

REPORT OF HANDLING FOR APPLICATION 23/02202/FUL

14th May 2024

ADDRESS:	Flat Ground 55 Kelvinside Gardens Glasgow G20 6BQ
PROPOSAL:	Use of flatted dwelling (Sui Generis) as short term let (Sui Generis)(Retrospective)

DATE OF ADVERT:	13 October 2023
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	51 neighbour notification letters were issued. The application was advertised in the local press and was included on the Weekly List of Applications. No representations were received.
PARTIES CONSULTED AND RESPONSES	None.
PRE-APPLICATION COMMENTS	No formal pre-application advice was sought.

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 – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
NPF4 POLICIES	<p>The National Planning Framework 4 (NPF4) is the national spatial strategy for Scotland up to 2045. Unlike previous national planning documents, the NPF4 is part of the statutory development plan and Glasgow City Council as planning authority must assess all proposed development against its policies.</p> <p>The following policies are considered relevant to this application: Policy 1: Tackling the climate and nature crises Policy 2: Climate mitigation and adaptation Policy 13: Sustainable transport Policy 23: Health and safety Policy 30: Tourism</p>
CITY DEVELOPMENT PLAN POLICIES	<p>The City Development Plan consists of high-level policies with statutory Supplementary Guidance. The following policies were considered when assessing the application:</p> <p>CDP1/SG1: The Placemaking Principle (Part 2) CDP2: Sustainable Spatial Strategy CDP3/IPG3: Economic Development CDP10/SG10: Meeting Housing Needs CDP11/SG11: Sustainable Transport</p>

OTHER MATERIAL CONSIDERATIONS	Glasgow West Conservation Area
REASON FOR DECISION	The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

	COMMENTS
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PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	20/01995/FUL	Stone repairs to rear of flatted dwellings.	01.10.2020	GC
SITE VISITS (DATES)	Not required. This was not required due to the nature of the proposal and the lack of any proposed physical alterations to the building.			
SITING	<p>The property is a main door raised ground floor flatted dwelling located on the southern side of Kelvinside Gardens. This property is at the western end of the red sandstone tenement block. This property is accessed via a staircase from street level.</p> <p>The site is located within an established residential area.</p> <p>The site is located within Ward 11 – Hillhead.</p>			
DESIGN AND MATERIALS	<p>No interior or exterior alterations to the property are proposed. The proposal relates solely to its use as short-term letting accommodation.</p> <p>The flat includes two bedrooms, and one lounge, kitchen and bathroom. The applicant has advised that this will be seasonal in use (March – October) and the property will accommodate up to four guests for time periods of up to 14 days.</p>			
DAYLIGHT	No alterations to the building are proposed meaning there would be no adverse impact on existing levels of daylight.			
ASPECT	No changes to existing aspect			
PRIVACY	The rear bedroom directly overlooks the back court. It is not considered the proposed change of use would result in a significant increase in overlooking/loss of privacy relative to the existing use as mainstream residential accommodation			
ADJACENT LEVELS	Not applicable.			
LANDSCAPING (INCLUDING GARDEN GROUND)	There is no landscaping changes proposed. The applicant has advised that this property does not have access to the communal rear garden area.			
ACCESS AND PARKING	<p>The flat is accessed via the existing front door. The applicant has advised that there is no access from this property to any communal area including the access close and rear garden area.</p> <p>The site is located in an area of Below Base Accessibility by Public Transport and is within a Restricted Parking Zone. No parking (vehicle or cycle) provision is proposed.</p>			
SITE CONSTRAINTS	Glasgow West Conservation Area			
OTHER COMMENTS	<p>Sections 25 and 37 of the Town and Country Planning (Scotland) Acts require that when an application is made, it shall be determined in accordance with the Development Plan unless material considerations dictate otherwise.</p> <p>The issues to be taken into account in the determination of this application are therefore considered to be:</p> <p>a) Whether the proposal accords with the statutory Development Plan;</p> <p>b) Whether any other material considerations (including objections) have been satisfactorily addressed.</p>			

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

In respect of NPF4 policies, the proposed development must firstly be considered against **Policy 1: Tackling the climate and nature crises** and **Policy 2: Climate mitigation and adaptation**. These are overarching policies which should be considered for all development proposals regardless of scale, with the intention of reducing emissions and ensuring development can adapt to any current and future risks of climate change. This proposal is considered to have a neutral impact on these policies. There are no physical alterations to the property, but the proposed use is associated with travel-related carbon emissions and the location of the property does not encourage active or sustainable travel options, but this is discussed further below.

NPF4 Policy 13: Sustainable transport seeks to encourage, promote and facilitate developments that prioritise public transport and active travel, and reduce the need to travel unsustainably by ensuring developments are in locations which support sustainable travel. In this case, the property is located in an area of below base public transport accessibility, and so would not support sustainable travel and is therefore contrary to this policy.

In regards to **NPF4 Policy 23: Health and safety**, this states that proposals that are likely to raise unacceptable noise issues will not be supported. In this case, due to the transitory nature of the proposed use increased noise issues could arise which would be detrimental to existing residents in neighbouring properties and to the residential amenity of the building and surrounding area. It is recognised that the applicant states that they live in the neighbouring (below) property, but as these are two separate planning units this cannot be guaranteed to exist in perpetuity, nor will the applicant always be in attendance at all times during a guest stay. Therefore, this proposal is considered to be contrary to Policy 23.

In relation to **Policy 30: Tourism**, this states that 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.

