

LRB-2023-53

23/01040/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Knowehead House, Dundee Road, Perth, PH2 7EY

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 230-247)*



Mr Lee Deans
Knowehead House
4 Dundee Road
Perth
PH2 7EY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **14th September 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01040/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 15th July 2023 for Planning Permission for **Change of use of flat to form short-term let accommodation unit (in retrospect) 4 Knowehead House Dundee Road Perth PH2 7EY**

David Littlejohn
Head of Planning and Development

Reasons for Refusal

1. The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area; and;
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
2. The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and policy 17 d) Residential Areas as the increased activity, noise and disruptive behaviour caused by users of the short-term let adversely impacts on the amenity of neighbours and the continuation of the short-term let is not compatible with the amenity and character of the existing residential development.

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 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 Reference

01

02

03

04

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01040/FLL	
Ward No	P12- Perth City Centre	
Due Determination Date	14th September 2023	
Draft Report Date	11th September 2023	
Report Issued by	PB	Date 12 th September 2023

PROPOSAL: Change of use of flat to form short-term let accommodation unit (in retrospect)

LOCATION: 4 Knowehead House Dundee Road Perth PH2 7EY

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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a residential flat to form a short-term let accommodation unit. The proposal is in retrospect as the flat already operates as a short term let and has been listed on the Tayside Assessors website as a short-term let since April 2018 although ownership of the property has changed during this time.

The proposal is at 4 Knowehead House which is a category B listed building located on Dundee Road, Perth within the Kinnoull Conservation Area. The building was converted into five flats in 2017. There are three floors within the building; lower ground, ground and first floor. Four of the flats are two-bedded units and one is a one-bedded unit. The application site is one of the two bed units and also includes a large kitchen/dining/living area with sofa-bed that can be used for additional accommodation. This flat is located at first floor level and shares a landing with the one bed flat. There is a roof terrace accessed off the living area and from one of the bedrooms.

There are 10 parking spaces shared between the 5 flats. The proposal would not change the access to the property.

SITE HISTORY

15/00923/FLL Alterations for form 5 residential apartments Knowehead House Dundee Road Perth Approved 30.07.2015

15/00924/LBC Alterations Knowehead House Dundee Road Perth Approved 30.07.2015

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 30: Tourism

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 17: Residential Areas

Policy 27A: Listed Buildings
Policy 28A: Conservation Areas : New Development
Policy 56: Noise Pollution
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

-[Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Conservation areas](#)
- [Draft Planning Guidance Proposed Short-Term Let Control Area \(Consultation ended 18th August 2023\)](#)

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

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

Environmental Health (Noise Odour)

No objection. Property will be subject to licensing conditions. Informative note requested to highlight the requirement for a Short-term Lets licence.

Conservation Team

No adverse comments received. No alterations to the building are proposed.

Communities Housing Strategy

The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for Shorth-term Let Control Areas.

The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Development Contributions Officer

No contributions required.

REPRESENTATIONS

7 representations of objection were received which included two representations from the one of the households.

The issues raised in the objections include:

- Impact on residential amenity from noise particularly from roof terrace, hot tub, parties, anti-social behaviour, coming and going of strangers in communal areas, security risk, increase in vulnerability of residents, outside key safe, litter;
- Conditions required if approved;
- Safety of hot tub, – installed without discussion with residents – weight, potential damage etc
- Badly managed;
- Intensive commercial letting contrary to residential use;
- Issue with waste and recycling;
- Car parking – guest do not park in right place;
- Take business from hotels etc, contrary to NPF4 policy 30- loss of apartment is not outweighed by local economic benefits;
- Badly managed – no thought for residents; and
- Query accuracy of supporting information submitted by the applicant.

The above points are covered in the appraisal section of the report. The last point about supporting information is noted. Information supplied is taken at face value.

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
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	Supporting statement submitted

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

The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policy relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned.

LDP2 Placemaking Policies 1A and 1B have relevance for the proposal and Policy 17 Residential Areas. Both seek to ensure that development respects the character and amenity of a place. Policy 17 Residential Areas supports proposals that are compatible with a predominantly residential area.

