

TCP/11/16(190)

Planning Application 11/02166/FLL – Change of use from office to two dwellinghouses at 100 Main Street, Methven, PH1 3QP

**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 2008

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 **BRIAN MILARVIE**

Address **100 MAIN STREET
METHVEN**

Postcode **PH1 3QP**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name **ALAN MCCAW**

Address **DM HALL
45 BANK ST
IRVINE**

Postcode **KA12 0LL**

Contact Telephone 1 **01294 311070**

Contact Telephone 2

Fax No

E-mail* **alan.mccaw@dmhall.co.uk**

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

Yes ☒ No ☐

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

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

11/02166/FUL

Site address

**100 MAIN STREET, METHVEN
PH1 3QP**

Description of proposed
development

**CHANGE OF USE FROM OFFICES
TO TWO DWELLINGHOUSES.**

Date of application

25/1/12

Date of decision (if any)

23/3/12

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:

Site inspection

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

- | | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
|--|---|-----------------------------|
| 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 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.

SEE PAPER APART

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.

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.

SEE PAPER APART

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

 JORDAN HALL LLP

Date

11/5/12

**APPLICATION FOR NOTICE OF
REVIEW TO LOCAL REVIEW
BOARD**

for

**PROPOSED CHANGE OF USE
FROM OFFICES TO FORM TWO
HOUSES
at**

**100 Main Street,
METHVEN**

for

Brian Milarvie

Application Ref No: 11/02166/FLL

Existing front and side elevation



DM HALL LLP
CHARTERED SURVEYORS
45 BANK STREET
IRVINE
KA12 0LL

Telephone: 01294 311070

Date: May 2012

Reference: Milarvie 11/0149

Application for Notice of Review to Local Review Board



**Proposed change of use from offices to two houses at
100 Main Street, Methven**

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- 2.00 Reason for Refusals & Responses**

- 3.00 Summary**

Application for Notice of Review to Local Review Board



chartered surveyors

Proposed change of use from offices to two houses at 100 Main Street, Methven

1.00 INTRODUCTION

1.01 A previous application for a similar scheme had been submitted, application reference number 03/01506/FUL. This application was submitted in 2003. It was subsequently refused and the decision confirmed by the Reporter on appeal.

1.02 The Site

The property is a traditionally built with pitched slated roof which comprises 6 separate offices; however it was previously two dwellinghouses.

1.03 Application 11/02166/FLL

The application was submitted on 25th January 2012 and refused under delegated powers on 23rd March 2012. Reasons for refusal are noted below.

Application for Notice of Review to Local Review Board



**Proposed change of use from offices to two houses at
100 Main Street, Methven**

2.00 REASON FOR REFUSAL AND RESPONSES

REASON 1

The proposal is contrary to the Perth Area Local Plan 1995 Policy 71 which requires that residential amenity and village character will be retained and where possible improved. The proposed development would result in the inappropriate overdevelopment of the site, adversely affecting the character of the existing village and established residential amenity due to the scale of the extensions, lack of private amenity space, overlooking and lack of parking space. The proposed development would also result in an unacceptably low standard of residential amenity for any future occupants of the dwellings.

RESPONSE

The development will not adversely affect the character of the existing village as the proposals show minimal changes to the front elevation. This means the "street scape" will remain almost unaltered, retaining the traditional finishes with slated pitched roof and white painted wet dash render.

The lack of private amenity space is addressed by the proposed erection of a timber-slatted fence to screen the commercial business to the rear. This also addresses the overlooking issues.

The lack of parking space should not be an issue because the use of the building as 6 separate offices must surely attract more vehicles than two separate houses. The parking will also be, as it always has been in the village, along the public highway.

The comment about unacceptably low standard of residential amenity for any future occupants can be addressed by the following comment. Not all families / individuals want large garden areas and space to maintain, so if this development is given the go ahead then potential purchasers would have a choice not to buy if they didn't like the set up. I am sure however there will be people happy to have the generous living accommodation without the burden of garden facilities but also without the need to buy a flatted property.

The property as mentioned previously was historically in residential use so it would only be reverting back to the same standing.

