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REPORT OF HANDLING FOR APPLICATION 24/00072/FUL

ADDRESS:	619 Shields Road Glasgow G41 2RT
PROPOSAL:	Use of flatted dwelling as house in multiple occupancy (HMO) for 14 persons.

DATE OF ADVERT:	09 February 2024
NO REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>32 representations received objecting to the application, inclusive of objections from Polloksheids Heritage, Bailie Norman MacLeod and Councillor Jon Molyneux. The concerns have been summarised below:</p> <ol style="list-style-type: none"> Noise <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Overcrowded dwellings/health and safety concerns <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Detrimental to the character of the building and Conservation Area <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Parking and road safety <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Waste management <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Loss of residential accommodation <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Waste water issues <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Lack of ventilation <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> Fire safety concerns <p>Officer Response: This is a matter for building standards.</p> Internal layout concerns including lack of provision for laundry and storage of prams, bicycles, etc <p>Officer Response: Noted and taken into consideration during the assessment of the application</p>

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	<p>11. Impact on quality of life for those living within the accommodation</p> <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> <p>12. Proposal is out of keeping and out of scale with the local housing pattern</p> <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> <p>13. Backcourt/garden - Not big enough to accommodate a large HMO as the communal garden is shared between two buildings (89 & 619) containing many residential flats</p> <p>Officer Response: Noted and taken into consideration during the assessment of the application</p> <p>14. There is no information in the application to indicate how the property will be managed on a day-to-day basis.</p> <p>Officer Response: Noted and taken into consideration during the assessment of the application</p>
PARTIES CONSULTED AND RESPONSES	No consultations undertaken.
PRE-APPLICATION COMMENTS	None.

EIA - MAIN ISSUES	Not required.
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	Not applicable.
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	Not applicable.
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	Not applicable
S75 AGREEMENT SUMMARY	Not applicable.
DETAILS OF DIRECTION UNDER REGS 30/31/32	Not applicable.
NPF4 POLICIES	<p>Policy 1 Tackling the climate and nature crisis</p> <p>Policy 2 Climate mitigation and adaptation</p> <p>Policy 13 Sustainable transport</p> <p>Policy 14 Design, quality and place</p> <p>Policy 16 Quality homes</p> <p>Policy 23 Health and safety</p>
CITY DEVELOPMENT PLAN POLICIES	<p>The City Development Plan consists of high level policies with statutory supplementary guidance providing further information or detail in respect of the policies. The following are considered relevant to the application:</p> <p>CDP1 The Placemaking Principle</p> <p>CDP10 Meeting Housing Needs</p>

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	CDP11 Sustainable Transport SG1 Placemaking SG10 Meeting Housing Needs SG11 Sustainable Transport
OTHER MATERIAL CONSIDERATIONS	None.
REASON FOR DECISION	The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

	COMMENTS
PLANNING HISTORY	<p>23/01923/FUL – Use of flat as house in multiple occupancy for 17 persons. – Withdrawn</p> <p>03/00267/EN – Enforcement Enquiry – Closed</p> <p>14/00247/EN – Enforcement Enquiry – Closed</p> <p>24/00149/EN – Enforcement Enquiry – Closed</p> <p>24/00238/EN – Enforcement Enquiry – Closed</p>
SITING	The application site consists of a four storey tenement building located on Shields Road, Glasgow. The application site fronts the road to the west and is bound by Leslie Street to the north and tenement flats to the east and south. The site includes communal garden ground to the rear of the tenement building. The application site is within Ward 6 – Pollokshields and is also located within East Pollokshields Conservation Area.
DESIGN MATERIALS AND	<p>This application seeks planning permission for the use of the basement and ground floors as a house in multiple occupancy (HMO) for 14 persons.</p> <p>The internal layout will form 8 bedsit units each with ensuite and limited kitchen facility. A lounge is proposed on each floor.</p> <p>The property can be accessed by a door on the front elevation. There is a door at the rear of the basement which accesses the common close.</p> <p>No external alterations are proposed.</p>
DAYLIGHT	N/A
ASPECT	N/A
PRIVACY	No issues.
ADJACENT LEVELS	N/A
LANDSCAPING (INCLUDING GARDEN GROUND)	N/A
ACCESS AND PARKING	The building has two accesses with one at the front at ground level and one at the rear at basement level of the building. The proposal does not include any allocated vehicle parking spaces.
SITE CONSTRAINTS	East Pollokshields Conservation Area
OTHER COMMENTS	<p>Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p>

