

LRB-2023-60

23/01079/FLL – Change of use of flat to form short term let accommodation (in retrospect), 4 Monart Road, Perth, PH1 5UQ

REPRESENTATIONS

Development Management

From: James Wallace [REDACTED]
Sent: 21 July 2023 15:01
To: Development Management
Subject: Planning applications 23/01079/FLL. Also. 23/01091/FLL

Dear sir or madam,

[REDACTED] and we like to keep things as easy going as possible.

However some things are not under our control.

We each have one parking space per flat which is marked out in our title deeds, and each parking space is marked with our flat number.

All long term residents, or at least anyone who lives there for a number weeks/ months becomes aware of each others needs and requirements, and entitlements.

People who arrive for a stay of a couple of days for instance, seldom have any concerns about the well being of the residents. In some cases it is 'party time'.

Yesterday for instance one of my neighbours complained to one of the short term renters that they had parked in her space, she was given abuse and was ignored until they moved out the next morning. Turns out there were six adults with three cars all in other car spaces.

Also different areas of the country have different waste bins for various materials.

The short term renter doesn't care about regulations regarding what is acceptable or not in certain bins. The landlord doesn't do anything to check the bins, ever.

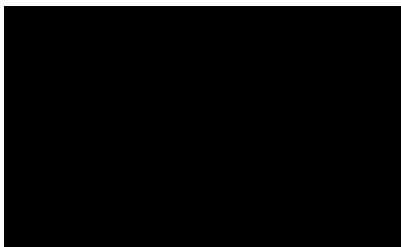
Also another example is , two days ago after a busy weekend the cleaner changed the bed sheets etc which resulted in four laundry bags being deposited

In the stairwell for picking up later. This is a building with a lift and stairs for access to all areas. The stairs is also the fire escape and our title deeds stipulate that nothing is to be placed or stored in hallways or stairwells.

I do try and 'live and let live' but every so often one is forced to stand up for oneself and his neighbours.

The short term renter doesn't care about neighbours , and the landlord would appear to be of similar mind.

Yours sincerely
James Wallace.



To

P + K. Planning Dept.

Ref No = 23/01079/FLL.

" 23/01091/FLL.

When we bought



we understood that all the

flats



were owner-

occupier, since then we have learned this is not the case. We are a very elderly couple, who worry that our flat may have lost its premium rating and that our home will have dropped in value.

The biggest difficulties are due to lack of parking spaces. All flats own their own numbered space.

with only one designated visitors space available. A, B, B, do not seem to understand this, most visitors do not keep to the rules.

Also the refuse bins are numbered, but again A, B, B, can cause upset, by using other bins or leave a bin overflowing, and then the seagulls leave such a mess.

On the other hand, we are delighted, to hear that noise issues have been addressed and do hope that in the future the parking and bins can be improved.

all this being sympathetically dealt with. we trust that these beautiful flats will stay well looked after. After a lot of consideration, we have decided that the planning permission should be. Yes.

To

3

P. K Planning Dept.

Ref No. 23/01079/FLL

4. Monart Road.

Ref N. 23/01091/FLL

14 Monart Road.

YES. Permission to be
Granted

James & Christine Hepburn



Mr Chad Anthony Macnaughton (Objects)

Comment submitted date: Sun 30 Jul 2023

I chose to move to my current flat which is one of the nicer developments in Perth, and am now concerned that what has until now been an informal letting of a property, is now in danger of turning into a fully-fledged business, which is not permitted under the building's deed of conditions.

The Deed of Conditions put in place when the building was developed some years ago (and which are retained on all new deeds registered as and when properties change ownership) state that:

"Any flat is to be used as a private dwellinghouse only, and may not be used, even in an ancillary capacity, for any trade, business or profession."

I am happy to provide a copy of the Deed of Conditions for my property on request, but it would perhaps be more helpful to view the Applicant's title deed for confirmation of this condition.

The Applicant accepts that the property is used for business purposes and the Planning Permission Justification Statement (PPJS) notes that:

1. "The property is used for luxury short term accommodation." PPJS 1.2; and
2. The Applicant also notes that the happiness of neighbours "makes the running our business a lot easier." PPJS 6.1; and
3. The Applicant has applied to the Tayside Valuation Joint Board to have the property concerted from council tax to business rates, PPJS 1.2; and
4. The Applicant details some of her methods of advertising for her business, including Booking.com and AirBNB, PPJS 6..