Application for Notice of Review to Local Review Board



Proposed change of use from offices to two houses at 100 Main Street, Methven

3.00 SUMMARY

3.01 In summary we feel that the points raised by the Planning Officer have not been adequately justified to generate a refusal. The points we have raised above to counter these refusal points justify satisfactorily that there are no issues which cannot be addressed to ensure a worthwhile residential development is achieved on the site. After all our client is only suggesting that he converts the building back to its original use. In these straitened times of financial prudence it is incumbent upon the Council and its Planning Department that they do not further dampen any development as the need for commercial property in that particular area is no longer justified and the building needs to be brought back in to use.

We feel therefore that the original decision should be overturned and Planning Consent granted for the site

TCP/11/16(190)

Planning Application 11/02166/FLL – Change of use from office to two dwellinghouses at 100 Main Street, Methven, PH1 3QP

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr Brian Milarvie
c/o DM Hall LLP
FAO David Oliver
45 Bank Street
Irvine
KA12 0LL

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 23rd March 2012

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **11/02166/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 25th January 2012 for permission for **Change of use from office to two dwellinghouses 100 Main Street Methven Perth PH1 3QP** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Perth Area Local Plan 1995 Policy 71 which requires that residential amenity and village character will be retained and where possible improved. The proposed development would result in the inappropriate overdevelopment of the site, adversely affecting the character of the existing village and established residential amenity due to the scale of the extensions, lack of private amenity space, overlooking and lack of parking provision. The proposed development would also result in an unacceptably low standard of residential amenity for any future occupants of the dwellinghouses.

Justification

1. 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

11/02166/1

11/02166/2

REPORT OF HANDLING

DELEGATED REPORT

Ref No	11/02166/FLL
Ward No	N9- Almond And Earn

PROPOSAL: Change of use from office to two dwellinghouses

LOCATION: 100 Main Street Methven Perth PH1 3QP

APPLICANT: Mr Brian Milarvie

RECOMMENDATION: REFUSE THE APPLICATION

SITE INSPECTION: 22 February 2012



OFFICERS REPORT:

The application site is located fronting the main road through the identified settlement of Methven. The existing property is of modest traditional cottage form though has most recently operated as offices (approved in 1990ish), though currently vacant. The application, which is made in full, is for the change of use, alteration and extension of the property to form two separate dwellinghouses. The site adjoins a residential property to the east and is end-terraced to the west though the property ownership to the west also extends around the rear (north) of the site and comprises a business operation selling bathrooms, kitchens etc with the installers also working from the premises. The area immediately to the rear of the application site is an elevated yard/parking area for the business.

The proposal is to form one, two bed unit at the west and one, four bed unit to the east. In both cases the upper level of accommodation is to be accommodated in the roofspace, with floor level at eaves height, with the formation of flat roofed box dormers. It would not be possible to form appropriate living accommodation at the upper level without the use of box dormers. The smaller of the proposed units, which is to have two double bedrooms, has no external space at all. This is considered to be wholly inappropriate and contrary to policy. Windows serving habitable rooms are only approx 1m from the site boundary and therefore do not afford any privacy to the rooms and will result in the overlooking of adjacent properties. The larger unit (4 double bedrooms) is shown to have a small area of outside space - less than 25sq.m

- which is significant less than the Council's established standard which requires a minimum of 100sq.m of private, useable garden ground. No details of boundary treatment have been provided. The windows serving the upper level at the rear will overlook both the business's yard and, more worryingly, the adjoining residential property to the east, thus significantly detrimentally affecting the existing residential amenity of the surrounding area, which is considered to be contrary to policy.

The massing of the proposed dormers is completely inappropriate in scale for the size of the existing building. The original roof would be completely lost in terms of profile and appearance. It would give a very top heavy appearance to the property and the original traditional modest character would be eradicated.

The proposed development would result in the very significant over-development of the site in a wholly inappropriate manner. It would have a significantly detrimental effect on the existing amenity of the area and would not provide appropriate levels of amenity for the two proposed dwellinghouses. The proposed development is contrary to the development plan and there are no material considerations which direct to supporting the application contrary to the development plan. I therefore recommend refusal of the application.

DEVELOPMENT PLAN

P_071 Perth Area Villages

P_071 Inset Maps 1 - 40 indicate village areas and small settlements where residential amenity and village character will be retained and, if possible, improved. Some scope may exist for infill development but only where this will not adversely affect the density, character or amenity of the village. Generally encouragement will be given to:-

? Improvements of existing village shopping facilities where it can be shown that they would serve the needs of the village.

