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REPORT OF HANDLING FOR APPLICATION 24/01223/FUL

ADDRESS:	48 Melville Street Glasgow G41 2JT
PROPOSAL:	Use of house in multiple occupancy (Sui generis) as apart-hotel (Sui Generis) (Retrospective)

DATE OF ADVERT:	13 September 2024
NO REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>9 representations received objecting to the application, inclusive of one objection from Pollocksheids Heritage. The concerns have been summarised below:</p> <ol style="list-style-type: none"> <li>Noise and anti social behaviour <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>Unwarranted building works has left the building potentially unsafe. <p><b>Officer Response:</b> This would be a matter for Building Standards</p> </li> <li>Detrimental to the character of the building and Conservation Area <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>Parking issues <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>Waste management <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>Loss of residential amenity <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>Loss of residential accommodation <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>Does not meet the definition of an aparthotel (there is a lack of any shared facilities or reception area) <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>The accommodation is not easily accessible to disabled people as there is no level entry to either level of accommodation <p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> </li> <li>The Management / Operational Statement is identical to the previous application and refers to 8-bedrooms. The only change to the layout is re-naming bedroom-4 as a reception. The reception could revert to become an 8th bedroom with modest changes.</li> </ol>

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	<p><b>Officer Response:</b> Noted and taken into consideration during the assessment of the application</p> <p>11. Planning consent does not appear to have been granted for the recently fitted uPVC replacement windows to the street elevation</p> <p><b>Officer Response:</b> Replacement windows have not been included within this retrospective planning application, however, there is a live enforcement which is currently being investigated by the planning authority.</p>
<b>PARTIES CONSULTED AND RESPONSES</b>	No external consultations required.
<b>PRE-APPLICATION COMMENTS</b>	None.

<b>EIA - MAIN ISSUES</b>	Not required.
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES</b>	Not applicable.
<b>DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES</b>	Not applicable.
<b>IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES</b>	Not applicable
<b>S75 AGREEMENT SUMMARY</b>	Not applicable.
<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	Not applicable.
<b>NPF4 POLICIES</b>	<p><b>Policy 1</b> Tackling the climate and nature crisis</p> <p><b>Policy 2</b> Climate mitigation and adaptation</p> <p><b>Policy 30</b> Tourism</p>
<b>CITY DEVELOPMENT PLAN POLICIES</b>	<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><b>CDP1</b> The Placemaking Principle</p> <p><b>CDP10</b> Meeting Housing Needs</p> <p><b>SG1</b> Placemaking</p> <p><b>SG10</b> Meeting Housing Needs</p>
<b>OTHER MATERIAL CONSIDERATIONS</b>	None.
<b>REASON FOR DECISION</b>	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.

	<b>COMMENTS</b>
<b>PLANNING HISTORY</b>	<p>96/01669/DC - Use of flatted dwelling as house in multiple occupancy for seven tenants. – Use is Lawful</p> <p>23/00237/EN – Enforcement Enquiry – Closed</p> <p>23/02174/FUL – Use of house in multiple occupancy (Sui generis) as short term let accommodation (Sui generis) (Retrospective) – Refused</p>

