

Report of Handling for Application 23/02417/FUL

ADDRESS:	Flat 14 20 Elliot Street Glasgow G3 8EB	<div>Item 3</div> <div>29th October 2024</div>
PROPOSAL:	Use of flatted dwelling (Sui Generis) as short term let (Sui Generis) (retrospective)	

DATE OF ADVERT:	2 February 2024	
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>115 neighbour notification letters were issued. The application was advertised in the local press and was included on the Weekly List of Applications.</p> <p>Six letters of representation to the application were received: one objection, and five letters of support.</p> <p>A summary of the points raised in the letter of objection are:</p> <ul style="list-style-type: none">- Short-stay residents are causing significant disruption to residents through issues of noise and people coming and going through the night.- There are safety concerns with strangers in the complex, and who disregard the allocated parking spaces, and external doors often being left open. <p>Comment: Agreed. Please see 'Other Comments' section below.</p> <p>A summary of the points raised in the letters of support are:</p> <ul style="list-style-type: none">- I have never been inconvenienced by the use of short-term holiday accommodation.- This business provides employment for companies servicing the apartment.- The flat is a useful resource for visitors to the city and help the local economy. <p>Comment: Please see the 'Other Comments' section below. There are known issues of amenity created by this use within this context. The balance of economic benefits is considered below as part of NPF4 Policy 30.</p>	
PARTIES CONSULTED AND RESPONSES	None.	
PRE-APPLICATION COMMENTS	<p>The applicant and agent did not seek pre-application advice or discussions with Glasgow City Council prior to submission of this application. Therefore, the case officer was unable to provide advice on whether the proposed development complied with the relevant Policy and Guidance of NPF 4 and the City Development Plan.</p> <p>The Council has formalised the means for obtaining pre-application advice of this type in order to make this stage of the Planning process more accessible and efficient for applicants, agents and Planning staff. The Council welcomes pre-application discussions between the applicant, their agent(s) and its planning staff in advance of making an application for any scale of development. As stated above, the agent and applicant failed to avail themselves of this service.</p>	

EIA - MAIN ISSUES	NONE
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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:</p> <p>Policy 1: Tackling the climate and nature crises Policy 2: Climate mitigation and adaptation Policy 12: Zero waste 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.</p> <p>The following policies were considered when assessing the application: CDP1: The Placemaking Principle and SG1: The Placemaking Principle (Part 2) CDP2: Sustainable Spatial Strategy CDP10 and SG10: Meeting Housing Needs CDP11 and SG11: Sustainable Transport</p>
OTHER MATERIAL CONSIDERATIONS	None.
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	
Site Visits (Dates)	It was not considered that a site visit was required due to the nature of the proposal and the lack of proposed physical alterations to the building.
Siting	The application site is a second-floor flatted dwelling located on the western side of Elliot Street. The property is a modern residential flatted development constructed of brick. The property is accessed via communal close/communal entrance doorway.

	<p>The property is located in a mixed use area, but is surrounded by residential properties.</p> <p>The property is located within Ward 10.</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 and is in retrospect as this change has already taken place.</p> <p>The flat includes two bedrooms, one bathroom, one lounge area, one kitchen, and storage areas.</p> <p>It is stated the property can accommodate a maximum of four individuals, and guests typically stay for a period of 2-3 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 flat is accessed via a communal close/entrance. It is proposed to utilise communal waste storage facilities (primarily a communal bin chute or ground level bin store), with a designated car parking space in the communal parking lot.
Adjacent Levels	NOT APPLICABLE
Landscaping (Including Garden Ground)	No landscaping is proposed.
Access and Parking	<p>The flat is accessed via a communal close/entrance door. The submitted statement advises that there is one designated car parking space available in the development's secure underground parking area. No information has been provided in regard to cycle parking provision.</p> <p>The site is located within an area of Base Accessibility by Public Transport and is within a Controlled Parking Zone.</p>
Site Constraints	The application site is located in an area of Base Accessibility by Public Transport.
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> <ul style="list-style-type: none"> a) Whether the proposal accords with the statutory Development Plan; 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 order to assess (a) the proposal must be considered against the following policies:</p> <p>NPF4 policies 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</p>

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 easily encourage active or sustainable travel options, but this is discussed further below.

