

REPORT OF HANDLING FOR APPLICATION 23/02764/FUL

ADDRESS:	35 Ruskin Lane Glasgow G12 8EA	Item 3 24th September 2024
PROPOSAL:	Use of flatted dwelling (Sui generis) as short term let (Sui generis) (retrospective)	

DATE OF ADVERT:	24 November 2023
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	Two representations were received which raised the following points: • Planning permission is needed in a conservation area • Proposal is not compliant with SG10 para 4.16 (c) which advises that the Council will strongly resist change of use of properties to short-stay flats in Glasgow West Conservation Area. This applies whether the flat is used as a short-term full-time or part-time. • Proposal reduces availability of residential properties in the area • Under Glasgow's "Short Term Lets" Licensing Policy (Sept 2023) only home sharing is allowed • The property is a basement flat and not a main door flat as described in the development description Comment: The suitability of the proposal for short-stay accommodation has been assessed against the relevant Development Plan policies (including SG10: Meeting Housing Need) in detail below. The requirements of the Licencing Policy are noted but are not a material planning consideration. The development description has been amended to remove the specific reference to 'main door'.
PARTIES CONSULTED AND RESPONSES	None
PRE-APPLICATION COMMENTS	None

EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	A supporting statement has been submitted with the application. It provides background information on the owner-occupier's situation; the recent use of the property as a short term let; and a description of the property. It explains how and when the property would operate as a short-term let, and how it would be managed.
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	<u>Policy 23: Health and Safety</u> NPF4 Policy 23 on health and safety states that development proposals that are likely to raise unacceptable noise issues will not be supported. Comment: Due to the transitory nature of the proposed use, increased noise issues

	could arise which would be detrimental to existing long-term residents in the neighbouring properties. This would have an adverse impact on the residential amenity of the building and surrounding area. It is considered the proposal is contrary to Policy 23. <u>Policy 30 Tourism</u> NPF4 Policy 30 on tourism 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. Comment: The building and surrounding area is characterised mainstream residential properties. A short-term let 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 since Glasgow West Conservation Area is afforded additional protection from short-term lets by local planning policy (see CDP10 & SG10 Meeting Housing Needs below). The Supporting Statement does not provide evidence that the proposal would have a demonstrable economic benefit to outweigh the loss of residential accommodation. It is considered that the proposal is contrary to Policy 30.
CITY DEVELOPMENT PLAN POLICIES	<u>CDP 1 & SG 1 The Placemaking Principle</u> CDP 1 aims to improve the quality of development taking place in Glasgow by promoting a design-led approach. This will contribute towards protecting and improving the quality of the environment, improving health and reducing health inequality, making the planning process as inclusive as possible and ensuring that new development attains the highest sustainability levels. SG 1 supports CDP 1 by providing guidance to promote the overarching Placemaking Principle being applied to all development in the city SG 1 contains specific guidance for commercial uses in residential properties. There is a presumption against granting planning permission for commercial uses of dwelling houses, including flats. 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. SG 1 notes that additional guidance can be found specifically relating to short stay accommodation in SG 10 Meeting Housing Needs (see below). Comment: The property has direct access from the private rear garden and has its own parking space. It is not considered that the proposal would give rise to any parking or servicing problems in the building or street. It is not considered that the application has demonstrated that the proposal would provide a beneficial service to the community. It is therefore considered that it fails to meet the specific SG 1 requirement. It is considered that a commercial short-term let would be significantly out of character with the surrounding mainstream residential accommodation that typifies the building/area. A short-term let would result in an intensification of use that would adversely affect residential amenity. Consequently, it is considered the proposal would be contrary to the specific criteria of SG 1 relating to residential character and amenity.

CDP 2 Sustainable Spatial Strategy

CDP 2 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.

Comment: 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.

CDP 9 & SG 9 Historic Environment

CDP 9 and SG 9: Historic Environment seek to protect and enhance listed buildings and conservation areas.

Comment: The application relates solely to the use of the property as a short term let. No alterations are proposed to the property. It is not considered that the proposal would have an adverse impact on the special historical character of the listed building or Glasgow West Conservation Area.

It should be noted that the residential character and amenity of Glasgow West Conservation Area are separate to its historical character, and that this has been assessed in more detail under CDP 10 and SG 10 below.

CDP 10 & SG 10 Meeting Housing Needs

CDP 10 aims to ensure that the City's growing and diverse population has access to a choice of housing of appropriate quality and affordability across all tenures. It is supported by SG 10, which contains specific guidance for tourist and short stay accommodation.

With regard to location, the Council will generally support tourist accommodation:

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

With regard to 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;
- d) a Management Plan for the development is provided, to the complete satisfaction of the Planning Authority; and
- e) it meets the relevant criteria for short stay-accommodation.

Proposals for short-stay accommodation that require planning permission shall be assessed against the following detailed criteria, together with the key criteria (location, design and amenity) for tourist accommodation.