There are also a number of factual errors within the Applicant's proposal and Justification Statement.

1. Parking.

The Applicant states that there are 16 vehicle parking spaces currently existing on the application site. This is incorrect. Each flat is allocated only one parking space and there is one additional space allocated for visitors to the building. The Applicant advertises that the flat can accommodate up to 6 adults, and it is noted that frequently guests to the property arrive in more than one car. This means that either the visitor space is often occupied to the detriment of genuine visitors to the building, or they park in other owners' parking spaces.

2. Interaction with Neighbours

The Applicant notes that "all immediate neighbours" have been provided with the Proposer's personal contact details" and that neighbours have been briefed specifically on the Noise Management Plan (PPJS 6.1.1), on antisocial behaviour by guests (PPSJ 6.1.2),, and on illegal behavior by guests (PPJS 6.1.3). I can confirm that contact details have not been passed on nor have any such briefings been made by the Applicant since I moved in.

3. Meeting and Greeting

The Applicant has at least one of the five key-boxes at the entrance to the building, and new guest are often spotted struggling to open this to access the property's keys. It seems to me that the key-handover is more of a self-service system than a personal "meet and greet"

The Broch was not developed with with a view to it becoming and ApartHotel and it is likely that the original planning application for the Broch development was partly based upon the provision of additional and much needed housing in the centre of Perth. This requirement seems to have been accepted by that developer, who incorporated the very specific prohibition about running a business within the Deeds of Condition, reserving the property as a private dwelling place. It is noted that there are now 5 key boxes for the building, and at least 3 of these are for the use of short-term guests who frequent Nos. 2, 4 and 14 Monart Road. This is to the detriment of those residents who have chosen to make the building home, and reduces the opportunity for other Perth families to make this same choice.

The Applicant wishes to use the property as a business, and this is clearly not allowed by the Deed of Conditions of the building. The proposed change of use is also to the detriment of those residents who have chosen to make the building home. I therefore object to this retroactive planning application.

Development Management

From: Susan Allen [REDACTED]
Sent: 31 July 2023 13:58
To: Development Management
Subject: Flats 4 and 14 The Broch, Monart Road, PH1 5UQ

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Ref: 23/01079/FLL & 23/01091/FLL

Further to the above applications regarding the change of use flat to form short term let accommodation. I should like to offer the following objection;

Car parking:

Although both flats have a nominate car parking space, (4 & 14) which are positioned away from the development, the temporary occupants of the flat invariably do not use them. This has happened on numerous occasions, inconveniencing permanent residents.

A recent example;

The individuals who booked flat 4 The Boch Thursday, July 20th, (3 couples) arrived in three separate vehicles. One vehicle parked in space 32, one parked between the parking bollards controlling spaces 20 and 26, the third parked in the visitor parking space. The result of this being that three permanent residents in the accommodation had to find and pay for alternative parking.

Kind regards,
S. Allen

[REDACTED]

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01079/FLL

Our ref LRE

Date 31 July 2023

Tel No 01738 476462

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

23/01079/FLL RE: Change of use of flat to form short-term let accommodation unit (in retrospect), 4 Monart Road, Perth

I refer to your letter dated 18 July 2023 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend that the undernoted informative is included on any given consent.

Comments

This application is for a change of use of ground floor, 2 bedroom flat, to form a short term accommodation unit in retrospect.

Holiday Accommodation

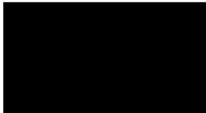
As the development is for a holiday accommodation unit, there is the potential for noise from the users of the properties to affect neighbouring residential properties, however due to the introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, these will be required to be licensed and noise conditions will form part of the licence.

