

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**

FURTHER INFORMATION

- Further Information from Planning Officer, as requested by the LRB Members on 16 November 2023
- Comments by the agent on the further information received

Planning Officer comments

LRB-2023-36 - Planning Application 23/00962/FLL – Change of use of flat to form short-term let accommodation unit (in principle), 21 Raeburn Park, Perth, PH2 0ER (Persephone Beer was the original case officer)

When this application was determined the Council's Non-Statutory Guidance was not approved. The Guidance dated November 2023 is now approved by the Council.

This guidance places more emphasis on the nature of the area where the short-term let is situated. See page 5 of the Guidance.

In this case it is considered the site falls within the third bullet point of Consideration 1 on page 5 of the guidance:

- Within a predominantly residential area and there could be adverse impact on amenity for existing residents, particularly in blocks with shared / communal entry?

This is a key consideration and supports the original 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

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.

12th January 2024

AGENTS COMMENTS ON
PLANNING OFFICER'S RESUBMISSION

FOR

**CHANGE OF USE OF FLAT
TO FORM SHORT-TERM LET
ACCOMMODATION UNIT
(IN RETROSPECT)
REF 23/00962/FLL**

AT

**21 RAEBURN PARK
PERTH PH2 0ER**

LRB-2023-36

AGENTS COMMENTS

richard hall **architects**
Version 1
16 January 2024

CONTENTS

- 1.0 INTRODUCTION
- 2.0 AGENTS COMMENTS
- 3.0 SUMMARY POINTS

1.0 INTRODUCTION

- 1.01 When this application was determined under Delegated Powers, the Council's Non-Statutory Planning Guidance on the Change of Use of Residential Property to Short-term Let was not approved. This guidance however, was approved in November 2023.
- 1.02 When the appeal to the Local Review Body was presented, the decision was to send the application back to the Planning Officer, for reconsideration under the newly adopted Non-Statutory Planning Guidance.
- 1.03 The Planning Officer has now submitted her revised comments and continues to recommend refusal of the Application.
- 1.04 The Applicant has the opportunity to respond to the Planning Officers revised comments. This document forms the submission of the Agents further comments.

2.0 RESPONSE TO REFUSAL

- 2.01 The newly adopted Change of Use of Residential Property to Short-term Let Non-Statutory Planning Guidance highlights the requirements of National Planning Framework 4 Policy 30 e):

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.*

The Supporting Statement submitted as part of the Planning Application documents addressed this policy and proved there would be **no unacceptable impact** on local amenity or the character of the neighbourhood or area, and the loss of the residential unit **would be outweighed** by demonstrable local economic benefits. For ease of reference, the arguments made in the Supporting Statement follow below.

- 2.02 The Planning Officer also highlighted in her recent comments, the third bullet point of Consideration 1 of the newly adopted Non-Statutory Guidance:

Within a predominantly residential area there could be adverse impact on amenity for existing residents, particularly in blocks with shared / communal entry?

The Supporting Statement submitted as part of the Planning Application documents addressed this issue. For ease of reference, the arguments made in the Supporting Statement follow below.

- 2.03 The Planning Officer re-stated, that in her opinion, 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 which all seek to safeguard residential amenity and ensure that proposals contribute positively to the surrounding environment. The Supporting Statement addressed these policies and for ease of reference they follow below.

2.04 The Supporting Statement arguments follow the numbering of the of the original document as follows:

3.02 *NPF4 Policy 30 i. states that support will not be given to short-term lets **IF** it brings an unacceptable impact on local amenity. It is clear from the time-period the application flat has been running, that it has had absolutely no impact on local amenity as there have been NO objections raised by the immediate neighbours, or by anyone in the area. Contrary to this, the application flat has attracted very high ratings in reviews left by guests.*

3.03 *NPF4 Policy 30 ii. balances the loss of residential accommodation to short-term let (STL) accommodation against a demonstrable benefit to the local economy. The application flat is in high demand, and is mostly full, throughout the calendar year. There are always events in the area that attract short term visitors. These include sports people coming for events (curling, cycling, fishing for example), weekenders attending concerts in the Perth Festival Theatre, families coming for weddings and family visits, holiday makers, guests staying for work commitments, etc. etc. etc. All of these guests use the local shops, bars and restaurants – it is more likely that a guest will eat out, rather than cook – and recommendations are left in the application flat for places to visit. With such a full booking list, the application flat provides proportionally, a significantly higher usage of local bars and restaurants. This is something Perth’s bars and restaurants desperately need, in these restricted times of the “cost of living crisis”. Perth desperately needs all the customers it can get, into its shops, pubs, bars and restaurants, entertainment, and sporting venues.*

It is also more likely that visitors have more time to visit the local corner shop, or the boutiques and specialist food shops of Perth, rather than using big supermarkets, helping to support these local small businesses.

It is clear then, that the loss of the application flat as residential accommodation, is totally “outweighed by the demonstrable local economic benefit” it brings.

