

TCP/11/16(498) – 17/00834/FLL – Formation of decking (in retrospect), Burnbane and Upper Delvine Fishing Hut, Kinclaven

INDEX

- (a) Papers submitted by the Applicant (***Pages 279-308***)
- (b) Decision Notice (***Pages 301-302***)
 - Report of Handling (***Pages 303-308***)
 - Reference Documents (***Pages 299-300 and 311***)

TCP/11/16(498) – 17/00834/FLL – Formation of decking (in retrospect), Burnbane and Upper Delvine Fishing Hut, Kinclaven

**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	Clayfield Investments Limited
Address	Sterling House 177-181 Farnham Road Slough UK SL1 4XP
Postcode	
Contact Telephone 1	01738 630666
Contact Telephone 2	-
Fax No	-
E-mail*	kathryn.donnelly@bidwells.co.uk

Agent (if any)

Name	Kathryn Donnelly (Bidwells)
Address	5 Atholl Place Perth PH1 5NE
Postcode	
Contact Telephone 1	01738 630666
Contact Telephone 2	-
Fax No	-
E-mail*	kathryn.donnelly@bidwells.co.uk

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 ☐

Planning authority	Perth and Kinross Council		
Planning authority's application reference number	17/00834/FLL		
Site address	Delvine & Burnbane Fishings, Braecock Farm, Caputh, Perthshire PH1 4JG		
Description of proposed development	Formation of decking (in retrospect)		
Date of application	12/05/2017	Date of decision (if any)	20/07/2017

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

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 checked="" type="checkbox"/> | <input 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:

n/a

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.

Refer to appendix one.

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.

Further context and rationale for the application submitted is provided to enhance the understanding of the requirement for the retrospective consent as constructed. 2nos. additional photos are submitted as part of appendix one detailing the conditions of the previous and current fishing hut.

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.

Notice of Review;
Appendix one to this 'Notice of Review';
Copy of application submission package; and
Copy of the associated delegated decision report.

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

17/10/2017

Appendix One

1.0 Introduction

Bidwells, on behalf of Clayfield Investments Limited “The Applicant”, wish to submit a Notice of Review to the Local Review Body in respect of the refused retrospective decking application (application ref: 17/00834/FLL) by Perth and Kinross Council (PKC).

In this appendix, the following aspects are considered:

- PKC’s delegated report
- Previous and current fishing hut photos
- Rationale of request
- Mitigation measures
- Meeting with PKC
- Adopted local planning policy
- Conclusion

2.0 Delegated Report

This delegated report associated with the refusal was prepared by Ms Joanne Ferguson (PKC planning officer). On behalf of our client, Bidwells raises the following points for consideration by the LRB.

- *Background and Description of Proposal* – No reference is made to the mitigation measures as discussed in section 5.0. These measures were agreed between Jonathan Armitt (Bidwells) and Paul Kettles (PKC enforcement officer) in a meeting held in January 2017.
- *Development Plan* – No reference is made to policy ‘ED3: Rural Business and Diversification’ within the adopted Local Development Plan (2014). Refer to comment in section 7.0.
- *Consultation Responses and Representations* – Pertinent to note is that no objections (either from statutory consultees or members of the public) were received on the application.
- *Policy Appraisal* – No assessment is given on the proposed mitigation measures which integrate the decking with its surroundings and thus minimise its potential visual impact.
- *Design and Layout* – The decked area’s size is designed to accommodate the beat’s clients.

Bidwells disputes claims that the decking is visually prominent at the site. The decking is only visible from the river and bridge.

The height is required to maintain the flood bank.

The retrospective application was made due to the continued and expanding rural business need for operations.

- *Landscape/Visual Amenity* – The scale of development is critical for the operation of the rural business as set out in section 4.0.

The fishing hut and associated decking was a sympathetic replacement proposal (see section 3.0 for photo of previous and current fishing hut) which resulted in a significantly positive environmental improvement through the use of sympathetic materials and complimentary building line. It is considered for those reason and for the setting of the development, that the application would not have a detrimental impact on the visual amenity of its setting.

- *Drainage and Flooding* – ‘Two means of escape’ statement is contradictory to the advice subsequently provided by Ms Joanne Ferguson in the August 2017 meeting regarding removal of 1no. set of steps to the property.
- *Economic Impact* – This statement is contradictory to the rationale provided in section 4.0; this decking is critical to ensure a viable future for the operation of this beat and provides support to the wider rural economy.

3.0 Previous and Current Fishing Hut



Figure 1: The previous fishing hut (photo taken July 2015) taken looking west into the site. Note the poor ground conditions.



Figure 2: Current fishing hut (photo taken September 2017) taken looking west into the site. Note the sympathetic materials used and complimentary building line to the existing retained shed.