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- a) whether the proposal accords with the statutory Development Plan;
b) whether any other material considerations (including objections) have been satisfactorily addressed.

In respect of (a), the Development Plan comprises NPF4 adopted on the 13th of February 2023 and the Glasgow City Development Plan adopted on the 29th of March 2017

National Planning Framework 4

Policy 1 & 2 are overarching policies that are applicable to all developments generally.

Policy 1 – Tackling the climate and nature crisis

The policy intent is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The proposal is considered in accordance with the aims of Policy 1.

Policy 2 – Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The proposal requires minor physical changes to the property, therefore, would not significantly impact climate change in terms of construction works. As such, the proposal is considered to be in accordance with the aims of Policy 2.

Policy 13 – Sustainable Transport

Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

Comment: In terms of public transport, the application site is within an area of “base” accessibility. There are various public transport options within a 20 minute walk of the site which is in line with Policy 13.

The proposal does not provide provision for safe, sheltered and secured cycle parking. In addition, the proposal does not include any off-street vehicle parking spaces nor any provision for low/zero emission vehicle charging points.

Given the lack of cycle and low/zero emission vehicle parking, the proposed development is not considered to comply with Policy 13 – Sustainable Transport.

Policy 14- Design, quality and place

Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16- Quality homes

Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

Comment: The proposed development is in conflict with policies 14 and 16 of NPF4 by reason of the proposed internal layout and its detrimental impact on the amenity of the surrounding area.

The proposed internal layout consists of 8 bedrooms which include kitchenettes and en-suites. The proposed plans show 6 of the bedrooms having 2 single beds within the