3.04 *The Local Housing Strategy 2022-27 includes an action to develop policy to limit the numbers of short-term let properties in residential areas. The Consultation response states clearly that the saturation of short-term lets (STL) for the PH2 area is only 1.1%, and therefore below the level at which it may be considered appropriate to introduce a control area.*

The application flat therefore is outwith any restriction under this strategy.

- 3.05 *The application flat is within a 5 minute walk from the Railway Station and the Bus Station, making it ideal for visitors coming on public transport. It also has a dedicated parking space, making it ideal for visitors coming by car from further afield. As the application flat is only a five minute walk to the centre of Perth, it is unlikely guests would take a car into town, the parking space being the easiest option. The parking space actually encourages guests to leave their car, rather than taking up a valuable parking space in the Perth City Centre. The parking space is also ideal for those guests who want to hire a car, for day trips further north (which is popular) and this also helps to feed into the Perth Tourist economy further afield.*
- 3.06 *The application flat has a high occupancy rate and is therefore cleaned top to bottom, on a very regular basis i.e 2-3 times a week. The public access space is also cleaned to maintain the high presentation level promised in the advertising.*

The requirement for very regular cleaning at turnover, means the property is being maintained at the highest level, making a significant contribution to local amenity.

- 3.07 *The application flat benefits from the requirements of contemporary Building Regulations with regards to thermal and sound insulation. The plan layout of each floor of the property is divided into 3 flats, each the point of a tee, which means the party walls are limited, and therefore reduces the possibility of sound transmission between adjoining properties. Also, the plan has been arranged so the lounge and kitchen areas of each flat is furthest from its neighbour, again limiting transmission of any noise. The plan layout of the public area means that guests do not pass any other flat entrance door – the application flat door is the first door after the entrance door, so no disturbance to the other flats on the ground floor is caused.*

The application flat therefore meets the requirements for protecting personal amenity with respect to any noise nuisance.

- 3.08 *The Refusal also stated 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.*

It has been demonstrated since the opening of the short-term let in September 2022, that there have been no issues of disturbance, general or otherwise. The opening of the short term let unit has increased the cleaning and maintenance of the property and has therefore significantly increased the general amenity for those living permanently in the residential block.

Policy 1A of the Perth & Kinross LDP 2 (2019) states Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

The application flat is contributing significantly and positively to the quality of the surrounding built environment through the high level of cleaning and maintenance.

Policy 1B of the Perth & Kinross LDP 2 (2019) states All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- (f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

(h) Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks.

(i) Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials (with consideration of communal facilities for major developments).

(j) Sustainable design and construction.

There is nothing within this policy that places any restriction on the compatibility of the short-term let accommodation unit within the residential block at Raeburn Park.

3.09 *Policy 17D of the Perth & Kinross LDP 2 (2019) states The Plan identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. Changes away from ancillary uses such as employment land, local shops and community facilities, for example pubs and restaurants will be resisted unless there is demonstrable market evidence that the existing use is no longer viable as a commercial venture or community-run enterprise.*

Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

(a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.

(b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.

(c) Proposals which will improve the character and environment of the area or village.

(d) Business, homeworking, tourism or leisure activities.

(e) Proposals for improvements to community and educational facilities.

This Policy actually encourages proposals which will increase tourism, as long as it is compatible with the amenity and character of the area, which has been demonstrated in this Supporting Statement.

3.10 National Planning Framework 4, Policy 14c) states *Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.*

The Intent of Policy 14 is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principles.

The Outcomes of Policy 14, are quality places, spaces and environments, and places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

The application flat is not detrimental to the amenity of the residential block within which it sits, as demonstrated above, and therefore meets the requirements of this Policy.

3.0 SUMMARY POINTS

- 3.01 This application was refused on the grounds that the loss of residential property at this location outweighed the economic benefit. It is clear from the level of occupancy, the high number of visitors it brings to Perth and Perthshire, using the local shops, clubs, pubs, restaurants, cinema and theatres, parks and walks, sporting venues, rivers for fishing, cycling and walking, brings huge economic benefit that clearly outweighs the loss of one residential unit.
- 3.02 This application was also refused on the grounds that the short-term let flat could potentially impact the residential amenity of those living permanently in the residential block. To the contrary, the construction and layout of the plan, passively reduces the likelihood of any noise transmission, and the very regular cleaning and maintenance of the application flat, brings significant benefit to the amenity of the residential block. **Importantly, the plan layout of the public area means that guests do not pass any other flat entrance door – the application flat door is the first door after the entrance door, so no disturbance to the other flats on the ground floor is caused.**
- 3.03 The application flat, not only generates considerable contributions to the local economy, but also generates employment for 2 housekeepers.
- 3.04 The high level rating, given in reviews by guests, attracts further visitors to Perth, self-perpetuating further contributions to the local economy and maintains the employment of the 2 housekeepers. This property contributes positively to the tourist attraction of Perth and should be supported.
- 3.05 **Environmental Health** declared **NO** objection to the application but asked for an Informative to be added to any Permission requiring a License to operate the short-term let. This has already been applied for and therefore the property already complies with this requirement.
- 3.06 For the reasons given in these further comments, we therefore ask that this application be approved.