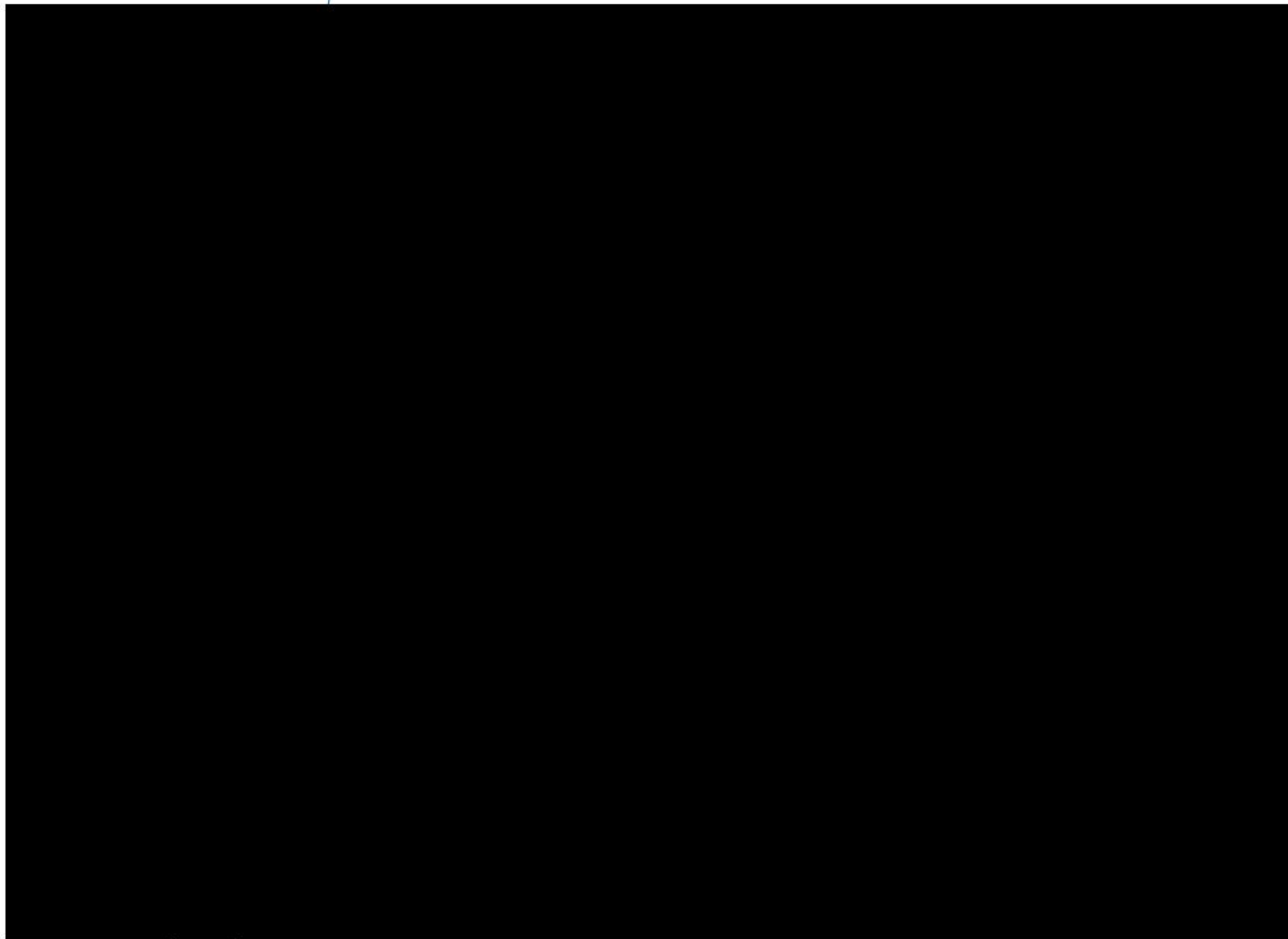
Therefore, whilst I have no objections to the application, I would recommend the following informative be attached to any given consent.

Informative

Short Term Let

The applicant is advised that under The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required to operate a short-term let. More information can be found at <https://www.pkc.gov.uk/shorttermlets>





From: Anne Mitchell [REDACTED]
Sent: Monday, July 31, 2023 4:02 PM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: Planning applications number 23/01079/FLL and number 23/01091/FLL

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To whom it may concern

[REDACTED]

There are several reasons that I strongly object to these flats being used for short term lets

- My main concern is for the security of the building. Many of the owners / long term renters are older people, many retired. Security, together with the building having a lift is one of the reasons they choose to live here. On several occasions I have found the main door propped open and even on occasion the Emergency Exit door propped open. When asked to ensure the door is kept closed, the short term renters say they have done this to allow their friends, out at that moment, to be able to get back into the building when they return later. [REDACTED]
- Initial access to the building and therefore the flats, means we are frequently having to try to help 6 people and all their luggage to work out how to get keys, which lockbox is it?, what's the code number?, can we come into the building now and you help us? We have no idea who these people are or if they should have access and equally they allow anyone to follow them in as they don't know who should have access. [REDACTED]

[REDACTED]

- Parking is an ongoing and major problem for residents as the short term renters just park anywhere they see a space. When you return home from work or even just a shopping trip, someone has parked in your space resulting in you having, on occasion, to park in St Catherine's Retail Park. The flats for Holiday Lets have one allocated space but they often arrive in two or even three cars. Many residents are now having to put poles in to block their spaces but short term renters have been seen to remove the poles and drive in
- Laundry has been left in large bags near the emergency exit
- There is a problem with short term renters dumping their rubbish in any bin rather than the designated bins for the flats.