Specifically, NPF4 Policy 30 (e) states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Consultees have advised that the postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let would not be significantly different from use solely as a flat in terms of

its physical appearance. However there have been objections to the proposal from neighbours highlighting the extent of guest footfall and noise emanating from the property from the comings and goings of guests over and above what would normally be associated with Knowehead House that is causing disturbance to existing residents. The use of shared communal areas, a communal stairwell and inconsiderate use of the roof terrace and hot tub contributes to the disturbance and is having an adverse impact on local residential amenity. Whilst there are some guidelines set out by the owner for guests to follow these do not seem to be being adhered to. It is therefore considered that the use of this property for a short-term let is inappropriate due to the adverse impact on local amenity and the character of the area.

In respect of criterion (ii) of NPF4 Policy 30(e), the proposal would result in the loss of a flat to short term let accommodation in a largely residential location. It is also considered that the proposal would only contribute to a limited extent, to the tourism market in this part of Perth and Kinross and as set out by objectors could potentially just re-distribute business that could have gone to other tourism accommodation providers. However there is no evidence to back up this view. It is accepted that the loss of the residential unit would occur without detriment to local housing availability. However loss of the residential unit is not in this instance outweighed by any expected economic benefits and as such it would not satisfy clause (ii) of part e) of policy 30 in NPF4.

The proposal does not accord with the intent of NPF4 Policy 30(e): Tourism and as such the principle is not acceptable.

As the proposal would not be compatible with the amenity and character of the surrounding area, it also fails to satisfy national and local placemaking policies (Policies 1A and 1B) as well as policy 17, residential areas, of LDP2. This is discussed in more detail below.

Residential Amenity

NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A and 1B: Placemaking and policy 17 Residential Areas, support proposals which are compatible with the amenity and character of the surrounding area.

As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to licensed and noise conditions will form part of the licence. However as discussed above there have been objections to this planning application due to existing issues with noise and disturbance from the flat which is already operating as a short-term let.

The objections refer to various instances where there has been disturbance from guests particularly when using the hot tub located on the terrace involving anti-social behaviour late at night. Whilst the applicant does have guidelines for use by guests these are not enforced to a satisfactory degree and objectors state that they have not been consulted on the guidelines. Such guidelines cannot be controlled by planning condition and as set out in a recent appeal decision to the DPEA (ref: PPA-

340-2155) such management guidelines cannot be relied upon as a means to restrict or control the adverse impacts on neighbouring properties and harm to amenity. Furthermore, harm to amenity could arise even if there was effective control, due to the frequent turnover of guests.

It is therefore considered that the use of the property for a short-term let is incompatible with the character of Knowehead House as a residential property. The increased noise and potentially disruptive behaviour impacts adversely on the amenity of neighbours to the detriment of the character of the residential property.

The proposal does not therefore comply with clause i) of NPF4 policy 30 or with part d) of policy 17 of the LDP.

Roads and Access

The access to the property will not change as a result of this proposal. The flat has two dedicated parking spaces. The site is also accessible to public transport and the number of parking spaces is considered to be adequate. Objectors have stated that users of the flat do not always park in the correct bays. This is not something that can be controlled by this planning application.

Drainage and Flooding

The proposal does not involve a change to existing water and waste-water arrangements.

Conservation Considerations

The proposal is in the Kinnoull Conservation Area. No external changes are proposed and the development will not have a detrimental impact on the visual appearance of the conservation area or special interest of the listed building.

Other Material Considerations - Proposed Short-Term Let Control Area and Draft Planning Guidance

This document is a material consideration for this planning application. The draft document was approved by elected members for consultation on 31 May 2023. The public consultation started on 2 June 2023 and closed on 18 August 2023. The document notes that the planning guidance (draft) will be used to assess planning applications. It should be highlighted that the planning guidance is in draft form, and as a result of the consultation process its contents may change.

