

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of hybrid meeting of the Perth and Kinross Local Review Body held on Monday 10 June 2024.

Present: Councillors B Brawn, D Cuthbert and D Illingworth.

In Attendance: L Tierney (Planning Adviser), C Elliott, (Legal Adviser) and K Molley (Democratic Governance Officer) (all Strategy, People and Resources).

Also Attending: A Brown and M Pasternak (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

Councillor B Brawn, Convener, Presiding

1. WELCOME

Councillor Brawn welcomed all present to the meeting.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Local Review Body of 13 May 2024 was submitted and noted.

4. APPLICATIONS FOR REVIEW

- (i) **LRB-2024-14**
Planning Application - 23/01624/FLL – Change of use of flat to short-term let accommodation unit (in retrospect), 1 Jubilee Place, Pitlochry, PH16 5GA – Ms A Lapsley

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer for the change of use of flat to form a short-term let accommodation unit (in retrospect), 1 Jubilee Place, Pitlochry, PH16 5GA.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for change of use of flat to form a short-term let accommodation unit (in retrospect), 1 Jubilee Place, Pitlochry, PH16 5GA, be refused for the following 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) 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), Policy 1A: Placemaking, Policy 17 d) Residential Areas and the Change of Use of Residential Property to Short-term Let Planning Guidance as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use 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.

Note

Councillor D Illingworth dissented from the majority opinion. He considered that with the property overlooking a street with three guest houses, the proposal would have limited impact on the residential amenity, and therefore the proposal should be granted.

- (ii) **LRB-2024-15**
Planning Application - 23/01625/FLL – Change of use of flat to short-term let accommodation unit (in retrospect), 34 Lagreach Brae, Pitlochry, PH16 5QQ – Ms A Lapsley

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use of flat to short-term let accommodation unit (in retrospect), 34 Lagreach Brae, Pitlochry, PH16 5QQ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was

before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for change of use of flat to form a short-term let accommodation unit (in retrospect), 34 Lagreach Brae, Pitlochry, PH16 5QQ, be refused for the following 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) 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), Policy 1A: Placemaking, Policy 17 d) Residential Areas and the Change of Use of Residential Property to Short-term Let Planning Guidance as the short-term let accommodation would adversely impact on the amenity of residents of the flats and the short-term let use 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.

Note

Councillor D Illingworth dissented from the majority opinion. He considered that the proposal would have limited impact on the residential amenity, and therefore the proposal should be granted.

- (iii) **LRB-2024-16
Planning Application - 23/01469/FLL – Change of use of flat to form short-term let accommodation unit (in retrospect), 8 Cathedral Street, Dunkeld, PH8 0AW - Mr D McIntosh**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use of flat to form short-term let accommodation unit (in retrospect), 8 Cathedral Street, Dunkeld, PH8 0AW.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for change of use of flat to short term let accommodation unit (in retrospect), 8 Cathedral Street, Dunkeld, PH8 0AW, be granted subject to the imposition of relative terms, conditions and informatives.

Justification

Members considered that with a separate entrance to the property and with the property located in a busy thorough-fayre next to the town centre and town centre local businesses, the impact on residential amenity and the loss of residential accommodation would be limited, and therefore the proposal should be granted.

- (iv) **LRB-2024-17**
Planning Application – 23/01127/FLL - Part change of use, alterations and extension to dwellinghouse to form short-term let accommodation unit, Lawnmuirden, Methven, Perth, PH1 3SZ – Mr D Peebles

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the part change of use, alterations and extension to dwellinghouse to form short-term let accommodation unit, Lawnmuirden, Methven, Perth, PH1 3SZ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by majority decision that:

- (ii) the review application for part change of use, alterations and extension to dwellinghouse to form short-term let accommodation unit, Lawnmuirden, Methven, Perth, PH1 3SZ, be granted subject to the imposition of relative terms, conditions and informatives.

Justification

Members considered that the second story extension to the property would have limited impact on the visibility and layout of the settlement, and therefore the proposal should be granted.

Note

Councillor B Brawn dissented from the majority opinion. He considered that a single-story extension of the property would be more applicable

given the traditional character of the existing dwellinghouse, and therefore the proposal should be refused.

