

# Report of Handling for Application 25/00130/FUL

Item 3

23rd September 2025

<b>ADDRESS:</b>	Flat 5 Simpson Heights 48 Drygate Glasgow G4 0XU
<b>PROPOSAL:</b>	Use of flatted dwelling (Main door) (Sui Generis) as short term let for up to 2 persons (Sui Generis)

<b>DATE OF ADVERT:</b>	28 March 2025
<b>NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED</b>	<p>118 neighbour notification letters were issued, and the application was included on the Weekly List of Applications. 1 no representation has been received with an objection. The grounds for objection include:</p> <p><i>"The proposed use will have negative impacts on the neighbouring flats through its potential noise generation, parking demand and waste maintenance issues."</i></p> <p><b>Case Officer Comment:</b></p> <p>Noted. See 'Other Comments' section below for the assessment of the short term let proposal and reasoning for the decision.</p>
<b>PARTIES CONSULTED AND RESPONSES</b>	None required.
<b>PRE-APPLICATION COMMENTS</b>	No formal pre-application discussion recorded on Uniform.

<b>EIA - MAIN ISSUES</b>	NONE
<b>CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES</b>	NOT APPLICABLE
<b>DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES</b>	NOT APPLICABLE
<b>IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES</b>	NOT APPLICABLE
<b>S75 AGREEMENT SUMMARY</b>	NOT APPLICABLE
<b>DETAILS OF DIRECTION UNDER REGS 30/31/32</b>	NOT APPLICABLE
<b>NPF4 POLICIES</b>	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

	<p>assess all proposed development against its policies. The following policies are considered relevant to the application:</p> <p><b>Policy 1</b> Tackling the Climate and Nature Crisis  <b>Policy 2</b> Climate Mitigation and Adaptation  <b>Policy 23</b> Health and Safety  <b>Policy 30</b> Tourism</p>
<b>CITY DEVELOPMENT PLAN POLICIES</b>	<p>The City Development Plan consists of high-level policies with statutory supplementary guidance providing further information or detail in respect of the policies. The following are considered relevant to the application:</p> <p><b>CDP1</b> The Placemaking Principle  <b>CDP2</b> Sustainable Spatial Strategy  <b>CDP10</b> Meeting Housing Needs  <b>SG1</b> Placemaking  <b>SG10</b> Meeting Housing Needs</p> <p>CDP 1 and CDP2 are overarching policies which must be considered for all development proposals</p>
<b>OTHER MATERIAL CONSIDERATIONS</b>	None
<b>REASON FOR DECISION</b>	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.

<b>Comments</b>	
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Planning History	Development Management			
	Ref	Proposal	Decision Issued	Decision
	24/02477/PLU	Use of flatted dwelling (Main door) (Sui Generis) as short term let (Sui Generis) ##WITHDRAWN##	08.01.2025	VW
	25/00130/FUL	Use of flatted dwelling (Main door) (Sui Generis) as short term let for up to 2 persons (Sui Generis)		PCO
<b>Site Visits (Dates)</b>	08/05/2025			
<b>Siting</b>	The application site is a flatted dwelling in a multistorey building on the west side of John Knox Street. The property is located within the Strategic Economic Investment Location, Ward 22, Dennistoun.			
<b>Design and Materials</b>	The proposal is for a change of use from residential to short-term let.			
<b>Daylight</b>	N/A			
<b>Aspect</b>	N/A			
<b>Privacy</b>	N/A			
<b>Adjacent Levels</b>	N/A			
<b>Landscaping (Including Garden Ground)</b>	N/A			
<b>Access and Parking</b>	N/A			

<b>Site Constraints</b>	CDP3: Economic Development
<b>Other Comments</b>	<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. The issues to be taken into account in the determination of this application are therefore considered to be:</p> <p>a) whether the proposal accords with the statutory Development Plan; and</p> <p>b) whether any other material considerations (including objections) have been satisfactorily addressed.</p> <p>In respect of (a), the Development Plan comprises of NPF4 adopted 13th February 2023 and the Glasgow City Development Plan adopted on the 29th March 2017.</p> <p><b>NATIONAL PLANNING FRAMEWORK 4</b></p> <p><u>Policy 1 &amp; Policy 2</u></p> <p>The two policies are overarching policies which must be taken into consideration for all development proposals. When considering all development proposals, consideration will be given to the global climate and nature crisis.</p> <p><b>Comment</b></p> <p>It is considered that the proposed development would have a neutral impact of the climate crisis as no physical works are proposed and it utilise an existing site.</p> <p><u>Policy 23 – Health and Safety</u></p> <p>The policy seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and well-being.</p> <p><i>e) Development proposals that are likely to raise unacceptable noise issues will not be supported.</i></p> <p><b>Comment</b></p> <p>Due to the transient nature of the proposed use, increased noise issues could arise from moving in and out luggage from the flat. This would be detrimental to the existing neighbours, therefore creating an adverse impact on the residential amenity. The proposal is therefore considered contrary to the policy.</p> <p><u>Policy 30 - Tourism</u></p> <p>The policy intent is to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspire people to visit Scotland.</p> <p><i>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></p> <p><i>i. An unacceptable impact on local amenity or the character of a neighbourhood or area;</i> <i>or</i></p> <p><i>ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.</i></p> <p><b>Comment</b></p> <p>While short-term lets could generally increase economic benefits, the applicant has not demonstrated the economic impacts of the proposed change of use to the local economy. The proposed use as a short-term let would result in the loss of residential accommodation, and this is contrary to the policy.</p>

## **CITY DEVELOPMENT PLAN**

### CDP1 and SG1 The Placemaking Principle

The policy encourages a design led approach to planning and to ensure that proposals contribute towards the creation of successful places. Section 3. Commercial Premises of

SG1 Part 2 considers the impacts of commercial uses in residential properties, with the aim of ensuring that residential amenity is not adversely affected by the introduction of commercial uses or operators.