[REDACTED] Failure to do this results in other owners recycling bins not being emptied because they are filled with inappropriate rubbish in plastic bags. The glass collection bin is completely full and has not been emptied in months, if ever, since it was put there earlier this year. Every flat is responsible for the emptying of their own bins. We have one owner who often puts all the bins out but this is as a favour, out of his kindness, and it should not be taken for granted.

[REDACTED]

For the above reasons I feel that this building is not appropriate for short term renting and the applications should be denied

Regards
Anne Mitchell

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Mr Steve Fettes (Objects)

Comment submitted date: Tue 01 Aug 2023

(REDACT)

I object to the application to turn number 4 into a short term let accomodation.

I do so on several grounds

The deeds state that;

1.The flat is to be used as a private dwelling only.

Turning the flat in to an AirBnB/ short term let renders the private dwelling moot. It becomes a glorified hotel room.

2. It is to be occupied by one family at a time.

There is no guarantee all the occupants will be of one family, indeed the seller reports stories of multiple Stag and Hen parties occupying it.

More recently there were 6 adults occupying one of the flats (either 4 or 14) who travelled separately in 3 cars. These cars then occupied 4 parking spaces. Each flat has access to 1.

3. It is not a place of business.

(REDACT)

Allowing this to proceed will change the nature and environment of The Broch to the detriment of not only the residents, but also the wider city in general. Short term occupancy benefits only the owner of the flat while removing housing stock from those who would want to live in the city. It imposes extra burdens on those in the building and the services to that building.

(REDACT) If the applicant believes (as she states) that Perth is lacking the requisite high quality short term accomodation then let them open a Hotel instead of turning the Broch into one.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01079/FLL	Comments provided by	Stephanie Durning
Service/Section	Housing Strategy	Contact Details	Planning and Policy Officer [REDACTED]
Description of Proposal	Change of use of flat to form short-term let accommodation unit (in retrospect)		
Address of site	4 Monart Road, Perth, PH1 5UQ		
Comments on the proposal	<p>The application is for a change of use from residential flatted dwelling to short-term let accommodation in Perth city centre.</p> <p>NPF4 Policy 30: states that <i>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</i></p> <ul style="list-style-type: none"> <i>i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or</i> <i>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</i> <p>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 PH1 is 0.8% 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.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	01.08.2023		

Development Management

From: MARGOT FETTES [REDACTED]
Sent: 01 August 2023 11:11
To: Development Management
Subject: 23/01079/FLL 23/01091/FLL

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Margot Fettes [REDACTED]

I am using my POA on behalf of [REDACTED]

Mr Donald Robertson Comrie

to **object** to planning applications:-.

Ref: 23/01079/FLL 23/01091/FLL Nos 4 and 14 Monart Road The Broch Perth PH1 5UQ

The property Deeds state:-

Flat to be used as a private dwelling house only.

Not occupied by more than one family at a time.

No business to be carried on therein

Flats 4 and 14 at The Broch are to be run as part of the business -Deans Retreats by Margo Deans.

The existing arrangement have already had a detrimental impact on the residents regarding parking and refuse collection

Each flat has 1 dedicated parking space.

Recently flat 4 had 6 guests with 3 cars.

The 3 cars actually managed to occupy 4 car parking spaces none of which was the dedicated space for flat 4

Refuse separation into appropriate bins is a difficult enough situation without having short term guests involved. I know there have been problems and although the guests may be informed regarding the local rules that will not make them adhere to them.

