

LRB-2023-58

Review of Condition 3 on planning permission

23/01202/FLL (Change of use of builder's yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect), Woodstock, Dinnie's Lane, Comrie, Crieff, PH6 2DR)

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

I marked box 1 because I am willing to supply further written submissions should you need any.
 I marked boxes 2 and 3 because the issues are complex and subtly interlinked. I have always thought that a discussion, and viewing the site, might be more productive than a long written document. For example: to see that the extension is well within the residential area, its distance from the railway line, that other houses are on the railway line, and the school and other houses closer to it than my house is. If there really is railway contamination, I believe it is a community matter, not just an individual householder's.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

New material is submitted (separately as a pdf). The new material could not have been submitted at the time the application was decided because:

(a) we believed the entire property was classed as residential: that is how it was sold to me and registered.

(b) when PKC required part of the property to be reclassified from builder's yard to residential, it was not explained that the reclassification process would require a contamination report. Moreover, the requirement does not seem inevitable, because the application for the extension is entirely on the part of the property which was already residential. Further, there are several reasons why the requirement may not be worthwhile. Some of these merit consideration as special circumstances, and none could be made at time of application due to the misunderstanding noted in (a).

A number of issues may not have been clear when Perth and Kinross Council Planning Department (PKC) required a contamination study, following change of use of part of the property. I ask PKC to reconsider its decision given these particular circumstances. The justification is that, while the change of use is legally required (in a strict technical sense), the area had not been used as a builder's yard for many years, and when it was used as one, no contaminants were on site. Moreover, the proposed new build is entirely on the part of the site classed as residential since 1991, well removed from the former builder's yard. Other reasons include that the use changed before I bought the property, which was sold as entirely residential; that the study is prohibitively expensive; and that benefits to the Comrie community of building the extension outweigh those of a contamination study, given that it is very unlikely there is contamination where the new build will be.

File File 23-01203-fll_contaminationAppeal.pdf submitted with this form gives more complete explanations and/or proof of each of these points.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Please see the previous box for fuller explanation, connected with the piecemeal unfolding of the particular circumstances. In summary:
 Until PKC pointed out that part of the site was classed as a builder's yard in their records, we thought the application was for a small residential extension on a fully residential site. It could still be viewed as that. In which case no requirement for a contamination study would have been triggered. Change of use is a gray area in this case, because the plot was sold as entirely residential and there are other considerations of community benefits. The part of the contamination study justified by the disused railway seems unlikely, but if justified at all, would seem to be a matter for the community, rather than an individual householder, to address.
 Providing railway contamination does not affect the community, and the known previous uses of the builder's yard are as unanimously reported (storage of noncontaminants only) the social benefits of the proposed extension outweigh any dangers.

List of documents and evidence

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.

1. 23-01203-FLL_contaminationAppeal.pdf
2. 23-01202-FLL_DecisionNotice.pdf
3. 10 plans etc from the original planning application (I will try to submit as a zip file: 23_01202_FLL_plansWlthDecisionNotice.zip)
 - i P-003REVA.pdf
 - ii P-004REVA.pdf
 - iii P-005.pdf
 - iv P-006.pdf
 - v P-007REVA.pdf
 - vi P-008.pdf
 - vii P-009.pdf
 - viii P-010.pdf
 - ix P-011REVA.pdf
 - x P-012.pdf
4. 23_01202_FLL-INTERNAL_CONSULTEE_RESPONSE_CL-2070437.doc
5. 23_01202_FLL-REPORT_OF_HANDLING-2075742.docx

I have not included the following:

- * a map of the site, because I don't know which to include. Please see file 23-01203-FLL_contaminationAppeal.pdf, page 2, Figure 1 and associated text (Section 2 of the main appeal). The figure shows the three maps used by different authorities.
- * any text submitted with the original planning application. This is because the new building plans have been approved in principle, and seem well described by PKC's own Report of Handling, item 5 in the above list of files.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

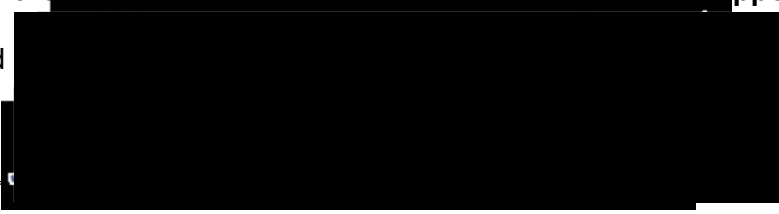
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

20 December 2023

Appeal against requiring a Contamination Report

15 December 2023

Purpose and contents of this document

This document describes a number of issues that may not have been clear when Perth and Kinross Council Planning Department (PKC) required a contamination study, following change of use of part of the property. The purpose is to ask PKC to reconsider its decision given the particular circumstances. The justification is that, while the change of use is legally required (in a strict technical sense), the area had not been used as a builder's yard for many years, and when it was used as one, no contaminants were on site. Moreover, the proposed new build is entirely on the part of the site classed as residential since 1991, well removed from the former builder's yard. Other reasons include that the use changed before I bought the property, which was sold as entirely residential; that the study is prohibitively expensive; and that benefits to the Comrie community of building the extension outweigh those of a contamination study, given that it is very unlikely there is contamination where the new build will be.

Section 1: PKC's justification for investigating contamination

Section 2: Context of this appeal: Misinformation at purchase and in Land Registry.

Section 3: Practical reasons to ask for reconsideration:

- Section 3.1: history of actual use of builder's yard
- Section 3.2 comments about the disused railway line and buildings near it

Section 4: Community benefits if the extension is built

Section 5: Conclusion: CSM; questions; reasons to ask for help if the condition cannot be withdrawn

Section 6: Appendix: detailed evidence of misinformation to me and Land Registry about the status of part of the site as a builders yard.

1 PKC's justification for investigating contamination

PKC requires a contamination study for two reasons: the southern part of the site was a builders yard, and there was a railway line north of the northern part.

From file 23_01202_FLL-INTERNAL_CONSULTEE_RESPONSE_CL-2070437.doc

"The proposed development is on land formerly used as a builders yard, there is also a former railway immediately north of the site. There is the potential for the extended garden ground to be impacted by these former activities."

Factual corrections to this justification:

- 23_01202_FLL-REPORT_OF_HANDLING-2075742.docx states "The site is a former builders yard...". Correction: the proposed extension is not on that part of the site. It is well within the part of the site that has been residential since at least 1991. Moreover, the area that was a builder's yard has been used like a garden for at least the last six years.
- There are houses on and next to the former railway line and a primary school nearby. Concern about proximity of my property to the former railway appears overly-cautious.

2 Context of this appeal

1. The property was sold to me in 2022 as an undifferentiated residential site. I was misinformed about the two usage classes. The error only came to light when PKC responded to this planning application.
2. In brief, PKC, the Land Registry and my conveyancing lawyers used different maps, shown in Figure 1. PKC's map (left panel) shows two different uses. The Land Registry map (centre panel) shows the

boundary but not (to a layperson?) that the southernmost part is not residential. My conveyancing solicitors sent me the simplified map in the right panel of Figure 1. The boundary between the two plots was noted, but not that one was classed as residential and the other as a builder's yard.



Figure 1. Excerpts from the maps used by PKC, the Land Registry, and my lawyer at Miller Hendry before purchasing. Left: PKC shows 'Woodstock IV' and Builders Yard. Centre: Land Registry shows two distinct parts but no indication of different usage. Right: My solicitors sent me this map, which shows the same area in pink, with the intermediate boundary but no indication of the two parts having different usage classifications. Further details in Section 6.

Sources: PKC: <https://planningapps.pkc.gov.uk/online-applications/applicationDetails.do?activeTab=map&keyVal=9601137FUL> also email from PKC to Ewan Cameron Architects

Land Registry: <https://scotlis.ros.gov.uk/property-summary/PTH61757>

My solicitors: an email to me, 28 January 2022, see Appendix (Section 6).