As demonstrated within the above photos, the previous hut was considered an eyesore due to its industrial character. The current hut, including the decked area, offers a significant visual improvement and is consistent with the design of other fishing huts in the local area.

4.0 Rationale of Request

The proposal is proportionate to the consented replacement fishing hut and its associated operation. It requires this size of decked area to facilitate the operations as a longstanding recreational fishery. Without the decking the fishing hut would not be functional or viable. In particular the 2nos. sets of steps are required for access from the river and from the car park. The handrail height is required to ensure the health and safety of staff and clients of the fishery.

To confirm, the costs to remove the decking (or part of), steps and associated foundations would be abortive for our client.

5.0 Mitigation Measures

Moreover, within the application submission package (a copy of which is enclosed to this Notice) Bidwells proposed mitigation measures to minimise any visual intrusion. These included:

- Indigenous hedge and shrub planting; and
- Stain the decking to achieve consistency with the colour of the hut; and

Bidwells do not believe these measures were considered by PKC in either their decision notice or the associated delegated report.

6.0 Meeting with Perth and Kinross Council

Following the refusal, Bidwells arrange to meet with Ms Joanne Ferguson (PKC planning officer) and Paul Kettles (PKC enforcement officer) in August 2017 to discuss this application. At this meeting PKC advised that the applicant would need to reduce the footprint of the decking to receive support for a modified retrospective application. This would also need to incorporate removal of 1no. set of access steps.

This removal of set of steps is impractical and would restrict access to the path. This would result in additional structures and steps having to be sited on the flood bank. This should be considered undesirable for environmental, visual and practical reasons. Further, removal of the steps will not material change the footprint but will have a significantly detrimental impact on the operation of this fishing hut.

The suggested alterations to the decking would have significant implications for this rural business and consequently on the wider, fragile rural economy.

7.0 Adopted Local Development Plan (LDP) (2014)

The pertinent policy within PKC's adopted LDP (2014) is:

- *ED3: Rural Business and Diversification* – Presumption in proposals to facilitate the expansion of existing rural businesses. This proposal is essential to improve the fishing hut's operation and therefore the viability of this rural business.

Further, this improvement will encourage additional visitors to the area which should be supported for the wider benefits to the fragile rural economy.

Sections 25 and 37 (2) of Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. This pertinent policy should therefore have been considered as part of PKC's determination.

8.0 Conclusion

Bidwells would request the Local Review Body to review the refused retrospective decking application by Perth and Kinross Council for the following reasons:

- Bidwells has repeatedly tried to engage with PKC to reach an agreeable solution to this matter;
- The content of the delegated report;
- The decking is proportionate to the consented hut and its associated operations; and
- The significant impact this decision will have on the viability of the longstanding recreational fishery and on the wider fragile rural economy.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100042120-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

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

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

Description of Proposal

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

Erection of decking around fishing hut at Delvine & Burnbane Fishings, Braecock Farm, Caputh, Perthshire, PH1 4JG

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ No ☐ Yes – Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

09/12/2016

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Previous agent thought the area of decking would fall within general permitted development rights or under the exemptions of a temporary structure.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bidwells LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kathryn	Building Name:	
Last Name: *	Donnelly	Building Number:	5
Telephone Number: *	01738630666	Address 1 (Street): *	Atholl Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Perth
Fax Number:		Country: *	Scotland
		Postcode: *	PH1 5NE
Email Address: *	kathryn.donnelly@bidwells.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Sterling House
First Name: *		Building Number:	177-181
Last Name: *		Address 1 (Street): *	Farnham Road
Company/Organisation	Clayfield Investments Limited	Address 2:	
Telephone Number: *		Town/City: *	Slough
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	SL1 4XP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

Braecock Farm

Address 2:

Caputh

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Perth

Post Code:

PH1 4JG

Please identify/describe the location of the site or sites

Northing

739737

Easting

309998

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Previous agent held meeting with Paul Kettles (Enforcement Officer) to discuss the complaint and subsequent issues with the decking built onto the Fishing Hut at Delvine & Burnbane. The key points were: • PKC have stated that to retain the decking would require planning permission • A hedge to be planted in front of the decking and some screening on the secondary flood defence. • Stain the decking to the same colour as the fishing hut. • Provide plans to relate to the decking.

Title:

Mr

Other title:

First Name:

Paul

Last Name:

Kettles

Correspondence Reference
Number:

ENF17/00007/ALUNDV

Date (dd/mm/yyyy):

23/01/2017

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.01

Please state the measurement type used:



Hectares (ha)



Square Metres (sq.m)

Existing Use

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

Current use is a fishing hut. The beat has recently entered into a new management agreement and will be open to the public as guests of the beat. The development was to ensure the beat appealed to the paying guests and to provide further income into the local economy.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *



Yes



No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *



Yes



No

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

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

4

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

4

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

Water Supply and Drainage Arrangements

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



Yes



No

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



Yes



No

Note:-

Please include details of SUDS arrangements on your plans

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

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



Yes



No, using a private water supply



No connection required

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

Assessment of Flood Risk

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

☒ Yes ☐ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ No

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

Waste Storage and Collection

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

☐ Yes ☒ No

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

There is no provision for this application, due to all areas for storing and aiding the collection of waste are held within the fishing hut the decking is connected to.