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	<p>23/00091/LOCAL – Use of house in multiple occupancy (Sui generis) as short term let accommodation (Sui generis) (Retrospective) – Appeal Dismissed</p> <p>24/00360/EN – Enforcement Enquiry – Ongoing. This investigation relates to the unauthorised use of the premises for short term let and various internal works carried out without the benefit of *listed building consent. <i>*Edit 25/10/24. This building is not listed and internal alterations would not require consent, however there are various external works that may require planning consent. (ross middleton)</i></p>
<b>SITING</b>	<p>The application site consists of a four storey mid terraced property located on Melville Street, Glasgow. The application site fronts the road to the south west and is bound by residential flatted properties to the south east and north west with residential communal land to the north east. The application site is within Ward 6 – Pollokshields and is also located within East Pollockshields Conservation Area.</p>
<b>DESIGN MATERIALS AND</b>	<p>This is a part retrospective application for the use of the basement and ground floors as an apart-hotel. The building is currently in use as short term let apartments, but this proposal shows a changed to the proposed floor plans with seven apartments and a reception room, however, it is worth noting that the management statement still refers to eight apartments. 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 and another that accesses the garden. No external alterations are proposed.</p> <p>Definition of use: The applicant has argued that the proposed apart-hotel should be defined as being Class 7 (Hotels and Hostels) rather than a Sui Generis use.</p> <p>The Use Classes Scotland Order (as amended) described Class 7 as:</p> <p><i>'hotel, boarding house, guest house, or hostel where no significant element of care is provided, other than premises where alcohol (within the meaning given by section 2 of the Licensing Scotland Act 2005) is sold, pursuant to a premises licence issued under that Act to persons other than residents or to persons other than persons consuming meals on the premises and other than a use within class 9 (houses).'</i></p> <p>In Scotland an apart-hotel is not designated to any particular use class in a Planning context, other than a summary of what could be construed to be an aparthotel under licensing laws. These two pieces of legislation are separate and a definition within the Licensing Act does not cross over into Planning law.</p> <p>A Sui Generis use is a land use which is not described or designated specifically within any of the Use Classes and as an Apart-Hotel is not mentioned within Class 7 of the Use Classes Scotland Order (as amended) the description of development applied in this specific case is considered to be accurate.</p> <p>Notwithstanding the definition of the use the proposal, as assessed below, is considered to be unacceptable.</p>
<b>DAYLIGHT</b>	N/A
<b>ASPECT</b>	N/A
<b>PRIVACY</b>	No issues.
<b>ADJACENT LEVELS</b>	N/A
<b>LANDSCAPING (INCLUDING GARDEN GROUND)</b>	N/A

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<b>ACCESS PARKING</b>	<b>AND</b> The building has three accesses with one at the front at ground level and two at the rear at basement level of the building. The proposal does not include any allocated vehicle parking spaces.
<b>SITE CONSTRAINTS</b>	East Pollockshields Conservation Area
<b>OTHER COMMENTS</b>	<p>When an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise. In addition, under the terms of Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 the Council is required to pay special regard to any buildings or other land in a Conservation Area, including the desirability of preserving or enhancing the character or appearance of that area.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p> <ul style="list-style-type: none"> <li>a) whether the proposal accords with the statutory Development Plan;</li> <li>b) whether the proposal preserves or enhances the character or the appearance of the Conservation Area;</li> <li>c) whether any other material considerations (including objections) have been satisfactorily addressed.</li> </ul> <p>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</p> <p><b><u>National Planning Framework 4</u></b></p> <p>Policy 1 &amp; 2 are overarching policies that are applicable to all developments generally.</p> <p><b><u>Policy 1 – Tackling the climate and nature crisis</u></b></p> <p>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.</p> <p><b><u>Policy 2 – Climate mitigation and adaptation</u></b></p> <p>To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The proposal does not consist of any physical changes to the property, therefore, would not impact climate change in terms of construction works. As such, the proposal is considered to be in accordance with the aims of Policy 2.</p> <p><b><u>Policy 30 – Tourism</u></b></p> <p>To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.</p> <p>Proposals for tourism related development will take into account:</p> <ul style="list-style-type: none"> <li>i. The contribution made to the local economy;</li> <li>ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;</li> <li>iii. Impacts on communities, for example by hindering the provision of homes and services for local people;</li> <li>iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;</li> <li>v. Accessibility for disabled people;</li> <li>vi. Measures taken to minimise carbon emissions;</li> <li>vii. Opportunities to provide access to the natural environment.</li> </ul>