3. The entire property is described as residential, both by my solicitors in an email to me prior to purchase, and in the document I signed for Revenue Scotland: Land and Buildings Transaction Tax (LBTT). Appendix (Section 6) gives details.
4. Change of use triggers contamination reports. *Would a contamination report have been needed had we requested planning permission for only the residential part of the property? Can we do that now?*
5. Regardless of whether you are able to take into account the above points, there are reasons to ask whether a contamination study is justified in the particular circumstances of this property. These issues are addressed in Section 3 for builder's yard and railway, and Section 4 for social and other benefits.

3 Practical reasons to ask for reconsideration

3.1 History of actual use of builder's yard

1. The builder's yard is only in the southern part of the property. The part of the proposed new build that requires foundations to be dug is close to the northern boundary.
2. The builder's yard area has not been used as such for many years. The previous owner (Barclay Carmichael) is a builder. He lived in the house (on the residential part of the property) from 1995 to early 2022, when I bought it. He acquired the builder's yard as a gift from his father (also a builder) in 2007, and used it for private (residential) parking since at least 2017, and probably earlier.
3. I have not yet been able to get confirmation from Barclay Carmichael himself, but there is 100% agreement amongst a number of Comrie residents about how the area was used for many years before 2017, amounting to well over two decades. These people include a former employee of Carmichael's, Barclay Carmichael's sister, and neighbours who have lived in the lane for 20-50 years. All say the area was never an active builder's yard. It was used solely for storage of dry materials: sand, gravel, bricks, paving slabs, timber. No chemical contaminants, and no liquids like paint, oil or petrol. There was a skip for waste. Trucks moved materials, and parked overnight, but no vehicle maintenance was done on this site. All potentially contaminating activity was done in yards Carmichaels owned elsewhere in Comrie.
4. The implication is that no environmental contaminants of the types listed in PKC's LDP2 Policy 58A are likely to have been left in the Dinnie's Lane area due to the builder's yard for over two decades, if ever.

3.2 The disused railway line

The concern about the railway line seems disproportionate to the expected benefit from assessing risks.

1. The old line closed on 6 July 1964—more than 59 years ago.
2. There are houses built on the old line.
3. I am told by people who lived in or near Dinnie’s Lane before the line was closed, and still do:
 - a. the line was exclusively, or almost exclusively, a passenger service
 - b. the last train ran in 1962 (i.e. more than 60 years ago)
 - c. soil was removed from the embankment and trucked out of Comrie when the line was closed. My informants estimate that its original height was about that of the roof ridges of the houses now standing on the old line. I.e., soil to the height of a bungalow’s roof was removed from the village.
4. “Immediately north” is an overstatement which may have encouraged the decision to search for railway contamination. My house is separated from the old line by a lane and another house.
5. There is a primary school whose playground is about as far from the line as my house is, on the other side. Surely this is a matter of greater (and great) concern if contamination is likely?
6. There has been building on and around this area since the line was dismantled. *If contamination were a meaningful possibility, then presumably it is known about?*
 - a. *Can earlier results be used?*
 - b. *If not, what type of contamination is expected on my particular site due to the railway line, why, what is its half life, and what dangers does it pose?*

I assume that PKC can access answers to these questions, as specified by Part 2A of the Environmental Protection Act 1990. If PKC does not hold this information, it seems inappropriate to ask one individual who happened to apply for planning permission since 2019, when new laws began to come in, to personally pay for answers to what is presumably believed likely to affect entire communities. For example, contamination reports were not required for any local house extensions in the last few years, I gather because permission was granted before the new laws were introduced in 2019-2023. Yet of those extensions, one (1 School Lane, PH6 2LZ, 2018) is on-going, actually on the old railway line, and opposite the primary school. Its extension is closer to public areas than my proposed one, and larger in ground area. Another (Blink Bonnie, PH6 2DL, 2016), is next to my house and almost as close as mine to the railway line; moreover, its extension is close to my ‘builder’s yard’ area. These properties are likely to have similar ground conditions to mine.

4 Community benefits if the extension is built

Section 3 offers reasons to reconsider PKC’s specific justifications for requiring a contamination report. The present section raises more general issues that fall under other headings in the Decision Notice. In short, I question the statement *“The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.”* (23_01202_FLL-REPORT_OF_HANDLING-2075742.docx, p.8). In my view, the benefits from other Planning criteria outweigh any potential benefits of commissioning a contamination report. These benefits include:

1. Providing free or affordable housing, probably but not necessarily temporary, for a refugee or young person just starting out independently, in the area above the garage. And/or a facility for local people to use from time to time for social gatherings, e.g. informal music-making (interest has been expressed).
2. Feeding back into the local Comrie/Strathearn community the difference between selling my former home in East Anglia and buying Woodstock. I am very aware of the difficulties caused by incomers being able to outbid local people due to regional differences in house prices. I want to compensate for this.

Planning criteria relevant to these aspirations include NPF4 policies:

- Policy 11: Making effective use of land: 120 d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing... (for example

converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)

- Policy 23: Health and Safety: item 92 a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact ... See points 1 and 2 above.

(There are of course other benefits to myself, including making a more hospitable facility for visitors than the current idiosyncratic space allows. But my main motivation is simply to make a utility room within part of the existing space. The more ambitious plans submitted have community benefits very much in mind.)

Finally, I have put considerable time and expense into turning the area from a somewhat sterile garden (already laid down, including into the ex-builder's yard area) into a natural garden to encourage wildlife. The change has been commented on very positively by neighbours and passers by, and conforms with Policy 15 (Conserving and enhancing the natural environment: Habitats and biodiversity: item 180 d): development whose primary objective is to conserve or enhance biodiversity should be supported).

All these policies taken from <https://www.gov.uk/guidance/national-planning-policy-framework/>

But I am not endlessly affluent. The unexpected cost of the contamination report (£1400 +VAT for the desk study alone) takes my estimated costs above my reasonable budget. I am currently considering abandoning the project and giving the available money to my adult children, both of whom live outwith Scotland.

5 Conclusion

The required **Conceptual Site Model** is highly likely to outline no risk to humans or other living things:

- a. No risk of hazardous levels of contamination was associated with past use of the builder's yard area.
- b. Therefore no risk with current use.
- c. No realistic risk from the disused railway line.
- d. The proposed extension is small, and its foundations restricted to (a) the area between two existing buildings (a house about 200 years old, and a garage built in 1996), and (b) a small area north of the existing garage. None are close to the former builder's yard.

I therefore ask that I am not required to carry out checks for contamination, including a Desk Study. The quoted cost takes me beyond my available budget. In consequence, the benefits to the community of the extension may be lost.

Further justification for my request comes from the fact that I was led to believe that the entire property was residential when I bought it.

I repeat here for your convenience the specific questions highlighted in gray in previous sections:

1. Would a contamination report have been needed had we requested planning permission for only the residential part of the property? Can we do that now? (Section 2, point 4.)
2. If contamination were a meaningful possibility, then presumably it is known about? (Section 3.2 point 6.)
 - a. Can earlier results be used?
 - b. If not, what type of contamination is expected on my particular site due to the railway line, why, what is its half life, and what dangers does it pose?

If PKC decide that the requirement cannot be waived, I ask for help in financing the Contamination Report and any subsequent action, on the "Polluter Pays Principle" (<https://www.gov.scot/publications/scotlands-guiding-principles-environment-statutory-guidance/pages/5/> and <https://www.laws Scot.org.uk/members/journal/issues/vol-48-issue-04/contaminated-land-liabilities/>). As noted above (mainly Section 3), we can identify the people responsible for any putative contamination.

6 APPENDIX: Evidence that I and the Land Registry were apparently misinformed about the existence of a builder's yard

1. The site was sold to me as a single entity. No mention was ever made that part was formally classed as a builder's yard, nor that the boundary between the two parts could have significant repercussions.
2. I have two documents that show this:
 - i. Revenue Scotland: Land and Buildings Transaction Tax (LBTT): (Prepared by MillerHenry lawyers for me to sign) page4:
"About the transaction": "What is the property type for this transaction?...Residential".
 - ii. Email from my conveyancing lawyer, Julie Darroch, late of Miller Hendry as was, now Lindsays.
28 January 2022. Quoted here in full.
*"I have examined the titles. The property originally formed a smaller plot with the house situated on this smaller plot at the end of Dinnies Lane. Barclay subsequently acquired the yard in front which has now been incorporated as garden ground. I attach a plan which shows the two titles joined and this will be the extent of your property. The property comes with a right of access to and from Drummond Street via Dinnies Lane.
"Please carefully check that the description and plan accurately reflect your understanding of what you are purchasing and the layout of the property/site. If there are any discrepancies then please let me know.
"Fortunately there are no title conditions or burdens so you have no concerns on that front.
"You should be aware that the property lies in a conservation area. Accordingly if you propose making any external alterations then you should always check with the Council that they have no objections"*
3. Relatedly, in the Property Enquiry Certificate (Country Property Searches, 27 January 2022) report (for Irving Geddes?) as part of transfer of ownership to me, all four points in the Environmental Category seem to indicate no environmental problems identified or expected.

