

Perth and Kinross Council  
Planning and Placemaking Committee – 13 December 2023  
Report of Handling by Strategic Lead – Economy, Development and Planning  
(Report No. 23/359)

<b>PROPOSAL:</b>	Part change of use of flat to form short-term let accommodation unit (in retrospect)
<b>LOCATION:</b>	Flat G Fiscals House 3 South Street Perth PH2 8NJ

Ref. No: [23/01025/FLL](#)  
Ward No: P12- Perth City Centre

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks retrospective approval for the change of use of a ground floor one-bedroom flat to short term let accommodation unit within a Category B listed residential building on South Street in Perth City Centre. The flat shares a communal street entrance door with seven other flats, and benefits from an off-street basement car parking space beneath. The application form indicates that the short-term let use commenced in July 2022.
- 2 The site is within the Perth City Centre Secondary Uses Area, Perth Central Conservation Area, and the River Tay SAC Catchment.
- 3 The proposal has attracted more than six objections from members of the public and is therefore required to be considered at Planning and Placemaking Committee.

### Pre-Application Consultation

- 4 Pre application Reference: None
- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## **DEVELOPMENT PLAN**

- 6 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**

- 7 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 peoples lives by making sustainable, liveable and productive spaces.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 9 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 7: Historic Assets and Places
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 27: City, Town, Local and Commercial Centres
  - Policy 30: Tourism

### **Perth and Kinross Local Development Plan 2019**

- 10 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 11 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 11: Perth City Centre Secondary Uses Area
  - Policy 27A: Listed Buildings
  - Policy 28A: Conservation Areas: New Development
  - 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**

### **12 Non Statutory Guidance**

- [Non-Statutory Planning Guidance – Change of Use of Residential Property to Short-Term Let](#) (Approved on 1 November 2023)

## **NATIONAL GUIDANCE**

- 13 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **Planning Advice Notes**

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

### **Site History**

- 15 **02/00534/PPLB** was Approved On 22 August 2002 for Conversion, alterations and extension to form 12 flats and associated car parking.

## **CONSULTATIONS**

- 16 As part of the planning application process the following bodies were consulted:

### **Internal**

### **Conservation Team**

- 17 No objection.

### **Development Contributions Officer**

- 18 No comments to make.

### **Communities Housing Strategy**

- 19 The proposal for a change of use of a flatted dwelling from residential use to a short-term let in the city centre of Perth.

- 20 NPF4 Policy 30: 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.

- 21 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.

### **Environmental Health (Noise Odour)**

- 22 No objection, subject to informative drawing attention to Short Term Let licensing.

### **Representations**

- 23 9 representations were received. The main issues raised within the representations are:
- Proposed use is contrary to several requirements of the Title Deeds
  - Noise and disturbance to neighbours both to date and in future
  - Anti-social behaviour, misuse of bins and smoking in communal areas has occurred already
  - Reduced safety and security to other occupants as a result of high turnover of guests who are unknown to existing residents
  - Economic contribution of long-term residents is greater than that of guests, including where the accommodation is vacant at certain times of the year
  - Loss of city centre housing, impacting on the regeneration and enhancement of the central area.
  - The applicant has claimed without evidence that sustainable drainage of surface water would be provided.
  - Would set a precedent for other properties to be converted to short term lets.
  - Adverse impact on established hospitality businesses locally
  - Adverse impact on sense of community.
- 24 These issues are addressed in the Appraisal section of the report. The content of title deeds for a particular property are not a planning matter. Each planning application is assessed on its own merits against Development Plan policy and other material considerations. As such, a particular decision does not set a legal precedent for other decisions.

## ADDITIONAL STATEMENTS

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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	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of 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, this involves considerations of the Council's other approved policies and supplementary guidance, as identified elsewhere in this report.

27 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### Principle

28 The proposal seeks to retrospectively change the use of an existing flat in Perth City Centre to a short term let. The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there are no specific LDP2 policies relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned. As such, LDP2 Placemaking Policies 1A and 1B, and 11: Perth City Centre Secondary Uses Area have relevance for a proposal of this nature, and seek to promote a mix of appropriate uses, whilst respecting the character and amenity of the place, and creating safe, accessible, inclusive places for people. NPF4 Policy 27: City, Town, Local and Commercial Centres is also relevant as it promotes proposals which increase the mix of uses in city centres and enhance and improve the vitality and viability of such centres.

- 29 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.
- 30 The postcode district level of saturation of potential short-term lets for PH2 is 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.
- 31 In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let is not significantly different from a flat in terms of its physical appearance, the extent of guest footfall or noise emanating from the property, so long as good management practices are in place.
- 32 The high turnover of guests both to date and in future is likely higher than typical private rented or owner-occupied accommodation, and this can have an impact on noise and disturbance to neighbours. However, in this instance, the application site's city centre location with its mix of uses, the fact that South Street is one of the busier city centre streets in terms of vehicle movements and associated noise, and the close proximity of the flat entrance to the main building entrance door is such that the levels of activity associated with short term let accommodation do not adversely impact the amenity or character of the area.
- 33 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. Whilst it is acknowledged that representations have raised concern regarding this, the change of use appears to have occurred without cumulative detriment to local residential housing availability, as evidenced by the Housing Strategy Team response for the PH2 postcode. In addition, it is considered that the proposal may contribute positively, albeit to a limited extent, to the tourism market in this part of Perth and Kinross, with local businesses and tourism nodes benefiting from the custom of guests and indeed the operators. Representations have suggested that the economic benefits of retaining typical residential occupancy of the flat would exceed that of short term let use. However, the limited extent of short term let uses as a proportion of the total potential housing stock in the PH2 postcode, combined with the different nature of tourist spend and variety of businesses supported relative to a typical residence is such that the proposal does not raise economic concern in this instance.
- 34 It is further considered that the modest number of short term let accommodation units in the city centre does not undermine the viability of established local

accommodation businesses such as bed and breakfasts and hotels, and instead adds variety to the existing offering.