I believe that to grant this change of use is in breach of the property deeds and would be detrimental to the residents and long term renters who have chosen to make The Broch their home. Their happiness, enjoyment, safety and wellbeing would be compromised. I therefore **object** to this application

From: Veronika Sitkei [REDACTED]
Sent: Thursday, August 3, 2023 12:34 PM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: object

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23/01079/FLL 4 Monart Road Broch

Comment: noise, not enough parking spaces, shared entry into the building, bins

We bought this flat thinking it was in a quiet area. This is not the case now. The air b n b visitors can be noisy making it very hard for my [REDACTED] son to sleep at bedtime. They use our parking space. Each flat has only one space allocated to it and they can come with more than one car. The flat does not have own entrance from the street. The guests and residents enters on the same door. Guests get their keys from the key box at the front door. No member of staff ever meets them. Bins get emptied every 2 weeks. Their bins quickly fill up resulting in the guest wondering about and search for a bin with space.

Veronika Sitkei
[REDACTED]

Development Management

From: Heather McKenzie [REDACTED]
Sent: 04 August 2023 17:16
To: Development Management
Subject: Objection to planning application

[REDACTED]

Hi,

I would like to object to the planning applications detailed below;

23/01064/FLL
23/01079/FLL
23/01091/FLL

which concerns the short term let proposals for 1, 4 and 14 Monart Road Broch.

[REDACTED] and my designated parking space [REDACTED]
[REDACTED] We only have one designated parking spot per flat and I regularly come home from a long shift at work to find someone using my parking space or blocking it. I know this is the airbnb users as I have asked several of the people to move their car when I spot them.

There are many other reasons I would like to object such as late night noise and anti social behaviour (lot's of parties are held in these flats) and also it removes the sense of community that the neighbourhood has.

Kind Regards,
Heather McKenzie

Development Management

From: Liam O'Keeffe [REDACTED]
Sent: 06 August 2023 21:23
To: Development Management
Subject: 23/01079/FLL

[REDACTED]

Liam O'Keeffe
[REDACTED]

I object to the planning application reference 23/01079/FLL predominantly because this flat along with others under short term letting increase the pressure on parking in the development. The apartments are advertised to sleep 6 people meaning at least 2 cars. Multiple times I have arrived home to find the space belonging to [REDACTED] occupied by what turns out to be holiday makers staying at the short term lets. Unfortunately, because I have no contact I am forced to park my car elsewhere. It seems that residents and the whole of Perth respect the private parking but not the people who come for a short stay in these apartments. Because of this inconsiderate behaviour I'm now noticing a proliferation of parking bollards which, whilst unsightly, now seem a necessity.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01079/FLL	Comments provided by	Andrew Smith
Service/Section	HE/Flooding	Contact Details	[REDACTED]
Description of Proposal	Change of use of flat to form short term let accommodation unit (in retrospect)		
Address of site	4 Monart Road Perth PH1 5UQ		
Comments on the proposal	No objection. The property appears out of the Town's Lade river 200-year flood extent indicated on SEPAs maps.		
Recommended planning condition(s)	-		
Recommended informative(s) for applicant	The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.		
Date comments returned	22/08/2023		

CDS Planning Local Review Body

From: James Wallace [REDACTED]
Sent: 11 January 2024 17:29
To: CDS Planning Local Review Body
Subject: Re: LRB-2023-60

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I really do not appreciate why I have to make any further comment on this application. The fact that it was refused earlier and the business was to cease trading with immediate effect, was acceptable to me.

The facts are, that trading continued seamlessly without any break whatsoever, and the festive period was particularly busy.

If you are asking me if I have changed my mind on the application, I have certainly not.

Yours sincerely

Jimmy Wallace

CDS Planning Local Review Body

From: Chad Macnaughton [REDACTED]
Sent: 22 January 2024 14:47
To: CDS Planning Local Review Body
Subject: Re: LRB-2023-60
Attachments: decision notice.pdf

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Thank you for your e-mail advising that the applicant has made an application for a review of the decision that was made by the Planning Authority dated 27th September 2023.

I would like to make a further representation in relation to the review of the original decision.

The applicant was advised in the original decision that the use of the property as a short term let should cease immediately. That did not happen and the property has continued to be let on a short term basis. There have been numerous short term occupants gaining access to the building and the flat, using the keys which are held in the key box at the front door of the building.

The property has continued to be advertised for short term lets on a number of websites, including airbnb.com and deansretreats.co.uk. Attached are a number of screen shots from the websites for your information.

The continued short term letting is a flagrant breach of the decision made by the Planning Authority on 27th September 2023.

