

**PLANNING APPLICATIONS COMMITTEE**

**Supplementary Report by  
Executive Director of Neighbourhoods, Regeneration and Sustainability**

**Contact: Constance Damiani Phone: 0141 287 8675**

**APPLICATION TYPE** Full Planning Permission

**RECOMMENDATION** Refuse

**APPLICATION** 24/02963/FUL

**DATE VALID** 03.01.2025

**SITE ADDRESS** Flat 1/1 5 Park Gardens Glasgow G3 7YE

**PROPOSAL** Use of flatted dwelling (Sui Generis) as short-term let (Sui Generis) (retrospective).

**APPLICANT** Mr Mark Foster  
Flat 1/1  
5 Park Gardens  
Glasgow  
G3 7YE

**AGENT** Lucid Architecture Limited  
Andy Whyte  
55 Ruthven Lane  
Glasgow  
G12 9BG

**WARD NO(S)** 11, Hillhead

**COMMUNITY COUNCIL** 02\_030, Woodlands & Park

**CONSERVATION AREA** Park

**LISTED** A

**ADVERT TYPE** Bad Neighbour Development  
Affecting a Conservation  
Area/Listed Building

**PUBLISHED** 10 January 2025

**CITY PLAN**

**REPRESENTATIONS/ CONSULTATIONS****REPRESENTATIONS**

A total of 10 letters of support were received for the proposed development.

The grounds of support have been summarised below:

- The accommodation provides an alternative accommodation from traditional hotels allowing groups to stay together
- It contributes to the local economy
- There have been no complaints from neighbours or anti-social behaviour observed.
- It has good online reviews
- By refusing Airbnb accommodations across the city, Glasgow will cease to be a tourist destination.

**CONSULTATIONS**

None required.

## SITE AND DESCRIPTION

### SITING

The application site is a flatted dwelling located at the first-floor level of a three-storey (attic and basement) converted terraced townhouse. The terrace at 1-6 (inclusive nos) Park Gardens is Category 'A' Listed and was built circa 1855. The site sits to the north of Park Gardens and Park Gardens Lane runs to the rear. Kelvingrove Park slopes down directly to the south of Park Gardens. The area surrounding the site is characterised by a mixture of residential properties with some former terraced townhouses converted into offices. The site sits within Park Conservation Area.

### SITE CONSTRAINTS

Category 'A' Listed Building  
 Park Conservation Area  
 Inner Urban Area with base accessibility to public transport  
 Park Restricted Parking Zone

### PROPOSAL

The property is currently in residential use. It is a flatted dwelling located at first-floor level. It has three bedrooms, two of which are located at the mezzanine level. The property occupies the whole first floor of the townhouse.

This residential property has been rented out as unauthorised commercial short-term let for 7 or 8 years according to the applicant. It is proposed to change the use of the property from residential to short-term let. The proposed short-term let use would be for 70 days per annum. There are three bedrooms within the property, and the maximum occupancy has been set to 6 guests. The length of minimum stay or maximum stay has not been stated. Check-in for guests is between 2pm and 6pm and check-out before 11am.

There are no dedicated off-street parking spaces and on-street parking within Park Restricted Parking Zone is proposed to be used as guest parking. It has not been stated how many spaces would be required. No dedicated bike parking is proposed. Bike parking arrangements are proposed within the rear communal garden ground or to the front of the property on the railings by the flying staircase.

Cleaning between the stays is proposed to be undertaken by a professional company. Access for guest is proposed to be managed by the owner or by an agent.

Turning to the proposed refuse/ recycling arrangements, the existing Council bins located on the street are proposed to be used, and no commercial waste arrangement is proposed.

### PLANNING HISTORY

#### Development Management

01/03609/DC | Internal and External Alterations to Listed Buildings | Grant, subject to conditions on 28.06.2002

01/03608/DC | Sub-division of office to form five self-contained flats | Grant, subject to conditions on 16.04.2002

24/00031/PLU | Use of flatted dwelling as short-stay accommodation | The Use is Unlawful on 10.04.2024

#### Appeal to the DPEA

24/00099/PLUA | Use of flatted dwelling as short-stay accommodation | Appeal Dismissed on 13.09.2024

## **SPECIFIED MATTERS**

Planning legislation now requires the planning register to include information on the processing of each planning application (a Report of Handling) and identifies a range of information that must be included. This obligation is aimed at informing interested parties of factors that might have had a bearing on the processing of the application. Some of the required information relates to consultations and representations that have been received and is provided elsewhere in this Committee report. The remainder of the information, and a response to each of the points to be addressed, is detailed below.