The building and surrounding area are predominantly mainstream residential. A short-term is considered to be significantly out of character with the predominant use of the area. It is considered that the transitory nature of the proposed use would have an unacceptable impact on residential character and amenity, especially given Glasgow West Conservation Area is afforded additional protection from short-term lets by local planning policy (see CDP10 & SG10 Meeting Housing Needs below). The operational management plan provided does not provide evidence to show the proposal would have a demonstrable economic benefit to outweigh the loss of residential accommodation. It is therefore considered that the proposal is contrary to Policy 30.

This application must also be assessed against the City Development Plan (adopted 2017) as below:

CDP1/SG1: The Placemaking Principle – this is overarching guidance seeking to ensure proposals are of the highest standard or design, respecting the City's character and heritage whilst also ensuring the City is an appealing place to live, work and visit for all.

Non Residential Development Affecting Residential Areas – This guidance seeks to ensure that non-residential development in proximity to residential development does not harm residential amenity or erode the character of residential neighbourhoods.

As mentioned above, the applicant has not demonstrated that the proposal will benefit the local community, or that any risk of harm to residential amenity has been mitigated.

Waste Storage, Recycling and Collection – Applications must provide full details of the provision for waste management.

The applicant has advised that guests will utilise existing internal bins, with the option of accessing the bins to the rear of the building via the rear access lane or using local recycling facilities. As a commercial operation, this should not utilise residential waste collection, instead this should use a commercial uplift.

Therefore, this proposal is contrary to policy CDP1/SG1.

CDP2 Sustainable Spatial Strategy – this states the Council will continue to focus on the regeneration and redevelopment of the existing urban area to create a sustainable City. Development proposals that contribute to the development of vibrant and accessible residential neighbourhoods will be supported.

Due to the transitory nature of the proposed use, it is considered the introduction of a short-term let at this location would adversely affect the residential character and amenity of the area. Accordingly, the proposal would not contribute to the vibrancy of the residential neighbourhood and is contrary to CDP2.

IPG3 (SG3): Economic Development – Tourism and the Short-Stay Economy – This policy recognises the importance of tourism to the City's economy, but seeks to ensure these activities are located appropriately to ensure no negative impact on existing residential amenity.

This site is located in an area of below base accessibility and is therefore not close to public transport links; is located within an established residential area, and is located within an area of restricted parking. This proposal is therefore not considered to accord with this policy.

CDP10/SG10: Meeting Housing Needs - This policy seeks to ensure the City's population has access to a choice of housing of appropriate quality and affordability, whilst also considering the locational and residential amenity implications of development proposals for visitor accommodation. This policy provides detailed guidance for these proposals:

Locational Criteria – It is considered to be unlikely that the proposal would place increased pressure on local facilities. However, the property is located in an area of below base accessibility by public transport and within a predominately residential area, and it has not been demonstrated that the proposal would not have an adverse impact on the character or amenity of the area, or that there would be no adverse impact on traffic or parking congestion.

Design and Amenity Space Criteria – An operational plan has been submitted with the application providing the detail required in policy. However, it is considered that this proposal would introduce an unacceptable intensification of activity within the residential block.

Detailed Criteria – Flats – This guidance advises that this change of use will be strongly resisted within the Glasgow West Conservation Area in order to protect residential amenity.

Therefore, based on the above, this proposal is contrary to SG10.

CDP11/SG11: Sustainable Transport – This policy seeks to ensure all new development is delivered with consideration for active travel.

Cycle Parking – Whilst there is no specific minimum standard provided for short-term letting accommodation, the principle of the standards for hotels/guest houses/B&Bs would be the most applicable.

Minimum standard: 1 space per 10 bed spaces.

	<p>The applicant has not provided any information in relation to cycle parking provision.</p> <p>Vehicle Parking – Again, the standards for hotels/guest houses/B&Bs would be the most applicable. In this case, maximum standards apply. In this case, a maximum of 1 space per bedroom should be provided.</p> <p>The applicant has advised that there is no vehicle parking provision, and the property is located within a Restricted Parking Zone. In the case of a tourist-related development, especially in an area of below base accessibility, it is considered likely that guests will arrive by car which may increase local pressures on parking provision.</p> <p>Overall, as no provision has been made to support sustainable transport, this proposal is contrary to this policy.</p> <p>The proposal has been assessed against the relevant Development Plan policies in detail above. It is noted that the property has its own main door access, but this does not outweigh the aforementioned concerns in relation to residential amenity.</p> <p>The proposal would introduce a commercial short-term let into a building and area characterised by mainstream residential use. It is considered that a short-term let is incompatible with mainstream residential at this location in Glasgow West Conservation Area. The transitory nature of the proposal would intensify the use of the property to the detriment of the residential character of the area and the amenity of neighbouring properties, and no justification has been provided to demonstrate significant community or economic benefits. Furthermore, due to the location of the property, this would reduce sustainable/active travel options for guests.</p> <p>In respect of (b), the representations have been addressed above and there are not considered to be any other material considerations that outweigh the Development Plan.</p> <p>Therefore, on the basis of the above, it is considered that the proposal is contrary to the Development Plan, and it is recommended that this application be refused.</p>
RECOMMENDATION	Refuse

Date: 17/11/2023	DM Officer	Claire Hunt
Date: <u>23/11/2023</u>	DM Manager	Mark Thomson

CONDITIONS AND REASONS

1. 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.
2. 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-stay accommodation will result in an unacceptable impact on both the character of the neighbourhood and residential amenity by virtue of increased noise.
3. 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.
4. 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.

5. 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.

6. 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.

7. The proposal is contrary to NPF4 Policy 13: Sustainable transport, 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.

Drawings:

The development has been refused in relation to the following drawing(s):

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| 1. FLOOR PLAN | Received 07 September 2023 |
| 2. OPERATIONAL PLAN | Received 07 September 2023 |
| 3. LOCATION PLAN | Received 19 September 2023 |

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