Names of relevant documents in my records:

- Revenue Scotland: Land and Buildings Transaction Tax: paper document with the deeds.
- Plans report plan_darrochEmail2022.01.28.pdf – the plan Julie Darroch emailed 28 Jan 2022, accompanying her email of 28 January 2022, quoted in point 2ii in this section.
- 22-01-27 UPDATED PECCountyPropertySearch.pdf

This appeal will be submitted by Sarah Hawkins (sarahhawkins.ely@gmail.com) to:

- 1) The Secretary, Local Review Body, PKC. planninglrpb@pkc.gov.uk Following instruction in 23-01203-fll-decisionLetter.pdf.

Following an instruction from John Williamson, Planning Officer, PKC, email 13 Nov 2023. I will also try to submit it to the [eplanning portal](#) . However, I have been unable to find how to do that (Comments are closed; no appeal yet lodged), so I have emailed Mr. Williamson to ask for further guidance.



Mrs Sarah Hawkins
c/o Ewan Cameron Architects
Ewan Cameron
22 Montrose Street
Glasgow
G1 1RE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **3rd October 2023**

Town and Country Planning (Scotland) Acts.

Application Number **23/01202/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 31st August 2023 for planning permission for Change of use of builder's yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect) at Woodstock Dinnie's Lane Comrie Crieff PH6 2DR subject to the undernoted conditions.

David Littlejohn
Head of Planning and Development

Conditions referred to above

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

- 3 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - I. the nature, extent and type(s) of contamination on the site

II. measures to treat/remove contamination to ensure the site is fit for the use proposed
III. measures to deal with contamination during construction works
IV. condition of the site on completion of decontamination measures.
Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 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. Please use the form attached herewith.
- 2 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. Please use the form attached herewith.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.

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

Plan and Document Reference

01

02

03

04

05

06

07

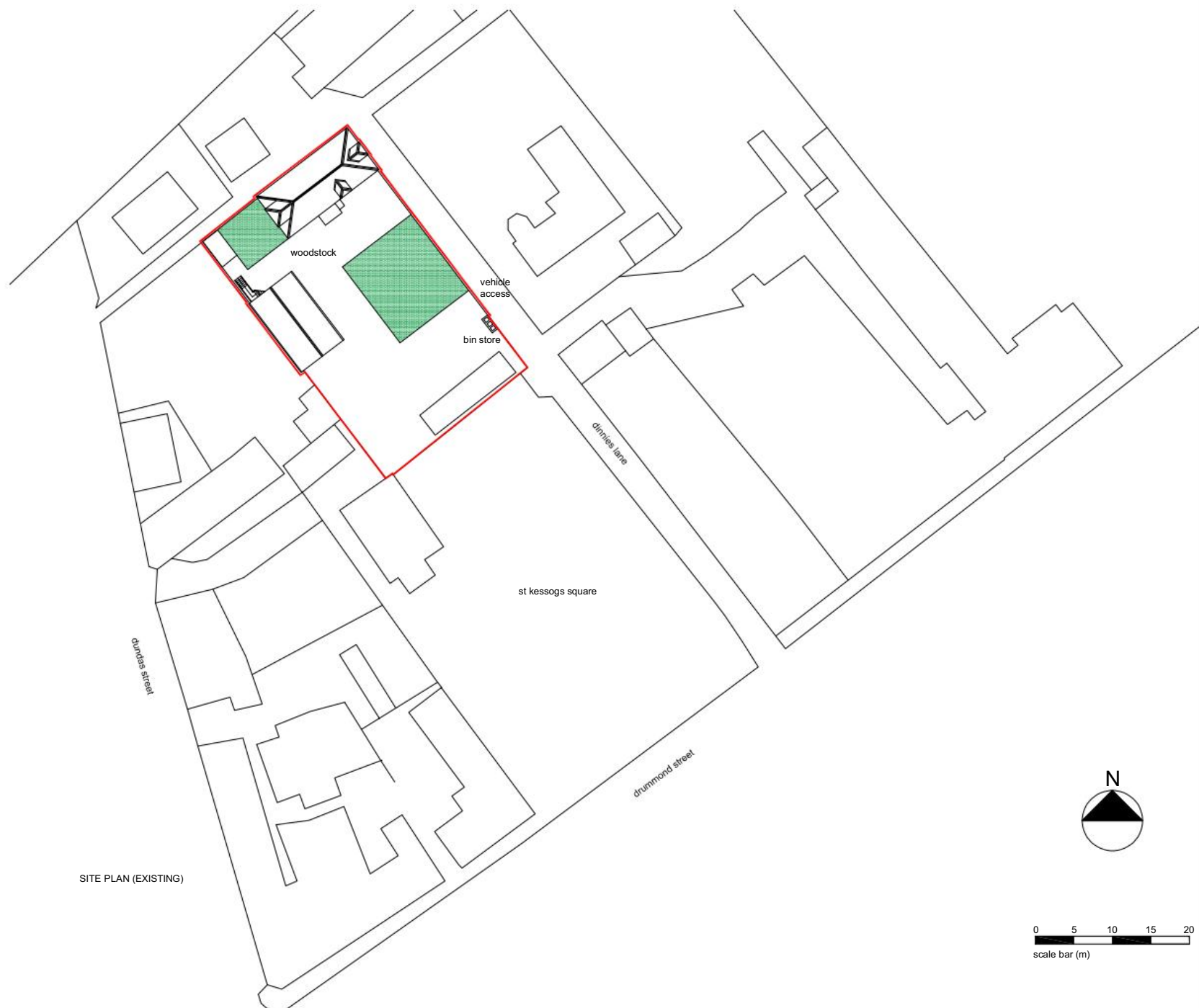
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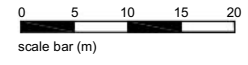
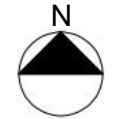
PLANNING