### **A. Summary of the main issues raised where the following were submitted or carried out**

#### **i. An environmental statement**

Not applicable.

#### **ii. An appropriate assessment under the Conservation (Natural Habitats etc.) Regulations 1994**

Not applicable.

#### **iii. A design statement or a design and access statement**

Not applicable.

#### **iv. Any report on the impact or potential impact of the proposed development (for example the retail impact, transport impact, noise impact or risk of flooding)**

Not applicable.

### **B. Summary of the terms of any Section 75 planning agreement**

Not applicable.

### **C. Details of directions by Scottish Ministers under Regulation 30, 31 or 32**

These Regulations enable Scottish Ministers to give directions:

#### **i. With regard to Environmental Impact Assessment Regulations (Regulation 30)**

Not applicable.

**ii.**

#### **1. Requiring the Council to give information as to the manner in which an application has been dealt with (Regulation 31)**

Not applicable.

#### **2. Restricting the grant of planning permission**

Not applicable.

**iii.**

#### **1. Requiring the Council to consider imposing a condition specified by Scottish Ministers**

Not applicable.

#### **2. Requiring the Council not to grant planning permission without satisfying Scottish Ministers that the Council has considered to the condition and that it will either imposed or need not be imposed.**

Not applicable.

## POLICIES

National Planning Framework 4 (NPF4) was adopted on 13th February 2023. NPF4 is the national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy for Scotland. Due to the scale, nature and location of the proposed development, the following policies are considered relevant:

- 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

The Glasgow City Development Plan (CDP) was adopted on 29 March 2017. The relevant Policies and Supplementary Guidance are listed below.

- CDP1/SG1:** The Placemaking Principle
- CDP2:** Sustainable Spatial Strategy
- CDP3 and IPG3:** Economic Development
- CDP10 and SG10:** Meeting Housing Needs
- CDP11 and SG11:** Sustainable Transport

## ASSESSMENT AND CONCLUSIONS

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. In addition, under the terms of section 14(2) and section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Section 64(1) of the same Act requires the Council to pay special regard to any buildings or other land in a Conservation Area, including the desirability of preserving or enhancing the character or appearance of that area.

The issues to be taken into account in the determination of this application are therefore considered to be:

- a) whether the proposal accords with the statutory Development Plan;
- b) whether the proposals would impact on the setting of the listed building or nearby listed buildings;
- c) Whether the proposal preserves or enhances the character or the appearance of the Conservation Area;
- d) whether any other material considerations (including objections) have been satisfactorily addressed.

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), b), and c), the proposal is considered against the following policies:

## NATIONAL PLANNING FRAMEWORK 4

### **Policies 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, giving weight to the impact of the proposal on the climate and nature crises, and encourages development that minimises emissions.

**Comment:** There are no physical alterations to the property, but the proposed short-term letting use is generally associated with travel-related carbon emissions. Overall, it is not considered that the proposal will have a significant negative impact on either the climate or nature crises, but these policy aims are considered throughout this assessment.

## Policy 12 – Zero Waste

The policy aims to ensure that an appropriate waste management strategy is in place for any new development which would minimise waste and ensure that appropriate recycling measures are into place. The policy states:

*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.*

**Comment:** The Management Plan submitted states that it is intended to use the existing Council waste facilities for the proposed use and no commercial waste collection is proposed. This does not align with the aims of the policy which would seek dedicated commercial waste collection for the proposed commercial use of the property.

## Policy 13 – Sustainable Transport

This policy seeks to ensure all new development facilitate walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

**Comment:** The site is located in an area with base accessibility to public transport which supports the aims of the policy. The specific vehicular and bike parking arrangements will be assessed against the policy from Glasgow City Development Plan SG11 later in this report.

## Policy 23 – Health and Safety

The policy aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage development that improves health and wellbeing.

*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.*

**Comments:** As quoted above, the policy states that proposals that are likely to raise unacceptable noise issues won't be supported. The agent of change principle applies to noise sensitive development and a Noise Impact Assessment may be required where the proposal's nature or location suggests that significant effects are likely.

The transitory nature of short-term guests of the proposed use could result in increased noise or anti-social behaviour, particularly if the properties were booked by large groups (the property could be leased for up to 6 guests). The immediate neighbours of the property are residential properties. The applicant has not provided any Noise Impact Assessment to demonstrate that the potential noise generated by the proposed short-term let use could be mitigated and suitably managed by specific measures.