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	<p>Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:</p> <ol style="list-style-type: none"><li>i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or</li><li>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits</li></ol> <p><b>Comment:</b> This is a part retrospective application for what the applicant describes as an apart-hotel comprising seven apartments. Recent changes in legislation mean that Planning Permission and a license are required to operate such facilities.</p> <p>The management plan provided with this application states that the property will be marketed for tourism and corporate use.</p> <p>The management plan states “This operational/management plan outlines the strategies and procedures for the efficient running of this 8-bedroom aparthotel. The aparthotel features eight self-contained apartments and is fully furnished.” The proposed plans show seven apartments and a reception room, therefore, the proposed plans and management plan is conflicting.</p> <p>The management plan and the proposed plans do not specify any provision for accessibility for disabled people.</p> <p>There are two train stations and bus stops within a 10 minute walk of the application site. The agent has not identified any provision for cycle storage within the application site. There is also no provision for on-site vehicle parking or EV chargers. The site is in a residential area of a tenemental nature and there are no parking controls. Whilst public transport can be used, it is likely that the number of apartments proposed will increase the number of visitors that will bring vehicles which could intensify parking demand on the street. With no parking provision provided, this will put pressure on the existing on-street parking which will have a detrimental impact on residential amenity. The development would also require servicing and associated deliveries which would result in a further increase of vehicles visiting the site. The lack of parking and sustainable travel options would have a detrimental impact to the local area.</p> <p>The site is within an area which primarily consists of residential properties. There are commercial uses within a 10 minute walk of the application site. Whilst the proposed accommodation could generally increase economic benefits, it is not considered that it would provide a greater contribution to the local economy than what the existing residential flats would.</p> <p>The site has its own private access at the front of the property, however, the basement plan shows two accesses at the rear which lead to the common close and garden area. This raises concerns as could have a detrimental impact on residential amenity.</p> <p>The number of apartments is considered to be excessive for the size of the building. Overall, it is considered that the scale of the activity and impact of increased number of visitors would have a detrimental impact on the surrounding residential area. In addition, the loss of residential accommodation is a concern as the existing HMO has 6 bedrooms which is a considerable amount of residential accommodation to be lost. Overall, it is considered that the development would not be compatible with the surrounding area.</p> <p>Overall, the proposed development does not accord with Policy 30 of NPF4.</p> <p>The application has also been assessed against the City Development Plan Policies <b>SG1 Placemaking Part 2</b> and <b>SG10 Meeting Housing Needs</b>.</p> <p>The overarching aim of CDP10 is 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.</p> <p><b>SG10</b> notes key locational and design criteria for tourist accommodation:</p>
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**Key Criteria - Locational**

4.5 The Council will generally support tourist accommodation:

- a) in locations with active travel routes and a frequent public transport service and with high accessibility;
- b) in locations with good access to shops and services, where these are not provided on site;
- c) that can demonstrate that it will not place additional pressure on local amenities and facilities;
- d) that can demonstrate there will be no adverse impact on the character and amenity of the area;
- e) that can demonstrate there will be no adverse impact on traffic congestion and parking; and
- f) that meets the relevant criteria in Section 4A or 4B, where appropriate.

**Key Criteria – Design and Amenity Space**

4.6 Proposals for tourist accommodation will generally be supported where:

- a) it is of a size and scale in keeping with the surrounding environment;
- b) it does not introduce an incongruous or visibly intrusive addition to the surrounding area;
- c) it does not result in unacceptable intensification of activity, particularly in a predominantly residential building or area;
- d) a Management Plan for the development is provided, to the complete satisfaction of the Planning Authority (see Paragraph 4.8 below); and
- e) it meets the relevant criteria in Section 4A or 4B, where appropriate.

**4B. Short-Stay Accommodation**

4.10 To manage the potential impact on existing nearby residential properties, proposals requiring planning permission for short-stay accommodation must be considered against the key criteria for tourist accommodation in Section 4 and the additional detailed criteria outlined in paragraph 4.16 below.

4.12 FLATS – Residential flats do not fall within Use Class 9 and are defined as Sui Generis (outwith a specific Use Class). This status reflects the fact that a flat within a block containing residential properties forms a different context given that it has shared circulation and amenity spaces, and horizontal as well as vertical separation. The use of a flat as short-stay accommodation, therefore, has the potential to result in conflict with mainstream residential flats in a block through regular influx of temporary residents as well as increased pressure on infrastructure and shared space. Evidence has shown that amenity issues can arise through the introduction of short-stay accommodation and illustrates the need to effectively control the activity taking place. On this basis, a flat being used as short-stay accommodation is considered differently to a house.

4.16 Short-stay accommodation shall be assessed against the following detailed criteria, together with the key criteria for tourist accommodation in Section 4.