- a) To protect residential amenity planning permission will not be granted for a change of use from a residential flat to short-stay accommodation within existing blocks of residential flats, resulting in a mix of mainstream residential

	flats and short stay accommodation within a single building sharing a means of access. ... c) To protect residential amenity in areas where there are already a significant number of non-residential uses and/or problems of parking and traffic congestion, the change of use of properties to short-stay flats will be strongly resisted in certain Conservation Areas including Glasgow West. Comment: The site is in an area of high accessibility near to Partick/Byres Road Town Centre and Kelvinbridge Town Centre. The conversion of an existing dwelling in this location is unlikely to place significant additional pressure on local amenities, facilities or traffic congestion. The property has a private parking space and is therefore unlikely to have an adverse impact on parking in the area. No alterations are proposed to the property/building meaning the change of use would not detract from the visual amenity of the area. The property has its own external access to the rear and no access to any communal areas. The site is in Glasgow West Conservation Area where, as stated above, short-stay accommodation will be strongly resisted in order to protect residential amenity. SG 10 makes specific reference to this being necessary as the area already contains a significant number of non-residential uses. The building and surrounding terraces are predominantly residential in character. Furthermore, the building is comprised of mainstream residential accommodation. It is considered that the transitory nature of the proposed short-term let would result in an unacceptable intensification of activity in a building/area characterised by mainstream residential use. It is therefore considered that the proposal is contrary to the criteria short for tourist accommodation and short-stay accommodation specified in SG 10.
OTHER MATERIAL CONSIDERATIONS	It is not considered that there are any other material considerations.
REASON FOR DECISION	1. The proposal was not considered to be in accordance with the Development Plan 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. 2. The proposal is contrary to Policy 23 and Policy 30 of NPF4 and City Development Plan Policies CDP1 and SG1; CDP2; and CDP10 and SG10. There were no material considerations which outweighed the proposal's variance from the Development Plan.

	COMMENTS			
PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	07/03964/DC	Internal alterations to listed building	26.03.2008	GC
	23/02764/FUL	Use of main door flatted dwelling (Sui generis) as short term let (Sui generis) (retrospective)		PCO
SITE VISITS (DATES)	It was not considered a site visit was required due to the nature of the proposal and the lack of proposed physical alterations to the building.			
SITING	This application relates to a two bedroom flat on the lower ground floor of a subdivided Category B listed townhouse. The townhouse contains four flats. The internal floor area of the property is approximately 88 sq/m. The property has its own external access to the rear via the private back garden. The garden contains an off-road parking space.			
DESIGN AND MATERIALS	No interior or exterior alterations to the property are proposed. The proposal relates solely to its use as short-stay accommodation. A supporting statement has been submitted with the application. This states that the flat would in use as short term let for approximately 30% of the year. The flat would be let out by the owner, who would occupy the flat the remainder of the time. The owner manages the bookings and the property is serviced by a professional cleaner. It accommodates a maximum of four guests per booking.			
DAYLIGHT	No alterations are proposed meaning there would be no adverse impact on daylight.			
ASPECT	The property is dual aspect.			
PRIVACY	It is acknowledged that the proposal would intensify the use of the property. The property has its own external access and private garden. There is no internal access to communal areas. Overall, 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	N/A			
LANDSCAPING (INCLUDING GARDEN GROUND)	No landscaping proposed.			
ACCESS AND PARKING	No changes proposed to existing access and parking arrangements.			
SITE CONSTRAINTS	Glasgow West Conservation Area Category A listed building: 35-51 (ODD NOS) HAMILTON DRIVE (1-9 INCLUSIVE NOS) NORTH PARK TERRACE, KELVINSIDE (LB32874)			
OTHER COMMENTS	It is noted that the property is the applicant's main residence and that they intend to operate it as a short-term let for approximately 30% of the year. SG10: Meeting Housing Needs states that <i>'where a flat is being used frequently to provide short-stay accommodation, there is likely to be a material change of use'</i>. Additional clarification is provided on the Council's website, which states that <i>'using a flat as a Short Term Let for a number of months (for example outwith University term time during the Summer) will require planning permission if it is operating for more than a one-off occasion of 14 consecutive days'</i>.			

	Planning permission for change of use is absolute and therefore allows the property to be used as a short-term let on a full time-basis. It is not considered that a planning condition which divides the use of the property between mainstream residential and a short-term let would be enforceable. Such a condition would fail to meet the necessary tests in Planning Circular 4/1998 and should not be imposed. The applicant's personal circumstances are not a material consideration. If planning permission was granted, nothing would prevent the property operating as a short-term let on a full-time basis should the applicant's circumstances change or the property is sold. It is therefore considered that the proposal should be assessed on the basis that the short-term let would operate full-time. Notwithstanding the above, even if a split between mainstream residential and short-term let could be enforced, it is considered that 30% of the year represents a significant period that could impact the residential character and amenity of the area. 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. The issues to be taken into account in the determination of this application are therefore considered to be: a) whether the proposal accords with the statutory Development Plan; and b) whether any other material considerations (including objections) have been satisfactorily addressed. In respect of (a), the Development Plan is comprised of NPF4 (adopted on 13 February 2023) and the Glasgow City Development Plan (adopted on 29 March 2017). The proposal has been assessed against the relevant Development Plan policies in detail above. In summary, it is not considered that the proposal would have an unacceptable impact on the appearance of the area, traffic, parking or servicing. It is noted that the short-term let would have its own external access via the private back garden with no access to communal areas. 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 amenity of neighbouring properties. No justification has been provided which demonstrates that the proposal would provide significant community or economic benefit. On balance, it is considered that the proposal is contrary to the Development Plan. 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. It is therefore considered that the proposal is unacceptable.
RECOMMENDATION	Refuse

Date: 01/03/2024	DM Officer	David Haney
Date: <u>07/03/2024</u>	DM Manager	Mark Thomson