

Request for Planning Local Review

940 Sauchiehall Street 1/2 (Ward 10) - 16/00013/LOCAL

Use of flat as house in multiple occupation

COPIES OF THE FOLLOWING DOCUMENTS ARE ATTACHED:-

- 1 Application for Planning Permission – 15/02330/DC and supporting documents.
- 2 Drawing and plans (2.1– 2.4)
- 3 Photographs and location plan by Planning Advisor (3.1 – 3.)
- 4 Report of Handling.
- 5 Planning Decision Notice dated 24 November 2015.
- 6 Letters of representation from
 - (a) Yokerhill and Kelvingrove dated 2015;
 - (b) Land and Environmental Services dated 6 & 20 October 2015;
 - (c) Development and Regeneration Services , HMO Unit dated 12 October 2015;
 - (d) Transport Planning dated 27 October 2015; and
 - (e) Robert McQuade dated 19 October 2015.
- 7 Notice of Review Form and Grounds of Appeal from applicant – 16/00013/LOCAL.
- 8 Relevant Policies from Statutory Development Plan
 - 8.1 City Plan 2 – DEV 2
 - 8.2 City Plan 2 – RES 10
- 9 Draft conditions if Local Review Committee minded to grant.

Copyright

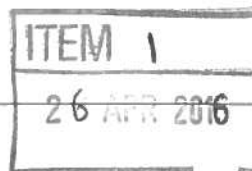
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231 George Street Glasgow G1 1RX

Tel: 0141 287 8555

Email: onlineplanning@glasgow.gov.uk



Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000131679-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Internal alterations and the change of use to a House in Multiple Occupancy.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Daly Planning & Design
Ref. Number:	
First Name: *	John
Last Name: *	Daly
Telephone Number: *	0141 841 7345
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	john.daly@dalyplanning.com

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	78
Address 1 (Street): *	Glasgow Road
Address 2:	
Town/City: *	Paisley
Country: *	UK
Postcode: *	PA1 3PN

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Don
Last Name: *	McGrath
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	20
Address 1 (Street): *	Woodvale Road,
Address 2:	
Town/City: *	Knutsford.
Country: *	UK
Postcode: *	WA16 8QF

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

The extent of the information required to accompany an application for an HMO and confirmation that Planning Permission would be necessary.

Title:

Other title:

First Name:

Last Name:

Correspondence Reference Number:

Date (dd/mm/yyyy):

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

The property is currently in residential use.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐ Yes ☒ No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☐ Yes ☒ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐ Yes

☐ No, using a private water supply

☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

There are both internal and external storage areas shown.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: John Daly

On behalf of: Mr Don McGrath

Date: 16/09/2015

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | ☐ Yes ☒ N/A |
| A Design Statement or Design and Access Statement. * | ☐ Yes ☒ N/A |
| A Flood Risk Assessment. * | ☐ Yes ☒ N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | ☐ Yes ☒ N/A |
| Drainage/SUDS layout. * | ☐ Yes ☒ N/A |
| A Transport Assessment or Travel Plan. * | ☐ Yes ☒ N/A |
| Contaminated Land Assessment. * | ☐ Yes ☒ N/A |
| Habitat Survey. ** | ☐ Yes ☒ N/A |
| A Processing Agreement * | ☐ Yes ☒ N/A |

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: John Daly
Declaration Date: 16/09/2015
Submission Date: 16/09/2015

Payment Details

Online payment: 4086310191

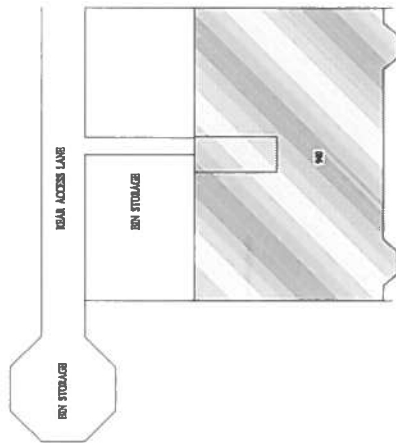
Created: 16/09/2015 10:06

SAUCHIEHALL STREET

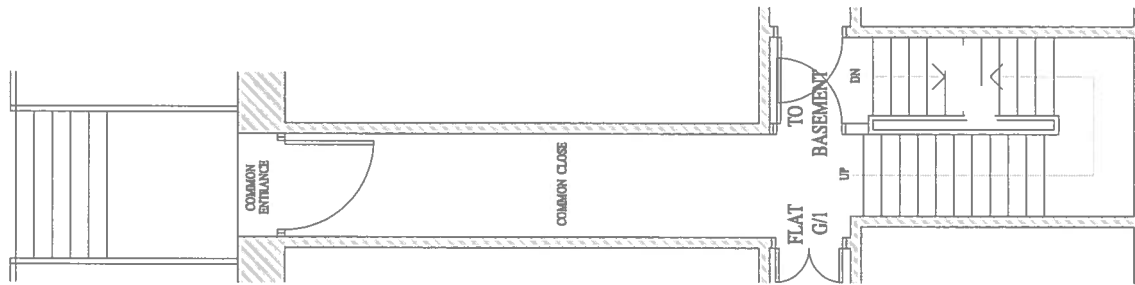
NOTE:

THE PROPERTY IS A FIRST FLOOR FLAT IN A FIVE STOREY TENEMENT PROPERTY (INCLUDING THE BASEMENT). THERE IS A COMMON CENTRAL CLOSE WITH A BASEMENT AREA WHICH CONTAINS STOREROOMS FOR OTHER THE OTHER PROPERTIES AND ACCESS TO THE REAR COURT.

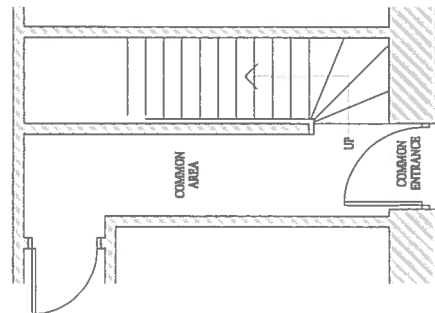
THE APPLICATION PROPERTY HAS BINS WITHIN THE COMMON BINS AREA.



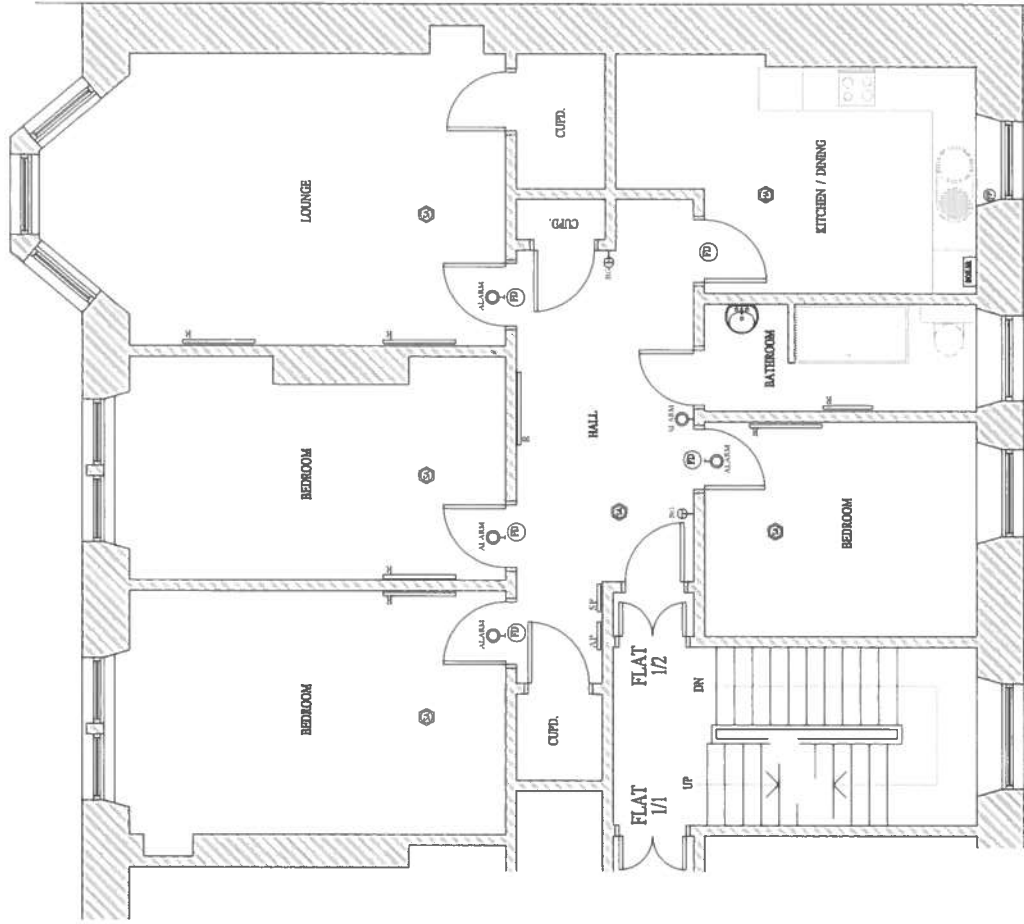
COURTYARD LAYOUT (1:1000)



