

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

## **REPRESENTATIONS**



Thursday, 18 May 2023



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

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**20 Metres SW Of Braeside House, Hatchbank Road, Gairney Bank Kinross,  
KY13 9JY  
Planning Ref: 23/00593/FLL  
Our Ref: DSCAS-0086862-DVB  
Proposal: Erection of a dwellinghouse**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## **Water Capacity Assessment**

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

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

## **Waste Water Capacity Assessment**

- ▶ This proposed development will be serviced by Hatchbank Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via [our Customer Portal](#) or contact Development Operations.

## Please Note

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

---

## Surface Water

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

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

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

### General notes:

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

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

## **Next Steps:**

### **▶ All Proposed Developments**

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

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

### **▶ Non Domestic/Commercial Property:**

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

### **▶ Trade Effluent Discharge from Non-Domestic Property:**

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

- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg 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](http://www.resourceefficientscotland.com)

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

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

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

Claire Myles  
Planning Department  
Perth & Kinross Council

Our Ref: 9223  
Your Ref: 23/00593/FLL

SEPA Email Contact:

By email only to: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

[planning.south@sepa.org.uk](mailto:planning.south@sepa.org.uk)

31 May 2023

Dear Claire Myles

**Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations  
2017**

**23/00593/FLL**

**Erection of a dwelling house**

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

Thank you for your consultation which was received by SEPA on 18 May 2023 in relation to the above application.

**Advice for the planning authority**

In line with the advice in the [Transitional Arrangements for National Planning Framework 4 letter](#), issued by the Chief Planner, Fiona Simpson, on 8 February 2023, that "From 13 February, on adoption and publication by Scottish Ministers, NPF4 will form part of the statutory development plan, along with the LDP applicable to the area at that time and its supplementary guidance. NPF4 will supersede National Planning Framework 3 and Scottish Planning Policy (SPP) (2014). NPF3 and SPP will no longer represent Scottish Ministers' planning policy and should not therefore form the basis for, or be a consideration to be taken into account, when

**Angus Smith Building**  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ



**Chairman**  
Bob Downes

OFFICIAL **CEO**  
Nicole Paterson

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

determining planning applications on or after 13 February”, our position and advice given below is based on the NPF4 policy.

## 1. Phosphorous Mitigation

- 1.1 The application details that waste water from the proposed development will be dealt with using private treatment. This development lies within the Loch Leven catchment and therefore, 125% phosphorus (P) mitigation is required in accordance with Policy 46: Loch Leven Catchment Area in the [Perth & Kinross Local Development Plan 2](#) adopted in November 2019 and the [Loch Leven Special Protection Area and Ramsar Site](#) supplementary guidance (SG) adopted in 2022.
- 1.2 We have assessed the P mitigation calculations and there is sufficient phosphorus mitigation proposed. We would highlight to the applicant that we will licence to 2mg/l as a mean allowable discharge based on these phosphate mitigation calculations. Consequently, the applicant should ensure with the supplier of their treatment systems for the application site and mitigating property that they can achieve a mean value of 2mg/l.
- 1.3 Your authority should ensure that the list of properties used for P mitigation is updated with details of this application’s mitigation property if you are minded to approve the application.
- 1.4 To accord with your authority’s Memorandum of Understanding (MOU) for planning procedure for applications in the Loch Leven catchment dated 28 August 2013 the relevant conditions included in that MOU should be attached to any consent that you are minded to approve.

### **Detailed advice for the applicant**

## 2. Water Environment (Controlled Activities) (Scotland) Regulations 2011

- 2.1 The applicant should be aware that they will need to apply for a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended (CAR)) for the discharge of foul effluent from the development. It should also be noted that any mitigating property will also require authorisation from us under CAR. Further details on how to do this are available on our [website](#).





2.2 The provision of phosphorous mitigation to ensure that total phosphorous from built development does not exceed the current level is a separate issue to the CAR licence. The approval of submitted phosphorus mitigation details through the planning process is therefore made without prejudice to any CAR licence application and does not infer that the CAR licence application(s) will be approved.

### 3. Other planning matters

3.1 For all other planning matters, please see our [trriage framework and standing advice](#) which are available on our website: [www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).

### **Advice for the applicant**

#### 4. Regulatory advice

4.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [fad@sepa.org.uk](mailto:fad@sepa.org.uk)

If you have queries relating to this letter, please contact us at the email above including our reference number in the email subject.

