

No. 4 Knowehead House – Notice of Review to PKC Local Review Body from 12.12.2023

Planning Application Ref No – 23/01040/FLL - LRB Appeal - 2023-53 (Lee Deans)

Representations by Alexander Jameson [REDACTED]

Summary of Objections to the Change of Use Application and this Appeal:

- The Applicant argues that because there have been no complaints to the Council he should be allowed to continue his intensive Airbnb business. He misses the point that he should be preventing antisocial activity and parties and not waiting for complaints before taking any action. Unfortunately Deans Retreats cannot effectively control their Airbnb activities.
- The track record of Deans Retreats at Knowehead House demonstrates that the application of its own Airbnb rules is not comprehensively adhered to or enforced. The Applicant does not live in this house there is a lack of control, and he rarely meets his Airbnb guests or visits to check.
- This Airbnb business relies on access into No.4 Knowehead through the communal car park, using the external key safe, entering by the front door and communal hallway/reception area that is used by six other Owners.
- With recent Airbnb occupancy at Knowehead House at approx 90%, the estimated number could be at least 600 individual transient guests over a 12 month period, which is a massive intrusion for the other residents. Guests arrive at any time even late at night.
- The local economic benefits of Deans Retreats are marginal and do not outweigh the adverse impacts on residential amenity of the near neighbours.
- This appeal for change of use to a commercial Airbnb business is contrary to NPF4 And PKC LDP2.
- After three difficult years with the Airbnb problems, we do not trust the Applicant and he continues to mostly ignore the neighbours. We understand that similar problems have occurred in other properties in Perth that have Airbnb flats managed by Deans Retreats. This suggests there is a more significant problem here.

1. **General** - My planning objections and corrections to Lee Deans' Justification Statement submitted to PKC on 08.08.23 are still relevant and correct. These objections will be updated by adding my extra comments on the **Notice of Review** submitted by Mr Lee Deans on 12.12.23. He specifically refers to **Points 1i), 1(ii) and 2** in his appeal.

2. **Point 1(i) – An unacceptable impact on local amenity and character of the neighbourhood area:**
 - This intensive Airbnb business operated by Deans Retreats is totally out of character in this residential building and non-commercial part of the Perth. Deans Retreats started operating commercially at No.4 in 2021. The vague assessment in the Applicant's planning application suggested the occupancy rate "for the year was 60%". We questioned this percentage at the time. We have kept an occupancy record since mid October to early January, covering the less popular months of the year. Over 80 nights (and we were away for a further 4 nights but these dates have been excluded) the current occupancy rate has been over 90% with 75 nights occupied by short term guests. This is a very intensive business with anything from 1 to 6 people arriving every 1-2 days and only two occasions guests stayed for 3 days.
 - Using these statistics, and assuming a low average of only 3 guests per night (and it could be 4), this suggests at least 140 guests stayed at the No.4 flat during these 80 nights. Given this period is mostly low season, it is not unreasonable to estimate at least 600 different people staying at No.4 throughout the year (using a 90% occupancy rate).
 - The Applicant mentioned in his planning application in August that 2 out of the 5 Apartments at Knowehead carry out some Airbnb activity. This is no longer the case as No.3 has not applied for a short-term letting licence as at 1st October 2023 and therefore remains a residential property. No.4 is therefore the only business in Knowehead House and an exception in this residential neighbourhood.
 - The focus of this intensive Airbnb business is "commercial gain" and the Applicant has little interest in the four other residential flats in the building. He rarely discusses his business with us and has never asked the other owners how he can control or reduce the disturbance and noise problems. The Applicant has only attended 2 out of 9 Owner meetings since 2021 and in a recent message to one Owner, his absence is explained. He wrote that the Owners' Committee is "a silly little committee".
 In legal terms the Knowehead Committee is constituted by each Owners' Title Deeds and they confirm that majority decisions among the 5 owners is binding. The communal property is managed by the Committee (or Knowehead Owners Association in the Deeds). Failure to comply with Committee decisions increases the chances of unacceptable impacts on the other Knowehead owners and nearby neighbours.
 - The Applicant generally does what he wants without consulting the other Owners. Since purchasing No.4 in 2021, the Applicant has failed to do the following actions:
Examples - Ask permission to install a hot tub on a communal roof; check the structural integrity and weight limits for this roof; take out a bespoke insurance to cover his commercial business risks; failure to fit a noise monitor on the balcony; failure to properly enforce noise and disturbance rules. In addition the Applicant fitted a key lock safe on an

external/communal wall without permission and crucially he did not review his Airbnb rules with the other owners and ask what mitigation measures might help his neighbours.