Residential Units Including Conversion

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

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

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

☒ Yes ☐ No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 11 Assembly and Leisure

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

30

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

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

☐ Yes ☒ No ☐ Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

☐ Yes ☒ No

Certificates and Notices

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

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

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

☒ Yes ☐ No

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

☐ Yes ☒ No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Kathryn Donnelly

On behalf of: Clayfield Investments Limited

Date: 12/05/2017

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Miss Kathryn Donnelly

Declaration Date: 12/05/2017

Payment Details

Departmental Charge Code

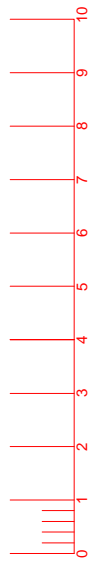
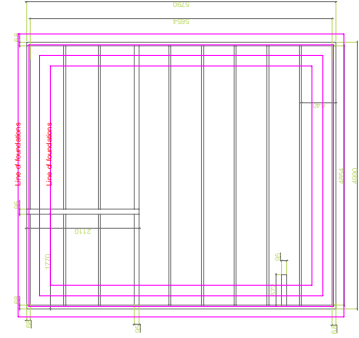
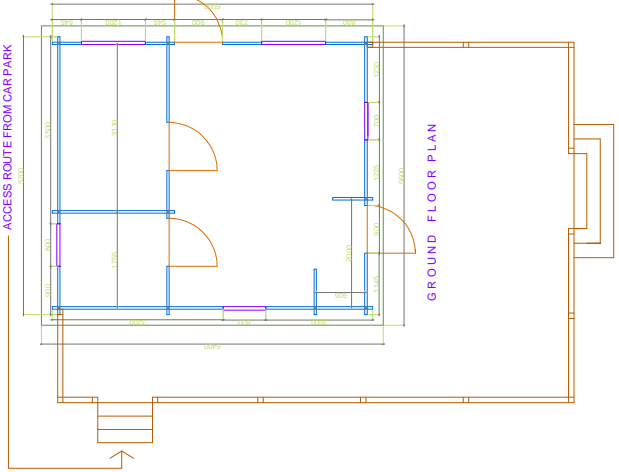
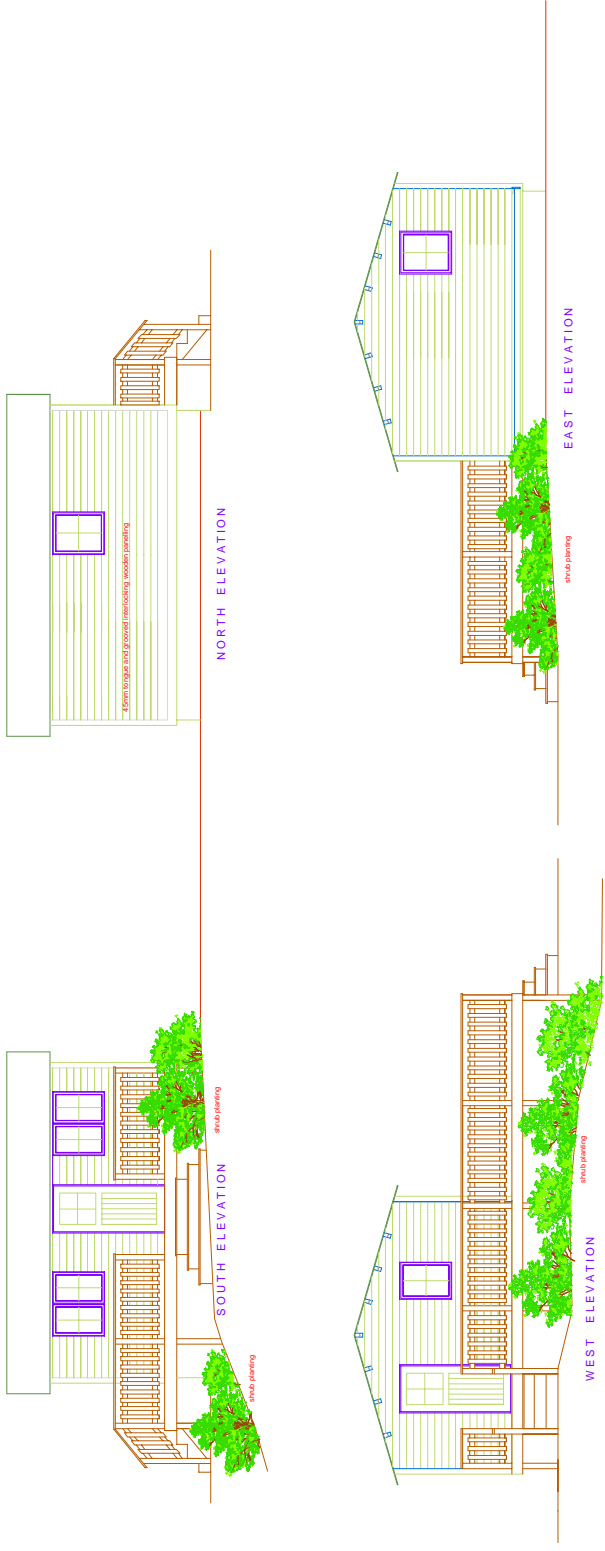


