

4(iv)(c)

LRB-2024-07

**LRB-2024-07 - 23/01859/FLL - Erection of a dwellinghouse,
land 20 metres south west of Braeside House, Hatchbank
Road, Gairney Bank, Kinross, KY13 9JY**

REPRESENTATIONS

Wednesday, 15 November 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
www.scottishwater.co.uk



Dear Customer,

20 M South West Of Braeside House, Hatchbank Road Gairney Bank, Kinross, KY13 9JY
Planning Ref: 23/01859/FLL
Our Ref: DSCAS-0098412-KTD
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
 - ▶ 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](#).
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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

▶ 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 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

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.

Yours sincerely,

Angela Allison

Development Services Analyst

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."

Development Management
Perth and Kinross Council

Our Ref: 11124
Your ref: 23/01859/FLL

By email only to: developmentmanagement@pkc.gov.uk

SEPA email contact:
planning.south@sepa.org.uk

27 November 2023

Dear Perth and Kinross Council

Town and Country Planning (Scotland) Acts

23/01859/FLL

Erection of a dwellinghouse

Land 20m SW of Braeside House, Hatchbank Road, Gairney Bank, Kinross KY13 9JY

Thank you for consulting us on the above application, in relation to foul drainage.

Advice for the planning authority and applicant

We have **no objection** to this application on foul drainage grounds. Please refer to the information and advice below.

1. Foul drainage and phosphorus 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 October 2016.



Chairman
Bob Downes

OFFICIAL **CEO**
Nicole Paterson

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

Tel: 03000 99 66 99
www.sepa.org.uk

- 1.2 We have assessed the P mitigation calculations and consider that sufficient phosphorus mitigation is proposed. We 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 The planning authority should ensure that the list of properties used for P mitigation is updated with details of this application, if consent is to be granted.
- 1.4 To accord with the planning 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 the consent, if granted.
- 1.5 The applicant 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. If not already in progress, contact should be made with SEPA Water Permitting (email: waterpermitting@sepa.org.uk) regarding this issue.
- 1.6 The provision of phosphorous mitigation to ensure that total phosphorus 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.

2. Other planning matters

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

If you have any queries relating to this letter, please contact us by email, via: planning.south@sepa.org.uk including our reference number in the email subject.



Yours sincerely

Peter Minting
Planning Officer
Planning Service

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/).



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Bob Downes

CEO
Nicole Paterson

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Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01859/FLL	Comments provided by	Carlyn Morilly Transportation Development Officer
Service/Section	Transportation & Development	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 20 Metres South West Of Braeside House Hatchbank Road Gairney Bank Kinross Ky13 9jy, Hatchbank Road, Gairney Bank		
Comments on the proposal	<p>The applicant is seeking planning permission to erect a one-bedroom dwellinghouse on vacant land in front of the existing Braeside House. Development on this site was previously refused (23/00593/FLL) on the grounds of character, amenity, impact on trees, and use of low and zero carbon generating technology.</p> <p>The dwellinghouse will utilise the existing vehicle access onto the public road network at Hatchbank Road. 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>		
Recommended planning condition(s).			
Recommended informative(s) for applicant.			
Date comments returned	01 December 2023.		

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01859/FLL

Our ref LRE

Date 4 December 2023

Tel No 01738 476462

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

23/01859/FLL RE: Erection of a dwellinghouse, Land 20 Metres Southwest of Braeside House, Hatchbank Road, Gairney Bank, Kinross.

I refer to your letter dated 13 November 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend that the undernoted condition is included on any given consent.

Comments

This application is for the erection of a dwellinghouse within the garden area of Braeside House with the M90 adjacent to the east of the site.

Noise

The applicant has submitted a noise impact assessment (NIA) in support of the application to assess the impact of road traffic noise from the M90 motorway on the residential amenity of the proposed single storey bungalow.

The NIA 'Proposed dwellinghouse at Braeside House, Hatchbank Road, Kinross' document reference 22-084 V2 dated 18 July 2023 undertaken by dB Acoustics & Environmental Services.

Attended noise monitoring was carried out at an appropriate location at the site 7 February to 8 February with periods that are representative of both daytime and night time periods.

The predicted façade level for daytime is $60\text{dB}_{\text{LAeq}(16\text{hr})}$ and predicted internal level with a 13dB attenuation is $42\text{dB}_{\text{LAeq}}$ which is +12dB above the $35\text{dB}_{\text{LAeq}(16\text{hr})}$ indoor daytime criteria.

The predicted façade level for night time is $52\text{dB}_{\text{LAeq}(8\text{hr})}$ and the predicted internal level with 13dB attenuation is $39\text{dB}_{\text{LAeq}}$ which is +9dB above the $30\text{dB}_{\text{LAeq}(8\text{hr})}$ indoor night time criteria.

The NIA recommends mitigation measures in section 4.4.4 to ensure compliance with the daytime and night time criteria levels.

To meet the required daytime 35 dB indoor level a minimum whole façade reduction of 25dB is required and can be achieved with the proposed external wall, 4mm/6-16mm/4mm double glazing (29dB R_w) and standard hit and miss trickle vents such as the Titon Trimvent XS13 with a $D_{n,e,w}$ of 32dB when open. In order to reduce air path leakage, good quality

rubber/neoprene compression seals should be used around the perimeter of any openable part of the window so that the seal is fully compressed when the window is in the closed position.

To meet the required night time indoor level of 30dB a minimum façade reduction of 22dB is required which can be met using the same window/vent specification as noted in section 4.4.4 of report.

The external areas to the east of the dwellinghouse when modelled are predicted to below the upper limit level of 55dB $L_{Aeq(16hr)}$ without further mitigation.

The garden area to the west would require further mitigation measures in order to meet the upper limit level of 55dB $L_{Aeq(16hr)}$. It is recommended that a 3.0 m high closed boarded acoustic fence is required along the western boundary and the position of the fence are indicated in figures 6 & 7 Noise Contour Maps.

In light of the above I have no objection to the application but recommend that the undernoted condition is included on any given consent to ensure that the internal and external noise limit levels are achieved, and the residential amenity is not adversely affected by road traffic noise from the M90.

Condition

- All recommendations and mitigation measures shall be implemented in accordance with Sections 4.4, 4.5 and Figures 6-7 of the approved Noise Impact Assessment Proposed dwellinghouse at Braeside House, Hatchbank Road, Kinross' document reference 22-084 V2 dated 18 July 2023 undertaken by dB Acoustics & Environmental Services, to the satisfaction of the Planning Authority.

**Comments to the Development Management & Building Standards Service Manager
on a Planning Application**

Planning Application ref.	23/01859/FLL	Comments provided by	Lucy Sumner
Service/Section	Planning & Housing Strategy	Contact Details	Development Contributions Officer: Lucy Sumner Email: TESDevelopmentContributions@pkc.gov.uk
Description of Proposal	Erection of a dwellinghouse		
Address of site	Land 20 Metres South West Of Braeside House Hatchbank Road Gairney Bank Kinross KY13 9JY		
Comments on the proposal	<p>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH <u>MUST</u> BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p>Primary Education</p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School. The proposed unit is one-bedroomed, and in line with the Supplementary Guidance no contribution is required.</p>		
Recommended planning condition(s)	<p>Summary of Requirements</p> <p>Education: £0 Total: £0</p>		
Recommended informative(s) for applicant			
Date comments returned	11 December 2023		