No.	Revision / Issue	Date
A	red line boundary revised	25.08.23

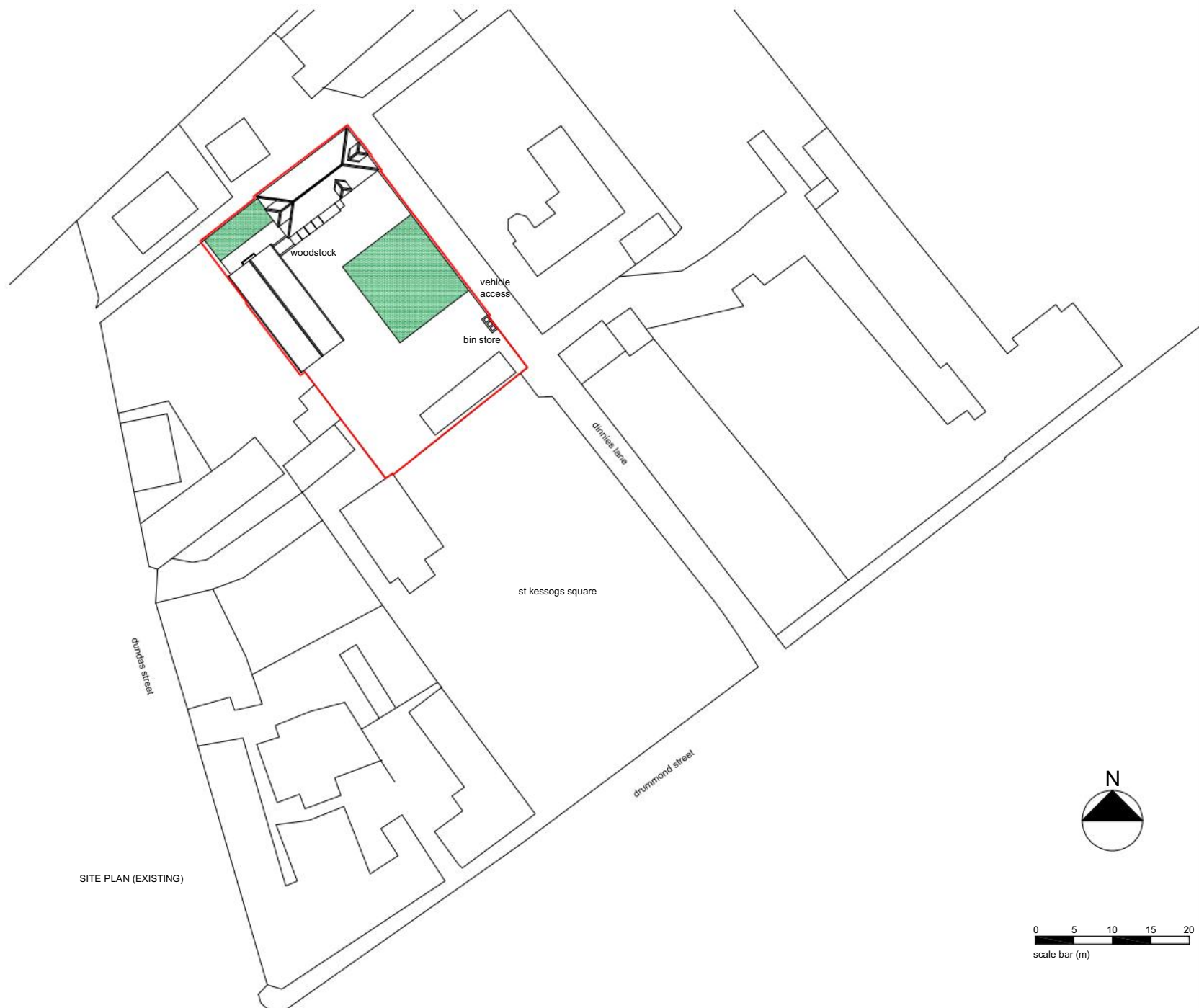
Ewan Cameron Architects

22 Montrose Street, Glasgow, G1 1RE
 Tel: 07595417776
 enquiries@ewancameronarchitects.com

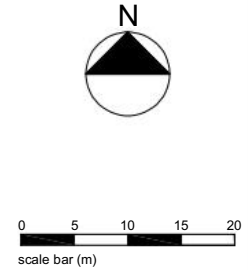
Client
 Sarah Hawkins



Project Woodstock	Job No. ECA-190	Date 05.05.23
Drawing Existing Site Plan	Drawn EC	Checked EC
Drawing No. P-003	Scale 1:500	Revision A



SITE PLAN (EXISTING)



General Notes

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PLANNING

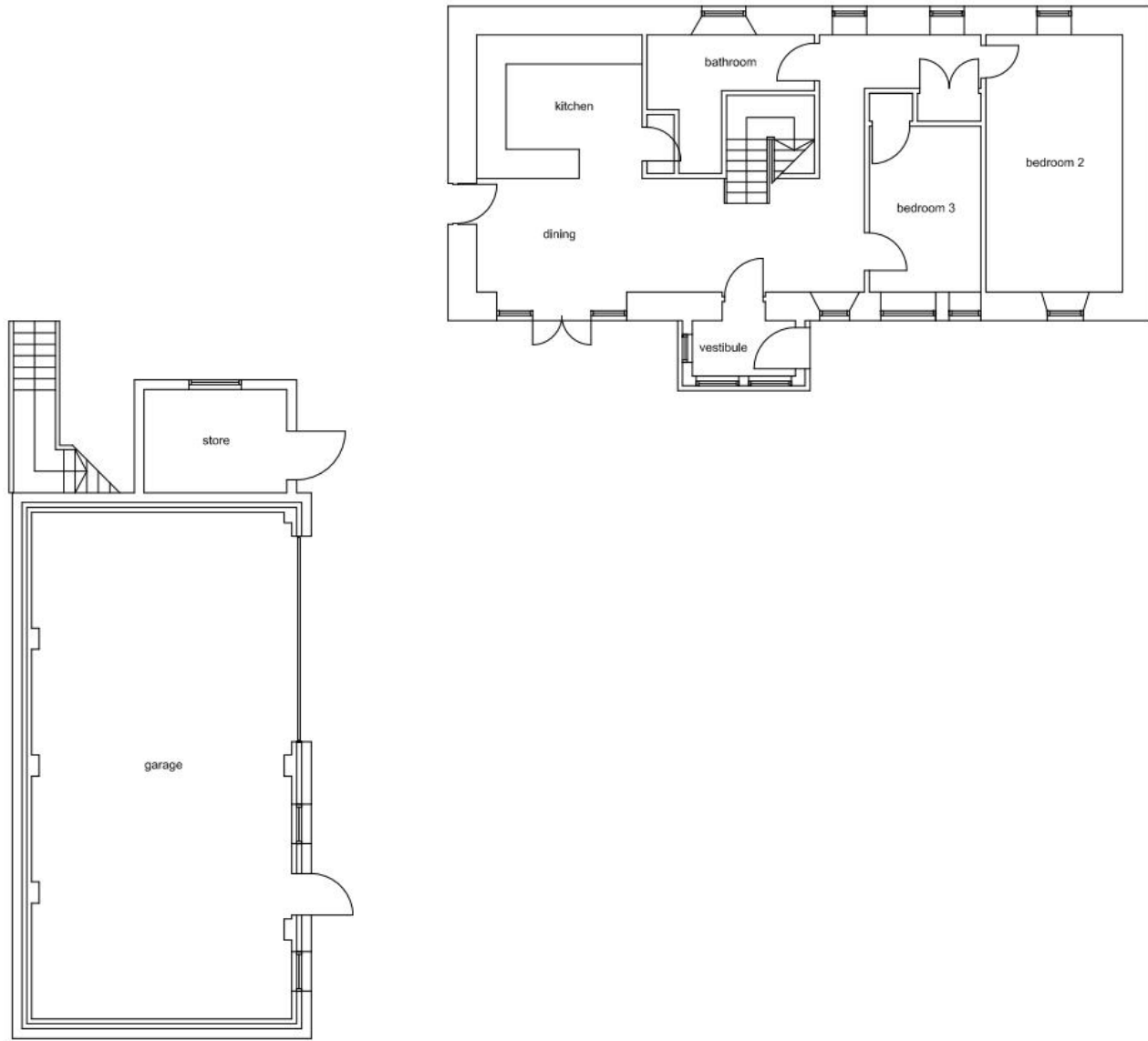
No.	Revision / Issue	Date
A	red line boundary revised	25.08.23

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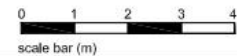
22 Montrose Street, Glasgow, G1 1RE
 Tel: 07595417776
 enquiries@ewancameronarchitects.com

Client
 Sarah Hawkins

Project Woodstock	Job No. ECA-190	Date 05.05.23
Drawing Proposed Site Plan	Drawn EC	Checked EC
Drawing No. P-004	Scale 1:500	Revision A



GROUND FLOOR PLAN (EXISTING)