? Proposals which will improve the character and environment of the village.

? Small scale business activities where they are compatible with the amenity and character of the village.

? Proposals for the provision of small scale tourism and leisure facilities in villages.

OTHER POLICIES

Primary Education and New Housing Development Policy (May 2009): The Policy is applicable to all new houses. Where proposed houses sit within specific primary school catchment areas where capacity of the school is likely to be breached, a financial contribution towards improved educational infrastructure provision is required. Education and Children's Services has confirmed that there is no capacity concern in this catchment area at this time and therefore no financial contribution would be required.

SITE HISTORY

87/00035/FUL Audio production facility and visitor centre at 23 January 1987
Application Withdrawn

89/00483/FUL CHANGE OF USE FROM RETAIL/OFFICE TO HOUSE AT 5 May 1989 Application Refused

03/01506/FUL Alterations and change of use from office to house at 10 October 2003 Application Refused

This refusal was appealed and subsequently dismissed

CONSULTATIONS/COMMENTS

Community Waste Advisor - Environment Service No response at time of report.

Transport Planning This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.

Education And Children's Services I can confirm this development falls within the Methven Primary School catchment area. Education & Children's Services have no capacity concerns in this catchment area at this time.

Scottish Water Scottish Water has no objection to this planning application.
Turret Water Treatment Works currently has capacity to service this proposed development.
Methven Waste Water Treatment Works currently has capacity to service this proposed development.

TARGET DATE: 25 March 2012

REPRESENTATIONS RECEIVED:

Number Received: 1

Summary of issues raised by objectors:

One raising concerns relating to loss of privacy and overlooking of what is currently a secluded garden.

Response to issues raised by objectors:

I concur that the proposal would result in the significant loss of privacy and overlooking of the adjoining property, to the detriment of established residential amenity.

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 Assessment	Not required

Legal Agreement Required: no
Summary of terms: N/A

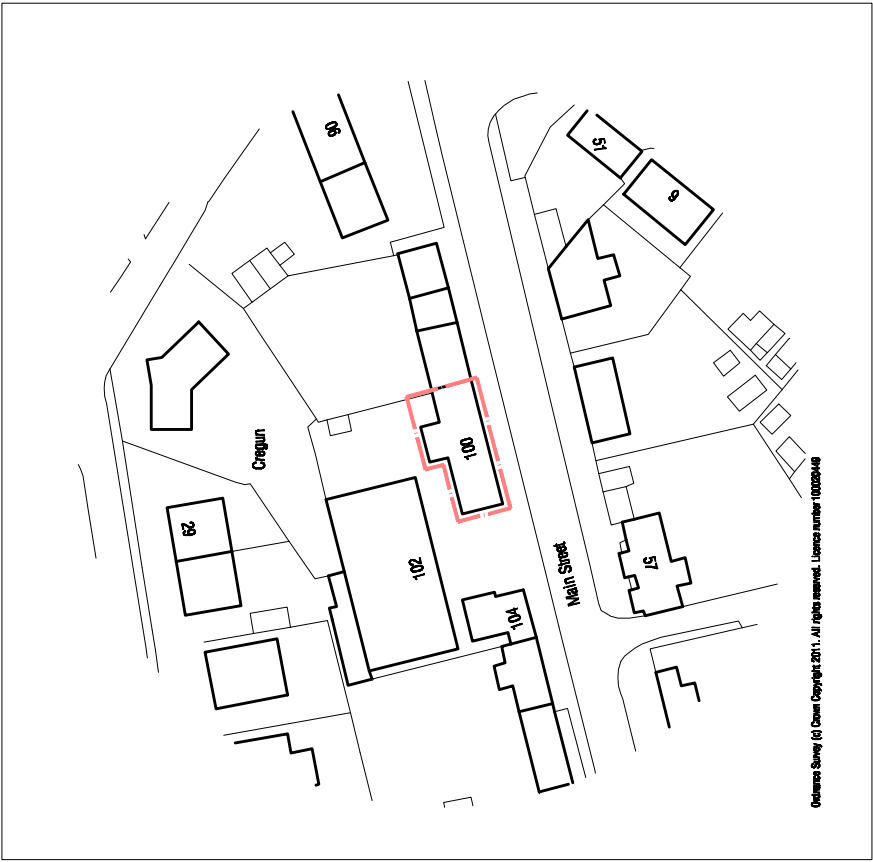
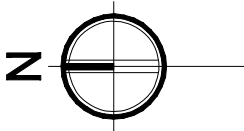
Direction by Scottish Ministers: no

