



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods, Regeneration
and Sustainability

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Item 1

29th October 2024

24/00082/LOCAL – Flat 2/2, 37 Elliot Street, 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): 10 – Anderston/City/Yorkhill 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 consists of a 2-bedroom, second floor flatted dwelling within a modern residential block on the east side of Elliot Street. It is accessed via a communal close. It is within a residential area and near to the mixed-use areas of Finnieston.
- 1.2 The property is unlisted and located outwith any Conservation Area.
- 1.3 The site is located within an area of Base Public Transport Accessibility.
- 1.4 The proposal seeks consent for the change of use of a residential 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 12: Zero Waste
- Policy 13: Sustainable Transport
- Policy 23: Health and Safety
- Policy 30: Tourism

- 2.2 The relevant City Development Plan policies are:

- CDP1: The Placemaking Principle
- CDP2: Sustainable Spatial Strategy
- 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 and there were no material considerations which outweighed the proposal's variance with the Development Plan.

02. The proposal is contrary to NPF4 Policies 23: Health and Safety and 30: Tourism and CDP1 and SG1: The Placemaking Principle of the Glasgow City Development Plan insofar as the change of use from a residential flat to the transitory nature of short-term letting accommodation is likely to raise unacceptable noise issues, which would be detrimental to existing neighbours within the flatted block, thereby creating an adverse impact on residential amenity
03. The proposal is contrary to NPF4 Policy 30: Tourism in so far as the applicant has not demonstrated that the loss of mainstream residential accommodation has been outweighed by economic benefit.
04. The proposal is contrary to National Planning Framework 4 (adopted The proposal is contrary to CDP10 and SG10: Meeting Housing Needs of the Glasgow City Development Plan insofar as the proposal would result in a change of use from a residential flat to short-term letting accommodation within an existing block of residential flats, resulting in a mix of mainstream residential flats and short-term guests within a single building sharing a means of access. As such, the access would be compromised by users and maintenance personnel visiting the short-term let flat to the detriment of the enjoyment of the use of the access by mainstream residents
05. The proposal is contrary to CDP1 and SG1: The Placemaking Principle and CDP10 and SG10: Meeting Housing Needs of the Glasgow City Development Plan in so far as the transitory nature of the short-term letting accommodation would intensify the use of the property to the detriment of the residential character and amenity of neighbouring residents.
06. The proposal is contrary to CDP1 and SG1: The Placemaking Principle of the Glasgow City Development Plan insofar as the proposal relies on the use of residential waste uplift for commercial waste.
07. The proposal is contrary to CDP2: Sustainable Spatial Strategy of the Glasgow City Development Plan in so far as the transitory nature of the short-term letting accommodation does not contribute to the vibrancy of the residential neighbourhood and the transitory nature of the proposal would adversely impact the residential character and amenity of the area.
08. The proposal is contrary to NPF4 Policy 13: Sustainable transport; and CDP11 and SG11 Sustainable Transport of the Glasgow City Development Plan 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.

01. There were five letters of representation to the application received, all to support the application. There is no recorded history of complaints of nuisance at the property either from neighbours or from the appellant's letting agencies. The property has in fact been in use as a STL for many [8] years and during that there is no record of any complaint to the City Environmental Health service on the basis of nuisance or noise.
02. Glasgow has a policy of growing the tourism economy. Analysis of published reports demonstrates that short-term lettings are an important contributor to the Glasgow tourism economy.
03. Glasgow's housing crisis is not caused by existing dwellings being changed to short-term holiday lets. A ban on short-term lets in flats is not even considered as a solution or even a factor in increasing housing supply in Glasgow or in meeting future housing need.
04. The presence of a short-term letting accommodation at Elliot Street is not inconsistent with the character of the immediate neighbourhood and that it does not have any detrimental impact upon the vibrancy and character of the area.
05. Waste generated by the guests of short-term let accommodation is residential in its nature and of a generally lower volume than is normally generated by permanent residents. Waste can be collected between visitor stays by the host management/cleaners and taken to a commercial collection point.
06. More likely is that guests will travel to Glasgow by air, train or car and, should they wish to use a bicycle to tour the city, they will avail themselves of one of a public cycles that can be rented from one of the many cycle stands conveniently located close to the property. Should guests happen to arrive by bicycle - which is very unlikely - there is adequate space within the flat to meet the requirements of SG11 and store at least one bicycle thus meeting the minimum standard required.

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

5 REPRESENTATIONS AND CONSULTATIONS

5.1 There were five representations received to the application, all to support the proposals. A summary of the comments received is given below:

- I have never been inconvenienced by the use of short-term holiday accommodation.

- The flat is a useful resource for visitors to the city and help the local economy.
 - There is a shortage of good quality affordable hotel accommodation in the city
- 5.2 No representations were received to this review. No consultations were undertaken.

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 relevant policy considerations:
- 6.3 **Residential Amenity – NPF4 Policies 12 Zero Waste and 23 Health and Safety; and CDP1/SG1 The Placemaking Principle and CDP2 Sustainable Spatial Strategy**

NPF4 Policy 12 Zero Waste

Policy Intent: To encourage, promote and facilitate development that is consistent with the waste hierarchy.

- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.

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.

CDP1/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 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 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.

Committee should note:

- The property is not within the Network of Centres or an Economic Development Area.
- The property does not have direct private access to the street, with access provided via a shared communal close, contrary to policy.

- Full waste management details have not been provided, however it is noted within the appeal supporting statement that the property's cleaner or management staff can take waste to a commercial collection point.

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**

NPF4 Policy 30 Tourism

Policy Intent: To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with out 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.

CDP3/IPG3 Economic Development

Tourism and 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.

CDP10/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:

- The proposal site is located in an area of Base Public Transport Accessibility.
- The site is within an established residential area with the neighbouring properties appearing to be in mainstream residential use.
- There is one designated off-road vehicle parking space provided within a shared car parking facility for the building.
- The property is located close to, and within walking distance of, the Cranstonhill/Yorkhill Local Town Centre.
- The Operational/Management Plan submitted does not provide details on the access arrangements for servicing and deliveries or on-site management arrangements, contrary to policy.

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 Operational Plan, or if further information regarding a Management Plan is required.

6.5 **NPF4 Policy 13 and CDP11/SG11: Sustainable Transport**

NPF4 Policy 13 Sustainable Transport

Policy Intent: To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need for travel unsustainably.

CDP11/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 formal cycle parking provision is provided, contrary to policy, however it is noted within the appeal statement that cycle storage for at least one bicycle may be provided within the flat itself.

- 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 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.
- 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.