

LRB-2023-36

23/00962/FLL - Change of use of flat to form short-term let accommodation unit (in principle), 21 Raeburn Park, Perth, PH2 0ER

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS *(part included in applicant's submission, pages 427-429)*



Mr And Mrs Katie Hall
c/o Richard Hall Architects
Richard Hall
The Studio
Broomybank
Heughfield Road
Bridge Of Earn
PH2 9BH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **29th September 2023**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00962/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 1st August 2023 for Planning Permission for **Change of use of flat to form short-term let accommodation unit (in retrospect)** at **21 Raeburn Park Perth PH2 0ER**

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 Due to the shared entry arrangements and the flatted nature of the property, the proposal would result in an increased potential for noise nuisance and general disturbance to occur that would impact adversely on the character and amenity of the local area, particularly the residential amenity of those living permanently in the residential block. The proposal is therefore 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 which all seek to safeguard residential amenity and ensure that proposals contribute positively to the surrounding environment.

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

- 1 The applicant is advised that the use of the property as a short term let should cease immediately to avoid formal enforcement being considered.

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00962/FLL	
Ward No	P10- Perth City South	
Due Determination Date	30th September 2023	
Draft Report Date	28th September 2023	
Report Issued by	PB	Date 28th September 2023

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

LOCATION: 21 Raeburn Park Perth PH2 0ER

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 a change of use of a flat to form a short-term let accommodation unit. The application is within an existing residential block of nine flats located at Raeburn Park, Perth. The property has been operating as a short term let since September 2022 so this application is in retrospect.

The flat is a 2 bedroomed, ground floor unit with access off a shared hallway that also serves two other flats. There are six other flats in the three storey block.

SITE HISTORY

23/01209/FLL CHANGE OF USE TO A SHORT TERM LET 25 July 2023 – application returned.

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 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 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

[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.

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 STL 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.

REPRESENTATIONS

0 representations were received.

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	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.

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 proposal seeks a retrospective change of use of a ground floor residential flat to a short term let. The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there is no specific LDP2 policies 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. These policies 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 and to create safe, accessible, inclusive places for people.

Specifically, NPF4 Policy 30(e): Tourism 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 (STLs) 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 a flat in terms of its physical appearance and potentially may not increase footfall in the block. However, the

proposal is located in a primarily residential area, where high turnover of guests accessing the shared entrance and hallway could cause disturbance to neighbouring residents with an associated adverse impact on the safety and perceived safety of those residents that could erode the residential character and amenity of the residential block and surrounding area. The Council's recently published consultation on its draft STL guidance recognised this as a potential issue. It is therefore concluded 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 has resulted in the loss of a flat to short term let accommodation in an urban location. As well as NPF4, Policy 30 seeking to protect the character and amenity of areas it also requires any loss of residential accommodation to a short-term let to be outweighed by demonstrative evidence of economic benefit. This property is a 2 bed property which would be of the scale which the Council is concerned about losing from the permanent housing stock. This is emphasised within the consultation on draft STL guidance which raises concerns over the loss of properties with 1-3 bedrooms.

This proposal would result in a loss of residential accommodation where other than anecdotal evidence of users spending in the city centre there is little demonstrable evidence provided to demonstrate the economic benefit. As such, the proposed loss of an existing dedicated residence is in this instance not outweighed by the expected economic benefits.

The proposal therefore conflicts with NPF4 Policy 30(e)(i) and (ii) Tourism, and the intent of LDP2 Policies 1A and 1B: Placemaking and 17: Residential Areas. The principle in this instance is therefore unacceptable.

Design and Layout

In terms of the physical appearance of the property, the proposed change of use will have no impact, and there are no additional issues in terms of design or layout to consider.

Residential Amenity

Environmental Health have commented on the proposal and have raised no objections to the proposal.

NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A: Placemaking, and 17: Residential Areas supports proposals, including business and tourism, which are compatible with the amenity and character of the surrounding area, and consistent with the six qualities of successful places. It is however acknowledged that short term lets can result in additional levels of disturbance and noise concerns to affect neighbouring residential properties, and that the primary avenue to regulate such matters is via the separate licensing regime.

The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires short-term lets to licensed and noise conditions will form part of the licence.

However, whilst the required STL licence will have set conditions over noise nuisance, and how the property is operated, the planning system does have a remit to ensure that new uses are compatible with existing uses, especially when those existing uses are residential ones.