GROUND FLOOR PLAN (1:50)



BASEMENT FLOOR PLAN (1:50)



FIRST FLOOR PLAN (1:50)

BS 1122

All work to current British Standards.
Electrics to be to IEE regs 17 edition and to BS7671 2008
All demolition work to be to BS6187 1982 and Health & Safety at Work Act 1974.
All drainage to be to the satisfaction of the local authority.
Part A/C to be used and as indicated on drawings of joints.
All finishes to be made good.

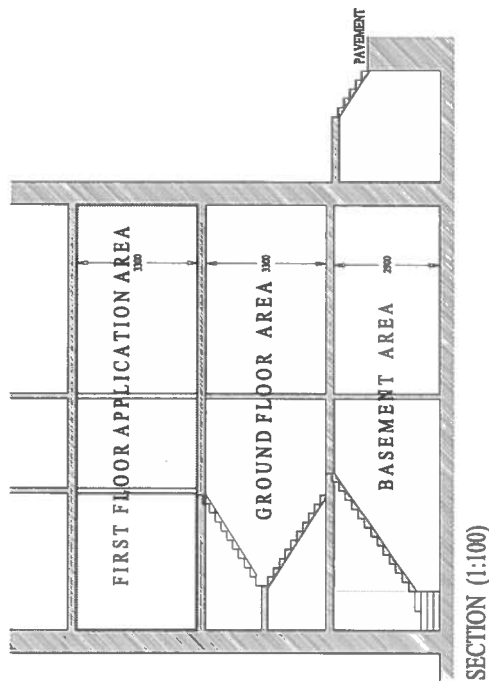
DO NOT SCALE FROM DRAWINGS.
ALL DIMENSIONS MUST BE CHECKED ON SITE.

ITEM 2.1
26 APR 2016

Rev	Date	Description
CLIENT		Mr D McGrath
		Flat 1/2, 940 Sauchiehall Street, Glasgow
PROJECT		Proposed Change of Use to an HMO at Flat 1/2, 940 Sauchiehall Street, Glasgow
SCALE	1:50, 1:250	
DATE	August 2015	
TITLE	Existing Layout Plans and Rear Court Layout	
DRWG No.	001	

Daly Planning and Design

78 Glasgow Road,
Paisley, PA1 3PN
Tel 07916 134666 / 07916 114646



GENERAL SPECIFICATION:

KITCHEN AREA TO HAVE UNITS PROVIDING AT LEAST 1 cu.m OF STORAGE. ALL COLD WATER TO BE OFF THE EXISTING COLD WATER MAIN.

NB. ALL DRAINAGE TO BE TO BS EN 12056-2:2000.

KITCHEN AND BATHROOM TO HAVE 125mm PVC EXTRACT DUCTS CONNECTING TO THE EXTERNAL AIR WITH VERMIN AND WATERPROOF COWLS ON THE EXTERNAL FACE. KITCHEN FAN TO PROVIDE A MIN. INTERMITTENT EXTRACTION RATE OF 60/s AND THE BATHROOM TO HAVE A RATE OF 16 L/s.

ALL HEATING AND HOT WATER PIPEWORK WILL BE INSULATED ACCORDING TO BS 5422:2009.

EMERGENCY LIGHTING TO COMPLY WITH BS 5266: PART 1:2005 (EITHER

NON-MAINTAINED/MAINTAINED) AND BS EN 1838.

AUTOMATIC FIRE DETECTION TO COMPLY WITH BS 5839: PART 1: 2002 TO BE INSTALLED THROUGHOUT AND IN THE EVENT OF FIRE, TO HAVE AN AUDIBLE WARNING SYSTEM.

FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS 5306: PARTS 3 & 8: 2000 AND BS EN 3 (AND APPROPRIATE RISKS).

FIRE WARNING SYSTEM TO COMPLY WITH BS 5839: PART 1: 200 (CATEGORY M).

SIGNS AND NOTICES TO COMPLY WITH BS 5499: PART 1: 2002 AND / OR HEALTH AND SAFETY (SIGNS AND SIGNALS) REGS. 1996.

NB. ON COMPLETION, A CERTIFICATE OF INSTALLATION AND COMMISSIONING OF THE FIRE DETECTION AND ALARM SYSTEM AS IN ANNEX G OF BS5839: PART 1: 2002 MUST BE COMPLETED AND FORWARDED TO THE DIRECTOR OF DEVELOPMENT AND REGISTRATION SERVICES.

(FD) DENOTES A 1 HR SELF CLOSING FIRE DOOR WITH DOOR TO HAVE SMOKE SEALS ALL ROUND AND TO BE FITTED IN A HALF HOUR DOOR FRAME WITH ALL NECESSARY IRONMONGERY.

ALL HEATING AND HOT WATER PIPEWORK WILL BE INSULATED ACCORDING TO BS 5422:2009.

NOTES

- All work to current British Standards.
- Electrics to be to IEE regs 17 edition and to BS7671 2008.
- All demolition work to be to BS6187:1982 and Health & Safety at Work Act 1974.
- All drainage to be to the satisfaction of the local authority.
- No HAC to be used and no notching of joists.
- All finishes to be made good.
- DO NOT SCALE FROM DRAWINGS.
- ALL DIMENSIONS MUST BE CHECKED ON SITE.

ITEM 22
26 APR 2016

Rev: Date Description
CLIENT
Mr. D. McGrath
Flat 1/2, 940 Sauchiehall Street,
Glasgow.

PROJECT
Proposed Change of Use to an
HMO at Flat 1/2, 94
940 Sauchiehall Street, Glasgow

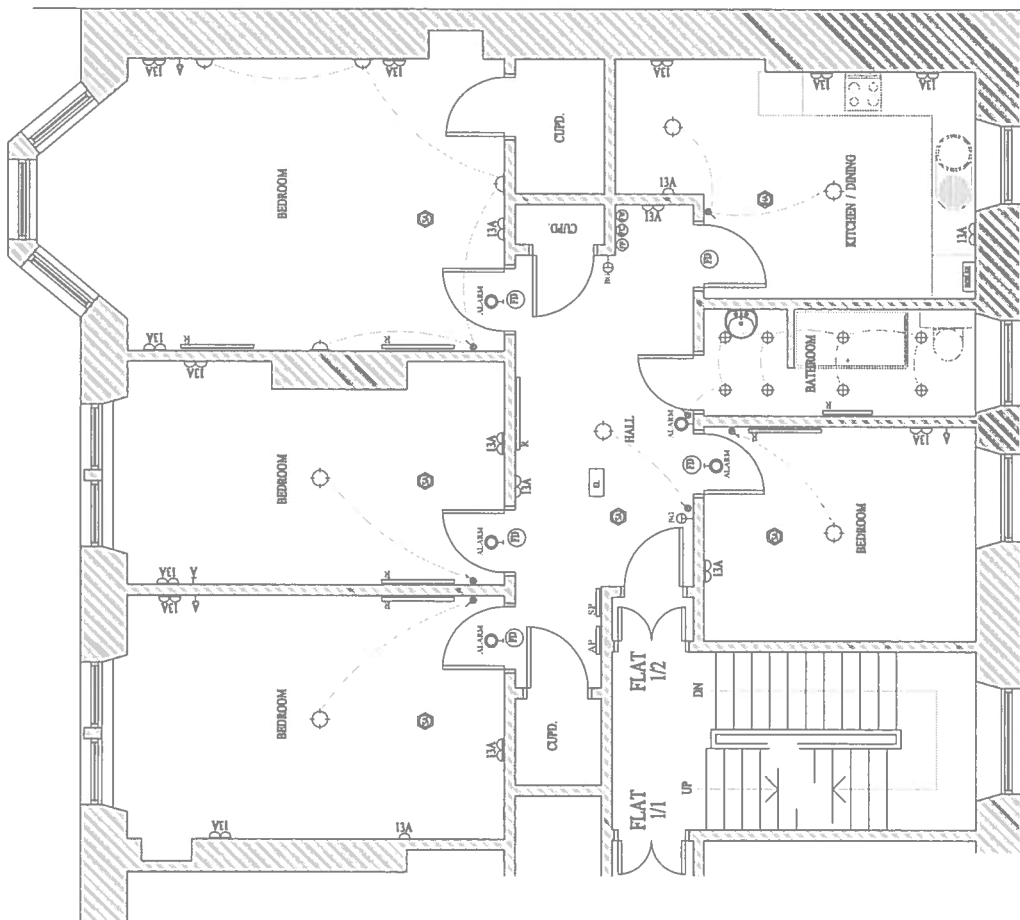
SCALE 1:50
DATE August 2015

TITLE
Proposed Layout Plan and
Section.