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PERTH AND KINROSS COUNCIL

Clayfield Investments Limited
c/o Bidwells LLP
Kathryn Donnelly
5 Atholl Road
Perth
PH1 5NE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 20th July 2017

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00834/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 24th May 2017 for permission for **Formation of decking (in retrospect)** Burnbane And Upper Delvine Fishing Hut Kinclaven for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1A and PM1Bc Placemaking which seeks to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height. The decking by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area.

Justification

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

Notes

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

Plan Reference

17/00834/1

17/00834/2

17/00834/3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	17/00834/FLL	
Ward No	P5- Strathtay	
Due Determination Date	23.07.2017	
Case Officer	Joanne Ferguson	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Formation of decking (in retrospect)

LOCATION: Burnbane And Upper Delvine Fishing Hut Kinclaven

SUMMARY:

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

DATE OF SITE VISIT: 29 June 2017

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for formation of decking in retrospect at Burnbane and Upper Delvine Fishing Hut, near Caputh. The fishing hut was granted planning permission ref 15/02068/FLL however the decking has been added without permission.

The Planning Enforcement Officer visited the site and discussed the decking with the agent. At this stage they were advised that the Council would be unlikely to approve the decking and steps in their current format, as they are considered too obtrusive.

The works completed consist of a large decking structure on the south and east elevation of the hut served by two separate sets of steps.

SITE HISTORY

15/02068/FLL Erection of replacement fishing hut 15 March 2016 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: Discussions taken place with Enforcement Officer

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

OTHER POLICIES

No other policies

CONSULTATION RESPONSES

No consultations required

REPRESENTATIONS

No letters received

ADDITIONAL STATEMENTS RECEIVED:

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	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 for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

The site is not located within the settlement boundary and the development is therefore considered against Policy PM1 Placemaking.

Policy PM1A on Placemaking seeks to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B are;

(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

For reasons covered elsewhere in the report the proposal is not considered to comply with policy.

Design and Layout

The works completed consist of a large raised decking structure wrapping around the south and east elevation of the hut served by two separate sets of steps. The existing hut has a footprint of approx. 34sq metres with the deck doubling the footprint with an area of 35sq metres.

The decking is considered to be quite prominent at the site as the hut is located on the raised riverbank. The impact has been further compounded with the hand rail height above ground level being 2.5m and the mass of the overall deck area.

The decking structure by virtue of its mass and height is considered to not respect the character and amenity of the place.

The agent was advised at pre-application stage that the decking as constructed would to be supported and that a reduced scheme should be submitted. The application however has been submitted as constructed on site.

Landscape/Visual Amenity

I consider that in this location on the riverbank adjacent to the path network and for the use required as a fishing hut the scale of development is excessive. The resulting mass of the structure in a location which is not characterised by existing development is to the detriment of the visual amenity of the area.

Residential Amenity

The nearest dwellings are located over 250m away it is therefore considered that the proposal would not impact on residential amenity.

Roads and Access

No roads or access issues.

Drainage and Flooding

The site is located adjacent to the river but at a higher level the structure erected is supported on pillars and the hut is not habitable and has two means of escape.

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.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

- 1 The proposal is contrary to the Perth and Kinross Local Development Plan 2014 Policy PM1A and PM1B(c) Placemaking which seeks to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance

and height. The decking by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area.

Justification

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

Informatives

No informative required

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

17/00834/1

17/00834/2

17/00834/3

Date of Report 17/07/17

TCP/11/16(498) – 17/00834/FLL – Formation of decking (in retrospect), Burnbane and Upper Delvine Fishing Hut, Kinclaven

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 301-302)*

REPORT OF HANDLING *(included in applicant's submission, see pages 303-308)*

REFERENCE DOCUMENTS *(part included in applicant's submission, see pages 299-300)*

