

LRB-2023-61

23/01091/FLL – Change of use of flat to form short term let accommodation (in retrospect), 14 Monart Road, Perth, PH1 5UQ

FURTHER INFORMATION

- Further Information from Planning Officer, as requested by the LRB Members on 18 March 2024
- Comments by the applicant on the further information

Audrey Brown

From: Andy Baxter
Sent: 13 May 2024 15:51
To: Audrey Brown
Cc: Paul Williamson; Christine McLaren;
Subject: RE: LRB correspondence - STL refusals

In relation to point ii) of your letters of the 19 April, the introduction of the Council's non-statutory guidance strengthens the justification for the refusal decisions for both 23/01079/FLL (4 Monart Road) and 23/01091/FLL (14 Monart Road).

The LRB will be aware that the location of proposed STL is the key considerations for new STLs, with the other 5 considerations listed on Pages 4 and 5 of the guidance also relevant.

Both these sites are located within a predominantly residential area that is not defined within the LDP2 as being within either the City Centre or Town Centre, and both proposals are located within flatted blocks where there would be concerns over the impact on other existing residential (flatted) properties - via shared entry and communal areas internally. The proposals, if approved would have an unacceptable on the local amenity and the (residential) character of the area, which is contrary to the requirements of the non-statutory guidance as well as the relevant parts of the Development Plan listed on the decision notices.

Hope this helps,

Andy

Dear Audrey

Here are my comments regarding the appeal of Short Term Lets 23/01079/FLL and 23/01091/FLL

1. Before applying for the 8 apartments licence and planning permission, we asked PKC Planning if the non-statutory guidance would be considered as the cost to us was £6800. Sean Panton told us categorically no! The new guidance was still in draft form and would have no bearing. During the application time we were in contact with Sean Panton who was very helpful and informative. He told us that PKC were using our applications as a bench mark for other applicants as guidance and commended how we ran and equipped the apartments with more than the Statutory Guidelines. The penthouse apartment within Knowehead House, which was a complete design for STL, and states so in the title deeds, was promoted in the P&K magazine as accommodation in Perth. On this advice we went ahead with the applications.
2. When 4 out of the 8 apartments were refused, I contacted PKC and spoke to John Coonie we had a very lengthy conversation regarding the refusal of apartments where similar apartments had been passed. Knowehead House was refused due to communal door and residential area as were 1, 4 and 14 Monart Road. As similar properties had been passed in Needless Road, Guthrie Court, Balhousie Street, Feus Road, to name a few which are completely residential. Monart Road is completely encompassed within St Catherines Retail Park, the apartments sit in the middle of the retail park. John Coonie advised us to appeal the decision which we did.
3. At the appeal, it was noted that the dated refusals had been made due to guidelines which had not yet been passed and would therefore be sent back to PKC Planning for comment.
4. The comments returned by Andy Baxter 13 May 2024 stated the 2 apartments were in a predominantly residential are, which I have previously stated is right in the middle of St Catherines Retail Park, and as before similar properties in completely residential areas have been passed. The Communal Door, which was not part of the guidelines at our time of application was also a concern, yet we have operated these 2 apartments for 5 years without any problems, have noise monitors and have never had police intervention. We do not allow parties and our guests are vetted through Booking.com or Airbnb. Both of these apartments are listed on Booking.com and Airbnb, both have above 4.5 out of 5 star ratings and great reviews. I have also been informed that and the due to the lengthy time it has taken to get to this point, the Non-Statutory Guidance has been revised and is now fully in effect. Our applications were made in July 2023, refused in September 2023 and the guidelines did not come into effect until November 2023, how is this permitted?
5. I have also asked how STLs are being policed and have been told that PKC are reliant on owners to apply for a licence and if needed planning permission. When asked what if they do not apply, I was told they would then rely on neighbours advising PKC that unlicensed premises were being operated as STLs. I am aware of properties which have been operating since before the new guidelines and are not licensed nor have applied for a licence.
6. Taking all of the above into consideration, I feel we looked to PKC for advice, took their advice and followed their guidelines, had we been told differently we would not have made the costly expenditure of the applications and sold the apartments. I also feel there is no consistency in which properties are passed nor is there a sufficient policing structure in place and there are owners operating properties without licenses, without due diligence and without thought for neighbours, therefore giving well operated STLs a bad reputation.

Kind regards

Margo