



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

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Item 1

24th September 2024

24/00057/LOCAL – 35 Ruskin Lane, Glasgow

**Use of flatted dwelling (Sui generis) as short term let (Sui generis)
(retrospective)**

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 – Hillhead

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 proposal site is a basement level flatted dwelling within a mid-terrace converted four-storey blond sandstone townhouse located on the southern side of Hamilton Drive. This basement flat can be accessed via Ruskin Lane to the south of the property.
- 1.2 The property is A-Listed and is located within the Glasgow West Conservation Area.
- 1.3 The site is located within an area of High Public Transport Accessibility.
- 1.4 The property has two bedrooms and the proposed occupancy of the property is to be a maximum of four guests.
- 1.5 The proposal seeks permission for the flat to be used as a short-term let.

2. DEVELOPMENT PLAN POLICIES

- 2.1 NPF4 was adopted by the Scottish Ministers on 13 February 2023 and is part of the statutory Development Plan. Where there is an area of incompatibility it is expected that the newest policy document will take precedence, which will be NPF4 for the time being.

In this case, the relevant policies from NPF4 are:

- Policy 23: Health and safety
- Policy 30: Tourism

- 2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP3: Economic Development
- CDP10: Meeting Housing Needs
- CDP11: Sustainable Transport

- 2.3 The relevant Supplementary Guidance is:

- SG1: The Placemaking Principle (Part 2)
- IPG3: Economic Development
- SG10: Meeting Housing Needs
- SG11: Sustainable Transport

3 REASONS FOR REFUSAL / RELEVANT CONDITION(S)

- 3.1 The reasons for refusal are set out below:

01. 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.
02. 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.

4 APPEAL STATEMENT

- 4.1 A summary of the material points raised in the appeal statement is given below.
 01. The flat is only let out on a short-term basis during the few (mainly summer) months I am away from the flat so that it is not empty for long periods and brings income for renovation/repair of the listed building.
 02. The flat has private access through a gated private garden/parking area via Ruskin Lane at the back of Hamilton Drive.
 03. I have been hosting short-term lets for over 7 years without complaint from neighbours.
 04. The applicant has requested that the review be conducted by means of an inspection of the land to which the review relates. Where the Committee decides that the review documents do not provide sufficient information to make a decision, it is for the Committee to determine how further information may be obtained. This can either be by means of further written submissions, the holding of one or more hearing sessions, or a site inspection, or a combination of these, as set out in the Local Review Regulations.

5 REPRESENTATIONS AND CONSULTATIONS

- 5.1 There were two representations to the application, both objecting to the proposal. The following material considerations were raised:
 - The proposal is not compliant with Glasgow planning guidance (SG10, section 4B, para 4.16 part c). This states that the Council will strongly resist the change of use to short-stay flats in the Glasgow West Conservation Area, and this applies whether the use is for 100% of the year or any lesser amount.
 - The proposal reduces availability of residential property in the area.
- 5.2 There were no representations to this Review.

6 COMMITTEE CONSIDERATIONS

6.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.

6.2 The following are the relevant policy considerations:

6.3 **NPF4 Policy 23: Health and safety and SG1: The Placemaking Principle (Part 2)**

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.

The relevant policy guidance is:

- 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 (Part 2) provides the following relevant guidance:

Non Residential Development Affecting Residential Areas

This 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 (see Policy CDP3 - Economic Development and Policy CDP4 - Network of Centres), 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) or which propose the storage of quantities of hazardous substances in close proximity to housing; and
- b) Uses which prove acceptable to the Council will require to provide adequate screening for any outside storage of materials and introduce traffic mitigation measures, where appropriate, in order to preserve the amenity of the surrounding residential area.

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 and 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. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours. Applicants must provide full details of the provision for waste storage, recycling and collection in the initial submission for planning permission.

Committee should note:

- The property is not within the Network of Centres or an Economic Development Area.
- The property has direct access to the street via a private rear garden/parking area to Ruskin Lane.
- No information has been provided in regard to waste management or collection, contrary to policy.

Committee should consider whether:

- the proposal will have a negative impact on residential amenity, particularly by creating unacceptable noise issues;
- it has been demonstrated that the proposal will provide a beneficial service to the community;
- the quality of the residential character of the area and amenity of the neighbouring properties will be prejudiced;
- it will give rise to parking and/or servicing problems; and
- they are completely satisfied with the waste/refuse management arrangements.