- **Efforts to Enhance the Local Amenity** – Apartment No.4 was completely refurbished in 2017 by Corryard Developments Ltd and it was in good condition then as we stayed there briefly before moving into No.2. The extensive refurbishment claimed by the Applicant consist of minor repairs, cleaning and redecoration in the flat. Any work to the roofing, pointing, masonry, communal staircase or gardens have been carried out by the joint owners as these are communal areas. The Applicant has no interest in gardening and has not been involved in managing it and his only action over 3 years has been to pay the No.4 contribution towards the gardening cost. The Applicant might have cleaned, redecorated and furnished No.4, but he has not enhanced the local amenity. Fitting a hot tub and allowing parties is the exact opposite.
- **Noise Management and Compliance** – The Applicant produces a set of brief rules, but he does not discuss his rules with the other Owners. His rules are often ineffective and probably not read by the majority of his guests. No representative from Deans Retreats meets the guests when they arrive (as has been recommended by other owners). This absence of someone meeting and instructing the guests is important to reinforce good behaviour and avoid problems. Advertised as “*Knowehead Penthouse Apartment*” with a hot tub, it is apparent that most guests stay at No.4 to either to have a party or to enjoy the hot tub or both. In August 2023 the Applicant claimed that Deans Retreat verify that all guests have a minimum age of 24 years old.
- **Example** - As an example there was an 18th birthday party for a few girls over a two night stay in May 2022. On this rare occasion Lee met the party on the first evening. No guests were over 24 but he did not stop their party. No.4 was booked because the family did not want the noise of the party at their own home nearby in Perth. This completely nullifies any claims by Deans Retreats that they screen guests and prevent parties.
- The Applicant may have fitted a noise monitor but rarely takes action and has never confirmed that he has requested guests to leave early despite the many parties. Because this is a short term letting business, the objective should be proactive to try and avoid any disturbance, rather than waiting for it to happen. On occasions the Applicant has not replied to noise complaints until the next morning.
- **Example** – The most recent complaint to the Applicant related to his Airbnb guests making a lot of noise on 31st December for an hour or so after 10.30pm on the balcony and in the hot tub. They then played music and were noisy in the Apartment. The Applicant said that as it was Hogmanay, he had decided to let his guests enjoy themselves after 10pm. It was not until approx 12.30pm until the Applicant sent a message to the guests to turn the music down. I made the point to Lee that even though it was Hogmanay, if the Applicant wanted to allow his guests to have a noisy party later than 10pm on Hogmanay then he could have asked the other neighbours in advance of the evening. He did not do this. However, the more important message from this incident was that the Applicant was not aware that the hot tub noise earlier in the evening was excessive with shouting and loud music. This is because the Applicant has no noise monitor installed outside on the balcony. This noise from the hot tub

easily travels across the Dundee Road and Commercial Street as confirmed by other nearby objectors.

- This example also highlights a major weakness in the Applicant's noise control efforts waiting for noise complaints. He chooses not to help and work with the other Owners. No.4 guests often enjoy the hot tub earlier in the evening and noise is not picked up by the monitor inside the flat. By the time the guests go inside it is late and very inconvenient to then complain either to the No.4 guests or send a message to Deans Retreats. Why should it be necessary for the neighbours to complain to reduce the noise? If possible, we prefer not to complain to the Council or the Police. These reasons are why we don't complain as often as we could.

The objection from the Owner of [REDACTED] from August 2023 testifies to the serious problems resulting from excessive noise from No.4 Apartment and the operational grinding noise from the Hot Tub itself directly about his accommodation.

