likely to be an indication of a significant adverse impact, depending on the context.

Where the rating level exceeds the background noise level +5 dB this is likely to be an indication of an adverse impact, depending on the context.

With the doors open both properties considered above exceed +10dB, showing significant adverse impact. With the doors closed they are both the +5dB threshold for adverse impact, however if further acoustic features are deemed appropriate, this could change.

Due to this I have recommended conditions limiting noise and requiring the doors remain closed, as a suitable level of residential amenity may not be achievable with them open. In absolute terms the predicted noise level is still relatively low within gardens and internally, however due to the low background level there may be complaints if noise is not properly managed. Due to this I have recommended a number of conditions to ensure residential amenity is maintained here, including a condition limiting noise to +5dB over the background level.

Conditions

EH00var The hours of operation shall be restricted to 0800 hours to 1800 hours Monday to Friday and 08.00 to 13.00 on Saturday unless otherwise agreed in writing with the Council as Planning Authority.

The doors to the garage shall remain closed when noisy work is being undertaken.

Noise levels arising from the development shall not exceed a Rating Level of LAeq 37 dB, when measured over any given 1 hour period, outside any residential property. All measurements shall be determined using the guidance of BS4142:2014 RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS, and measurements should be corrected appropriately for acoustic features as described by this standard.

Perth & Kinross Council
Planning & Development
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

23.08.2017

Re: Planning Application Reference 17/01297/FLL

On behalf of my family I would like to object to the proposed erection of a garage/workshop (MOT centre), planning application ref. 17/01297/FLL. Please see the reasons below:

Noise

The Noise Impact Assessment report concludes that that noise from the proposed development should not be considered an impediment to the grant of planning permission.

This is largely based on the assumption that the garage would operate with closed doors. If, however, the garage would operate with the doors open, the report says: "Where the MOT Garage operates with doors open noise levels at both Laggan Gashach and Cnoc Sualtach more than 10 dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceed the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact." (page 4, point 2.6). It then states, that "Calculations indicate that noise levels arising in dwellings Laggan Gashach and Cnoc Sualtach from the proposed Garage operations are unlikely to exceed WHO/BS8233:2014 daytime noise limits" (page 4, point 2.07). In other words, they say that it is ok that the noise level would have significant adverse impact on our houses because there are places in the world where there are even higher noise limits allowed (like for example living in a city near the airport).

My objections are:

1. The report only uses statistical data and certain measuring techniques, there was no one present on our premises to measure the real noise level over substantial period of time. In reality, we live in a location that is very peaceful and quiet, the only noise being from the passing cars (which is very brief), or when neighbours are cutting their lawn etc. There are normally very long periods when all we can hear are the birds singing and the wind blowing. Particularly outside the summer season, when there are no tourists to pass by. I work from home and there is virtually no noise during the day.

Having a MOT centre next door would increase the noise in our area dramatically, and what is worse, it would be continuous noise six days a week. There would be constant starting up of the engine, moving the cars around, opening and closing the doors and the bonnets, the repair works, tyre works etc. Even people talking just outside our house continuously would increase the noise in this area.

2. Once approved and up and running there would be no one to stop the garage from operating with the doors open, as indeed is the case with most garages. I am sure that they would need the light, the space and the fresh air. As quoted above, if they do operate with the doors open, the noise level would have significant adverse impact on our lives.

In conclusion I believe that the noise coming from the proposed MOT centre would have significant negative impact regardless of whether they operate with the doors closed or open. And, we live in the countryside, not in the city, so I think the noise levels expected and allowed here should not be compared to the ones expected and allowed elsewhere.

Traffic & other disturbance

Apart from the increased noise in the area, there would be increased traffic, more people around who would have to wait somewhere while their cars are being serviced or repaired, increased pollution, emissions etc. (the proposed MOT centre would be right next to our vegetable garden).

Design

The proposed design would not fit with the environment. This is a beautiful village in the middle of the glens, with beautiful houses. Having an unsightly composite clad building just in between the residential houses would ruin the harmonious architectural character in the area and spoil the beauty of this village and countryside.

Change of use of land

When coming to live in the house surrounded by fields (agricultural land) people do not expect one day that the field would turn into a commercial establishment. I strongly believe it should not be allowed to change the use of the land to commercial unless everyone in the area agrees with such change; this a residential area, where families with children live, and no one wants to live next to a MOT centre.

If approved, it may give a precedent to not only allow Mr. and Mrs. Aitken to increase the size of their garage in the future (while the proposed garage is already very big) but also could be a sign to anyone that they can change the fields around into commercial establishments, making people wary what could happen next to their own houses.

Location & the loss of privacy

The proposed plan shows that there would be a drive along our fence to the back of the proposed MOT centre, where 7-10 car parking spaces would be available for staff and clients. The parking spaces would be just next to our outside sitting area and our greenhouse and vegetable garden. We would continuously see or hear people talking, cars moving, cars being worked on... and we ourselves would also be seen and overheard when trying to enjoy our time in our back garden. The loss of privacy would be significant.