DRWG No. 002

*Daly Planning
and Design*

78 Glasgow Road,
Paisley, PA1 3PN
Tel 07916 134606/07916 114609



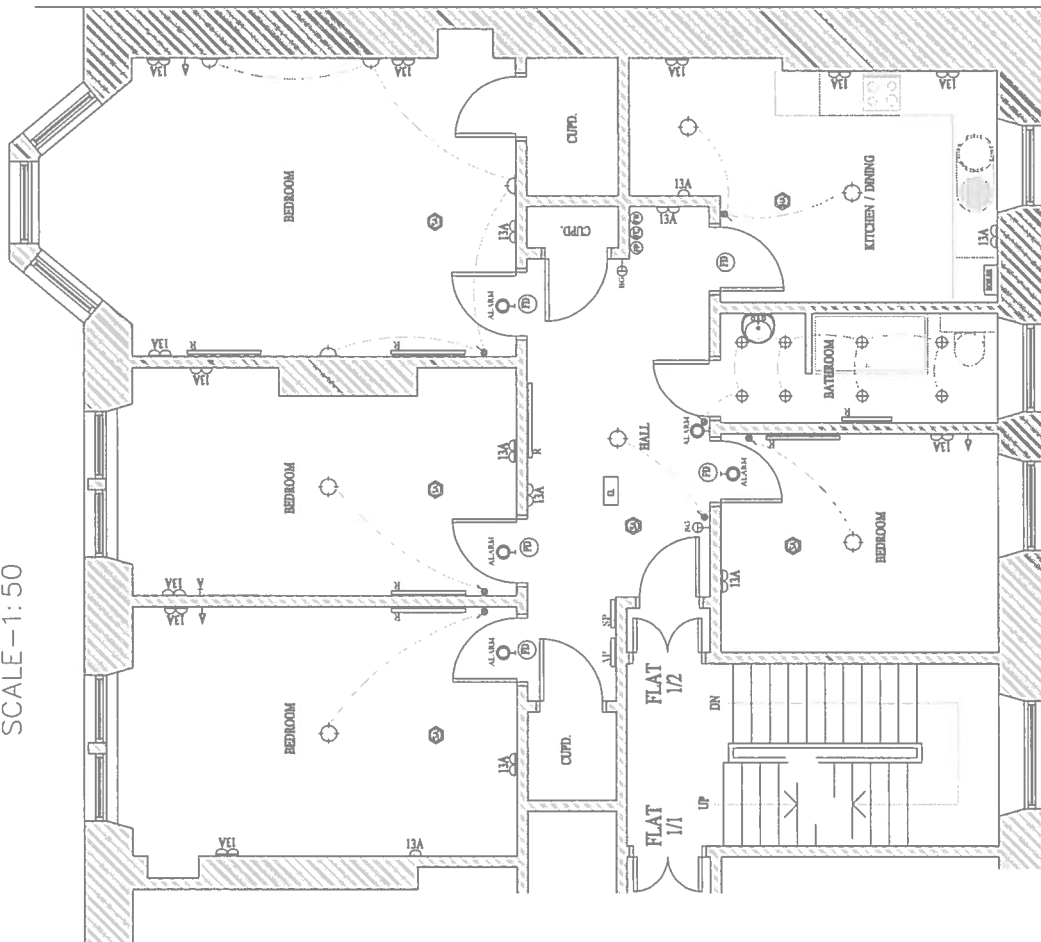
ALL SMOKE AND HEAT
DETECTORS, EMERGENCY
LIGHTS AND ALL OTHER FIRE
ESCAPE ELECTRICAL
FITTINGS TO BE HARDWIRED
AND ON INDEPENDENT
CIRCUITS WITH BATTERY
BACK-UP.

CEILING PENDANT	EMERGENCY BREAK GLASS
CEILING PENDANT	EMERGENCY ALARM SOUNDER
LIGHT SWITCH	POWDER FIRE EXTINGUISHER
DOUBLE SOCKET	CO2 FIRE EXTINGUISHER
EXTRACT FAN	WATER FIRE EXTINGUISHER
EMERGENCY LIGHT	FIRE BLANKET
HEAT ALARM	ALARM PANEL
SMOKE ALARM	SECURITY PANEL
TV Aerial	RADIATOR

PROJ 112

All work to current British Standards.
Electrics to be to IEE reg. 17 edition and to BS7671:2008
All demolition work to be to BS6187:1982 and Health & Safety at Work Act 1974
All drainage to be to the satisfaction of the local authority.
No TAC to be used and no mixing of joints
All finishes to be made good.
1:50 NOT SCALE FROM DRAWINGS
ALL DIMENSIONS MUST BE CHECKED ON SITE

0 1 2 3
SCALE-1:50



PROPOSED FIRST FLOOR PLAN (1:50)

- | | |
|-----------------|--------------------------|
| CEILING PENDANT | EMERGENCY BREAK GLASS |
| CEILING PENDANT | EMERGENCY ALARM SOUNDER |
| LIGHT SWITCH | POWDER FIRE EXTINGUISHER |
| DOUBLE SOCKET | CO2 FIRE EXTINGUISHER |
| EXTRACT FAN | WATER FIRE EXTINGUISHER |
| EMERGENCY LIGHT | FIRE BLANKET |
| HEAT ALARM | ALARM PANEL |
| SMOKE ALARM | SECURITY PANEL |
| TV AERIAL | RADIATOR |

ALL SMOKE AND HEAT DETECTORS, EMERGENCY LIGHTS AND ALL OTHER FIRE ESCAPE ELECTRICAL FITTINGS TO BE HARDWIRED AND ON INDEPENDENT CIRCUITS WITH BATTERY BACK-UP.

ITEM 2.3
26 APR 2006

A Oct. 2015 Amended
Rev Date Description
CLIENT
Mr D McGrath,
Flat 1/2, 940 Sauchiehall Street,
Glasgow

PROJECT
Proposed Change of Use to an
HMO at Flat 1/2, 94
940 Sauchiehall Street, Glasgow

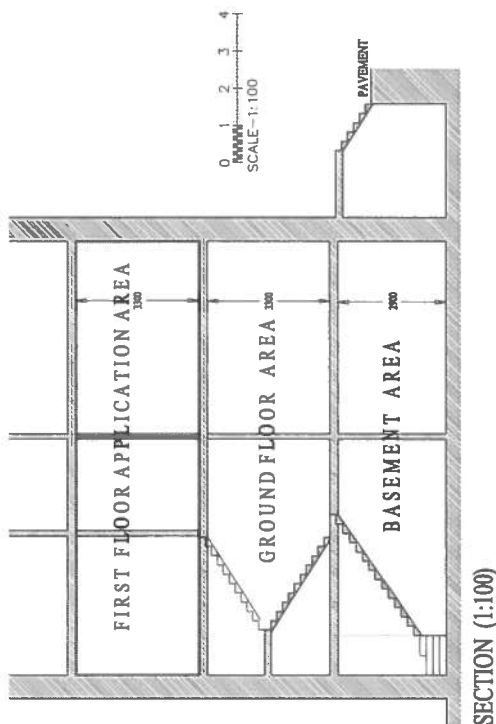
SCALE 1:100, 1:50
DATE August 2015

TITLE
Proposed Layout Plan and
Section

DRWG No. 002A

Daly Planning
and Design

78 Glasgow Road,
Paisley, PA1 3PN
Tel 07916 134606 / 07916 13460



GENERAL SPECIFICATION:

KITCHEN AREA TO HAVE UNITS PROVIDING AT LEAST 1 cub.m OF STORAGE. ALL COLD WATER TO BE OFF THE EXISTING COLD WATER MAIN.