- **Legal Compliance** – Noise and antisocial behaviour is regularly a problem at No.4 Knowehead including parties; hot tub use later in the evening; under-age parties; guests throwing cigarette butts into the car park, beer cans over the balcony near to parked cars, champagne cork into our garden; leaving broken bottle in the car park, parking in the wrong car parking space: failing to recycle properly; disturbing other neighbours with late night food deliveries.
 - The more concerning Legal Compliance issue which has not been mentioned by the Applicant for No.4 is the risk of parties on the Balcony with many guests drinking alcohol. This is a Health & Safety risk and the other Owners are concerned about this risk and the possible lack of bespoke insurance cover for Deans Retreats business activities. This has been requested before but never confirmed by the Applicant.
 - The Applicant mentions a CCTV system which has been installed in the car park. His assertion is incorrect as this system has nothing to do with the Applicant and is not there to ensure the safety and well-being of his guests.

Point 2 – The change of use application is contrary to the National Policy Framework 4 and the Perth & Kinross Local Development Plan etc.

- **National Planning Framework** - The Developer Corryard Development Ltd received Building Warrant Approval in 2015/16 to alter Knowehead House and carried out this work by April 2017. This is completely unrelated to Deans Retreats application for a retrospective planning application for a change of use in 2023.
- **Planning Policies** - The question of the compatibility and compliance of No.4 Knowehead House for a change of use has been reviewed independently by **Planning Objections Scotland** as a separate but complimentary Report on behalf of the three Owners.
- **Title Deed Provision** - Whilst the Knowehead House Title Deeds do specify that the Units/Flats can be tenanted or used for holiday lets, the Applicant is incorrect in assuming that this in any way confers a right to a Change of Use. The rights in the Title Deeds are unrelated to Scottish Planning Law. Furthermore, it is irrelevant from a planning perspective that the Title Deeds have this "Use" clause. There has been no "*comprehensive understanding or acceptance among the residents*" that specific Airbnb activities are in any

way approved by the other Owners. For the common areas (excluding what is individually owned) the car park, parts of the gardens, the front door, the hallway, the staircase and landing and the external parts of the building, the management control is clearly all communal and controlled by the Owners Committee. Airbnb guests need to use the communal car park, garden area, front door, hallway and staircase for access.

- **Change of Use** - It is irrelevant and absurd to claim that by repurposing the individual flats, this somehow justifies changing No.4 from a residential to a commercial property. The four other owners have not made use of this incorrect assumption.
- **Economic Contributions** - Most of these comments by the Applicant miss the relevance of NPF4 Policy 30 when considering the benefit of one short term holiday letting flat versus the unacceptable impact of this Airbnb business on local amenity and the character of a neighbourhood. The so called local economic benefit is not quantified or detailed in any tangible way except for the obvious financial benefit going to Deans Retreats. These economic considerations will be dealt with in more detail by **Planning Objections Scotland**.
- **Community Engagement** - The Applicants' points are theoretical and I doubt they are tangible community engagement.
- **Environmental Considerations** - The Applicant may not monitor his guests' car use, but from our cursory review of the Airbnb guests from mid October to early January, it appears that 43 parties arrived by car and only 3 parties did not park a car in the car park. The 90% + use of cars is surprisingly high given the central location in Perth facilitating the potential use of buses and trains. It is likely that far more car emissions were incurred by travelling to Perth than would have been saved by walking into town.

Secondly there has been a significant lack of recycling despite recycling complaints by the other Owners at most Knowehead meetings and writing to the Applicant to encourage his guests to use the correct recycling bin. The Applicant did eventually supply a separate glass bin because most of the No.4 bottles were going in green or blue bins. The glass recycling is much better but the recent green and blue bin change is still causing complications for the guests.

CONCLUSIONS - Contrary to the Applicant's claims, this intensive Airbnb business has no positive impact on the property, the local amenity or the character of the neighbourhood. Furthermore, Deans Retreats avoids engagement and cooperation with its near neighbours and the Owners Committee. We urge the LRB to refuse this appeal because of the many problems and ongoing issues with this intensive Airbnb business. Their track record does not give confidence that Deans Retreats can prevent antisocial behaviour problems. Planning conditions are unlikely to be effective with this commercially driven business.