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. Furthermore, there would be increased noise and activity created by cleaning or other contractors as required to service the property. Therefore, this proposal is considered to be contrary to Policy 23.

NPF4 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 an unacceptable impact on local amenity or the character of a neighbourhood, or where the loss of residential accommodation is not outweighed by demonstrable economic benefits.

In this case, the building and surrounding blocks are predominately in mainstream residential use. Short-term let accommodation is considered to be 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 of the area.

Furthermore, 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.

NPF4 Policy 12: Zero waste and SG1 (Part 2): Waste Storage, Recycling and Collection – Applications must provide full details of the provision for waste management. In this case, the submitted operational statement includes a 'Waste Management' section. This states that within the flat waste can be separated into appropriate bins, and should be deposited via the communal residential bin chute or to the main communal bin store on the ground level.

As a commercial operation this should not utilise residential waste collection, and instead should use a commercial uplift. Secondly, the use of communal bin stores can create issues of amenity for mainstream residents if used incorrectly.

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. SG1 provides the following policy guidance:

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.

Commercial Uses in Residential Properties – There is a presumption against granting planning permission for commercial uses in this scenario. Considerations include

alterations to the property, traffic and parking, access and servicing, and noise which could adversely affect local amenity or safety. In this case, the applicant has not demonstrated that such potential issues have been adequately mitigated or could be controlled. The submitted operational plan does include a section on 'Guest Management' and 'Complaints', but no information as to how any issues would be managed are included. The Complaints section relates to guest complaints, rather than neighbour complaints.

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. The property lies within the River Clyde Corridor SDF area, with this plan having a vision of creating well-connected, liveable neighbourhoods that support a range of uses.

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.

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 – The property is approximately 50m from the Cranstonhill/Yorkhill Local Town Centre and it is considered to be unlikely that the proposal would place increased pressure on local facilities.

Design and Amenity Space Criteria – An operational plan has been submitted with the application providing some of the detail requested by policy. However, this is not detailed enough to allow for a considered assessment. For example, no information has been provided in regards to servicing vehicles and parking requirements of these; how guest behaviour or issues will be managed; and although it is stated that guests are welcomed in person, there is also the option of a lockbox for 'out of hours' guests and so these checks mentioned cannot always be completed.

Detailed Criteria – Flats – This guidance states that flats (due to their context of having shared circulation and amenity spaces) have more potential to result in conflict with mainstream residential flats due to the regular influx of temporary residents. Specifically, this policy states that planning permission will not be granted for the proposed change of use within existing blocks of residential flats within a single building sharing a means of access.

In this case, this property shares an access with other properties in the block. This is both an amenity and a safety concern. In regards to amenity, this property is located on the second floor and the continued influx of temporary guests and their chattels, plus cleaning and servicing personnel after each guest would be disruptive to mainstream residents. There are also safety concerns with unknown guests and servicing personnel frequently coming and going through the communal areas of the block, including within the car parking area.

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

	<p>NPF4 Policy 13 and CDP/SG11: Sustainable transport both seek 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. SG11 provides detailed guidance:</p> <p>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.</p> <p>Minimum standard: 1 space per 10 bed spaces.</p> <p>The applicant has not provided any information in relation to cycle parking provision. The nearest public cycle rack is located on Argyle Street within the Cranstonhill Local Town Centre, but not only is this not located nearby it would not be considered to be sheltered, safe and secure for long-term or overnight use. As the property is located on the second floor of a block it is unlikely that a bike would be stored internally.</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 one car parking space will be available within the communal underground parking lot for the flatted development.</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. The proposal would introduce an incompatible commercial short-term let into a building characterised by mainstream residential use. 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 public representations (both objection and support) have been considered and 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: 18/03/2024	DM Officer	Claire Hunt
Date: <u>19/03/2024</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 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.
3. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

Drawings

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

1. L(00)01-REV A LOCATION PLAN AND BLOCK PLAN; Received 28 September 2023
2. (F14)20-G3 8EB-01 FLAT 14, EXISTING FLOOR PLAN; Received 28 September 2023
3. OPERATIONAL PLAN; Received 25 January 2024

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