The proposed MOT centre with its drive would be almost attached to the property we live in, as Mr. Aitken would struggle to build it anywhere further because of how the land slopes up. I believe this is also the reason why the residential house has never been built there even though it was granted permission in the past. It should show that the land is unsuitable for any building to be built on as it would be a big struggle to level the land. But, a residential house would be much more suitable to the area than a MOT centre, of course.

Public interest

Mr. Aitken's Supportive Statement says that he believes his proposed MOT centre would be "a significant asset to the village of Kirkmichael and the surrounding rural area".

I disagree.

First, this is a small community, with only around 200 people living in the Strathardle area, with the majority in Kirkmichael, and only a handful in the villages of Enochdhu, Straloch and Ballintuim. I do not believe that people from elsewhere would benefit or even come to have their MOT done here in Kirkmichael. They do not work here, it would be out of their way, and they would have nothing to do here while waiting for their cars; they would be so much better off to have their MOT or service done at the place near where they live or work. So, even if we assume that every single one of the 200 people in this community has a car that is older than three years and as such needs a MOT, with Mr. Aitken's estimate of servicing 6-8 cars per day, it would only take him 28 days in a year to service the entire community. In reality, not all people here have a car that needs MOT and lots of people take their car to have a MOT done by the manufacturer's dealer or near the place they work, which is more convenient for them. The amount of people that might benefit from a MOT centre in the village is thus not very high.

Second, this is a small village in the middle of the glens. People come to live here for its beauty and peacefulness. They choose to live in the countryside surrounded by nature and animals, seeking the peace and quiet, they try to avoid being surrounded by industry and commercial establishments. They are more than willing to travel a distance to access the amenities that belong to the towns and cities. Blairgowrie is mere 20 minutes away, it is a place where people go to work (some go even further), go do their shopping, the place where they have their doctors or pharmacists... all these are much more important than a MOT centre. And they would have to keep going there, no MOT centre is going to reduce the need of people living in this village to go to the nearest town.

I strongly believe that even if the people in our community were asked if they wanted a MOT centre to be built here and even if some agreed, not a single one would answer "Yes, please build it, I do not mind that it would be next to my own house." And I believe that if this proposed garage is built next to our house, people in our community would still not be pleased because they would have to look at it every time they pass by. It would change the character of the village, and not for the good.

The Perth & Kinross Council Local Development Plan states that "Our area – highly valued for the beauty of its natural and built environment - is a great place to live, work and visit, and should be developed in a way that does not detract from its attractiveness." (p.14, point 2.2.6)

I believe that the proposed MOT centre would have a negative impact both on my family, as it would become a place unsuitable for raising children, and on our community, who I am sure would rather preserve the beauty of the area they live in and keep it attractive for tourists rather than allow it to become industrialized.

Yours sincerely

Lucie Thomas

Laggan Fasgach

Kirkmichael

Blairgowrie

PH10 7NR

Comments for Planning Application 17/01297/FLL

Application Summary

Application Number: 17/01297/FLL

Address: Land North West Of Choc Sualtach Kirkmichael

Proposal: Erection of a garage/workshop

Case Officer: Andrew Baxter

Customer Details

Name: Mr Sam Onions

Address: Oakbank, Kirkmichael, Blairgowrie PH10 7NS

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Looking

Comment: On behalf of Sam Onions and Julia Sim I am writing to object to the proposed construction of a garage/workshop (17/01297/FLL) on the outskirts of Kirkmichael on the following grounds.

Noise and Traffic

The noise pollution and added traffic caused by a MOT garage is a huge concern in an area which is, currently, very quiet and peaceful. The noise report clearly states that the noise will be a significant intrusion.

"... with doors open noise levels at both Laggan Gasgach and Cnoc Sualtach more than 10 dB above background noise levels during daytime hours. BS4142 notes that where the noise level from the assessed source exceed the background noise levels by around 10dB or more, then this is likely to be an indication of a significant adverse impact, depending on the context. It should be considered that this is likely to be limited to short periods of time and summer months only."

The context in this case is a peaceful country road where cyclists talking to each other as they have a rest and the occasional passing car offer the only disturbance and "the summer months" constitutes 1/4 of the year and a time when people often like to be out in their gardens enjoying

the peaceful surroundings.

Change of Land Use

Turning agricultural land into Commercial areas is completely out of character with a small rural village. Permission had also been granted previously to build a residential property in this location which would be better suited. This is an area of great beauty and peacefulness where people come to visit or to live precisely to get away from the industry and commerce of large cities.

Privacy

The plans show parking access running down the full length of the nearest neighbors garden. This means staff and customers will constantly be walking/driving up and down their garden fence. The residents will both hear extra noise from people talking and passing by as well as be overheard in their own garden by people waiting for their cars.

Questionable Value to Local Community

Kirkmichael is a small village of around 150 people with a lot of people commuting to Pitlochry or Blairgowrie (each about 20 minutes away) which both already have MOT garages. The convenience of having a closer garage is a minor bonus to most and wont outweigh increasing traffic and making the village less desirable. Also, Kirkmichael has 1 pub, 1 local shop/post office and 1 school - an MOT center isn't going to reduce people's reliance on travelling to Pitlochry or Blairgowrie for Supermarkets/Doctors/Vets etc.

Sam Onions

p.s. I have emailed this with formatting which isn't available on the web form.