Yours sincerely

Jessica Taylor  
Senior Planning Officer  
Planning Service

Ecopy to: [REDACTED]; [andrew@andrewmegginsonarchitecture.com](mailto:andrew@andrewmegginsonarchitecture.com)



**Chairman**  
Bob Downes

**CEO**  
Nicole Paterson

**Angus Smith Building**  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages - www.sepa.org.uk/environment/land/planning/](http://www.sepa.org.uk/environment/land/planning/).



**Chairman**  
Bob Downes

**CEO**  
Nicole Paterson

**Angus Smith Building**  
6 Parklands Avenue  
Eurocentral  
Holytown  
North Lanarkshire  
ML1 4WQ

Tel: 03000 99 66 99  
[www.sepa.org.uk](http://www.sepa.org.uk)

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	23/00593/FLL	<b>Comments provided by</b>	Lachlan MacLean Project Officer – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 20 Metres South West Of Braeside House, Hatchbank Road Gairney Bank, Kinross KY13 9JY		
<b>Comments on the proposal</b>	<p>The applicant is proposing to erect a one-bedroomed dwellinghouse in the grounds of Braeside house. The dwellinghouse will utilise the existing vehicle access onto the public road network.</p> <p>The applicant is proposing to provide 8 car parking spaces on site, which meets the requirements of the national Roads Development Guide.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal.</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	05 June 2023		

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	<b>23/00593/FLL</b>	<b>Comments provided by</b>	Joanna Dick Tree and Biodiversity Officer
<b>Service/Section</b>	Strategy and Policy	<b>Contact Details</b>	Phone 75377 Email <a href="mailto:biodiversity@pkc.gov.uk">biodiversity@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of a dwellinghouse		
<b>Address of site</b>	Land 20 Metres South West Of Braeside House Hatchbank Road Gairney Bank Kinross KY13 9JY		
<b>Comments on the proposal</b>	<p><b>Version 2 upon receipt of further information</b></p> <p><b>Policy 40: Forestry, Woodland and Trees</b> The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.</p> <p>A Tree Survey has been provided with an indication of the arboricultural impact assessment shown on the 1:200 site plan. The submitted Tree Survey doesn't contain an impact assessment of the proposed development, how many trees are to be removed to allow development and compensation for lost trees. As the submitted Tree Survey recommends, an arboricultural method statement, tree protection plan and compensatory planting plan are required.</p> <p>A separate plan indicates the loss of 5 cypress trees to allow this development to proceed and indicates compensatory planting of 15 cypress trees which is accordance with the 1:3 ratio for every tree lost as outlined in the PKC Planning for Nature Supplementary Guidance <a href="#">Planning Guidance - Planning &amp; Biodiversity - Perth &amp; Kinross Council (pkc.gov.uk)</a></p> <p>However, the first consideration should always be to retain existing trees and removal of the existing mature tree group to enable the development will result in the loss of an attractive green buffer and screening. I also query the species choice of cypress so close to the proposed new dwellinghouse as this may lead to conflicts in future such as shading and loss of light.</p> <p>From the submitted documents, it is understood that the intention is to retain all existing trees to the south which is positive. However, the proposed new dwellinghouse is located so close that I query how these trees will be protected during construction. As the submitted Tree Survey recommends, an arboricultural method statement and tree protection plan are required. The tree protection plan must include detail on how the root protection areas of these trees will be protected during construction taking into consideration the positioning of infrastructure.</p>		

	<p>In summary, the outstanding information is:</p> <ul style="list-style-type: none"> <li>• As the submitted Tree Survey recommends, an arboricultural method statement, tree protection plan and compensatory planting plan are required.</li> <li>• Compensatory planting stock size, stock type, planting density, plant protection measures, planting preparation, and a proposed maintenance schedule to ensure successful establishment of new planting is required.</li> </ul> <p><b>Policy 41: Biodiversity</b></p> <p>The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.</p> <p><u>Biodiversity Enhancement</u></p> <p>As required by NPF4, enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations.</p> <p>An ecologist will advise on this and measures may include:</p> <ul style="list-style-type: none"> <li>• Planting native trees, orchards, hedgerows and wildflowers.</li> <li>• Providing nesting boxes, bricks or tubes for swallow, house martin and sparrows.</li> <li>• Enhancing connectivity between existing habitats.</li> </ul> <p>No ecology survey has been submitted to inform this planning application. A submitted plan indicates that hedgehog highways will be created in fences and swift and bat boxes will be provided on trees to the south. Swift boxes/bricks would be better incorporated into the proposed new building as they nest in buildings. Also, they prefer cooler aspects of north and east facing walls. Bat boxes/bricks incorporated into the new building or on nearby trees would be suitable.</p> <p>A checklist of information required to inform a planning application regarding biodiversity is provided in Annex 4 of the PKC Planning for Nature Supplementary Guidance. Applicants are encouraged to ensure information is submitted in accordance with the checklist to reduce future information requests and delays Planning Guidance <a href="http://pkc.gov.uk">Planning Guidance - Planning &amp; Biodiversity - Perth &amp; Kinross Council (pkc.gov.uk)</a></p> <p>I object due to a lack of information on the trees.</p>
<p><b>Recommended planning condition(s)</b></p>	<p>The application cannot be assessed until more information on trees is provided.</p>