Reasons:-

- 1 The proposal is contrary to Perth Area Local Plan 1995 Policy 71 which requires that residential amenity and village character will be retained and where possible improved. The proposed development would result in the inappropriate overdevelopment of the site, adversely affecting the character of the existing village and established residential amenity due to the scale of the extensions, lack of private amenity space, overlooking and lack of parking provision. The proposed development would also result in an unacceptably low standard of residential amenity for any future occupants of the dwellinghouses.

Justification

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



LOCATION PLAN 1:1250



ARCHITECTURAL SERVICES DEPARTMENT

e: architecture@dmhall.co.uk

☒ 45 Bank Street Irvine KA12 0LL t: 01294 311070
☐ 14 Newton Place Glasgow G3 7PY t: 0141 332 8615
☐ 27 Canmore Street Dunfermline KY12 7NU t: 01383 621262
☐ 259 Union Street Aberdeen AB11 6BR t: 01224 594172

PROJECT

BRIAN MILARVIE
100 MAIN STREET
METHVEN
PERTSHIRE
PH1 3QP

TITLE

PROPOSED CHANGE OF USE, DORMER
EXTENSIONS AND ALTERATIONS

I hereby certify that this is the plan referred to in the
foregoing application for Local Authority permission

Signed Dated

FILE NO.

11/0149

DATE:

DEC 11

DRAWN:

D0

CHECKED:

AMcC

SCALE:

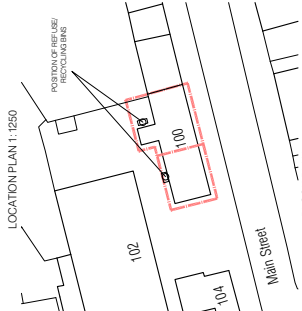
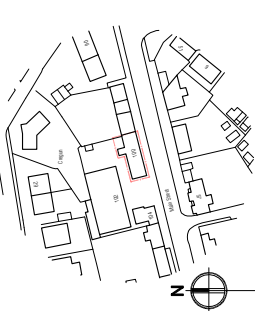
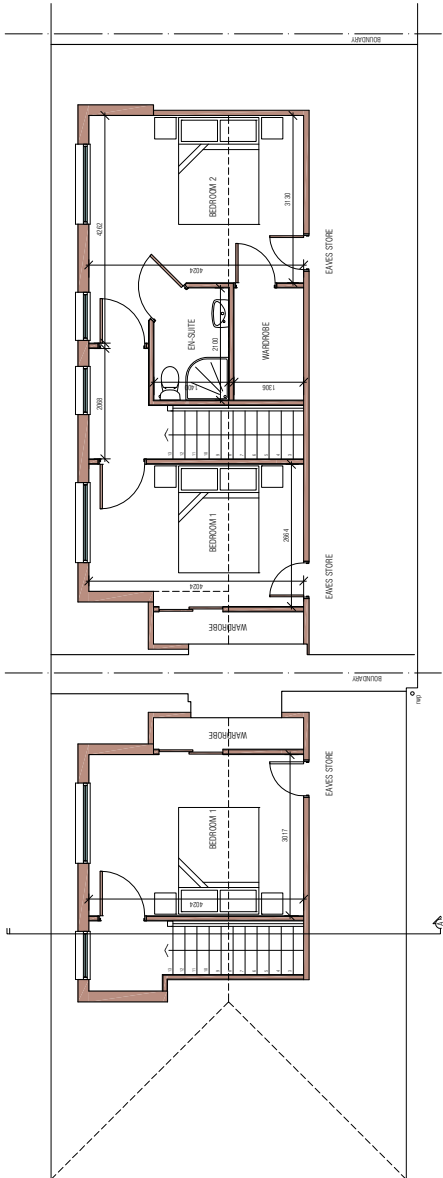
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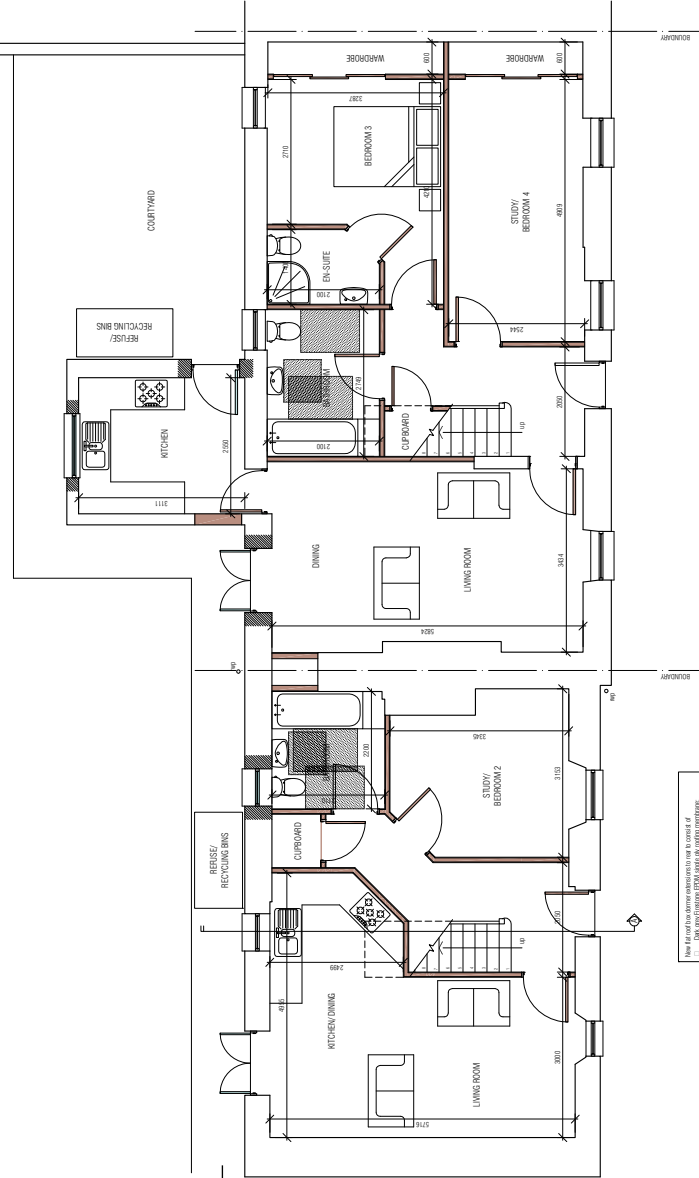
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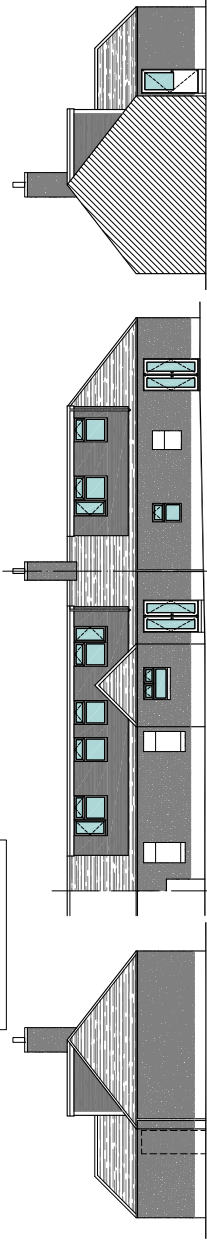
Figure 1 shows five horizontal number lines, each with a different scale. The scales are labeled below each line: 150, 100, 100, 150, and 1250. The lines are labeled with their respective maximum values: 5m, 10m, 50m, 125m, and 100m. The lines are drawn with vertical tick marks at regular intervals, and the scales are indicated by the number of intervals between the start and end points.

