



Glasgow City Council

Planning Local Review Committee

Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability

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Item 1

11th June 2024

24/00026/LOCAL - Use of main door flatted dwelling (Sui Generis) as short term let (Sui Generis) at Flat 3/1, 31 Buckingham Terrace

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

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 site consists of a 2-bed, main-door ground floor flat within a 4-storey with basement tenement block on the corner of Buckingham Terrace and Queen Margaret Drive. It is accessed from Buckingham Terrace, with an additional entrance from a communal close on Queen Margaret Drive.
- 1.2 It is within a residential area, with the surrounding area having a mix of uses. Partick/Byres Road Major Town Centre is opposite on Great Western Road and Glasgow Botanic Gardens are opposite on Queen Margaret Drive. There is a medical centre below and flats above and adjacent.
- 1.3 The property is B-listed and within Glasgow West Conservation Area and has high accessibility by public transport.
- 1.4 It is proposed to change the use of the flat to be used as a short term let.

2 DEVELOPMENT PLAN POLICIES

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan policies and Supplementary Guidance are:

NPF4 Policy 23 Health and Safety
NPF4 Policy 30 Tourism

CDP1 The Placemaking Principle
CDP2 Sustainable Spatial Strategy
CDP3 Economic Development
CPD9 Historic Environment
CDP10 Meeting Housing Needs
CDP11 Sustainable Transport

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 development proposal is contrary to Policy 23: Health and Safety and Policy 30: Tourism of the National Planning Framework 4, CDP 1: The Placemaking Principle, SG 1: Placemaking, CDP 10: Meeting Housing Needs, SG 10: Meeting Housing Needs, CDP11: Sustainable Transport and SG11:

Sustainable Transport of the Glasgow City Development Plan as specified below, and there is no overriding reason to depart therefrom.

03. The proposal is contrary to Policy 23: Health and Safety of National Planning Framework 4 in that, due to the transitory nature of the proposed development, the use of a residential flat as short-stay accommodation is likely to raise unacceptable noise issues, which would be detrimental to the existing neighbours within the flatted block, thereby creating an adverse impact on residential amenity.

04. The proposal is contrary to Policy 30: Tourism of National Planning Framework 4 in that, 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 mainstream flats in this building. It is considered that the transitory nature of the proposed use would have an unacceptable impact on residential amenity and the residential character of the property.

05. The proposal is contrary to Policy CDP1 and SG1 of the Glasgow City Development Plan in that the introduction of the transitory nature of the short-stay accommodation to a mainstream residential property 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 built environment.

06. The proposal is contrary to Policy CDP1 and SG1 of the Glasgow City Development Plan in that the proposed development relies on the use of Glasgow City Council's residential recycling and refuse uplift for waste from a commercial use.

07. The proposal is contrary to CDP10 and SG10 of the Glasgow City Development Plan in that the proposal would result in a change of use from a residential flat to short-stay accommodation within an existing block of residential flats, resulting in a mix of mainstream residential flats and short-stay accommodation within a single building. As such, the introduction of the proposed use would adversely affect the residential character of the flatted block to the detriment of the amenity of residents occupying mainstream residential flats.

08. The proposal is contrary to Policy CDP10 and SG10 of the Glasgow City 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.

09. The proposal is contrary to Policy CDP10 and SG10 of the Glasgow City Development Plan in that the application does not include a suitable management plan.

10. The proposal is contrary to CDP11 and SG11 of the Glasgow City Development Plan in that the application 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:

- We have implemented a dedicated waste management system and will coordinate our own waste pick-up, ensuring that all disposed materials are appropriately sorted and delivered to the local recycling centre.
- The proposal is located in close proximity to Hillhead subway station and numerous bus stops and therefore inherently encourages walking and use of public transportation.
- A dedicated secure cycle parking space is provided along with a designated vehicle parking space, addressing any potential parking issues.
- The property is a main door flat and the communal spaces are exclusively reserved for emergencies, minimising disturbance of residents.
- The property is located along a thoroughfare dotted with hotels and businesses and so complements the existing landscape of short-term accommodations and commercial enterprises. There is also a doctor's surgery in the basement of the building therefore the proposal is not considered incongruous or visibly intrusive.
- The property is directly across the road from The Glasgow Botanic Gardens and a short walk from Kelvingrove Park. There is also access on foot to numerous tourist attractions, underscoring the location's suitability for those seeking a well-connected and environmentally conscious accommodation option in Glasgow's West End.
- The proposal is in close proximity to businesses that depend on tourist traffic and therefore plays a role in fostering economic growth by attracting visitors who, in turn, contribute to the local economy. It will not adversely impact local amenities in the area.
- We intend to use nearby local businesses for cleaning and laundry, which is to be undertaken after guests depart.
- The proposal is designed for a maximum of four guests, contributing positively to the neighbourhood by respecting the balance between welcoming guests and preserving the residential character of the area.
- By adhering to a maximum of 4 guests, utilising a main door entrance, and only one exterior communal space if guests use the car park, we ensure minimal impact on residents and residential developments nearby.

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

5 REPRESENTATIONS AND CONSULTATIONS

5.1 There were 2 representations to the application, from Friends of Glasgow West and Hillhead Community Council, both objecting to the proposal. A summary of the material considerations raised is given below:

- The proposal is not compliant with Glasgow Planning Guidance, SG10 Meeting Housing Needs, under section 4B Short-Stay Accommodation 4.16, part c). This guidance specifically advises that the Council will strongly resist change of use of properties to short-stay flats in Glasgow West Conservation Area.
- The proposal reduces availability of residential property in the area, just when there's a longterm housing shortage in Scotland.
- We note that the applicant is expecting all three habitable rooms to be used to accommodate guests. This is an extra burden on the property and neighbours.
- We note that there is no fire alarm in the kitchen, that there is no note of where the bins are to go or where they are to be positioned and collected, or how more than one car is to be prevented from using others' spaces if two cars arrive.

5.2 There was one representation to the review from Hillhead Community Council, who maintain their objection the use of 31 Buckingham Terrace as a short-term let and also raises the following further material considerations:

- As the cost of parking has been extended, it is important that there is no opportunity for vehicles to take spaces used by other residents.

6 COMMITTEE CONSIDERATIONS

6.1 The key issues for Committee to consider are:

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.

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 the 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 Premises

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.

- The site is not within the Network of Centres or an Economic Development Area.
- The proposal will introduce a commercial use of a flat within a residential area and a Conservation Area.
- The proposal will have private direct access to the street.
- The applicant provided an operations note with the application and a management plan with the review. These state that the minimum stay will be 3 nights to avoid use as a 'party flat', that guests will be advised excessive noise is not permitted as this is a residential building, with a noise curfew of 10pm to 7am, and that check in will be between 2pm and 7pm. Guests will also be met on arrival to hand over keys and will be told that only the main door should be used to access the property.

➤ Committee should consider:

- whether the proposal will have a negative impact on residential amenity, particularly by creating unacceptable noise issues outside normal working hours;
- whether it has been demonstrated that the proposal will provide a beneficial service to the community;
- whether the quality of the residential character of the area and amenity of the neighbouring properties will be prejudiced; and
- whether it will give rise to parking and/or servicing problems.

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.

- The applicant provided an operations note with the application and a management plan with the review. These state that recycling bins will be provided inside the property with instructions as to where to deposit waste, which will then be uplifted by the applicant. This will be checked after each visit.
- Committee should consider whether the waste storage, recycling and collection provision is appropriate.

NPF4 Policy 30 Tourism

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.

- 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 Economic Development

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 appropriately, where the existing amenity of a particular area, especially residential areas, are not negatively impacted.

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 in 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; and
- (iv) proximity to public transport.

SG10 Meeting Housing Needs

Tourist Accommodation

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.

Due to the diverse range of tourist accommodation on offer, careful consideration must be given to the site, location and design of a development proposal in order to provide high quality accommodation and associated facilities which successfully integrate with the surrounding environment.

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

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; and
- d) a Management Plan for the development is provided, to the complete satisfaction of the Planning Authority.

A Management Plan will be required to support proposals for tourist accommodation. It shall 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

Short-stay accommodation shall be assessed against the following detailed criteria, together with the key criteria for tourist accommodation above.