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	<p>room and 2 of the bedrooms having 1 single bed. Each floor has a communal lounge. The proposed layout represents bedsits rather than a typical HMO layout. The majority of bedrooms within the development are single aspect. The proposed plans do not demonstrate that the amenity enjoyed by the flats is similar to dual aspect flats. This is due to the small size of the bedrooms with cooking facilities and bathrooms also being incorporated into the rooms. The lounge areas are also not consistent with the scale of the number of people being accommodated. The outdoor space also appears to be shared with the rest of the building, therefore, occupants would not have access to private amenity space.</p> <p>It is considered that the proposal does not deliver a quality place, space or environment for the occupants of the property. Furthermore, the proposal would result in overdevelopment due to the proposed number of rooms/occupants and lack of indoor amenity space.</p> <p>There is shared amenity space to the rear of the building, however, the flat does not provide direct access to this space. To access the rear of the building, a communal close must be used to gain access to a shared residential backcourt. As the proposal results in the use of a common close and communal residential area, it fails to protect existing residential amenity levels, to the detriment of the other residents.</p> <p>As previously stated, the proposal does not include any parking provision. The on-street parking within the area is not controlled. There are public transport options within a 20 minute walk of the site, however, there are concerns that occupants would have cars. Due to the proposed number of rooms and occupants, there are concerns that the development would detrimentally impact the existing on-street parking provision which would affect the amenity of the residential area.</p> <p>Overall, the proposed development directly conflicts with policies 14 and 16 and would not be consistent with the six qualities of successful places.</p> <p><u>Policy 23 - Health and safety</u></p> <p>This policy seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. It states that development proposals that are likely to have a significant adverse effect on health and that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.</p> <p><u>Comment:</u> It is considered that the proposed development would not have positive effects upon the health and wellbeing of its guests or local residents due to the introduction of a commercial use of the scale proposed to what is a modest family home in an established residential area. It is considered that 14 potentially unrelated adults squeezed into a 8 bedroomed property would not provide good quality of life to occupants and would be incompatible with the surroundings. As such, it would likely cause notable disruption to local residential amenity by increased traffic, noise and general activity. A multiple occupancy of this scale is not appropriate to this context where the surroundings and tenement building are mainstream residential. Due to the nature of the guests staying, it is considered that there is less of an onus on users being good neighbours (and often noise issues arise) to local residents. Increased likelihood of noise issues associated with this type of accommodation may be detrimental to existing local residents in the neighbouring properties in terms of residential amenity.</p> <p><u>City Development Plan</u></p> <p><u>City Development Plan CDP 1: The Placemaking Principle</u></p> <p>Policy CDP 1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. CDP 1 states that new development should aspire towards the highest standards of design while providing high quality amenity to existing and new residents in the City. New development should respect the environment by responding to its qualities and character.</p>
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	<p>Comment: Due to the proposed internal layout and number of occupants, the proposal will not deliver high quality amenity for new residents and is highly likely to negatively impact existing residents. The proposed development fails to respect the qualities and character of the local environment. As such, the proposal is considered to be contrary to Policy CDP 1.</p> <p><u>Policy CDP 10 and Supplementary Guidance SG 10: Meeting Housing Needs</u> Policy CDP 10 aims to ensure that the City's growing and diverse population has access to a choice of housing of appropriate quality and affordability across all tenures. The Policy is supported by supplementary guidance, in this instance SG10 which states that proposals requiring planning permission for multiple occupancy (HMOs) must be considered against key locational criteria and the additional key criteria relating to design and amenity space.</p> <p><i>Key Criteria – Locational</i> <i>The following locational criteria will be applied to all multiple occupancy development proposals:</i></p> <p><i>a) In Hillhead and Woodlands, no further planning applications for multiple occupancies will be supported (see Figure 1).</i> Comment: The application property is not within the boundary where new HMOs are prohibited.</p> <p><i>b) In all other locations, the proportion of multiple occupancies should not exceed 5% of the total number of dwellings comprising that unit within a given street or block (or other readily identifiable unit). Exemptions from this rule may include properties that have become completely isolated from family accommodation);</i> Comment: The case officer has searched the Development Management planning application database. There is no record of a HMO planning application or permission on the planning applications database within the street block comprising 619-635 Shields Road.</p> <p><i>c) In locations where on-street parking is controlled, residents' parking permits for HMOs shall be restricted to 1 permit per property. No parking permits will be issued for residents of HMOs granted planning permission after the adoption of SG 11;</i> Comment: On-street parking is not controlled at this site.</p> <p><i>d) In locations where on-street parking is not controlled, the potential impact of an HMO on on-street parking will be taken into account in determining the acceptability of the proposal, in accordance with 'Parking' guidance contained within SG 11.</i> Comment: The application property is not within a controlled parking zone. The proposal does not include any parking provision. There are public transport options within a 20 minute walk of the site, however, there are concerns that the development would detrimentally impact the existing on-street parking provision due to the proposed number of rooms and occupants. This would affect the amenity of the residential area.</p> <p><i>Key Criteria – Design and Amenity Space</i> <i>Planning applications for multiple occupancy will be determined against the following criteria:</i></p> <p><i>a) There must be individual access to a lit street. This will include main door flats and undivided dwellinghouses, but will exclude most properties served by a tenement close and/or communal stairs and properties which have already been subdivided;</i> Comment: The application property has individual access to a lit street.</p> <p><i>b) There must be direct access to amenity space, a refuse store and a drying area to the rear of the building. Recycling space should also be provided in accordance with 'Provision of Waste and Recycling Space' guidance contained within SG 5: Resource Management;</i> Comment: The agent has provided a site plan which demonstrates the application property's access to the communal backcourt for the flatted block is via the communal close. This is not considered to be direct access and fails to protect existing residential amenity levels, to the detriment of the other residents.</p> <p>No details have been provided of the waste and recycling arrangements on site. The only reference to this is contained in the application form and is not sufficient information to</p>
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determine whether the waste and recycling arrangements are appropriate for 10 residents in this property. If approval was given for the property to operate as a multiple occupancy then commercial waste disposal arrangements would need to be in place. No such intension has been indicated or details provided, therefore, the proposal is not considered to be consistent with the advice outlined in Policy CDP 10 and Supplementary Guidance SG 10: Meeting Housing Needs.