- 35 The proposal therefore accords in principle with NPF4 Policy 30(e): Tourism, and the intent of NPF4 Policy 27: City, Town, Local and Commercial Centres, and LDP2 Policies 1A: Placemaking and 11: Perth City Centre Secondary Uses Area.

### **Residential Amenity**

- 36 NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A: Placemaking, and 11: Perth City Centre Secondary Uses Area supports proposals, including a mix of uses, which are compatible with the amenity and character of the surrounding area, and consistent with the six qualities of successful places. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns, and that the primary avenue to regulate such matters is via the separate licensing regime.
- 37 In this instance, there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the licence.
- 38 As set out in a recent appeal decision from the DPEA elsewhere in Perth and Kinross at Birnam (ref: PPA-340-2155), 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 is effective control, due to the frequent turnover of guests, and this has been raised in representations. In this instance, the immediate area has a mix of uses, and the property is situated on one of the busiest through routes for vehicles through the city centre. It is considered that the proposed retrospective use as a short-term let is compatible with the established character and is unlikely to increase noise and disturbance to a harmful extent.
- 39 Representations have also raised concern that existing residents' sense of community would be impacted, and that anti-social behaviour has occurred. The proposal seeks to change the use of one flat within a building containing eight flats which are served by the same entrance door. This proposal, in a mixed-use city centre location is unlikely to adversely impact community in the same way as a proposal in a predominantly residential area. In terms of anti-social behaviour, such matters should be directed towards the Licensing Team and the Police.
- 40 As such, the proposal accords with the intent of NPF4 Policy 14(c): Design, Quality and Place and LDP2 Policies 1A: Placemaking and 11: Perth City Centre Secondary Uses Area in respect of residential amenity.

## **Conservation Considerations and Visual Amenity**

- 41 As no external works are proposed, the change of use has no direct impact on the physical appearance of this listed building. The site context within a mixed-use area is such that the retrospective introduction of a short term let accommodation unit does not adversely impact the character of the area, including the Perth Central Conservation Area. This element of the proposal is therefore acceptable in respect of LDP2 Policies 1A: Placemaking, 27A: Listed Buildings, 28A: Conservation Areas, and NPF4 Policies 7: Historic Assets and Places, and 14: Design, Quality and Place.

## **Roads and Access**

- 42 The proposals raise no access or parking concerns, as off-street parking is available beneath the flat and public paid parking is available nearby. The application site is also within convenient distance of public transport options in the form of city centre bus stops and Perth railway station. In these respects, the proposal accords with NPF4 Policy 13: Sustainable Transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

## **Drainage and Flooding**

- 43 There are no drainage or flooding concerns associated with the proposal. One representation has pointed out that a checkbox relating to sustainable drainage of surface water was ticked on the application form but that no evidence of this was provided with the application. However, no additional drainage arrangements are required for a proposed change of use of this nature.

## **Waste Collection**

- 44 The waste collection arrangements are likely to be similar to the previous use as a flat and as such no concern is raised.

## **Other Material Considerations**

- 45 Planning Guidance short-term lets (STLs) has recently been produced due to concerns expressed over the impact of STLs on services, local business staffing and expansion, as well as housing affordability. The Guidance was formally adopted by the Council on 1 November 2023 following consultation during Summer 2023. The adopted Guidance forms the most up-to-date indication of Council policy intent on the matter, and as such is a material consideration in addition to other policy factors and supplementary guidance in the assessment of the proposals.
- 46 The Guidance acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people,

affordable housing in particular, and the potential for adverse impacts on residential amenity where an increased proportion of the housing stock becomes short-term lets.

- 47 Six considerations have been outlined within the Guidance to assist in the application of the policy framework set out in NPF4. The considerations include location, larger residential properties, refurbishment of long-term empty properties, local amenity and character, business diversification, and the relationship between loss of residential accommodation and local economic benefits. The location consideration contains reference to three area types: city and town centres; mixed-use areas within settlements; and predominantly residential areas.
- 48 In this instance, the application site is within a mixed-use city centre location along South Street which contains commercial, retail, food and drink, and hospitality establishments interspersed with residences. The effect of the proposal on local amenity and character of this area should therefore be considered, in addition to the loss of residential accommodation and local economic benefits which may accrue from the proposal.
- 49 As set out elsewhere in this report, the proposal is compatible with the character of this city centre location and does not raise concern in terms of residential amenity. The loss of residential accommodation is not considered to be detrimental to housing availability, and whilst the economic benefits are likely to be modest, this does not constitute grounds for concern in this instance.
- 50 As such, the proposal accords with the policy intent of the adopted Planning Guidance, in terms of residential amenity, local character and housing availability. This aligns with the officer assessment of the proposal against adopted Development Plan policies.

### **Developer Contributions**

- 51 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

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

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 53 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the floor plan in the interest of accuracy.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

54 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

55 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

56 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 comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

57 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the application.**

### **Conditions and Reasons for Recommendation**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None

## **D      INFORMATIVES**

1. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.
2. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the floor plan in the interest of accuracy.

Background Papers:   9 letters of representation  
Date:                    1 December 2023

### **DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING**

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