



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability

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Item 1

14th May 2024

24/00013/LOCAL – Use Of flatted dwelling (Sui Generis) as short term let (Sui Generis) (Retrospective) at Flat Ground, 55 Kelvinside Gardens.

Purpose of Report:

To provide the Committee with a summary of the relevant considerations in the above review.

Recommendations:

That Committee consider the content of this report in coming to their decision.

Ward No(s): 11

Citywide: n/a

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

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1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS

- 1.1 The site consists of a main door ground floor flat within a 4-storey with basement end-terrace red-sandstone tenement block.
- 1.2 The site has below-base accessibility by public transport, is within Glasgow West Conservation Area.
- 1.3 It is proposed to change the use of the flatted dwelling to a short-term let in retrospect.

2 DEVELOPMENT PLAN POLICIES

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan policies and Supplementary Guidance are:

NPF4 Policy 23 Health and Safety
NPF4 Policy 30 Tourism

CDP1 The Placemaking Principle
CDP2 Sustainable Spatial Strategy
CPD9 Historic Environment
CDP10 Meeting Housing Needs
CDP11 Sustainable Transport

SG1 The Placemaking Principle (part 2)
IPG3 Economic Development
SG9 Historic Environment
SG10 Meeting Housing Needs
SG11 Sustainable Transport

3 REASONS FOR REFUSAL

- 3.1 The reasons for refusal are set out below:

01. The proposal is contrary to NPF4 Policies 23: Health and Safety and 30: Tourism insofar as the change of use from a residential flat to short-term letting accommodation will result in an unacceptable impact on both the character of the neighbourhood and residential amenity by virtue of increased noise.

02. The proposal is contrary to CDP3 and IPG3: Economic Development of the Glasgow City Development Plan (adopted March 2017) as the tourism use is not located appropriately, being within an established residential area and in an area of below base accessibility by public transport.

03. The proposal is contrary to NPF4 Policy 30: Tourism; Policy CDP1 and SG1: The Placemaking Principle (Part 2); and CDP10 and SG10: Meeting Housing Needs of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal would result in a change of use from a residential flat to short-stay

accommodation within an existing block of residential flats, resulting in a mix of mainstream residential flats and short-stay accommodation within a single building. As such, the introduction of the proposed use would adversely affect the residential character of the flatted block to the detriment of the amenity of residents occupying mainstream residential flats.

04. The proposal is contrary to Policy CDP10 and SG10: Meeting Housing Needs as the transitory nature of the short-stay accommodation would intensify the use of the property to the detriment of the residential character and amenity of neighbouring properties and Glasgow West Conservation Area.

05. The proposal is contrary to Policy CDP1 and SG1 The Placemaking Principle of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal relies on the use of residential waste uplift for commercial waste. 06. The proposal is contrary to NPF4 Policy 13: Sustainable transport, and CDP11 and SG11 Sustainable Transport of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal does not include any provision for cycle parking.

4 APPEAL STATEMENT

4.1 A summary of the material points raised in the appeal statement is given below:

- Disagree that unacceptable noise issues are likely. There have never been complaints about noise.
- Guests are vetted and adults or families of a maximum of 4 are targeted.
- No parties are permitted.
- ID is checked before keys are handed out in person.
- The property has never been used as an HMO
- Public transport is readily available.
- No all visitors want to stay in the city centre and the location is appropriate for those people who wish a quiet, safe residential location close to cultural attractions, greenspace and transport.
- Parking is controlled in the area and most visitors do not come by car.
- The proposal makes a contribution to the local shops and laundry service.
- The use does not increase activity in the area, it is let out over late spring and summer and is often occupied by 2 or 3 people. From March to October 2023 it was in use for 78 nights.
- The property has its own entrance and there are no habitable rooms to either side. The communal garden is not available to guests as stated in the listing. There are no shared circulation or amenity spaces.
- The proposal does not rely on residential waste uplift, the waste generated is negligible and inconsistent making the use of a private waste brokers unviable.
- As the property is within a conservation area, planning permission would be required to place cycle parking in the front garden, and this

would negatively impact the appearance of the street. There is a hire bike station at the Botanic Gardens and bikes have been stored in the property or front garden for safety in the past.

- The revenue from the short term let allows for the repair, maintenance and preservation of the property to the standards expected in a Conservation Area.

- 4.2 The applicant did not request any further procedure in the determination of the review.