NB. ALL DRAINAGE TO BE TO BS EN 12056-2:2000.

KITCHEN AND BATHROOM TO HAVE 125mm PVC EXTRACT DUCTS CONNECTING TO THE EXTERNAL AIR WITH VERMIN AND WATERPROOF COWLS ON THE EXTERNAL FACE. KITCHEN FAN TO PROVIDE A MIN. INTERMITTENT EXTRACTION RATE OF 60l/s AND THE BATHROOM TO HAVE A RATE OF 16 l/s.

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EMERGENCY LIGHTING TO COMPLY WITH BS 5266: PART 1:2005 (EITHER

NON-MAINTAINED/MAINTAINED) AND BS EN 1838.

AUTOMATIC FIRE DETECTION TO COMPLY WITH BS 5839: PART 1: 2002 TO BE INSTALLED THROUGHOUT AND IN THE EVENT OF FIRE, TO HAVE AN AUDIBLE WARNING SYSTEM.

FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS 5306: PARTS 3 & 8: 2000 AND BS EN 3 (AND APPROPRIATE RISKS).

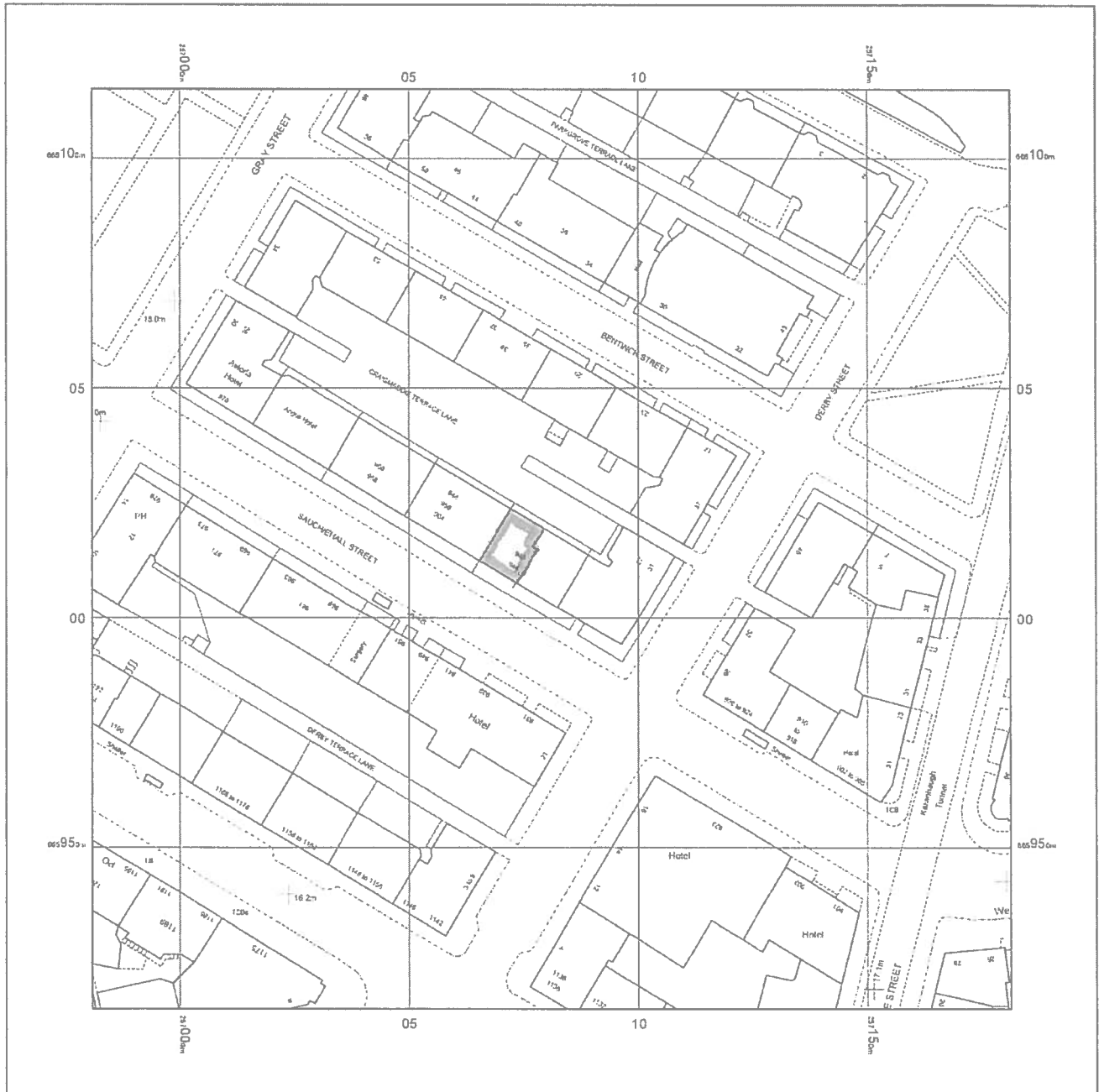
FIRE WARNING SYSTEM TO COMPLY WITH BS 5839: PART 1: 200 (CATEGORY M).

SIGNS AND NOTICES TO COMPLY WITH BS 5499: PART 1: 2002 AND / OR HEALTH AND SAFETY (SIGNS AND SIGNALS) REGS. 1996.

NB. ON COMPLETION, A CERTIFICATE OF INSTALLATION AND COMMISSIONING OF THE FIRE DETECTION AND ALARM SYSTEM AS IN ANNEX G OF BS5839: PART 1: 2002 MUST BE COMPLETED AND FORWARDED TO THE DIRECTOR OF DEVELOPMENT AND REGENERATION SERVICES.

(FD) DENOTES A 1 HR SELF CLOSING FIRE DOOR WITH DOOR TO HAVE SMOKE SEALS ALL ROUND AND TO BE FITTED IN A HALF HOUR DOOR FRAME WITH ALL NECESSARY IRONMONGERY.

ALL HEATING AND HOT WATER PIPEWORK WILL BE INSULATED ACCORDING TO BS 5422:2009.



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Serial No: 76044
Centre Coordinates: 257081, 666015
Production Date: 14/08/2015 13:05:28

940 Sauchiehall St, Glasgow, Glasgow City G3 7TH

ITEM 3

26 APR 2015



REPORT OF HANDLING FOR APPLICATION 15/02330/DC

ADDRESS:	Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH
PROPOSAL:	Use of flat as house in multiple occupation.

DATE OF ADVERT:	9 October 2015
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	2 letters of representation (objection) received. The issues raised can be summarised as follows: - There are more than enough multiple occupancy's at this address. Comment: There are no properties within this close which are authorised (under planning legislation) as HMOs. Given that the flat in question is at first floor level, with no direct access to a lit street, the proposed HMO would be contrary to City Plan 2 policy RES 10 – Multiple Occupancy. The only circumstance in which this may be considered acceptable would be when all properties within the close were consented HMO's. This is clearly not the case in this instance, with family accommodation still present. The proposal is therefore contrary to RES 10 due to the potential impact a multiple occupancy use would have on the residential amenity of permanent residents. - The majority of these properties are rented to students, a transient population who have no respect for the permanent residents. Their behaviour is anti-social. Comment: Anti-social behaviour is a police matter and not a planning issue. - Many of these properties are owned by absentee landlords who are difficult to contact when problems arise, such as flooding from the property above. Comment: This not a material planning consideration. - The flat in question is on the first floor, accessed from a common stair. It therefore has no direct access to the street and contravenes City Plan 2 policy RES 10 – Multiple Occupancy. Comment: As described above, the proposal is considered contrary to RES 10 as it has no direct access to a lit street.
PARTIES CONSULTED AND RESPONSES	Land And Environmental Services (Environmental Health) – No objection. Land And Environmental Services (Waste and Recycling) – No objection. Transport Planning – No objection subject to conditions. Houses In Multiple Occupation - No objection subject to conditions.
PRE-APPLICATION COMMENTS	None from DRS Planning. Leo Flood of DRS Housing in Multiple Occupation confirmed that Planning Permission was required.

EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	NOT APPLICABLE
IMPACT/POTENTIAL IMPACT STATEMENTS –	NOT APPLICABLE

MAIN ISSUES	
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
STRUCTURE PLAN POLICIES	NOT APPLICABLE
CITY PLAN 2 POLICIES	DEV 2 – Residential and Supporting Uses RES 10 – Multiple Occupancy.
OTHER MATERIAL CONSIDERATIONS	NONE
REASON FOR DECISION	V02 - Reason to Refuse - does not meet DP 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	None relating specifically to Flat 1/2. Flat 2/1: 06/02641/DC - Use of premises as a multiple occupancy for four persons. Refused lawful use. 98/02137/DC - Use of flat as multiple occupancy - contrary to the housing policy of the development plan. Refuse and Enforce. Flat 2/2: 06/02640/DC - Use of premises as multiple occupancy for five persons. Refused lawful use. 98/02108/DC - Use of flat as multiple occupancy - contrary to the housing policy of the development plan. Refuse and Enforce.
SITE VISITS (DATES)	20 th November 2015.
SITING	The application site is a first floor flatted property located within a four-storey and basement sandstone tenement. It is situated on the northern side of Sauchiehall Street. The building is located within the Park Conservation Area and Ward 10 – Anderston/City.
DESIGN AND MATERIALS	Use of flat as house in multiple occupation.
DAYLIGHT	Not applicable.
ASPECT	Not applicable.
PRIVACY	No privacy issues created as a result of this proposal.
ADJACENT LEVELS	Not applicable.
LANDSCAPING (INCLUDING GARDEN GROUND)	Not applicable.
ACCESS AND PARKING	No impact on access or parking arrangements. Within a controlled parking zone.
SITE CONSTRAINTS	Within the Park Conservation Area.
OTHER COMMENTS	The application site is covered by the Residential Development Policy Principle (DEV 2). In this case the proposed use is quasi residential within a residential area and on this basis it is considered that there would be no conflict in principle with the designation set within City Plan 2. The proposal therefore requires to be assessed against the provisions of City Plan 2 policy RES 10. Policy RES 10 'Multiple Occupancy' aims to strike a balance between the demand for

	multiple occupancy and the need to ensure that the stability of neighbourhoods and the residential amenity of properties and streets is not adversely affected by a concentration of multiple occupancies. The legal controls over this type of housing use are complex. Multiple occupancy in a flat, for example, needs 2 legal permissions before it can operate - planning permission, and a licence for a house in multiple occupation (HMO Licence). Failure to obtain planning permission lays the owner open to enforcement action under planning legislation, and failure to obtain a Licence can lead to prosecution, under housing legislation. Planning applications for multiple occupancy will be judged against the following: • There must be individual access to a lit street. This will include main door flats and undivided terraced houses, but will exclude most properties served by a tenement close and/or communal stairs and properties which have already been subdivided. • There must be direct access to a refuse store and a drying area to the rear of the building. • Within a given street or block, the proportion of multiple occupancies should not exceed 5% of the total number of dwellings comprising that unit (exemptions from this rule may include properties that have become completely isolated from family accommodation). In this instance, the application property is served by a communal close accessed from Sauchiehall Street which serves all of the properties on the upper floors. This arrangement does give direct access to a refuse store and drying area to the rear. However, the property is on the 1st floor and therefore does not have individual access to a lit street. There are 6 flats at this address, of which none are authorised (under planning legislation) as HMOs. This does not suggest that this tenement close has become completely isolated from family accommodation and consequently there is no scope for exemption to the requirement for individual access to a lit street. The introduction of an HMO to the tenement close would be to the particular detriment of the residential amenity of the remaining residential flats. The street block, as defined by Gray Street to the west, Craigmaddie Terrace Lane to the north and Derby Street to the east contains 55 residential properties, only 1 of which is a consented HMO under planning legislation. Were an HMO to be introduced at this address the overall percentage within the defined street block would be 3.6%, which complies with point 3 above. Having only demonstrated compliance with two of the above criteria the proposal is considered contrary to policy RES 10 of Glasgow City Plan 2, and there are no other overriding material considerations that justify departure from the development plan.
RECOMMENDATION	Refuse.

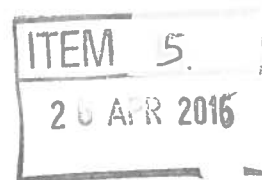
Date: 24/11/2015	DM Officer	Mr A Shand
Date	DM Manager	

Drawing numbers:

Location Plan 1:1250 Date stamped DRS 16 September 2015;
001;
002.

Reason(s) for decision

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. By reason that the property does not have individual access to a lit street and is consequently contrary to City Plan 2 policy RES 10 'Multiple Occupancy' to the detriment of residential amenity.



PLANNING DECISION NOTICE

Full Planning Permission REFUSAL

IN RESPECT OF APPLICATION 15/02330/DC

Use of flat as house in multiple occupation.

AT

Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH

AS SHOWN ON THE FOLLOWING SUBMITTED PLAN(S)

Location Plan 1:1250 Date stamped DRS 16 September 2015;
001;
002.

Reason(s) for decision

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. By reason that the property does not have individual access to a lit street and is consequently contrary to City Plan 2 policy RES 10 'Multiple Occupancy' to the detriment of residential amenity.

Dated: 24 November 2015

**Appointed Officer
Development and Regeneration Services
Glasgow City Council**

THIS DECISION NOTICE SHOULD BE READ WITH THE ATTACHED ADVICE NOTES

THIS IS AN IMPORTANT LEGAL DOCUMENT AND SHOULD BE KEPT SECURE FOR FUTURE REFERENCE

IMPORTANT NOTES ABOUT THIS REFUSAL OF PLANNING PERMISSION
--

BY THIS NOTICE, YOUR PROPOSAL HAS BEEN REFUSED.

RIGHTS OF APPEAL

If you are not satisfied with this refusal of planning permission, you may request a review within **three months** of the date on this notice. Please note that the right of appeal is to the Planning Local Review Committee of the Council and **not** to Scottish Ministers.

Before pursuing a review, you should consider contacting your case officer to discuss whether there are changes which could be made to the proposed development to make it acceptable. The case officer's contact details are on the letter accompanying this Decision Notice. Your case officer can also advise on how a fresh application could be submitted. Please note that if you do submit a fresh application within 12 months, you would be unlikely to have to pay a further planning fee.

Before contacting the case officer, you would be well advised to view the report on the application. It is available for inspection electronically at <https://publicaccess.glasgow.gov.uk/online-applications//> or at Development and Regeneration Services, Development Management, 231 George Street, Glasgow G1 1RX, Monday to Thursday 9am to 5pm and Friday 9am to 4pm (excluding public holidays). The report explains how the decision was reached and should help you decide whether to proceed with further discussion or a review. If your application was granted subject to conditions, it may be clear from the terms of the report that any conditions which you might be concerned about are necessary.

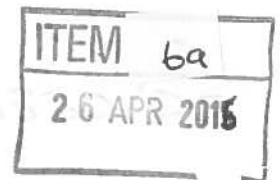
A notice of review must be served on the Planning Local Review Committee on Form LR01 obtainable from:-

Planning Local Review Committee
Corporate Services
City Chambers
GLASGOW
G2 1DU
 Tel: 0141 287 4377, Fax: 0141 287 5332
 Email: committee.services@glasgow.gov.uk

The notice of review must include a statement setting out your reasons for requiring the Planning Local Review Committee to review this case. You must state by what procedure (written representations, hearing session(s), inspection of application site) or combination of procedures you wish the review to be conducted. However, please note that the Planning Local Review Committee will decide on the review procedure to be followed.

You must also include with the notice of review a copy of this decision notice, the planning application form, the plans listed on the decision notice and any other documents forming part of the proposed development as determined.

If you have a representative, you must give their name and address. Please state whether any notice or other correspondence should be sent to the representative instead of to you.



YORKHILL & KELVINGROVE COMMUNITY COUNCIL
Planning Subcommittee

Reply to
John Gerrard, Convener
41 St. Vincent Crescent, Glasgow G3 8NG

On behalf of the Community Council we wish to comment on
this current application for
Full Planning Permission.

Your Reference: **15/02330/DC**
Address: **1/2 940 Sauchiehall Street.**
Proposal **Use as HMO**

The flat in question is on the first floor of the house, accessed from a
common stair.

It has no direct access to the street and the application therefore
contravenes City Plan policy RES 10.