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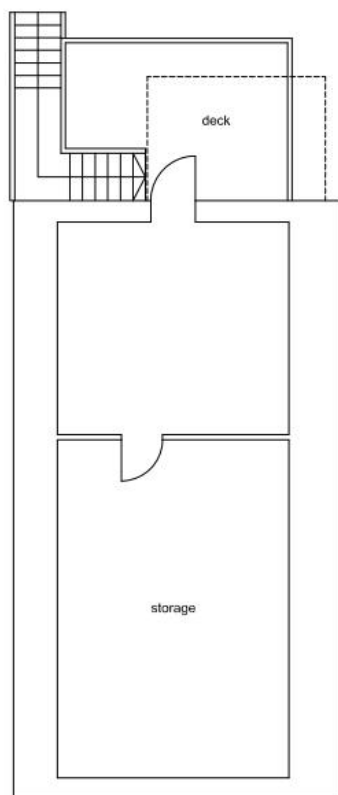
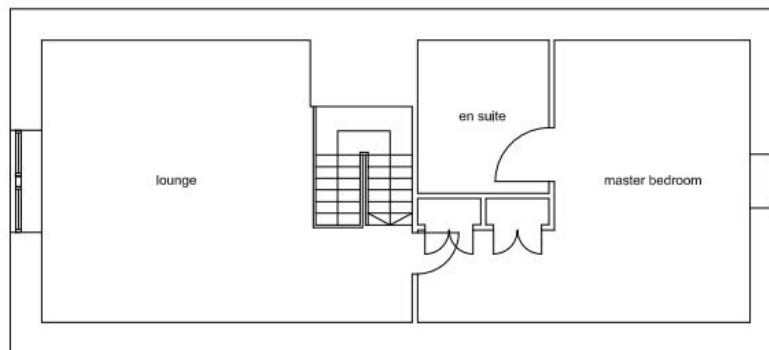
Client
 Sarah Hawkins

Project	Job No.	Date
Woodstock	ECA-190	05.05.23
Drawing	Drawn	Checked
Existing Floor Plans	EC	EC
Drawing No.	Scale	Revision
P-025	1:100	

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PLANNING



No.	Revision / Issue	Date

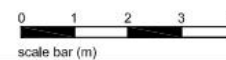
Ewan Cameron Architects

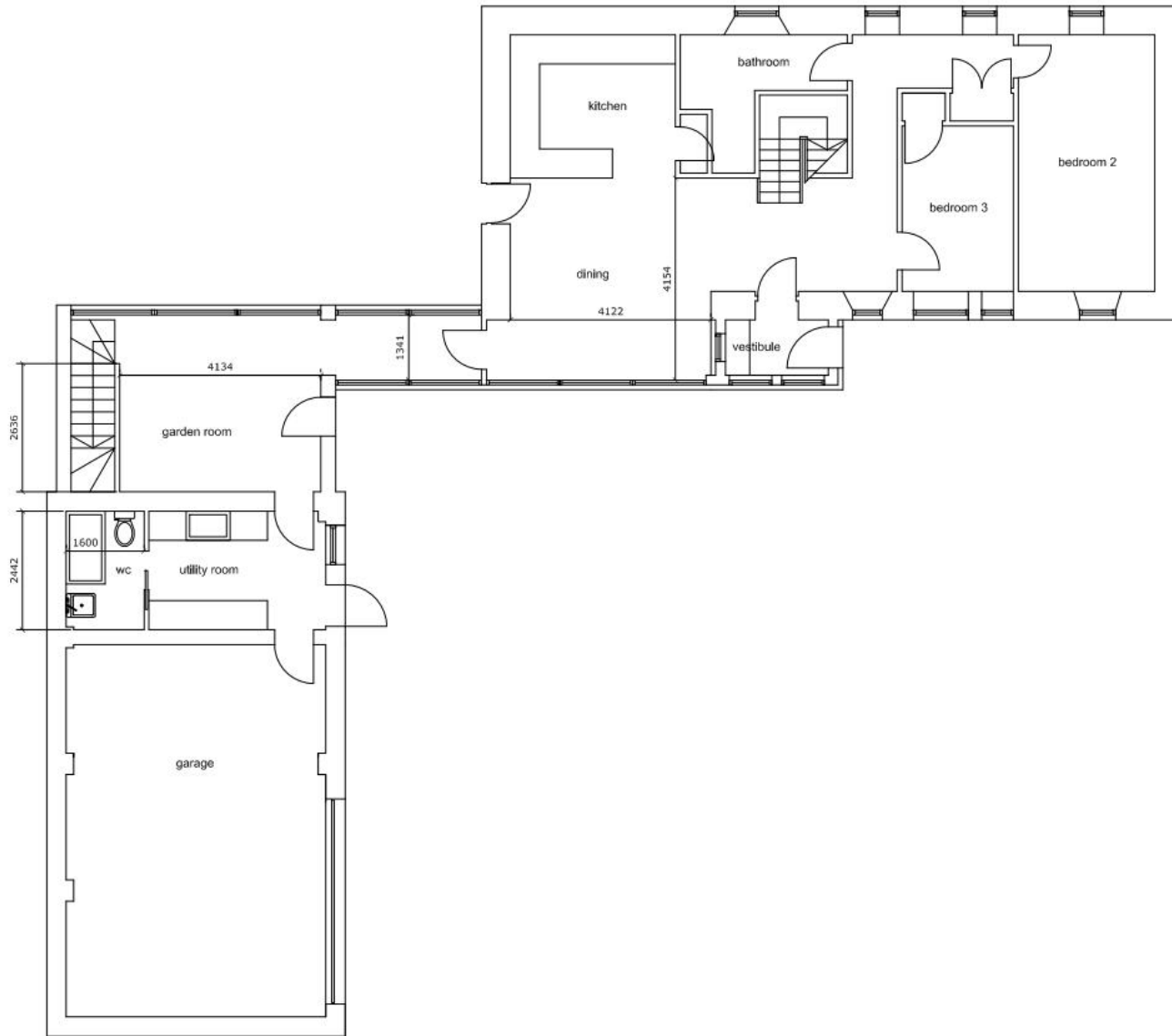
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 enquiries@ewancameronarchitects.com

Client
 Sarah Hawkins

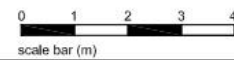
Project Woodstock	Job No. ECA-190	Date 05.05.23
Drawing Existing Upper Floor Plans	Drawn EC	Checked EC
Drawing No. P-006	Scale 1:100	Revision

UPPER FLOOR PLAN (EXISTING)





GROUND FLOOR PLAN (PROPOSED)



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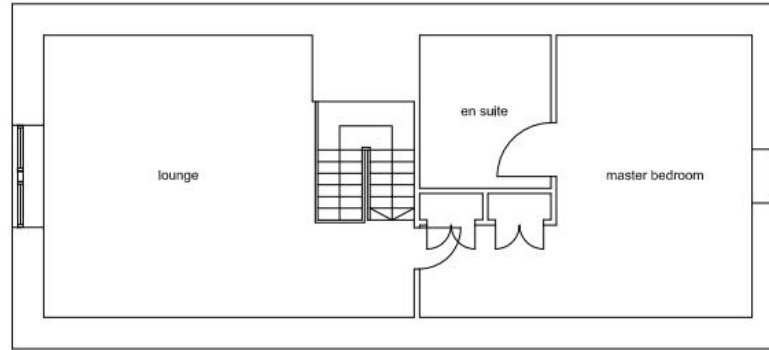
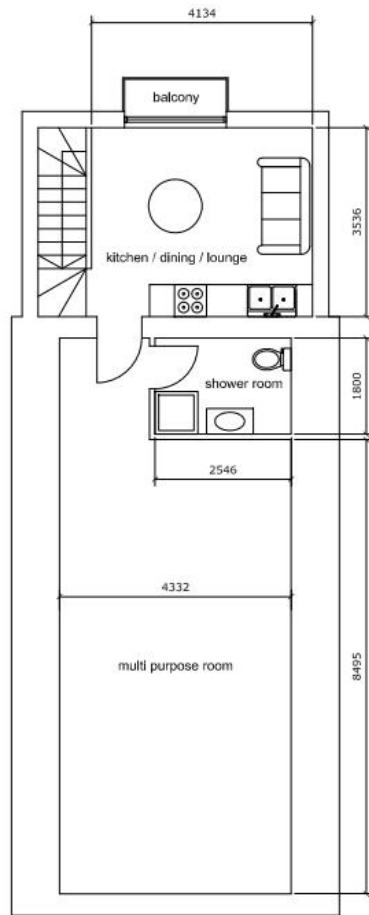
No.	Revision / Issue	Date
A	garage layout re-configured	25.08.23

Ewan Cameron Architects

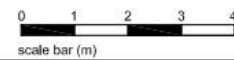
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Client
Sarah Hawkins

Project Woodstock	Job No. ECA-190	Date 05.05.23
Drawing Proposed Ground Floor Plans	Drawn EC	Checked EC
Drawing No. P-027	Scale 1:100	Revision A