<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	13 July 2023

# Memorandum

To Development Management & Building  
Standards Service Manager

From Regulatory Services Manager

Your ref 23/00593/FLL

Our ref LRE

Date 13 July 2023

Tel No [REDACTED]

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Communities

## Consultation on an Application for Planning Permission

**23/00593/FLL RE: Erection of a dwellinghouse land 20 Metres Southwest of Braeside House, Hatchbank Road, Gairney Bank, Kinross for Mr, and Mrs C Megginson.**

I refer to your letter dated 12 July 2023 in connection with the above application and have the following comments to make.

### Environmental Health

#### Recommendation

**I do not believe that sufficient information has been provided to demonstrate that this is a suitable location for the development of a dwelling.**

#### Comments

This application is for the erection of a single storey dwellinghouse which is within close proximity to the M90 motorway.

#### Noise

The applicant has submitted a Noise Impact Assessment (NIA) reference 22-084 'Traffic Noise Assessment- Proposed Dwelling at Braeside House, hatchbank Road, Kinross', version 1 dated 20 February 2023, which was undertaken by dB Acoustics & Environmental Services.

I have a few comments to make in relation to NIA although the NIA has assessed and addressed internal noise levels and has determined that with appropriate mitigation measures that daytime and nighttime criteria levels can be achieved.

However I do not see any such assessment addressing the amenity of the proposed external garden areas.

The predicted daytime level of external areas to the rear for daytime period, when residents are likely to use garden areas, is 60dB<sub>L<sub>Aeq</sub>(16hr)</sub>.

The WHO Guideline Values for Community Noise for outdoor living area is 50-55dB<sub>L<sub>Aeq</sub>(16hr)</sub>.

I would accept the criteria level of 55dB to be acceptable for the proposed garden area for the dwellinghouse.

Therefore, the applicant needs to submit further information on how the 55dB L<sub>Aeq</sub>(16hr) is going to be achieved and any proposed mitigation measures that maybe required to ensure an appropriate level of amenity within the garden area.

A noise survey was conducted at a location within the development site and both daytime and nighttime periods assessed as the proposed living area and bedroom are to be located to the rear of the property facing towards the M90. Monitoring was carried out, within 70m of M90 and with a direct line of sight, on the 7 to 8 February 2023 daytime 10:30 to 13:30 and nighttime 23:10 to 02:10.

The measured daytime noise levels have been evaluated in accordance with the 'shortened measurement method' described in the Department of Transport document 'Calculation of Road Traffic Noise' (CRTN), 1988.

The recorded LAeq (3hr) traffic noise has been logarithmically converted to give the 8-hour night-time noise level LAeq (8hr).

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

The predicted daytime levels at the façade are 60 dB LAeq(16hrs) and internal level with window slightly open (13dB attenuation) is 47dB LAeq. This means a +12dB difference when assessed with the 35dB LAeq(16hr) indoor criteria for daytime.

The predicted nighttime levels at the façade are 52dB LAeq(8hr) and internal level with windows slightly open (13dB attenuation) is 39dB. This means a +9dB difference when assessed with the 30dB LAeq(8hr) indoor criteria for nighttime.

The report recommends that a minimum reduction of 25dB(A) during the day and 22dB(A) at night would be required to achieve the target internal levels therefore, a glazing configuration of 4/6-16/4 double glazing which achieves a performance of 29(-1; -4) dB Rw(C; Ctr) is recommended and standard hit and miss trickle vents with a Dn,e,w of 32dB.

So although I am satisfied that the NIA has demonstrated that internal levels within the property can be achieved through mitigation measures I do not believe that it has demonstrated that the criteria for external living areas has been met to ensure a satisfactory level of amenity within the garden.