(v) **LRB-2024-18**
Planning Application – 23/02019/FLL - Alterations and extension to dwellinghouse, Cairn Cottage, Kinnochtry, Coupar Angus, Blairgowrie, PH13 9PN – Mr and Mrs Cargill

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the alterations and extension to dwellinghouse, Cairn Cottage, Kinnochtry, Coupar Angus, Blairgowrie, PH13 9PN.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for alterations and extension to dwellinghouse, Cairn Cottage, Kinnochtry, Coupar Angus, Blairgowrie, PH13 9PN, be granted subject to the imposition of relative terms, conditions and informatives, including conditions for an appropriate landscaping plan to limit visibility of the property, enhanced biodiversity, and a condition requiring the use of a slated roof.

Justification

Members considered that although the proposal is contrary to policy as a front extension, given the remoteness of the property, that it would have limited impact, and would take advantage of the sunlight, therefore the proposal should be granted.

6. DEFERRED APPLICATIONS FOR REVIEW

(i) **LRB-2023-60**
Planning Application – 23/01079/FLL – Change of use of flat to form short term let accommodation unit (in retrospect), 4 Monart Road, Perth PH1 5UQ – Mrs M Deans

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit (in retrospect), 4 Monart Road, Perth PH1 5UQ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 March 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure: (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure; (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for change of use of flat to form a short-term let accommodation unit (in retrospect), 4 Monart Road, Perth, PH1 5UQ, be refused for the following reasons:
 - 1. By virtue of the potential for increase noise nuisance both when using the property, and arriving/leaving the property, the proposal would impact on the character and amenity of the local area, particularly the residential amenity of those living permanently in the block. Accordingly, the proposal is contrary to Policy 30(e) (Tourism) of the National Planning Framework 4 (2023) which states that new proposal for short term holiday letting will not be supported where 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. By virtue of 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 and affect other existing residents in the block. The proposal is therefore contrary to Policy 17 (Residential Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect existing residential amenity, and Policy 1A of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to

ensure that all proposals contribute positively to the surrounding environment.

3. It has not been demonstrated that there is a sufficient level of either designated or available parking to service the use of the property as a short term let. The proposal is therefore contrary to the principles of the National Roads Development Guide 2015 which requires all new developments to have suitable parking provisions.

Justification

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

**(ii) LRB-2023-61
Planning Application – 23/01091/FLL – Change of use from flat to short term let accommodation (in retrospect), 14 Monart Road, Perth PH1 5UQ – Mrs M Deans**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use from flat to short term let accommodation (in retrospect), 14 Monart Road, Perth PH1 5UQ.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 March 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure: (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure; (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for change of use of flat to form a short-term let accommodation unit (in retrospect), 14 Monart Road, Perth, PH1 5UQ, be refused for the following reasons:
1. By virtue of the potential for increase noise nuisance both when using the property, and arriving/leaving the property, the proposal would impact adversely on the character and amenity of the local area, particularly the residential amenity of those living permanently in the block. Accordingly, the proposal is contrary to Policy 30(e) (Tourism) of the National Planning Framework 4 (2023) which states that new proposal for short term holiday letting will not be supported where 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. By virtue of the shared entry arrangements and the flatbed nature of the property, the proposal would result in an increased potential for noise nuisance and general disturbance to occur and affect other existing residents in the block. The proposal is therefore contrary to Policy 17 (Residential Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to protect existing residential amenity, and Policy 1A of the adopted Perth and Kinross local Development Plan 2 (2019) which seeks to ensure that all new proposals contribute positively to the surrounding environment.
 3. It has not been demonstrated that there is a sufficient level of either designated or available parking to service the use of the property as a short term let. The proposal is therefore contrary to the principles of the National Roads Development Guide 2015 which requires all new developments to have suitable parking provisions.

Justification

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

- (iii) **LRB-2024-03**
Planning Application – 23/01423/FLL – Change of use of flat to form short term let accommodation unit (in retrospect), Upper South Flat, Annesley Cottage, Aberfeldy PH15 2AU – Ms J Birse

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse change of use of flat to form short term let accommodation unit (in retrospect), Upper South Flat, Annesley Cottage, Aberfeldy PH15 2AU.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

It was noted that, at its meeting of 18 March 2024, the Local Review Body resolved that insufficient information was before them to determine the application without further procedure: (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure; (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let; (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let. With the requested information provided, the Local Review Body reconvened.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the review application for change of use of flat to form short-term let accommodation unit (in retrospect), Upper South Flat, Annesley Cottage, Aberfeldy PH15 2AU, be granted subject to the imposition of relative terms, conditions and informatives

Justification

Members considered that due to ample parking at the property and due to other businesses in the area, that the proposal should have limited impact on residential amenity and the loss of accommodation, and therefore the proposal should be granted.