5 REPRESENTATIONS AND CONSULTATIONS

- 5.1 There were no representations to the application and no consultations were undertaken.

6 COMMITTEE CONSIDERATIONS

- 6.1 The key issues for Committee to consider are:

NPF4 Policy 23 Health and Safety

Policy Intent: To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

SG1 The Placemaking Principle

Non Residential Development Affecting Residential Areas

The guidance aims to ensure that any non-residential development in proximity to residential development does not harm residential amenity or erode the character of residential neighbourhoods.

All proposals for non-residential uses will be considered against the following criteria:

a) Outwith the Network of Centres and Economic Development Areas identified in the Plan, permission will not normally be granted for uses that would generate unacceptable levels of disturbance, traffic, noise, vibration, and emissions (particularly outside normal working hours).

Commercial Premises

Commercial Uses in Residential Properties

The aim of this guidance is to ensure residential amenity is not adversely affected by the introduction of commercial uses or operators.

There is a presumption against granting planning permission for commercial uses of dwelling houses, including flats. Particular scrutiny will be given to conservation areas and any residential area where other considerations, including townscape, alterations to property, traffic, access and servicing, parking, noise or other environmental considerations could adversely affect local amenity or safety. The test will be the preservation or enhancement of residential amenity and the environment.

Exceptions against this presumption may be considered where the:

- a) applicant can demonstrate, to the satisfaction of the Council, that the proposed use will provide a beneficial service to the community;
- b) quality of the residential character of the area and the amenity of neighbouring properties will not be prejudiced;
- c) property (where a flat) has a private direct access to the street; and
- d) use will not give rise to parking/servicing problems in the street/building.

Waste Storage, Recycling & Collection

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection which meets the City's wider placemaking objectives.

- The site is not within an economic development area or the network of centres.
 - The proposal introduces a commercial use within a block of flats in a Conservation Area.
 - The applicant states that there are general household waste bins within the property that can be emptied in the bins in the lane.
- Committee should consider whether the proposal will create unacceptable levels of disturbance, particularly outside normal working hours; will preserve and enhance residential amenity; and whether appropriate waste storage, recycling and collection is provided.

NPF4 Policy 30 Tourism

Policy Intent: 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.

- b) Proposals for tourism related development will take into account:
- i. The contribution made to the local economy;
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;

- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

- e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
 - i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

IPG3 Economic Development

Tourism and the short-stay economy

Tourism and the short -stay economy are extremely important for Glasgow's local economy, and contribute positively to the strategic aims nationally as well as the city. The delivery and availability of a wide range of short -stay accommodation is important, however it is recognised that such activities need to be located in appropriate locations where the existing amenity of a particularly area, especially residential areas, are not negatively impacted.

The council will continue to support this important part of the economy, and proposals will be assessed to ensure:

- (i) that the location, scale, design and demand are adequately considered and appropriate to the area;
- (ii) that negative impacts on the surrounding area are minimised, especially predominantly residential areas ;
- (iii) any car parking is of a scale, design and incorporates landscaping appropriate to the area. It should not negatively impact the amenity of the area; and
- (iv) proximity to public transport.

SG10 Meeting Housing Needs

Tourist Accommodation

While the Council supports the promotion of tourist accommodation, there is a need to preserve the character and amenity of established residential areas and Conservation Areas. Due to the diverse range of tourist accommodation on offer, careful consideration must be given to the site, location and design of a development proposal in order to provide high quality accommodation and associated facilities which successfully integrate with the surrounding environment.

Key Criteria - Locational

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; and
- e) that can demonstrate there will be no adverse impact on traffic congestion and parking;

Key Criteria – Design and Amenity Space

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; and
- d) a Management Plan for the development is provided, to the complete satisfaction of the Planning Authority.

A Management Plan will be required to support proposals for tourist accommodation. It shall include the following information:

- a) Maintenance arrangements, including frequency of cleaning and laundry;
- b) Access arrangements for servicing and deliveries;
- c) Access arrangements for guests;
- d) Arrangements for storage and disposal of waste; and
- e) On-site management arrangements.

Short-Stay Accommodation

Short-stay accommodation shall be assessed against the following detailed criteria, together with the key criteria for tourist accommodation above.

- 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 shortstay accommodation within a single building sharing a means of access.
- 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:
 - Glasgow West;
 - The proposal is within a residential area with below base accessibility by public transport.
 - No parking is proposed and the site is within a controlled parking area. The applicant states that this is made clear and most people do not arrive by car.