- a) To protect residential amenity planning permission will not be granted for a change of use from a residential flat to short-stay accommodation within existing blocks of residential flats, resulting in a mix of mainstream residential flats and short-stay accommodation within a single building sharing a means of access.
- b) In appropriate locations that satisfy the relevant key criteria relating to tourist accommodation (in Section 4), planning permission may be granted for the change of use of entire blocks of residential flats to short-stay accommodation, or for new purpose-built developments for this type of accommodation.
- c) To protect residential amenity in areas where there are already a significant number of non-residential uses and/or problems of parking and traffic congestion, the change of use of properties to short-stay flats will be strongly resisted in the following Conservation Areas:
  - Crosshill;
  - Dennistoun;
  - Glasgow West;
  - Park;
  - St Vincent Crescent; and
  - Strathbungo.

**Comment:**

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The proposed use is described as an apart-hotel. However, the management plan indicates that the use more likely aligns with short-term let use. Within the proposed plans, there is a room designated as a reception with a desk, seating area and a sink. However, the management plan indicates that the reception is not staffed 24/7 by stating that staff will be available at check-in and check-out times and that guests' access arrangements include a self-check-in system that allows them to check in at their convenience at any time. This is accomplished through the use of secure lockboxes/keypad systems. There is also a 24-hour phone line for visitors in case of emergency. This type of operation is often the case for short-term let and whilst there is a reception desk shown on the plans, there are concerns that the reception desk can easily be removed or not staffed. The proposal does not include any other facilities that would be typical in an apart-hotel, for example, gym, café, bar, etc. It is reasonable to assume that an apart-hotel would have more facilities than a desk that may or may not be staffed for a small period of the day.

In terms of the locational criteria, the site is located within a primarily residential area. There are opportunities to use public transport nearby, however, there is a concern that visitors will take vehicles to the accommodation. Also, the proposed use would likely encourage servicing by delivery and goods vehicles. There are no designated parking spaces within the application site, therefore, the number of apartments could have a detrimental impact to existing on-street parking provision and add to traffic congestion. This would also detrimentally impact the amenity of the residential area.

In terms of design and amenity criteria, it is considered that the scale of the proposed use is not in keeping with the surrounding environment. The number of apartments proposed is not appropriate for the scale of the building. In terms of point c), it is considered that the use will result in an unacceptable intensification of activity within the residential area due to the number of apartments proposed.

With regards to 4.16 above, it is considered that application site is not an appropriate location for the use proposed as it fails to meet the key criteria for tourist accommodation. Whilst the accommodation has its own private access at the front, there are two accesses to the common close and rear garden area which raises concerns in terms of residential amenity. In addition, the proposal occupies the basement and ground floor of a four storey building. The supporting information states that the full building is owned by the applicant, however, this may not be the case in future. As such, the intensification of the accommodation could have a detrimental impact to the amenity of the floors above.

In respect of (b) other material considerations include the views of statutory and other consultees and the contents of letters of representations. 9 letters of objection have been received and comments have been addressed.

### **Conclusion**

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 Policy 30, City Development Plan Policies 1, 10, SG1 and SG10 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.

### **RECOMMENDATION**

**Refuse**

Date: 09/10/2024

DM Officer

Laura Johnston

Date: 11/10/2024

DM Manager

Ross Middleton

### **REASONS FOR REFUSAL**

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01. 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.
02. The development proposal is contrary to NPF4 Policy 30, as well as CDP1: The Placemaking Principle and the corresponding Supplementary Guidance SG1 (Part 2) and CDP10: Meeting Housing Needs and the corresponding Supplementary Guidance SG10: Meeting Housing Needs of the Glasgow City Development Plan (adopted March 2017) for the reasons specified below, and there is no overriding reason to depart therefrom.
03. The proposal is contrary to NPF4 Policy 30, CDP 1 & SG1 and CDP10 & SG10 of the City Development Plan (adopted 2017) due to its potential impact on the amenity of the surrounding area owing to the proposed use and scale of that proposed use.
04. The proposal is contrary to NPF4 Policy 30, it is not considered that there are demonstrable local economic benefits from the proposal which would outweigh the loss of mainstream residential accommodation.

### Drawings

The development shall not be implemented in accordance with the drawing(s)

1. 100 LOCATION AND BLOCK PLAN c Received 3 September 2024
2. 110 EXISTING AND PROPOSED GROUND FLOOR PLANS C Received 3 September 2024
3. 111 EXISTING AND PROPOSED BASEMENT FLOOR PLANS C Received 3 September 2024

As qualified by the above reason(s), or as otherwise agreed in writing with the Planning Authority

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