

REPORT OF HANDLING FOR APPLICATION 23/02244/FUL

ADDRESS:	Flat 3/1, 31 Buckingham Terrace Glasgow G12 8ED
PROPOSAL:	Use of main door flatted dwelling (Sui Generis) as short term let (Sui Generis).
DATE OF ADVERT:	20 October 2023
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	<p>19 neighbour notification letters were issued, the application was included on the Weekly List of Applications and advertised in the local press. Two representations were received, both objecting to the application. 1no from Hillhead Community Council and 1no from Friends of Glasgow West amenity group. The issues raised are summarised below:</p> <ul style="list-style-type: none"> • <i>The proposal is contrary to the development plan.</i> • <i>Short-term lets are often used as party flats to the annoyance of other residents.</i> • <i>The use of all three main rooms for guests will place an extra burden on the property and other residents.</i> • <i>There are insufficient details on refuse/recycling arrangements and parking.</i> • <i>There is a shortage of mainstream residential properties in this area.</i> <p>Case Officer Comment: Noted. It has been assessed that the proposed development is at variance to the development plan. These issues will be addressed in-depth in the relevant sections of this report.</p>
PARTIES CONSULTED AND RESPONSES	None.
PRE-APPLICATION COMMENTS	<p>The applicant did not seek pre-application advice with GCC Planning prior to submission of this application to establish if the proposed development was in accordance with the development plan. 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 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 applicant failed to avail themselves of this service.</p> <p>No contact was made with the applicant during the assessment of the application as the proposed development, due to its clear variance to the development plan, could not be amended to comply with the relevant development plan policy and guidance. Therefore, as the following report will outline, the fundamental principle of this proposed development at this site is not considered to be in accordance with the development plan.</p>
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. The following policies are considered relevant to this application:</p> <p>Policy 1: Tackling the climate and nature crises Policy 2: Climate mitigation and adaption Policy 23: Health and Safety Policy 30: Tourism</p>
CITY DEVELOPMENT PLAN POLICIES	<p>CDP 1: The Placemaking Principle SG 1: Placemaking CDP 10: Meeting Housing Needs SG 10: Meeting Housing Needs CDP 11: Sustainable Transport SG 11: 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			
PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	04/04062/DC	Demolition and reinstatement of boundary wall to rear of tenement.	08.04.2005	GC
	04/04063/DC	Demolition and reinstatement of boundary wall to rear of tenement.	18.05.2005	GC
SITING	<p>The application site is a main-door flat within a four-storey and basement traditional tenement on Buckingham Terrace, at its junction with Queen Margaret Drive (Ward 11). The property has a main door entrance from Buckingham Terrace and an additional entrance from a communal close on Queen Margaret Drive. There is a medical practice at basement level and mainstream residential flatted dwellings on the floors above.</p>			
DESIGN AND MATERIALS	<p>The application is for a change of use and does not involve any physical alterations to the property. The established use is a mainstream flatted dwelling (Sui Generis) and the applicant seeks permission to operate the property as a short term let (Sui Generis). The applicant has not submitted a detailed management plan. An 'Operational Note' provided by the applicant states:</p> <ul style="list-style-type: none"> • <i>The maximum number of guests will be six.</i> • <i>1no designated off-street parking space is provided within the dedicated private carpark at the rear of the property.</i> • <i>The minimum stay will be 3-nights.</i> • <i>Access will be taken via the main door of the flat. The access door to/from the communal close will be for emergencies only.</i> • <i>Keys will be handed over by the owners to the guests at the start of each booking. A lock-box will be provided for guests to deposit keys at the end of each booking.</i> • <i>All waste and recycling will be deposited in the domestic bins provided by Glasgow City Council.</i> • <i>The property will be advertised on Airbnb and the owner's website.</i> • <i>The property will be available for let all year round.</i> 			
DAYLIGHT	Not applicable.			
ASPECT	The front elevation of the property faces south towards Great Western Road.			
PRIVACY	<p>It is not clear from the drawings or information submitted whether the property has any access to a private or communal garden/amenity ground. However, whilst the property has a main-door onto Buckingham Terrace, it has another door onto the communal close for the flatted dwellings at 2 Queen Margaret Drive. Whilst the applicant states that this door will be used in emergencies only, there is scope for a privacy conflict between the longer-term residents of the other flats and the users of the short-term let, due to this access to the shared communal close.</p>			
ADJACENT LEVELS	No issues.			
LANDSCAPING (INCLUDING GARDEN GROUND)	<p>As noted above, it is not clear from the drawings or information submitted whether the property has any access to a private or communal garden/amenity ground. The drawings indicate that the rear of the property is taken up by a resident's carpark.</p>			
ACCESS AND PARKING	<p>The applicant has stated that the flat has 1no designated car-parking space at the rear of the property. No information on safe, sheltered and secure bicycle parking has been provided.</p>			
SITE CONSTRAINTS	<p>The application property is within the Glasgow West Conservation Area and is a Category B Listed building (LB32851)</p>			