- 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 shortstay 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 Glasgow West Conservation Area.
- The proposal is in an area of high accessibility by public transport and within the Belmont Restricted Parking Zone.
 - The proposal is directly opposite Partick/Byres Road Major Town Centre.
 - The proposal is opposite Glasgow Botanic Gardens.
 - The proposal includes a dedicated car parking space
 - An operations note was submitted with the application and a management plan with the review. These state that:
 - Cleaning and laundry will be done shortly after guests' departure
 - The applicant will personally greet guests on arrival to provide keys and explain access is via the main door only
 - Recycling bins will be provided in the property to be removed and recycled by the applicant
 - The applicant's contact details will be given to guests to call if they have any issues as they live within 10 minutes of the site.
 - Details of access for servicing and deliveries is not provided.
 - The operations note and management plan state that the proposal will have capacity for 6 people (2 bed rooms and a sofa bed) but the review statement states it will be limited to 4 people.

- The proposal will introduce a mix of short-stay accommodation and residential flats within single building, but these will not share a means of access as the proposal site is a main door flat.
- The site is within Glasgow West Conservation Area, contrary to policy
- Committee should consider:
 - whether the proposal is appropriately located with regard to public transport and shops and services and is of a scale that is compatible with the surrounding area;
 - the impact of the proposal on the community, local amenity and the character of the area,
 - whether the loss of residential accommodation is outweighed by demonstrable local economic benefits;
 - whether any negative impacts on the surrounding area are minimised;
 - whether it has been demonstrated that there will be no adverse impact on traffic congestion and parking;
 - whether the proposal will result in an unacceptable intensification of activity in a residential area; and
 - the impact of the proposal on residential amenity within the tenement block and surrounding residential area.
- Committee should also consider whether they are completely satisfied with the submitted management plan.

SG11 Sustainable Transport

Cycle Parking

The Council shall require the provision of cycle parking in new development and redevelopment proposals in line with the minimum cycle parking standards. For Hotels, Guest Houses and Bed and Breakfasts a minimum of 1 space per 10 bed spaces and 1 space per 10 staff should be provided.

- Cycle parking for residents should, generally, be located within, or to the rear of, the residential building to ensure it is safe and secure.
- Bike storage lockers/cupboards allocated to each unit, or cycle stands in a secure, covered compound, are the preferred solution for flatted developments. These should be easily accessible and usable
- Visitor parking should be located at an easily accessible location close to, or within, the entrance area of the development in order to enhance security through surveillance.
- Cycle parking should always be safe, sheltered and secure. The form of cycle parking provided should facilitate the securing of the frame of the bike to the “stand”. “Sheffield” racks are a good, and preferred, example of such provision.
- 4 bed spaces are proposed, giving a minimum requirement of 1 space for guests.

- The applicant states that a dedicated cycle parking space is provided, although this is not shown on the floor plan provided.
- Committee should consider whether acceptable cycle parking is provided.

Vehicle Parking

Minor Non-residential Developments

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

- 2 bedrooms are proposed
- 1 parking space is to be provided.
- Committee should consider whether the vehicle parking provision is acceptable.

7 COMMITTEE DECISION

7.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions (see over for draft conditions);
- b. Refuse planning permission.

DRAFT CONDITIONS

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

02. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development/the relevant part of the development is occupied.

Reason: To ensure the proper disposal of waste and to safeguard the environment of the development.

03. Provision shall be made within the development for a minimum of 1 cycle parking space. This provision shall be in accordance with the requirements of Glasgow City Council City Development Plan, Supplementary Guidance 11: Sustainable Transport, Section 4 Cycle Parking. The cycle parking shall be available for use in accordance with the approved drawings before the development is occupied.

Reason: To ensure that cycle parking is available for the occupiers/users of the development.

04. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

Reason: To protect the occupiers of dwellings or noise sensitive buildings from excessive noise.

05. The permission hereby granted is for a temporary period of 18 months from the date of this permission, at which point, unless a further planning permission is granted, the use of the dwelling for short stay accommodation shall stop and the use of the dwelling shall revert to mainstream residential.

Reason: To enable the planning authority to review the acceptability of the use of this property in the light of circumstances prevailing at that time.

2 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

3 Recommendations

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