CDP11 and SG11 – Sustainable Transport

This policy seeks to encourage the uptake of more sustainable modes of transport and to ensure that new development has suitable provision of car parking and cycle space.

Comment: No information has been provided regarding safe, sheltered and secured cycle parking for the proposed development and, considering the market the property is likely to be directed at, this is a serious omission. As previously stated, the proposal does not include any parking provision nor any electric vehicle charging points. The on-street parking within the area is not controlled. There are public transport options within a 20 minute walk of the site, however, there are concerns that occupants may have cars. Due to the proposed number of rooms and occupants, there are concerns that the development would detrimentally impact the existing on-street parking provision which would affect the amenity of the residential area.

Given the above, the proposed development cannot be considered to correspond with the guidance outlined in SG 11-Sustainable Transport.

In respect of (b) other material considerations include the views of statutory and other consultees and the contents of letters of representations. 32 letters of objection have been received and comments have been addressed.

Whilst not a statutory consultee guidance has been sought from the Councils internal Housing Department with respect to the scale and design of the HMO units. There is no definition of an HMO in Planning Legislation Part 5 of the Housing (Scotland) Act 2006, as amended, defines that living accommodation is a HMO within the meaning of the Act if it is:

- occupied by three or more persons from three or more families, and
- occupied by them as their only or main residence or in some other manner specified by the Scottish Ministers by order, and
- either a house, premises or a group of premises owned by the same person with shared basic amenities, or some other type of accommodation specified by the Scottish Ministers by order.

In this case the Councils HMO unit has confirmed that:

'The proposed drawings associated with the application have been reviewed. They depict a proposed layout to include 8No bedsit units each provided with basic cooking facilities and en suite sanitary facilities. A communal lounge on each level is also proposed. As such each unit is self contained and none of the basic amenities as stipulated in the Housing (Scotland) Act 2006 ('the Act') are to be shared. Each unit is shown to be proposed to be occupied by a maximum of 2 persons only. Accordingly this property would not constitute a house in multiple occupation (HMO) as defined in Section 125 of the Act and would not require to be licensed as such.'

Therefore, whilst the application is described as a change of use to HMO for 14 persons it would not meet the standards set out within the Housing (Scotland) Act. Planning are unable to amend the description and this application has been assessed against the relevant HMO guidance in SG10 but the layout and general design of the proposal is more akin to a bedsit or a series of self contained apartments. In either case the proposal would present as overdevelopment of the site with the potential to significantly impact the amenity of residents whilst providing a poor standard of accommodation for new residents.

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	<p><u>Conclusion</u></p> <p>This application has been assessed against NPF4 and the City Development Plan whilst taking into account any other material considerations. Whilst the proposed development is considered to comply with NPF4 Policies 1 and 2, it does not fully comply with NPF4 Policies 13, 14, 16 and 23, City Development Plan Policies 1, 10 and 11 as outlined above. When assessed as a whole, the proposed development is not considered appropriate for the location and will have a detrimental impact to the amenity of the surrounding uses. As such, for the reasons outlined in the assessment above, it is recommended that this application for Full Planning permission be refused.</p>
RECOMMENDATION	Refuse

Date: 15/10/2024	DM Officer	Laura Johnston
Date: <u>29/10/2024</u>	DM Manager	Ross Middleton

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