GROUND FLOOR PLAN (PROPOSED)



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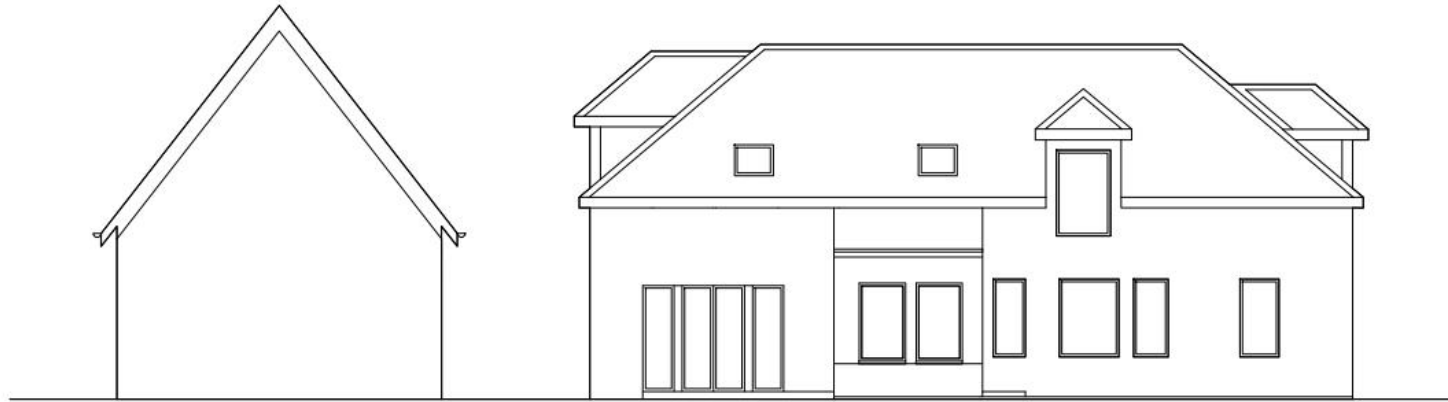
No.	Revision / Issue	Date

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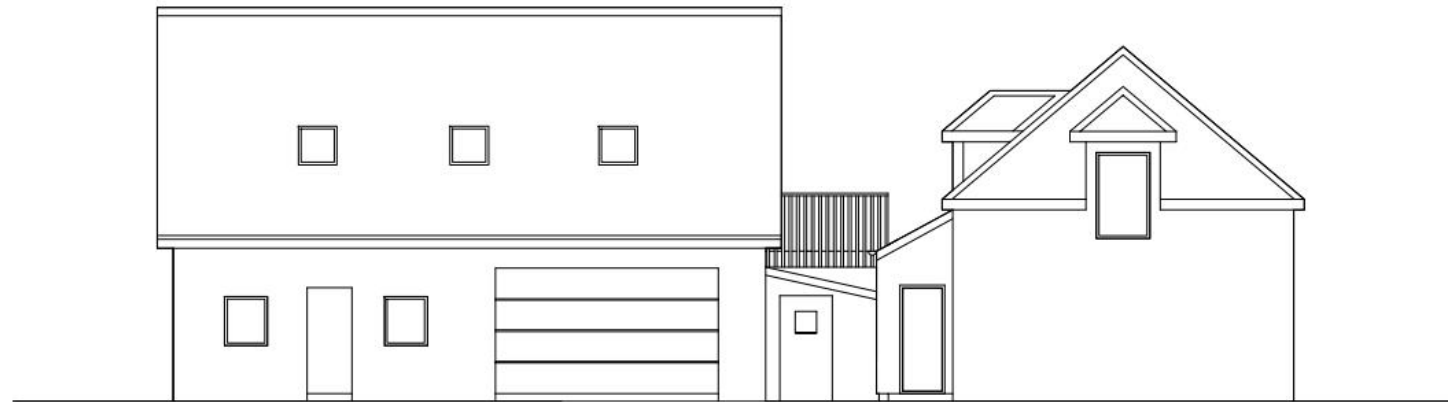
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Client
 Sarah Hawkins

Project	Job No.	Date
Woodstock	ECA-190	05.05.23
Drawing	Drawn	Checked
Proposed Upper Floor Plans	EC	EC
Drawing No.	Scale	Revision
P-028	1:100	



SOUTH ELEVATION



EAST ELEVATION



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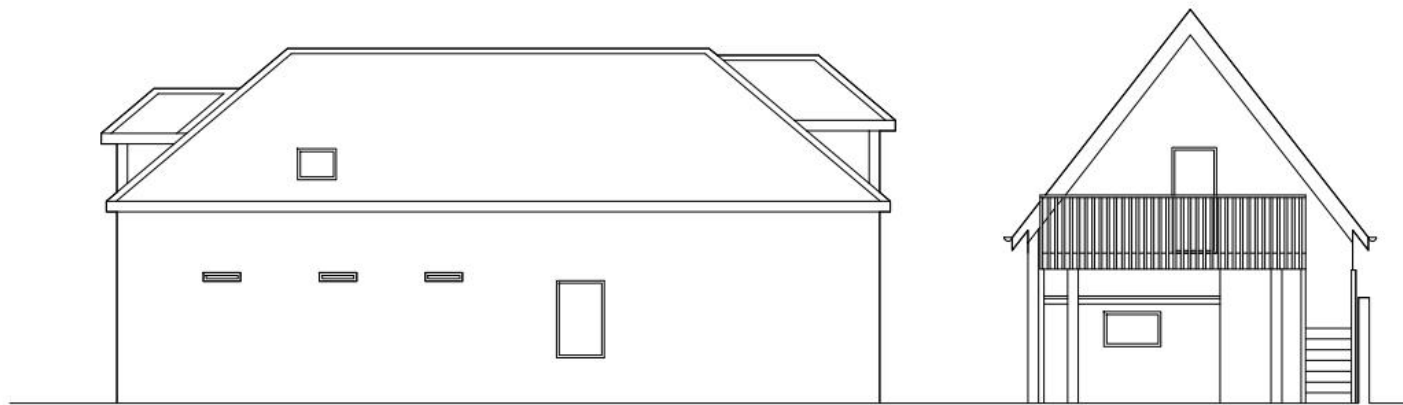
No.	Revision / Issue	Date
A	garage doors, window and skir entrance reconfigured	25.06.23

Ewan Cameron Architects

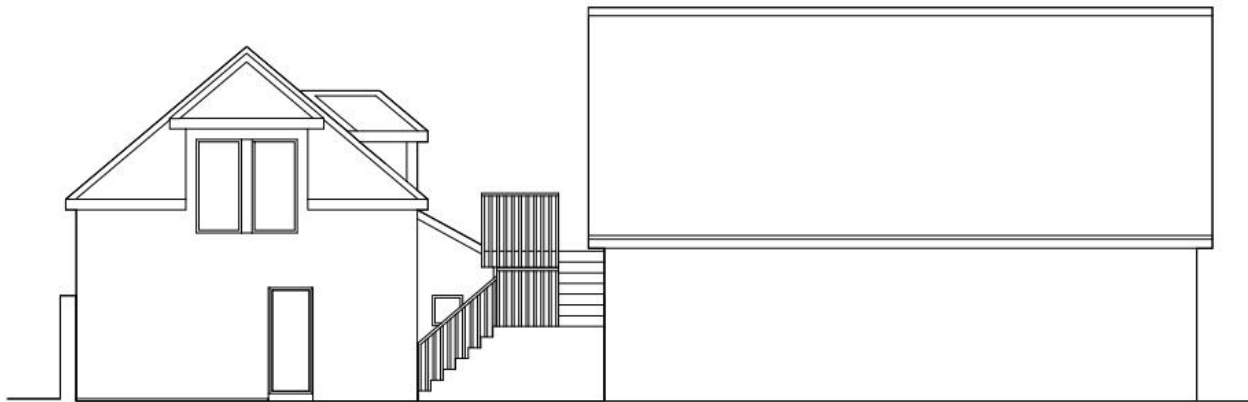
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Client
Sarah Hawkins