6.4 **NPF4 Policy 30: Tourism; IPG3: Economic Development and SG10: Meeting Housing Needs**

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.

The relevant policy guidance is:

- 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 provides the following relevant guidance:

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 majority of Glasgow's hotels and short-stay accommodation are located in the City Centre, areas near the SEC, and the West End.

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. Car parking standards are set out in CDP 11 Sustainable Transport Supplementary Guidance; and
- (iv) proximity to public transport.

SG10 provides the following policy guidance:

SG10: Meeting Housing Needs

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.

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;
- e) that can demonstrate there will be no adverse impact on traffic congestion and parking; and
- f) that meets the relevant criteria in relation to Short-Stay Accommodation.

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;
- d) a Management Plan for the development is provided, to the complete satisfaction of the Planning Authority; and
- e) it meets the relevant criteria in relation to Short-Stay Accommodation.

Management Plans should 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

The use of a flat as short-stay accommodation has the potential to result in conflict with mainstream residential flats in a block through regular influx of temporary residents as well as increased pressure on infrastructure and shared space. Evidence has shown that amenity issues can arise through the introduction of short-stay accommodation and illustrates the need to effectively control the activity taking place. On this basis, a flat being used as short-stay accommodation is considered differently to a house.

The occasional use of a flat as short-stay accommodation, which is otherwise a sole or main residence, is unlikely to constitute a material change of use. Planning permission is deemed not to be required where only one lodger is accommodated in addition to one resident family.

Where a flat is being used frequently to provide short-stay accommodation, there is likely to be a material change of use. In determining whether a short-stay use would constitute a change of use, the Council will take account of:

- The nature of services provided, such as cleaning or laundry;
- The size and context of the property;
- The frequency and duration of short stays; and
- The number of people staying.

Where servicing is provided to an extent that would be beyond what would reasonably be expected in a mainstream domestic context, then it is likely that a material change of use from residential flat (*Sui Generis*) to short-stay accommodation (*Sui Generis*) would occur.

Together with the above criteria, the change of use to short-stay accommodation (accommodation occupied for a period of less than 90 days) is assessed against the following:

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

Committee should note:

- This proposal is located in an area of High Public Transport Accessibility.

- The proposal site is within an established residential area with the neighbouring properties appearing to be in mainstream residential use.
- There is one off-road vehicle parking space proposed.
- The property is located within walking distance of Partick/Byres Road Major Town Centre.
- No formal Management Plan has been provided (contrary to policy), but a supporting statement was supplied with the application.
- The property is located within the Glasgow West Conservation Area, contrary to policy (SG10).

Committee should consider whether:

- the proposal will benefit local people and the local economy;
- the proposal is appropriate to the area, with any negative amenity impacts adequately minimised.
- the proposal is consistent with net zero commitments;
- there are opportunities for sustainable travel and appropriate management of parking and traffic generation;
- there is a loss of residential accommodation, and if so, if this has been justified;
- whether the proposal is in keeping with the surrounding area in terms of scale and visual amenity;
- whether the change of use to a short-term let would constitute an intensification of activity for the area; and
- whether they are completely satisfied by the information included within the supporting statement, or if a formal Management Plan would be required.

6.5 **SG11: Sustainable Transport**

This policy seeks to ensure all new development is delivered with consideration for active travel.

Cycle Parking

With the growth in cycle tourism, it is important that, wherever possible, hotels, guest houses and bed and breakfasts provide for safe, secure, well-designed and sheltered on-site cycle parking. Cycle parking should always be safe, sheltered and secure.

For Hotels, Guest Houses and Bed and Breakfasts, 1 space should be provided per 10 bed spaces.

Committee should note:

- There is no specific minimum standard for short-term letting accommodation, but the principle of the standards for hotels, guest houses and bed and breakfasts may be considered to apply.
- 2 bed spaces are provided.
- No information about cycle parking is provided.

- Committee should consider whether adequate cycle parking is provided.

Vehicle Parking

To encourage the use of non-car transport modes, maximum car parking standards are set out for certain types of development, including retailing, leisure and commercial uses.

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

Committee should note:

- There is no specific standard for short-term letting accommodation, but the principle of the standards for hotels, guest houses and bed and breakfasts may be considered to apply.
 - The proposal includes two bedrooms.
 - There is one parking space indicated, in compliance with policy.
- Committee should consider whether adequate vehicle parking is provided.

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with the same or different conditions from those listed below; or
- b. Refuse planning permission.
- c. Continue the review to request further information.

8 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

9 Recommendations

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