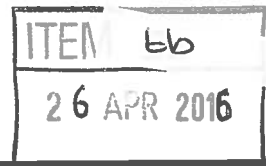
The Community Council therefore OBJECTS to the application.

13 OCT 2015

Signed

Date 12 October 2015

Cc. Planning Subcommittee, Secretary,
Ward Councillors.



McMahon, William (DRS)

From: Beacham, Gary (LES)
Sent: 06 October 2015 15:38
To: DC Consultations (DRS); Shand, Alan (DRS)
Subject: RE: Planning Consultation - 15/02330/DC Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH

Hi Alan

We have no issue with the above consultation - however they may require more waste bins at the rear.

regards
Gary Beacham
Recycling Manager – Operations Support
Land & Environmental Services
231 George St
Glasgow G1 1RX
gary.beacham@glasgow.gov.uk
0141 287 2061

-----Original Message-----

From: DC.Consultations@drs.glasgow.gov.uk [mailto:DC.Consultations@drs.glasgow.gov.uk]
Sent: 06 October 2015 15:28
To: Beacham, Gary (LES)
Subject: Planning Consultation - 15/02330/DC Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH

Please see attached Planning Consultation request.

Queen, Marc (DRS)

From: Prescott, James (LES)
Sent: 20 October 2015 10:20
To: DC Consultations (DRS)
Subject: RE: Planning Consultation - 15/02330/DC Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH

No comment required from environmental health

James Prescott
Team Leader
Environmental Health
City of Glasgow Council
Land and Environmental Services
231 George Street
Glasgow
G1 1RX
Phone: 0141 287 6692
E-mail: james.prescott@glasgow.gov.uk



-----Original Message-----

From: Public Health Planning Applications (LES)
Sent: 07 October 2015 12:08
To: Prescott, James (LES)
Subject: FW: Planning Consultation - 15/02330/DC Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH

-----Original Message-----

From: DC.Consultations@drs.glasgow.gov.uk [mailto:DC.Consultations@drs.glasgow.gov.uk]
Sent: 06 October 2015 15:28
To: Public Health Planning Applications (LES)
Subject: Planning Consultation - 15/02330/DC Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH

Please see attached Planning Consultation request.

Tibbo, Carol (DRS)

From: Anderson, David(DRS)
Sent: 12 October 2015 16:24
To: DC Consultations (DRS)
Subject: GCC Application Ref: 15/02330/DC CONSULTATION

DEVELOPMENT MANAGEMENT

Planning Reference: 15/02330/DC
Planning Officer: Mr A Shand
Phone Number: 0141 287 8633

Response to Planning Consultation

Site Address: Flat 1/2, 940 Sauchiehall Street, Glasgow, G3 7TH

Proposal: Use of flat as house in multiple occupation.

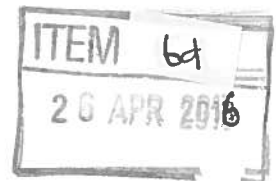
Location/Description of Property: The property comprises a second floor flat within a four storey plus basement level tenement property on the north side of Sauchiehall Street. The property comprises six flats on the upper floors and a commercial property on the ground and basement floors.

Observation on Proposals: The property was first known to be a house in multiple occupation on 23 March 2004. The property would require to be licensed as a house in multiple occupation (HMO). The drawings submitted with the planning application suggest that the property would comply with the licensing standards for a HMO to be occupied by 4 persons but this would require to be verified with the applicant's agent. There is no objection in principle to the granting of Planning Permission subject to the following suggested conditions:

- Sufficient refuse storage arrangements should be provided for the occupants.
- The applicant should ensure that the property complies with the Council's health, safety and welfare standards as applied to licensed houses in multiple occupation.

Recommendation: There is no objection to the proposal from the HMO Unit (DRS) subject to the conditions above.

David Anderson
HMO Unit
Housing & Regeneration Services
DRS
0141 287 6535



INTERNAL MEMORANDUM

TRANSPORT PLANNING COMMENTS

DATE INTO TP:	6 October 2015	DATE OUT OF TP:	27/10/2015
ADDRESS:	Flat 1/2 940 Sauchiehall Street Glasgow G3 7TH		
PROPOSAL:	Use of flat as house in multiple occupation.		
REFERENCE NO:	15/02330/DC	RECOMMENDATION:	Grant Subject to Conditions
DC OFFICER:	Mr A Shand	TP OFFICER:	Mr C Carmichael
APPLICATION TYPE:	Full Planning Permission		
TRANSPORT ASSESSEMENT REQUIRED	No		

• CONSTRAINTS •

Code	Description	Name	Status
ACCESS ART4 CAACON CAACON COAL CONARA DEVPOL MOD MOD NATS	Accessibility Article 4 Direction Civil Aviation Authority Consultation Civil Aviation Authority Consultation Coal Authority Consultation Conservation Area Development Policies MOD Site Directions MOD Site Directions NATS (Air Traffic Control) Consultation	High Park (7 and 27) Development over 90m Any Development Attracting Birds Coal Authority - Low Risk Park City Plan 2 : Development Policy - Residential (DEV2) Corse Hill - Any Development Over 47.5m (incl Pylons) Holehead - Any Development Over 91.4m All Windturbine Development	01

PRE-APPLICATION DISCUSSION

PROPOSED WORKS

Use of flat as house in multiple occupation.

RELEVANT POLICIES/MATERIAL CONSIDERATIONS (Documents)

Glasgow City Plan Policy TRANS 4

COMMENTS/CONCLUSIONS

I have no objections to the use of flat as house in multiple occupation. The property is located within the Park Restricted Parking Zone. No more than one car parking permit will be issued to residents in respect of a house in multiple occupation.

SUGGESTED CONDITIONS WITH REASONS

Z01 (Unnumbered location plan, 001, 002)

R18 As these drawings constitute the approved development.

SUGGESTED ADVISORY NOTES

No more than one car parking permit will be issued to residents in respect of a house in multiple occupation.

Robert McQuade (owner)

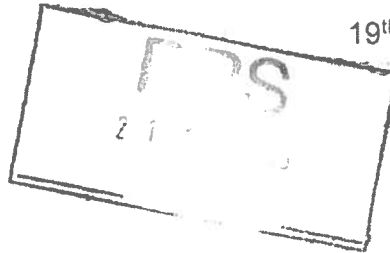
Kelvingrove Hotel

940 -948 Sauchiehall Street

Glasgow

G3 7 TH

19th October 2015



Executive Director

Development & Regeneration Services

Glasgow City Council

231 George Street

Glasgow G1 1RX

Reference: 15/02330/DC

Site: Flat 1 / 2 940 Sauchiehall Street G3 7 TH

Proposal: Use of flat as house in multiple occupation

Application Type: Full Planning Permission

Objection to the above application

I wish to object to the above application for the following reasons –

- There is more than enough properties of multiple occupancy in this tenement building, approx. 60%.
- These premises are rented predominantly to groups of students who arrive in September and leave in May. The majority of this area is now made up of a transient population who have no respect for the permanent residents. I.e. late night parties, loud music, rubbish tipping in front and rear of building, bins overflowing. This is the first time that many of these students have left their parents control and they think it gives them a license to be anti-social. They neither clean the closes nor wash windows or interact with neighbours, in other words they are a scourge on our community.

HEAD OFFICE

1 Inchgower Road, Stepps, Glasgow G33 6JB

- Absentee landlords – many of these properties are owned by foreigners and when problems arise it is impossible to contact them as they are out of the country for large parts of the year.
- On a personal level my property has been flooded from this particular flat several times in the last year, it is extremely difficult to gain access to get to the root of the problem.
- I am sure the applicant would not like staying underneath 4/5 rowdy tenants.

I would be grateful if you would take these objections into consideration when considering granting this permission

Yours faithfully

Robert McQuade

ITEM 7

26 APR 2015



231 George Street Glasgow G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100003172-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Daly Planning and Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Daly	Building Number:	78
Telephone Number: *	0141 287 7540	Address 1 (Street): *	Glasgow Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Paisley
Fax Number:		Country: *	UK
		Postcode: *	PA1 3PN
Email Address: *	onlineplanning@glasgow.gov.uk		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Don	Building Number:	20
Last Name: *	McGrath	Address 1 (Street): *	Woodvale Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Knutsford
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	WA16 8QF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	City of Glasgow Council
Full postal address of the site (including postcode where available):	
Address 1:	FLAT 1/2
Address 2:	940 SAUCHIEHALL STREET
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GLASGOW
Post Code:	G3 7TH

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of use to a House in Multiple Occupancy and internal alterations.