In this location, in a primarily residential area, there would be the potential for some extra noise disruption to occur when the flat is in use as an STL and during access and exiting of the property within the shared areas. The transient nature of the users of a short-term let and high turnover of different people could cause a degree of anxiety and disturbance to permanent residents. The resulting change in character of the property, in terms of the lack of permanent residents and potential for disturbance to neighbouring residents within communal access spaces, decreases safety and in particular the perception of safety which can impact adversely on local amenity.

Whilst guidelines for guests could be put in place to mitigate potential disturbance these cannot be controlled by planning conditions. As set out in a recent appeal decision to the DPEA (ref: PPA-340-2155) it was stated that 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.

The use of the property for a short-term let is therefore incompatible with the character of the residential block. The proposal conflicts with NPF4 Policy 14(c) Design, quality and place, and LDP2 Policies 1A: Placemaking and 17: Residential Areas in respect of residential amenity.

Roads and Access

The unit has its own dedicated parking space. There is also access to a shared visitor parking area. There are no concerns with roads or access matters.

Drainage and Flooding

The proposal raises no issues in terms of drainage or flooding matters.

Conservation Considerations

The proposal does not impact on any Conservation Area, listed building or local archaeology.

Natural Heritage and Biodiversity

The proposal raises no issues in terms of biodiversity.

Developer Contributions

The proposed use would not significantly increase the level of traffic on local roads and as such Transport related Developer Contributions are not required. There is no

requirement for developer contributions in terms of Affordable Housing or Primary Education.

Economic Impact

The economic impact of the proposal is likely to be limited to guest and operator expenditure in the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

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 Due to the shared entry arrangements and the flatted nature of the property, the proposal would result in an increased potential for noise nuisance and general disturbance to occur that would impact adversely on the character and amenity of the local area, particularly the residential amenity of those living permanently in the residential block. The proposal is therefore 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 which all seek to safeguard residential amenity and ensure that proposals contribute positively to the surrounding environment.

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

The applicant is advised that the use of the property as a short term let should cease immediately to avoid formal enforcement being considered.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03



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 100630136-002

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)

CHANGE OF USE TO A SHORT TERM LET

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): *

16/09/2022

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

PLANNING PERMISSION WAS NOT REQUIRED

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

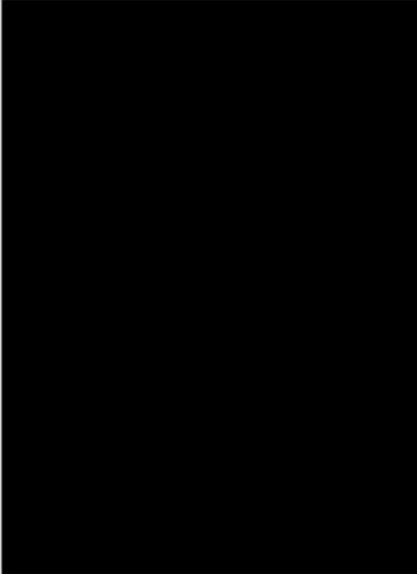
Company/Organisation:	<input type="text" value="richard hall architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="richard"/>	Building Name:	<input type="text" value="THE STUDIO"/>
Last Name: *	<input type="text" value="hall"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07973701025"/>	Address 1 (Street): *	<input type="text" value="BROOMYBANK"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="HEUGHFIELD ROAD"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="BRIDGE OF EARN"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="PH2 9BH"/>
Email Address: *	<input type="text" value="rick@hallarchitects.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="MR & MRS"/>	Building Name:	
First Name: *	<input type="text" value="KATIE"/>	Building Number:	
Last Name: *	<input type="text" value="HALL"/>	Address 1 (Street): *	
Company/Organisation	<input type="text"/>	Address 2:	
Telephone Number: *	<input type="text"/>	Town/City: *	
Extension Number:	<input type="text"/>	Country: *	
Mobile Number:	<input type="text"/>	Postcode: *	
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Perth and Kinross Council

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

Address 1:

21 RAEBURN PARK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PERTH

Post Code:

PH2 0ER

Please identify/describe the location of the site or sites

Northing

723070

Easting

311056

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

63.00

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)

DWELLING

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?

1

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)? *

1

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