Chad Macnaughton



Anywhere

Any week

Add guests



Airbnb your home



THE BROCH, Luxurious City Centre Apartment

Share Save



Show all photos



The Broch Ground Floor, Perth

This luxury serviced apartment is very central and located just 5 minutes walk from the main eating and shopping district of Perth. Tastefully decorated, perfect for families and business. Only 1 hour from Glasgow and Edinburgh, 30 minutes to Dundee.

Sleeps up to 6 persons (1 King, 1 x Double, 1 x Sofa Bed)

2 Bedrooms

BOOKING CALENDAR

CDS Planning Local Review Body

From: Anne Mitchell [REDACTED]
Sent: 25 January 2024 10:42
To: CDS Planning Local Review Body
Subject: FW: LRB-2023-60 and LRB-2023-61
Attachments: decision notice.pdf; decision notice (1).pdf

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From: Elizabeth Anne Mitchell
[REDACTED]

Further to my comments that were made regarding the original applications for these 2 flats in the building, I have checked my title deeds and commercial use of the flats is not allowed and they are for residential purposes only. This was also highlighted by another owner in their original objections. Using the 2 flats as Airbnb short term lets is clearly in contravention of this. This should be a secure and peaceful residential building

The application also does not meet the council criteria for short term lets. The reasons for refusal stated in the attached documents should stand as valid reasons to refuse this appeal. These are not appropriate flats to be used as short term lets and cause considerable concern to other residents.

Kind Regards
Elizabeth Anne Mitchell
[REDACTED]

In response to the comments made against our appeals for no4 and 14 The Broch, Monart Road, I would like the following response taken into consideration.

1. Before making application for all the apartments within Deans Retreats we consulted Sean Panton, Planning Department on more than 1 occasion regarding the communal doors. He categorically told us this would not come into consideration with our applications as this regulation was not coming into effect until November. On this advice we applied for planning permission for the 8 premises. 6 have communal doors.
2. After having 4 out of the 8 apartments refused planning permission, I spoke to John Coonie at great length regarding the frustrations of the decisions of the department as I could not see any consistency in their decision making. Identical premises have been granted planning permission within Needless Road, High Street, Gleneagles Village, Feus Road and other residential areas in Auchterarder and Perth. John told me he would never give me bad advice and advised me to appeal. On this advice we applied for the licences and appealed. To date we have paid £6800 to Perth and Kinross on the advice from Perth and Kinross Council. Had we been told the communal doors would have been a factor we would never have spent this amount of money. 4 out of the 8 were refused, 2 of the apartments accepted had communal doors, the 4 rejected have communal doors, a reason listed for the refusal.
3. Deans Retreats has been running for over 5 years without the intervention of the police due to any inappropriate behaviour from guests. The council commended us on how well we had equipped the apartments with security equipment which helps keep our apartments trouble free and gives residents peace and we were told they used our apartments as a bench mark for other applications. We do not run party apartments. Perth and Kinross also featured Knowhead Penthouse, which is in a building which was designed to house holiday apartments, as stated in the title deeds, in their summer magazine to promote accommodation in Perth, yet it has been denied planning permission for the very reason it was built. Deans Retreats has a huge database which is used to promote events in Perth and Kinross. We also promote shops, attractions and eateries in and around Perth for our guest to visit.
4. Mr Wallace moved into The Broch fully aware there were 2 short term lets, his attitude was "live and let live", he was always very chatty until recently. The laundry was left in an unused corner of the stairwell for the cleaner to pick up the same day, where it was moved into the apartments. The other 2 complainants, I have never met, nor have they made their selves known to me. My contact details are held by the committee and yet no one has ever contacted me personally regarding any grievance with any guest in the 5 years we have owned accommodation in The Broch.
5. We have been told we could continue to trade until a final decision has been made.
6. Since missing the deadline for the appeal on No1 Monart Road we have started to close down the reservations. We have a lot of repeat guests who visit Perth regularly for work, race meetings, family gatherings and other social events on the Perth calendar. Many of them have stated how disappointed they are as good quality; affordable accommodation is difficult to find in Perth. The Queens, The Station, The County, The Waverly Hotels are now all out of use for guest accommodation.

I hope you can look at Deans Retreats as a well-run asset to Perth City, it is not a quick fix to money making, indeed 3 of the apartments are not in profit yet as it takes a lot of money to set the apartments up initially. We are very proud of Deans Retreats and as you will see if you look on the booking platforms we use they are all highly rated with very good positive reviews.

Yours sincerely
Margo Deans