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The supporting statement on the grounds of appeal is attached within the 'Supporting Documents' section of this form.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

A statement of appeal which includes the grounds of appeal, a location plan, the original application forms, the application drawings, the Council's reasons for refusal and a copy of Policy REAS10 from the City Plan.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/02330/DC

What date was the application submitted to the planning authority? *

05/10/2015

What date was the decision issued by the planning authority? *

24/11/2015

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Daly

Declaration Date: 12/02/2016

ITEM 7_{cont}

26 APR 2016

PLANNING APPEAL

APPEAL AGAINST THE REFUSAL OF PLANNING
APPLICATION REF. 15/02330/DC : FLAT 1/2, 940
SAUCHIEHALL STREET, GLASGOW.

APPLICATION FOR A HOUSE IN MULTIPLE
OCUPANCY.

dalyplanning@btinternet.com

February 2016

DALY PLANNING AND DESIGN, 78 Glasgow Road, Paisley. PA1 3PN

Introduction:

- This statement is an appeal against Glasgow City Council's refusal of Planning Application ref. 15/02330/DC. The application was for a change of use from a first floor residential property to a House in Multiple Occupancy (HMO) at flat 1/2, 940 Sauchiehall Street, Glasgow.
 - The appeal site is a first floor flat in a four storey, traditional red sandstone building and number 940 is located on the north side of Sauchiehall Street, between Derby Street and Gray Street (see App. 1 for the location plan).
 - The appeal property consists of a four large rooms, a dining kitchen and a bathroom, all of which are accessed off a large central hall. Access to the flat is off a central common hall which is shared by another flat. The main hallway of the building has front and rear entrances with access to each level from a common central stair. A common central bin store is located in the common courtyard to the rear along with a common drying area.
 - It was proposed that there would be a total of four occupants in the property with each having their own room and sharing the bathroom and kitchen / dining room.
 - The application was declared valid on 05 October 2015 and was refused by officers on 24 November 2015. There were two reasons for refusal:
 - 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. By reason that the property does not have individual access to a lit street and is consequently contrary to City Plan 2 policy RES 10 'Multiple Occupancy' to the detriment of residential amenity.*
 - The principle reason for the Council's refusal of the change of Use was their claim that the proposal would be contrary to Policy RES 10 of the City Plan and would have a detrimental impact on residential amenity. The remainder of this statement contains the appellant's grounds of appeal against the Council's refusal of the application.
-

Grounds of Appeal:

- Policy RES 10 of the Council's City Plan contains the criteria which define whether or not the use of a property as an HMO is a feasible form of development. It includes the requirement that there must be access to a refuse store, access to a drying area, parking spaces if deemed necessary by the Roads Department and each HMO must have an individual access to a lit street. The number of HMO properties in a given street or block should not exceed 5% of the total number of dwellings in that unit.
- The appeal site has access to a common drying area and a refuse area which includes recycling bins. Any occupants of the property would have a right of access and to use both areas. The potential need for car parking was assessed by the Council's Roads Department and they had no objection to the proposals and due to the location of the appeal site, they found no requirement for parking spaces.
- It is suggested that the main issue of concern for the Council was the fact that access to the appeal site is from a common close and that the property does not have an individual access to the street. While this is correct, it is suggested that when refusing the application, the Council failed to take into account the individual circumstances of the proposed use.
- The property is currently occupied by two tenants who rent the flat from the owner. As there are only two occupants, an HMO licence and planning permission are not required. Therefore the appeal site is already being used as a rental property. The change of use to an HMO would not change that situation but would merely lead to an increase in the number of occupants.
- The owner has confirmed that his son, who is also part owner of the property, would move into the premises in the near future. This would increase the number of occupants to three.
- This increase in the number of occupants to three was discussed with an officer from the Council's licensing section. He confirmed that as the third occupant was part owner of the property then an HMO license would not be required.
- This increase was also discussed with the officer who dealt with the planning application and he also confirmed that as the additional occupant would be part owner of the flat then planning permission would not be required.
- Subsequently, the property is already a rented unit which later this year will have three occupants, one of whom will be part owner of the premises. Therefore it is suggested that the main item being considered as part of this appeal is whether or not increasing the number of occupants from three to four would have a detrimental impact on residential amenity at the locality.

- It is suggested that an increase to four occupants from three would have little or no impact on the day to day occupation of the property and would be unlikely to have any impact on residential amenity in this building. This would be due to the fact that the day to day running and maintenance of the property would be the responsibility of the part owner who would be living in the flat.
 - Therefore if there are any maintenance issues, whether within the flat or common to the rest of the property, there will be someone present who can immediately be involved in arranging any necessary repairs.
 - This would also apply with regard to the behaviour of the property's tenants. The owner's son would be a permanent point of contact within the property and so would be present to ensure that the use of this flat for multiple occupation would not result in any disturbance for neighbours.
 - It is also suggested that the location of the appeal site is relevant when considering it's suitability for use as an HMO. The property is located on a major, busy street in Glasgow and it is located above and beside an existing hotel. Therefore the introduction of one additional tenant in an already rented property would have little or no impact on the residential amenity of the area.
-

Conclusion:

- It is suggested that as the appeal site is already in use as a rented property then the Council's requirement in RES10 for individual access to the street should not be applied.
 - The fact that the owner's son, who is also part owner of the property, will soon be living in the flat and so the number of occupants would increase to three, should be taken into account when assessing the proposals.
 - The change of use to an HMO would be to a property which would already have three occupants and so the increase being considered would only be for one additional tenant.
 - Finally, it is suggested that the location of the HMO on a busy street and immediately adjacent to and above an existing hotel would mean that it would be located in an exceptionally busy area with a high turnover of residents. Therefore the use of the property as an HMO would have little or no impact on the residential amenity of the area.
 - It is requested that the above statement be taken into account when assessing this appeal and that it be considered sufficient to uphold the appeal.
-

Appendices:

- ✓ 1) Location plan at 1:1250.
- ✓ 2) Application Forms.
- ✓ 3) Drawing 001 - Site Plan and Existing Layout Plan.
- ✓ 4) Drawing 002 - Proposed Layout Plan and Section.
- ✓ 5) Council's Reasons for Refusal.
- ✓ 6) City Plan 2 Extract : Policy RES 10 'Multiple Occupancy'.



RES 10 - MULTIPLE OCCUPANCY

AIM

To strike a balance between the demand for multiple occupancy and the need to ensure that the stability of neighbourhoods and the residential amenity of properties and streets is not adversely affected by a concentration of multiple occupancies.

POLICY

The legal controls over this type of housing use are complex. Multiple occupancy in a flat, for example, needs 2 legal permissions before it can operate – planning permission, and a licence for a house in multiple occupation (HMO Licence). The two sections below, DEFINING WHAT REQUIRES PLANNING PERMISSION and LICENSING REQUIREMENTS, set out these requirements. Failure to obtain planning permission lays the owner open to enforcement action under planning legislation, and failure to obtain a Licence can lead to prosecution, under housing legislation.

Planning applications for multiple occupancy will be judged against the following:

- There must be individual access to a lit street. This will include main door flats (see Definition) and undivided terraced houses, but will exclude most properties served by a tenement close (see Definition) and/or communal stairs and properties which have already been subdivided.
- There must be direct access to a refuse store and a drying area to the rear of the building (recycling space should be provided in accordance with policy DES 12: Provision of Waste and Recycling Space).
- The need for car parking will be assessed, in each case, in accordance with policy TRANS 4: Vehicle Parking Standards.
- Within a given street or block (or other readily identifiable unit)¹ the proportion of multiple occupancies should not exceed 5% of the total number of dwellings comprising that unit (exemptions from this rule may include properties that have become completely isolated from family accommodation).

Applications for purpose built student accommodation are encouraged, particularly on appropriate sites, in areas reasonably accessible to the city's colleges and universities, provided other relevant plan policies are met.

CERTIFICATES OF LAWFULNESS

When an application is submitted for a Certificate of Existing Lawful Use as a multiple occupancy, the applicant is required to demonstrate that the use has been in operation continuously for 10 years preceding the date of the application.