[illegible]

PROPOSED FIRST FLOOR PLAN 1:50

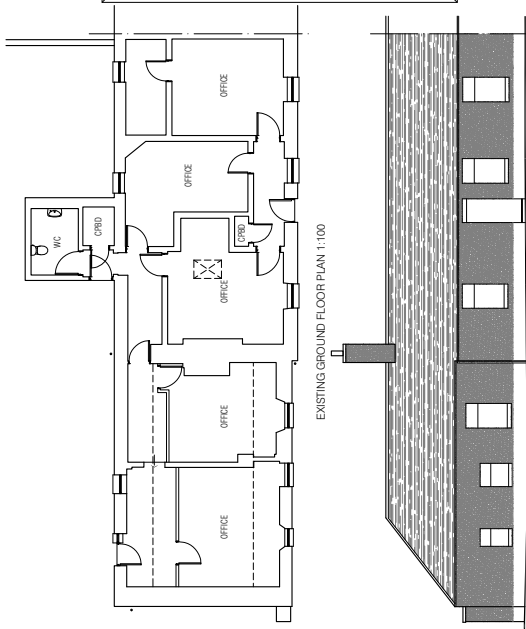


PROPOSED GROUND FLOOR PLAN 1:50

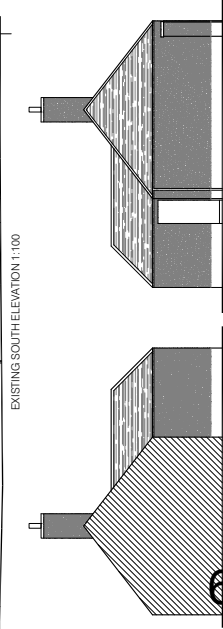


PROPOSED NORTH ELEVATION 1:100

PROPOSED WEST ELEVATION 1:100

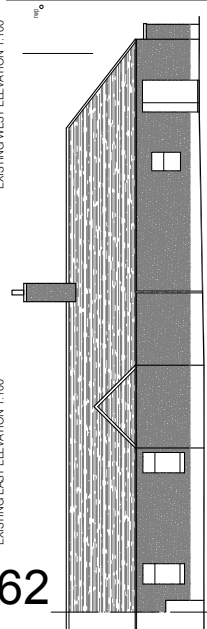


EXISTING GROUND FLOOR PLAN 1:100

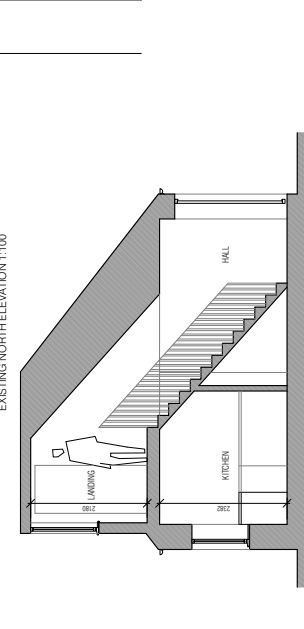


EXISTING EAST ELEVATION 1:100

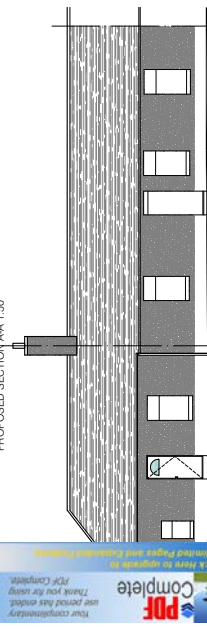
EXISTING WEST ELEVATION 1:100



VICTIMIC NOCTURNE EVALUATION 14100



PROPOSED SECTION A-A 1-50



PROPOSED SOUTH ELEVATION 1:100

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Planning Application 11/02166/FLL – Change of use from office to two dwellinghouses at 100 Main Street, Methven, PH1 3QP

REPRESENTATIONS

- Objection from Ms G Wilson, dated 8 February 2012

Gemma Wilson
98 Main Street
Methven
Perth
PH1 3QP
08/02/2012

Dear Sir/Madam

Planning application 11/02166/FLL

I refer to the above planning application and would like to advise that i object to the proposed development due to the following:

I own number 98, Main Street (right next to the offices) and at present i have a lot of privacy in my garden, none of my current neighbours windows look into it.

The proposed plans show that the building will have 6 windows between the 2 houses **all** of which will be looking into my garden. There will be no part of my garden they will not see into. I feel I will be losing all my privacy and don't see the necessity of this.

Thanks you in advance for considering the concern i have raised.

Gemma Wilson