## Policy 30 – Tourism

This policy seeks to promote sustainable tourist which benefits local people and is consistent with net zero and nature commitments and inspires people to visit Scotland. The policy states the following:

*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.*

*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.*

**Comments:** It can be argued that the proposal would contribute to the local economy by bringing in new visitors to the area. It is however not compatible with the surrounding area which is predominantly in residential use. The introduction of short-term letting is deemed out of character with the surrounding area. The maximum occupancy of the property when leased in its entirety has been set to 6 guests. Six guests with the additional housekeeping team visiting the property daily would significantly impact the residential amenity within the block and create an influx of visitors. Changing the use of the property as short-term let would also hinder the provision of homes for local people by removing a flat unit out of the residential market.

## GLASGOW CITY DEVELOPMENT PLAN

### CDP1 and SG1 Placemaking Principle

The policy and its supplementary guidance seek to provide

There are no physical alterations proposed to the property. The policy aims to protect residential amenity in areas where most units are in residential use. Due to the proposed use's transitory nature and its sharing, a means of access with other residential unit, it is considered that this will cause harm to the residential amenity. As per the policy guidance it has been assessed whether an exception can be considered in this instance. However, the proposed use would not be a beneficial service to the community but cause harm to the residential amenity of the area. The property does not have a direct access to the street and it is located in an area with existing pressures for parking provision.

### 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.*

*Exceptions against this presumption may be considered where the:*

- a) *The 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.*

**Comment:** There are no physical alterations proposed to the property. The policy aims to protect residential amenity in areas where most units are in residential use. Due to the proposed use's transitory nature and its sharing, a means of access with other residential unit, it is considered that this will cause harm to the residential amenity. As per the policy guidance it has been assessed whether an exception can be considered in this instance. However, the proposed use would not be a beneficial service to the community but cause harm to the residential amenity of the area. The property does not have a direct access to the street and it is located in an area with existing pressures for parking provision.

### CDP3 and IPG3 Economic Development

*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 particular 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 1 1 Sustainable Transport Supplementary Guidance; and*
- (iv) *proximity to public transport.*

**Comment:** The proposed development is located in an area which is mainly in residential use. The proposed development would cause harm to the residential amenity of the surrounding area by virtue of its impact on noise and influx of visitors.

### **CDP10 and SG10 Meeting Housing Needs**

This policy and its supplementary guidance seek 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.

SG10 provides the following relevant guidance for this proposal:

**Locational Criteria:** *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.*

**Design and Amenity Space Criteria:** *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.*

**Detailed Criteria:** *Short-stay accommodation shall be assessed against the following detailed criteria, together with the key criteria for tourist accommodation in Section 4:*

*To protect residential amenity planning permission will not be granted for a change of use from residential 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*

*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.*

*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 following Conservation Areas:*

- *Crosshill;*
- *Dennistoun;*
- *Glasgow West;*
- *Park;*
- *St Vincent Crescent; and*
- *Strathbungo.*

**Comments:** The site is located within Park Conservation Area and the Council will resist the change of use of flats to short-stay accommodation within this Conservation Area to protect the surrounding residential amenity.

The proposal site is within a base accessible area, with the closest local town centres (Woodlands or Cranstonhill/Yorkhill) approximately 800m away which means that the site meets part of the locational criteria. However, it is considered that the proposed commercial short-term letting use would be detrimental to the character and amenity of the area, particularly for nearby residents in an area of growing residential population when there has been a recent trend in converting townhouses from offices back to residential use.

A management plan has been submitted. This suggest that the proposed maintenance of the property will create an influx of visitors to the property with the comings and goings of guests and management staff (agent, owner and cleaning staff) which will be detrimental to the residential amenity of the neighbouring properties. The Council waste/ refuse facilities are proposed to be used which will create additional pressures on the existing service. Should anti-social behaviour arise, it has not been specified who will be responsible for dealing with the issue and be a point of contact when the owner is away.

The site is located within a building with predominantly residential properties all sharing one means of access (the main front door accessed from the street via the flying staircase).

Additionally, the site is within the Park Conservation Area, where, to protect residential amenity, the change of use to short-term letting is strongly resisted.