Examples of evidence which may be submitted are as follows:

- rent books or equivalent relating to the premises for the past 10 years where payments have been acknowledged by tenants;
- copies of letting agreements with tenants for every year for the past 10 years;
- copies of gas/electricity bills indicating that the premises have been let in multiple occupation for the past 10 years;
- extracts from the Council Tax Register;
- evidence of the registration of rents for the premises indicating that they were used as multiple occupancies for the past 10 years;
- copies of returns to, or certificates from, HM Revenue and Customs indicating that the premises had been rated as commercial, as a result of their being used as multiple occupancies for the past 10 years; and
- pre-registration records held by the Council's Land and Environmental Services (Environmental Health).

The list of criteria is not exhaustive and it is possible for satisfactory evidence to come from other sources. The onus to produce such evidence lies with the applicant.

¹ The flexibility provided by the phrase "given street or block (or other readily identifiable unit)" was recognised as "helpful and appropriate" by the Reporter at the Local Plan Inquiry into City Plan 1.

LOCAL AREA POLICIES

A concentration of flats in multiple occupancy within a particular neighbourhood has the potential to change the dynamics of a community and undermine its stability in regard to schools and shops. High turnover of residents and under-occupied buildings during university/college holidays, along with the potential for lack of routine maintenance of properties in these areas, can discourage owner occupation and detract from residential amenity.

Historically, multiple occupancy has been concentrated within parts of the West End, close to Glasgow University and with easy access to the other universities and colleges in the City. The density of flats with an HMO licence in Hillhead and Woodlands, in the heart of Ward 11, has now reached such a level that no further planning applications for multiple occupancies will be supported in these areas (see Map accompanying this policy).



West End Multiple Occupancy

DEFINING WHAT REQUIRES PLANNING PERMISSION

HOUSES, OTHER THAN FLATS

Permission is required for a house:

- containing more than five unrelated residents living together, including a household where care is provided for the residents; and
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FLATS

Permission is required for a flat (see Definition) where three or more unrelated persons live.

Planning permission is deemed not to be required where only one lodger is accommodated in addition to one resident family (see Definition).

LICENSING REQUIREMENT

If granted planning permission or a certificate of lawfulness, applicants will also have to obtain a licence for a House in Multiple Occupation (HMO). An application form and guidance notes can be obtained from the Licensing Section, Chief Executive's Department, 235 George Street, Glasgow, G1 1QZ, or downloaded from glasgow.gov.uk.

Applicants should note that possession of a planning permission or certificate of lawfulness will not guarantee the grant of an HMO licence, where Licensing addresses different matters, such as fire safety.

DEFINITIONS

FAMILY - A person is a member of the same family, if married to each other or living together as a couple, or one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other (including step and half relations) (Source: Article 2(5) of The Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) Order 2000).

FLAT - A separate set of premises whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally (Source: The Town and Country Planning (General Permitted Development)(Scotland) Order 1992).

MAIN DOOR FLAT - A ground floor flat within a residential building with a direct access to the street through a private front garden.

MULTIPLE OCCUPANCY - The only, or principle, residence of more than 2 persons who are not all members either of the same family or of one or other of 2 families (Source: Guidance to the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupancy) Order 2000).

TENEMENT CLOSE - The shared entrance and stairway within a traditional flatted residential building, with or without commercial units on the ground floor.

POLICY JUSTIFICATION

This policy supports the Plan's Development Strategy to maintain and protect residential amenity within existing residential areas (see Part 2, PEOPLE, Existing Residential Areas, paragraph 3.62). Multiple occupancy provides an essential form of accommodation for many people, particularly students. When concentrated in a particular street or building, however, it can give rise to environmental problems due to increased activity, noise, pressure on car parking and refuse disposal.

There is no definition of multiple occupancy in planning legislation, nor any commonly accepted definition for multiple occupancy of a flat. The guidance to the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupancy) Order 2000 does, however, define multiple occupancy (see Definition). A planning policy requires such a definition to highlight why multiple occupancy of a flat (see Definitions) is different from family (see Definition) occupancy of a flat to the extent that it constitutes a material change of use requiring planning permission. It must also provide clarity for the purposes of enforcement.

On the basis of the above, and other factors such as upkeep of gardens and property, multiple occupancy is regarded by the Council as being sufficiently different from family occupancy, in fact and degree, to allow a change from the latter to the former to be regarded as a material change of use requiring planning permission.

Note Given the historic and continuing concentration of multiple occupancy in the West End, and the need to protect residential amenity/encourage stable communities, the Council has decided to tighten its definition of multiple occupancy to bring the previous policy for multiple occupation in the West End (City Plan 1) into line with that for the rest of the City. This will add clarity to the application of planning policy and discourage concentrations within the West End. This definition would also align with the definition of an HMO under Licensing Legislation.

DEV 2 - Residential and Supporting Uses

The areas designated 'RESIDENTIAL AND SUPPORTING USES' include the City's main housing districts. In addition to housing, they incorporate a wide range of supporting facilities such as schools, local shops, public buildings, small businesses, light industry, local community, health, social and recreational facilities and areas of green/open space.

The Council will support proposals which enhance residential amenity; improve access to/from and within the areas; and preserve and enhance the integrity of the townscape, landscape and green network provision. Proposals which impact on green/open space, as defined on the Council's Glasgow Open Space map (see definition), should be assessed in the context of policies DEV 11: Green Space and ENV 1: Open Space Protection.

DEFINITION

Glasgow Open Space Map – Under the provisions of Planning Advice Note (PAN) 65 – Planning and Open Space, local authorities are obliged to prepare an audit and map of all the areas and categories of open space within their areas. Together with other policies of the Plan, the Glasgow Open Space Map will form part of the policy protection for the City's open spaces and will be used to assess whether there would be scope to develop on any such space (see policy ENV 1: Open Space Protection).

RES 10 - Multiple Occupancy

City Plan SearchSearch City Plan

AIM

To strike a balance between the demand for multiple occupancy and the need to ensure that the stability of neighbourhoods and the residential amenity of properties and streets is not adversely affected by a concentration of multiple occupancies.

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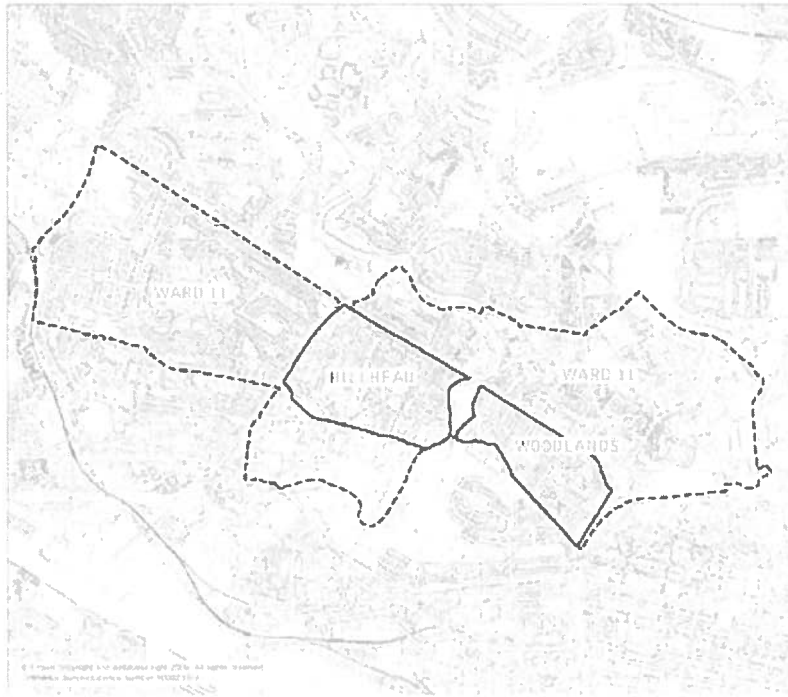
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POLICY JUSTIFICATION

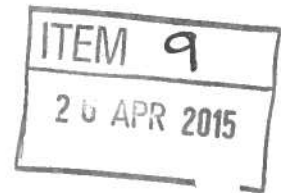
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Conditions:

V03 Reason to Grant - does not meet DP

The proposal was not considered to be in accordance with the Development Plan, however there were material considerations which outweighed the proposal's variance from the Development Plan.

Z01 ## The development shall be implemented in accordance with drawing number(s) ^IN; or as otherwise agreed in writing with the planning authority.

001
002

R18 As these drawings constitute the approved development.

Advisory Note:

B21 The applicant should consult with Land and Environmental Services (Environmental Health) concerning this proposal in respect of legislation administered by that Service which is likely to affect this development.