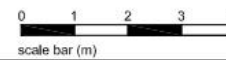
Project Woodstock	Job No. ECA-190	Date 05.05.23
Drawing Existing Elevations 1	Drawn EC	Checked EC
Drawing No. P-029	Scale 1:100	Revision



NORTH ELEVATION



WEST ELEVATION



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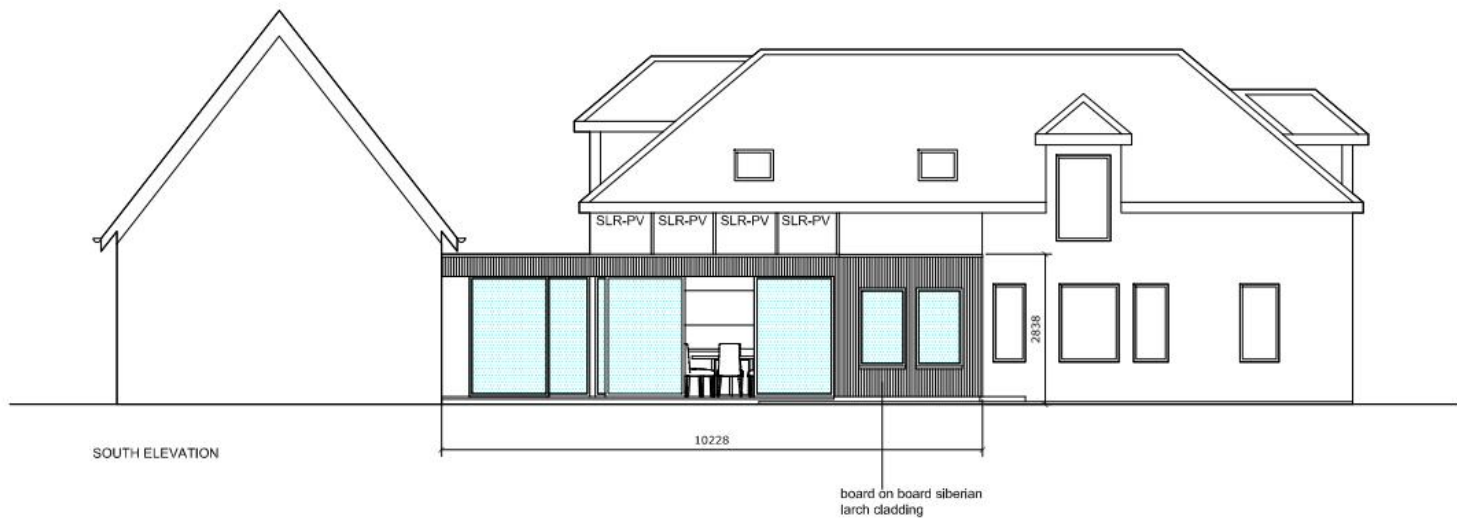
No.	Revision / Issue	Date

Ewan Cameron Architects

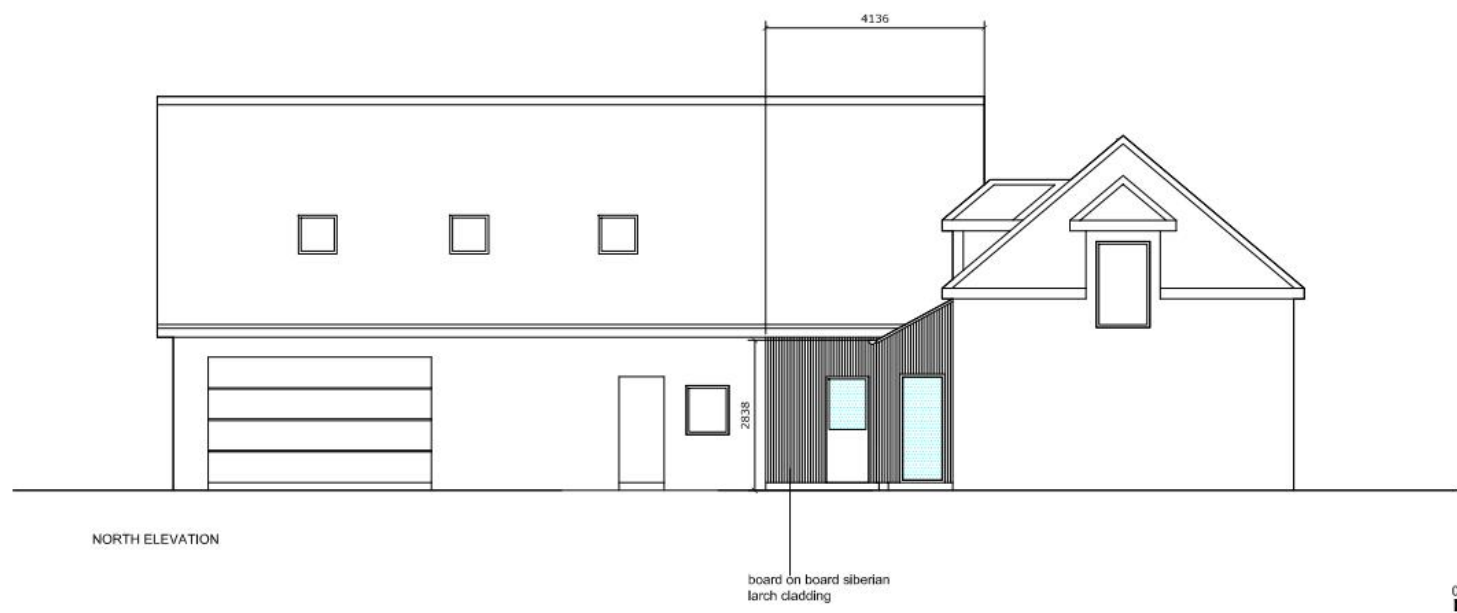
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Client
Sarah Hawkins

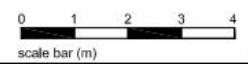
Project	Job No.	Date
Woodstock	ECA-190	05.05.23
Drawing	Drawn	Checked
Existing Elevations 2	EC	EC
Drawing No.	Scale	Revision
P-010	1:100	



SOUTH ELEVATION



NORTH ELEVATION



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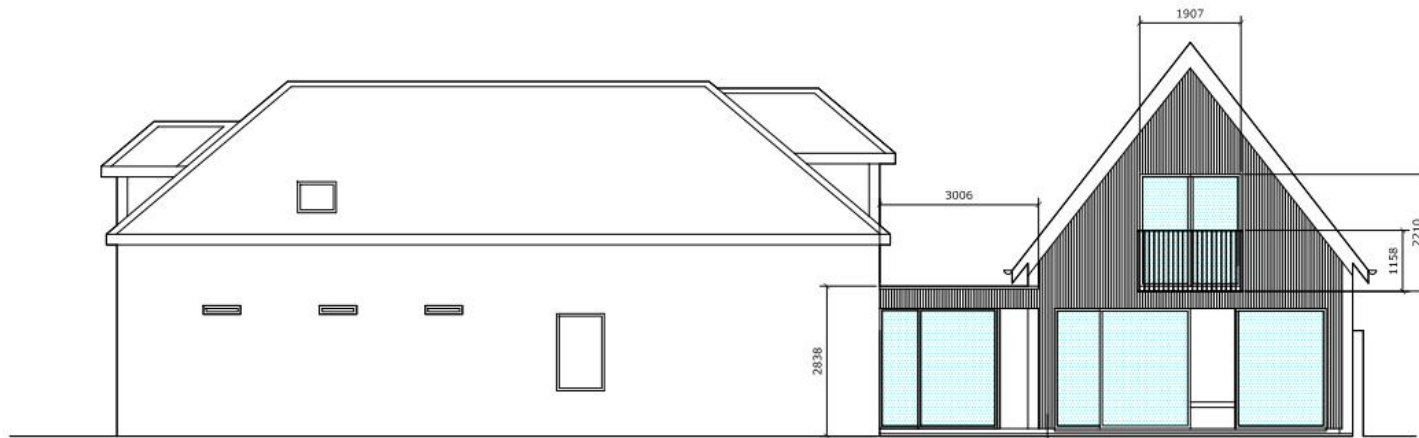
No.	Revision / Issue	Date
A	garage doors, window and door entrance reconfigured	25.06.23