The draft planning guidance states that 'In all cases properties must have their own door to the street to reduce the risk of adverse impact on the amenity of neighbouring residents'. It states that 'Proposals must also comply with all relevant LDP2 policies, in particular Policy 1 Placemaking: Development must contribute positively to the quality of the surrounding built and natural environment.'

The property does not benefit from its own front door and as such would be contrary to this guidance. However as this guidance has not been formally adopted, only very limited regard can be given to it.

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 will be in the provision of tourist accommodation within Perth which will contribute to the economy through spending.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

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 be contrary to the Development Plan. 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 refused on the grounds identified below.

Reasons

- 1 The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - i) An unacceptable impact on local amenity and character of the area; and;
 - ii) The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

- 2 The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), policies 1A and 1B: Placemaking and policy 17 d) Residential Areas as the increased activity, noise and disruptive behaviour caused by users of the short-term let adversely impacts on the amenity of neighbours and the continuation of the short-term let is not compatible with the amenity and character of the existing residential development.

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

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

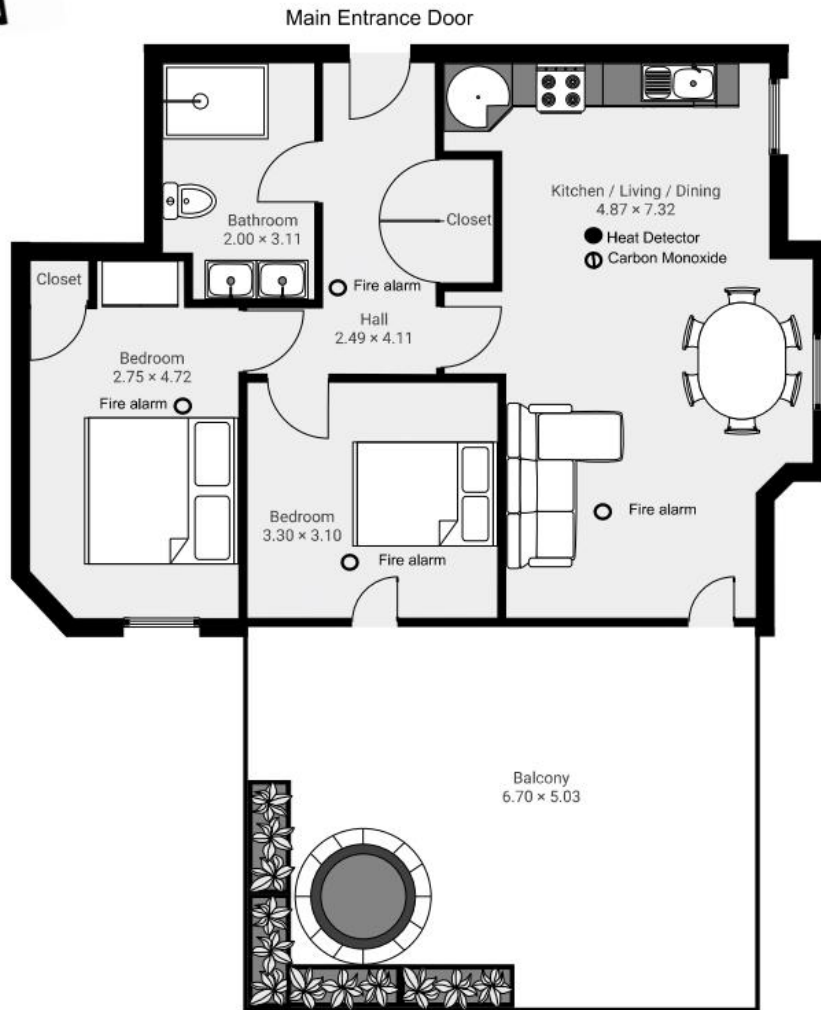
02

03

04

Floor Plan: 4 Knowehead House, Dundee Road, Perth, PH2 7EU

Date: 06/07/2023
 Drawn By: Lee Deans
 Drawing: 0026
 Paper: A4



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