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> <ol style="list-style-type: none"> Whether the proposal accords with the statutory Development Plan; 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.</p> <p><u>NPF4</u> The policies of relevance to this proposal within the National Planning Framework 4 are: Policy 1 - Tackling the climate and nature crises and Policy 2: Climate mitigation and adaption. Policies 1 and 2 are overarching policies which must be taken into consideration for all development proposals: <i>when considering all development proposals significant weight will be given to the global climate and nature crises.</i></p> <p>Policy 23 – Health and Safety. The intent of Policy 23 is to <i>protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Development proposals that are likely to raise unacceptable noise issues will not be supported.</i></p> <p>Policy 30 – Tourism. Policy 30 states that: <i>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 area; or the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.</i></p> <p><u>Case Officer Comment – NPF 4:</u> In terms of Policies 1 and 2, the property is in an area of high-accessibility in terms of public transport. However, the applicant has not confirmed if safe and secure bicycle storage can be provided on-site. By providing good accessibility to public transport, utilising an existing site and not undertaking any physical works to the property, it is considered the proposed development will have a neutral impact on the climate and nature crisis.</p> <p>With regards to Policy 23, due to the transitory nature of the proposed use, increased noise issues could arise, which would be detrimental to the existing neighbours within the flatted block, thereby creating an adverse impact on their residential amenity. Consequently, it is considered that the proposed use is contrary to Policy 23.</p> <p>In terms of Policy 30, the building (31 Buckingham Terrace and 2 Queen Margaret Drive) is predominantly mainstream residential. The introduction of a short-term letting use at this property is considered to be significantly out of character with the predominant use of the flats in this building. It is considered that the transitory nature of the proposed use would have an unacceptable impact on the residential character and amenity. Particularly as the Glasgow West Conservation Area is afforded additional protection from short-term lets by local planning policy (see assessment of the proposal against CDP 10 & SG 10 - Meeting Housing Needs below). Accordingly, it is considered that this proposal is contrary to Policy 30.</p> <p>It is considered that the proposal is at variance with the overall approach of NPF4.</p> <p><u>City Development Plan</u> The policies of relevance in the Glasgow City Development Plan are: CDP 1: The Placemaking Principle SG 1: Placemaking CDP 10: Meeting Housing Needs SG 10: Meeting Housing Needs CDP 11: Sustainable Transport SG 11: Sustainable Transport</p>

Policy CDP 1: The Placemaking Principle

Policy CDP 1 is an overarching Policy which must be considered for all development proposals to help achieve the key aims of the Glasgow City Development Plan. *The Policy 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. CDP 1 states that new development should provide high quality amenity to existing and new residents and respect the environment by responding to its qualities and character.*

Case Officer Comment: The proposed development, by virtue of its significant detrimental impact on residential amenity and the character of the building, fails to provide high-quality amenity to existing and new residents in the City. Furthermore, the proposed development fails to respect the quality and character of the local environment.

The proposal is considered to be contrary to Policy CDP 1.

Supplementary Guidance SG 1: Placemaking

This guidance takes forward the aims of Policy CDP1 and provides the necessary detail to explain how these policy aims will be achieved.

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.*

Case Officer Comment: The introduction of the proposed use, due to its transitory nature, within a predominantly mainstream residential flatted building will cause harm to residential amenity and erode the character of the property.

The proposal is considered to be contrary to Supplementary Guidance SG 1.

Policy CDP 10 and Supplementary Guidance SG 10: Meeting Housing Needs

Policy 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. The Policy is supported by supplementary guidance, in this instance SG10 which states that proposals requiring planning permission for short-stay accommodation must be considered against key criteria for tourist accommodation in Section 4 and the additional detailed criteria outlined in paragraph 4.16.

4.5 The Council will generally support tourist accommodation:

a) In locations with active travel routes and a frequent public transport service with high accessibility.

Case Officer Comment: The site is located within a 'High Accessibility' area in terms of public transport.

b) In locations with good access to shops and services, where these are not provided on site;

Case Officer Comment: The site is located a short walking distance from shops, supermarkets and other services.

c) That can demonstrate that it will not place additional pressure on local amenities and facilities;

Case Officer Comment: It is considered that the scale of the proposal would be unlikely to 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;

Case Officer Comment: It has not been demonstrated that the proposal will not adversely impact on the character and amenity of the area.

e) That can demonstrate there will be no adverse impact on traffic congestion and parking;

Case Officer Comment: The application site is within walking distance of a subway station and bus stops, encouraging the use of public transport. No details of safe and secure cycle parking has been provided. The flatted dwelling has a designated off-street car-parking space within the curtilage of the property. However, the applicant has stated that the property can accommodate up to 6no guests. No information has been submitted for the provision of vehicular parking for guests who have more than 1no car.

f) that meets the relevant criteria in Section 4A or 4B where appropriate.