*3.2 There is a presumption against granting planning permission for commercial uses of dwelling houses, including flats. In following this guidance, 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, see also SG1 - Placemaking, Part 1, Qualities of Place - Legibility and Safety. The test will be the preservation or enhancement of residential amenity and the environment.*

**3.3** *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.*

### **Comments**

The proposals would result in non-residents accessing shared residential access corridors and shared external space with the potential to result in conflict with residents through regular influx of temporary occupiers/guests. The flat does not have a direct access to the street but shares a communal access. The proposed use fails to satisfy the requirement of the 3.3 (a-c) above.

### CD10 and SG10 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. The relevant policy has been quoted below.

### **Tourist Accommodation**

#### **Key Criteria - Locational**

**4.5** *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 Section 4A or 4B, where appropriate.*

#### **Key Criteria – Design and Amenity Space**

**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;*
- 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 (see Paragraph 4.8 below); and*
- e) it meets the relevant criteria in Section 4A or 4B, where appropriate.*

**4.7** *The Planning Authority may use conditions to ensure that proposals for tourist accommodation remain solely in use for that purpose and cannot be transferred to another Class 7 use or other Use Class without the consent of the Planning Authority.*

#### **Supporting Information**

*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.*

#### **Comment**

In terms of the locational criteria, the site is located within a short walk to shops and other services. The proposed use is unlikely to put additional pressure on local amenities and facilities due to its small scale. The property is located in an area with base accessibility to public transport. A management plan has been submitted detailing the maintenance and access arrangements.

However, due to the proposal's transitory nature and the predominant use of the building as residential, the proposed use is likely to contribute negatively to the residential amenity of other flats within the building, as there is an increased likelihood of noise issues associated with short-term stay accommodation. Furthermore, the introduction of a non-residential use within a residential building is incompatible with its residential context.

#### **4B. Short-Stay Accommodation**

##### **Detailed Criteria**

**4.12 FLATS** – *Residential flats do not fall within Use Class 9 and are defined as Sui Generis (outwith a specific Use Class). This status reflects the fact that a flat within a block containing residential properties forms a different context given that it has shared circulation and amenity spaces, and horizontal as well as vertical separation. The use of a flat as short-stay accommodation, therefore, has the potential to result in conflict with*

	<p><i>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.</i></p> <p><b>4.16</b> <i>Short-stay accommodation shall be assessed against the following detailed criteria, together with the key criteria for tourist accommodation in Section 4.</i></p> <p><i>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.</i></p> <p><i>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-built developments for this type of accommodation.</i></p> <p><b>Comment</b></p> <p>The proposed use would result in a mix of mainstream and short-stay uses within a single building sharing a means of access to the street. The proposed use of this flat would result in a direct conflict with the mainstream residential flats within the same building through the regular influx of temporary residents. The proposed development is not supportable in this regard, as it is considered contrary to SG10/CDP10.</p> <p><b>Conclusion</b></p> <p>While the property is accessed via a main door, it shares a means of access to the street with other dwellings within the building. This would result in mixing of transient guests and mainstream residents, which is contrary to policy. The applicant fails to justify how the proposed use would provide a greater contribution to the local economy than the existing use as a residential flat.</p> <p>In respect of (b), the one representation submitted has been addressed above and there are not considered to be any other material considerations that outweigh the proposal's variance with the Development Plan.</p> <p>On the basis of the above, it is considered that the proposal is contrary to NPF4 and the Development Plan, and it is recommended that this application be refused.</p>
<b>Recommendation</b>	<b>Refuse</b>

Date: 09/05/2025	DM Officer	<b>Abiodun Johnson</b>
Date: <u>29/05/2025</u>	DM Manager	Ian Briggs

## REASONS FOR REFUSAL

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 NPF4 Policy 23: Health and Safety, Policy 30 - Tourism, Policy CDP1 and SG1 - Placemaking, and CDP10 and SG10 - Meeting Housing Needs 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 will result in the loss of residential accommodation, and the loss is not outweighed by demonstrable local economic benefits.

05. The proposal is contrary to Policy CDP1 and SG1 of the Glasgow City Development Plan in that the proposal would result in non-residents accessing shared residential access corridors and shared external space as the flat does not have direct access to the street.

06. 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.

### **Drawings**

The development shall not be implemented in accordance with the drawing(s)

1. A LOCATION PLAN Received 14 March 2025
2. PLANS Received 22 January 2025

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