

REVIEW DECISION NOTICE

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: 62 Monart Road, Perth, PH1 5UQ

Description: Change of use of flat to form short-term let accommodation unit (in retrospect)

Application for Review by Mr J Smith against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01106/FLL

Application Drawings: 23/01106/1 - 23/01106/3

Date of Review Decision Notice – 12 June 2024

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

1.1 The above application for review was considered by the PKLRB at a meeting held on 15 April 2024. The Review Body comprised Councillor Bob Brawn, Councillor D Illingworth and Bailie M Williamson.

1.2 The following persons were also present at the meeting:
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and D Williams, Committee Officer.

Also attending:

A Brown and M Pasternak (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

2. Proposal

2.1 The proposal is for the change of use of flat to form short-term let accommodation unit (in retrospect), 62 Monart Road, Perth, PH1 5UQ. The application was refused consent in terms of a decision letter dated 29 November 2023.

3. Preliminaries

3.1 The PKLRB was provided with copies of the following documents:

(i) the drawings specified above;

- (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 29 November 2023;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representations to the planning application.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4. Findings and Conclusions

- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by majority decision that the review application be refused.
- 4.2 The PKLRB considered that although the proposal is close to retail and relatively close to Perth city centre, it is located in a predominantly residential area of over 200 flatted apartments in various large blocks. With a communal entry to the block the proposal is situated in and with only one allocated parking space, the proposal has the potential to intensify use and lead to an increase in noise nuisance and adversely impact the amenity and character of the area.
- 4.3 The minority opinion of Councillor D Illingworth was the proposal would have limited impact on local amenity, and with close proximity to non-residential uses, the proposal should be granted.
- 4.4 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) By virtue of the potential for an increase in noise nuisance both when using the property, and arriving/leaving the property, the proposal would impact adversely on the character and amenity of the local area which is predominately residential in character, particularly the residential amenity of those living permanently in the block and close by. Accordingly, the proposal is contrary to Policy 30(e) (Tourism) of the National Planning Framework 4 (2023) which states that new proposals for short term holiday letting will not be supported where the proposal will result in an unacceptable impact on local amenity and character of the area.
 - (2) By virtue of the shared entry arrangements, the flatted nature of the property and the predominately residential character of the existing area, the proposal would result in an increased potential for noise

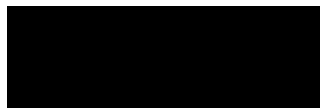
nuisance and general disturbance to occur and affect other existing residents in the block, and those living close by. It would also introduce a land use which is not compatible with the surrounding predominately residential properties. The proposal is therefore contrary to Policy 17 (Residential Areas) of the adopted Perth and Kinross Local Development Plan 2 (2019) and the Council's non-statutory Planning Guidance on Short Term Lets which both seeks to protect existing residential amenity, and Policy 1A of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that all new proposals contribute positively to the surrounding environment.

- (3) By virtue of the potential for an increase in noise nuisance both when using the property and arriving/leaving the property, the proposal is contrary to Policy 56 of the adopted Perth and Kinross Local Development Plan 2 (2019) which looks to protect sensitive receptors from noise generating sources.
- (4) It has not been demonstrated that there is a sufficient level of either designated or available parking to service the use of the property as a short term let. The proposal is therefore contrary to the principles of the National Roads Development Guide 2015, which requires all new developments to have suitable parking provisions.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- 4.5 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.