Case Officer Comment: Refer to comments relating to Section 4B below.

In addition to key location criteria, the proposal is required to be assessed against the key design and amenity space criteria as follows:

4.6 Proposals for tourist accommodation will generally be supported where:

a) it is of a size and scale in keeping with the surrounding environment;

Case Officer Comment: The proposal is for a short-term let for up to 6no guests that will be available for use all year round. This is not considered to be of a size and scale that is in keeping with the surrounding environment (i.e. a property that predominantly consists of mainstream residential flats).

b) It does not introduce an incongruous or visibly intrusive addition to the surrounding area;

Case Officer Comment: As noted above, the use of the flat for up to 6no guests all year round, will introduce an incongruous and intrusive addition to the property.

c) It does not result in unacceptable intensification of activity, particularly in a predominantly residential building or area;

Case Officer Comment: As stated above, the use of the flat for up to 6no guests all year round, will result in an unacceptable intensification of activity within a predominantly residential building.

d) a Management Plan for the development is provided, to the complete satisfaction of the Planning Authority (details on a Management Plan can be found in SG10 Section 4.8);

Case Officer Comment: The applicant has not submitted a detailed management plan. As stated above, the applicant has provided an 'Operational Note' with brief information in relation to the proposed use. No details on laundry, servicing, noise/quiet hours, etc. have been provided. In terms of recycling and refuse, the applicant intends to use Glasgow City Council's domestic service. It should be noted that short-term lets are a non-domestic business use which are not eligible to use Glasgow City Council's domestic recycling and refuse service.

e) it meets the relevant criteria in Section 4A or 4B where appropriate.

Case Officer Comment: See comments below in relation to Section 4B.

Section 4B: Additional detailed criteria (from paragraph 4.16)

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.

Case Officer Comment: Where properties share a means of access, a change of use from a residential flat to short-term letting accommodation will not be supported. Although this property has its own main door access, the floor plan and statement from the applicant confirm that the property also shares access to the communal close with 2 Queen Margaret Drive. It is also assumed that the flat shares a recycling/refuse bin storage area and the carpark at the rear of the property. This would result in a mixing of transient guests and mainstream residents which is contrary to this guidance.

b) In appropriate locations that satisfy the relevant key criteria relating to tourist accommodation (in Section 4), planning permission may be granted for the change of use of entire blocks of residential flats to short-stay accommodation or for new purpose-build developments for this type of accommodation.

Case Officer Comment: The application relates to 1no flatbed dwelling, not an entire block.

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 some Conservation Areas (list in the guidance).

Case Officer Comment: The application property is within the Glasgow West Conservation Area. As noted previously, it is considered the proposed change of use will have a significant detrimental impact on residential amenity and the character of the property.

	<p>The proposal is considered to be contrary to Policy SG 10 and Supplementary Guidance SG 10.</p> <p>Policy CDP 11 and Supplementary Guidance SG 11: Sustainable Transport CDP 11 and SG 11 promote more sustainable patterns of transport and travel as part of the transition to a low carbon economy. Consequently, new development should maximise the extent to which its travel demands are met first through walking, then cycling, then public transport and finally through use of private cars.</p> <p>Case Officer Comment: As noted above, the property has 1no off-street car-parking space. A no information has been provided regarding the provision of safe and secure bicycle parking, the proposal is considered to be contrary to Policy CDP 11 and Supplementary Guidance SG 11.</p> <p>Case Officer Conclusion In terms of (b), other material considerations include the views of statutory and other consultees and the contents of letters of representations. No consultations were received and the issues raised in the representations objecting to the application have been addressed above.</p> <p>Every application for Planning permission is assessed on its own merits against the current Development Plan. This assessment also considers the characteristics of the application site and the wider area. While there is a need to maintain consistency in the consideration of points of merit, this is not the same as a 'precedent'. No two Planning applications are the same and each proposal must be determined on its own merits against the current development plan. When assessed as a whole, it is considered the proposed change of use will have a significant detrimental impact on the amenity of the application site and neighbouring properties.</p> <p>Whilst it is noted that the property has its a main door access in addition to the door via the common close, this does not outweigh the aforementioned concerns in relation to residential amenity. The proposed change of use would introduce a commercial short-term let into a building characterised by predominantly mainstream residential use. It is considered that the use of this property as a short-term let is incompatible with mainstream residential at this location within the 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 property and the amenity of neighbouring properties. No justification has been provided which demonstrates that the proposal would provide significant community or economic benefit. It is considered that the proposed change of use would be an incongruous addition and would fail to respect the residential character of the application property. It is considered, for the reasons outlined in the report above, this application is not in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan. On the basis of the foregoing, it is recommended that this application for Full Planning permission be <u>refused</u>.</p>
RECOMMENDATION	Refuse

Date: 04.12.2023	DM Officer	Jamie McArdle
Date <u>04/12/2023</u>	DM Manager	Mark Thomson