Ewan Cameron Architects

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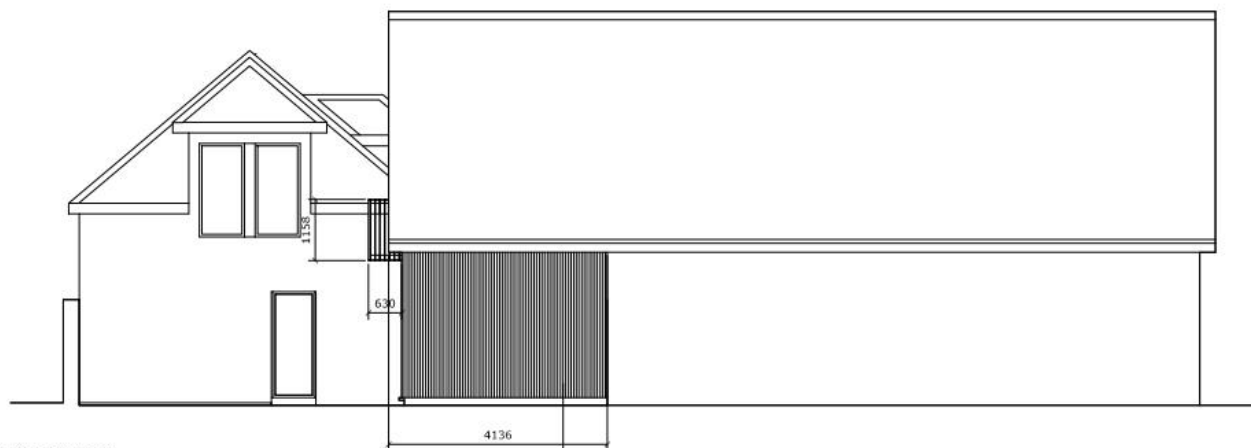
Client
 Sarah Hawkins

Project	Job No.	Date
Woodstock	ECA-190	05.05.23
Drawing	Drawn	Checked
Proposed Elevations 1	EC	EC
Drawing No.	Scale	Revision
P-011	1:100	A



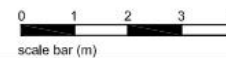
NORTH ELEVATION

board on board siberian larch cladding



WEST ELEVATION

board on board siberian larch cladding



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PLANNING

No.	Revision / Issue	Date

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Client
 Sarah Hawkins

Project	Job No.	Date
Woodstock	ECA-190	05.05.23
Drawing	Drawn	Checked
Proposed Elevations 2	EC	EC
Drawing No.	Scale	Revision
P-012	1:100	

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01202/FLL

Our ref CHF

Date 21.09.2023

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

23/01202/FLL RE: Change of use of builders yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect) at Woodstock Dinnie's Lane Comrie Crieff PH6 2DR for Mrs Sarah Hawkins

I refer to your letter dated 5 September 2023 in connection with the above application and have the following comments to make.

Contaminated Land

Recommendation

The proposed development is on land formerly used as a builders yard, there is also a former railway immediately north of the site. There is the potential for the extended garden ground to be impacted by these former activities.

I therefore recommend the following condition be applied to the application.

Condition

EH41

Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01202/FLL	
Ward No	P6- Strathearn	
Due Determination Date	30th October 2023	
Draft Report Date	2nd October 2023	
Report Issued by	JW	Date 2 October 2023

PROPOSAL: Change of use of builders yard to form extension to garden ground and erection of link extension between dwellinghouse and outbuilding (in part retrospect)

LOCATION: Woodstock Dinnie's Lane Comrie Crieff PH6 2DR

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Full planning permission is sought for the change of use of builders yard to form extension to garden ground, the erection of a link extension between dwellinghouse and outbuilding and a gable extension onto the outbuilding (in part retrospect) at Woodstock, Dinnie's Lane, Comrie. The application site is located within the Comrie Conservation Area and is currently occupied by a traditionally proportioned dwellinghouse, located in the northern corner of the site. The existing outbuilding is located on the western side of the site immediately adjacent to the dwelling. The proposal is to connect these two structures via a small connecting internal walkway and erect a gable extension on the north side of the outbuilding. The outbuilding is currently accessed externally. A garden room and utility room are proposed to be formed on the ground floor of the outbuilding with a kitchen, dining, lounge area, a shower room and multipurpose room at first floor level. A balcony is also proposed on the north facing elevation.

SITE HISTORY

96/01137/FUL Erection of a double garage and store at 18 September 1996
Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: None

DEVELOPMENT PLAN

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

National Planning Framework 4

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

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

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

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 17: Residential Areas

Policy 28A: Conservation Areas: New Development

Policy 58A: Contaminated and Unstable Land: Contaminated Land

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

Statutory Supplementary Guidance

- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Conservation areas](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

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

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

CONSULTATION RESPONSES

INTERNAL

Environmental Health (Contaminated Land) – condition recommended given previous use of land

EXTERNAL

Scottish Water – no objection

REPRESENTATIONS

None received

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which

it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

In general terms, alterations and extensions to an existing domestic dwelling are considered to be acceptable in principle. However, consideration must be given to the scale, form, massing, design, position, proportions and external finishes of any proposal and whether it would have an adverse impact on visual or residential amenity. Policy 1 of the Perth and Kinross Local Development Plan 2019 is relevant in this instance as is Policy 28A which relates to development in conservation areas and seeks to ensure that development enhances or improves the character of the area. Policies 7 and 14 of NPF4 are also applicable.

Design and Layout

The property is a detached dwellinghouse located within the settlement of Comrie in a back land location which is not particularly visible from the public domain. The proposed single storey link extension is small scale and solely serves to provide an internal link between the two buildings to allow the outbuilding to become part of the main dwelling. The materials are proposed to match the existing in the use of larch cladding. This element of the proposal is considered to be acceptable. A north facing gable extension is proposed on the outbuilding which will replace a first floor level deck and lean to timber extension. The extension is proposed to have a pitched roof to match the existing building and finished in larch cladding.

The proposed works will enlarge the dwelling and provide an appropriately scaled extension to increase the extent of living area for the house into the outbuilding. The scale, form, design and materials of the extension and associated works are considered to be appropriate in the context of the site and relationship with adjacent properties and are considered to improve the visual amenity in comparison with the existing deck and lean-to. The proposal therefore complies with the placemaking policies of the LDP2 and the design policies of NPF4. The proposal is not considered to have any detrimental impact on the character and appearance of the Conservation Area and therefore complies with Policy 28A of the LDP2 and Policy 7 of NPF4.

The change of use area is a former builders yard to the south and the proposal is to extend the private garden ground into this area. The surrounding area is generally characterised by a mixture of both residential properties and commercial premises. The change of use of this area to residential garden ground is considered to be acceptable and relates to the established character of this part of Comrie. It will not result in any impact on residential amenity.

Landscape

The scale and nature of the proposals do not raise any landscape impact issues

Residential Amenity

The residential amenity of neighbouring properties would not be adversely affected by the proposed development in terms of overlooking or overshadowing, given their relative positions, heights, orientations, distances and intervening boundary treatments. Whilst a balcony is being introduced this will replace an existing first floor level deck and is therefore not considered to result in any more overlooking than the existing situation.

Visual Amenity

The scale, form, massing, design, position, proportions and external finishing materials of the proposal are all considered to be sympathetic to the existing house and surrounding built environment and conservation area.

Roads and Access

There are no road or access implications associated with this proposed development.

Drainage and Flooding

Whilst Comrie is considered to be at risk from flooding this small scale extension to an existing dwelling is not considered to increase flood risk elsewhere due to the small scale footprint.

Contaminated Land

The site is a former builders yard and there is also a former railway to the north. The Council's Contaminated Land Team have therefore recommended that a contaminated land investigation be carried out and this can be secured by condition.

Developer Contributions

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

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is approved subject to the following conditions.

Conditions and Reasons

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

- 3 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 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. Please use the form attached herewith.
- 2 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. Please use the form attached herewith.
- 3 No work shall be commenced until an application for building warrant has been submitted and approved.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

- 01
- 02
- 03
- 04
- 05
- 06
- 07
- 08
- 09
- 10
- 11
- 12