- The site is approximately 300m from North Kelvinside (Queen Margaret Drive) local shopping facilities and approx. 650m from the nearest part of Partick/Byres Road major town centre.
 - An operational plan was submitted with the application which gives details of the occupancy levels, cleaning, and laundry, on-site management, waste management and parking.
 - The proposal does not share access with the other flats in the block
- Committee should consider whether the proposal
 - makes a contribution to the local economy;
 - is appropriately located, specifically within Glasgow West Conservation Area where the change of use to short-stay flats is strongly resisted, and is compatible with the surrounding area in nature and scale and the impact of increased visitors;
 - will hinder the provision of homes and services for local people and if so if there is a demonstrable local economic benefit.
 - has good access to shops and services
 - Committee should also consider whether there are opportunities for active travel and parking and traffic generation are appropriately managed; whether there will be an acceptable impact on local amenity and the character of the neighbourhood; and whether the management plan is acceptable.

SG11 Sustainable Transport

Cycle Parking

The Council shall require the provision of cycle parking in new development and redevelopment proposals in line with the minimum cycle parking standards. For Hotels, Guest Houses and Bed and Breakfasts a minimum of 1 space per 10 bed spaces and 1 space per 10 staff should be provided.

Cycle parking for residents should, generally, be located within, or to the rear of, the residential building to ensure it is safe and secure.

Bike storage lockers/cupboards allocated to each unit, or cycle stands in a secure, covered compound, are the preferred solution for flatted developments. These should be easily accessible and usable

Visitor parking should be located at an easily accessible location close to, or within, the entrance area of the development in order to enhance security through surveillance.

Cycle parking should always be safe, sheltered and secure. The form of cycle parking provided should facilitate the securing of the frame of the bike to the "stand". "Sheffield" racks are a good, and preferred, example of such provision.

- No cycle parking is shown.
- The nearest cycle racks are approximately 250m away on Queen Margaret Drive.
- The cycle hire station on Queen Margaret Drive is approx. 550m away.

- The applicant states that cycle parking within the front garden area would be incompatible with the Conservation Area, that cycles have been stored in the front garden and within the property in the past for security and that hire cycles are available from the Botanic Gardens.
- Committee should consider whether the lack of cycle parking provision is acceptable in this case.

Vehicle Parking

Minor Non-residential Developments

For Hotels, Guest Houses and Bed and Breakfasts in areas of high accessibility, a maximum of 1 space per 2 bedrooms should be provided.

- No vehicle parking is provided.
- The site is within a controlled parking area, with metered on-street parking.
- Committee should consider whether the lack of vehicle parking provision is acceptable in this case.

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions (see over for draft conditions);
- b. Refuse planning permission.

DRAFT CONDITIONS

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

02. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development/the relevant part of the development is occupied.

Reason: To ensure the proper disposal of waste and to safeguard the environment of the development.

03. Provision shall be made within the development for a minimum of 1 cycle parking space. This provision shall be in accordance with the requirements of Glasgow City Council City Development Plan, Supplementary Guidance 11: Sustainable Transport, Section 4 Cycle Parking. The cycle parking shall be available for use in accordance with the approved drawings before the development is occupied.

Reason: To ensure that cycle parking is available for the occupiers/users of the development.

04. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

05. The permission hereby granted is for a temporary period of 18 months from the date of this permission, at which point, unless a further planning permission is granted, the use of the dwelling for short stay accommodation shall stop and the use of the dwelling shall revert to mainstream residential.

Reason: To enable the planning authority to review the acceptability of the use of this property in the light of circumstances prevailing at that time.

2 Policy and Resource Implications

Resource Implications:

Financial: n/a

Legal: n/a

Personnel: n/a

Procurement: n/a

Council Strategic Plan: n/a

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2021-25? Please specify.

n/a

What are the potential equality impacts as a result of this report?

no significant impact

Please highlight if the policy/proposal will help address socio-economic disadvantage.

n/a

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

n/a

What are the potential climate impacts as a result of this proposal?

n/a

Will the proposal contribute to Glasgow's net zero carbon target?

n/a

Privacy and Data Protection Impacts:

Are there any potential
data protection impacts
as a result of this report
N

If Yes, please confirm that
a Data Protection Impact
Assessment (DPIA) has
been carried out

3 Recommendations

That Committee consider the content of this report in coming to their decision.