## **CDP11 and SG11 Sustainable Transport**

### Cycle Parking

*The Council shall require the provision of cycle parking, in line with the minimum cycle parking standards specified (below), as well as the following guidance:*

- a) *Wherever possible, employee cycle parking should be located within buildings or a secure compound. Where such a location is not feasible, provision should be close to areas of high activity, such as the main entrance of developments, to ensure cycling is encouraged through enhanced security provided by passive surveillance.*
- b) *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.*
- c) *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.*
- d) *Employment sites shall provide on-site showers, lockers, changing and drying facilities, as a means of promoting walking and cycling to work. These are important trip-end facilities that can positively affect an individual's decision to walk, run or cycle regularly.*

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:

Minimum standard: 1 space per 10 bed spaces

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.

**Comment:** The applicant states that cycle parking would be to the front on the property on the existing railings or to the rear within the communal garden ground. No other information has been provided, and it is therefore safe to assume that the bike parking arrangements do not qualify as safe and secure as per the policy requirements. Bike parking to the front of the property on the existing railing is not safe and secure neither is bike parking within the communal garden ground at the rear.

The property is located within a restricted parking zone, and it is proposed to use on-street parking spaces. It has not been clarified how many parking spaces will be required. The site is located within Park Restricted Parking Zone where on-street parking pressures already exist and the proposed use of on-street parking spaces will create additional pressures in the area.

Overall, the proposal has not made clear provision for sustainable transport and will create additional parking pressures in the area. It is therefore contrary to Policy SG11.

## MATERIAL CONSIDERATIONS

In respect of d), with regard to material considerations, other material considerations include the views of statutory and other consultees and the contents of letters of objection and letters of support.

The grounds of support are summarised below:

- The accommodation provides an alternative accommodation from traditional hotels allowing groups to stay together

**Comment:** This is not a material planning consideration.

- It contributes to the local economy

**Comment:** It can be agreed that the proposal contributes to the local economy, however its impacts on the surrounding residential amenity would be greater and would outweigh economic benefits.

- There have been no complaints from neighbours or anti-social behaviour observed.

**Comment:** While this may have been the case in the past, issues of noise and anti-social behaviour are known to be recurrent issues associated with short-term letting and have occurred numerous times elsewhere in the city.

- It has good online reviews

**Comment:** This is not a planning material consideration.

- By refusing Airbnb accommodations across the city, Glasgow will cease to be a tourist destination.

**Comment:** The application was assessed against the relevant policy for tourist accommodation (Policy 10 from NPF4 and SG10 from the Glasgow City Development Plan).

## CONCLUSION

The proposal has been assessed against the relevant Development Plan policies in detail above. The proposal would result in the unacceptable loss of residential accommodation and would introduce an incompatible commercial short-term letting accommodation into the Conservation Area, where such a change is strongly resisted in order to preserve residential amenity. The proposed use is likely to introduce issues of increased noise, disturbance and parking congestion into the area.

Other material considerations, including the representations received have been considered above. On this basis, it is recommended that the application for planning permission be refused for the reasons listed in the section below.

## REASON(S) FOR REFUSING THIS APPLICATION

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 Policy 30 of National Planning Framework 4 (adopted February 2023) as the loss of mainstream residential accommodation has been outweighed by significant local economic benefit.
3. The proposal is contrary to Policy 30 of National Planning Framework 4 (adopted February 2023) and CDP1 and SG1, CDP3 and IPG3, and CDP10 and SG10 of the Glasgow City Development Plan (adopted March 2017) insofar as the applicant has not demonstrated that any risk of harm to residential amenity through issues of noise, anti-social behaviour, or traffic and parking congestion can be addressed.

4. The proposal is contrary to Policy 23 of National Planning Framework 4 (adopted February 2023) and CDP1 and SG1 of the Glasgow City Development Plan (adopted March 2017) insofar as the change of use from residential flats to the transitory nature of short-term letting accommodation is likely to raise unacceptable noise issues, which would be detrimental to the amenity of neighbouring properties.
5. The proposal is contrary to Policy CDP10 and SG10: Meeting Housing Needs as the transitory nature of the short-stay accommodation would intensify the use of the property to the detriment of the character and amenity of neighbouring properties within the Park Conservation Area.
6. The proposal is contrary to the NPF4 Policy 12 (adopted February 2023) and CDP1 and the associated supplementary guidance of the Glasgow City Development Plan (adopted March 2017) in so far as the development has failed to include appropriate and well-designed provisions for waste and recycling facilities and has not submitted an acceptable waste management plan.
7. The proposal is contrary to Policy 9 of National Planning Framework 4 (adopted February 2023) and CDP2 of the Glasgow City Development Plan (adopted March 2017) insofar as the transitory nature of the short-term letting accommodation does not contribute to the vibrancy of the residential neighbourhood and the transitory and commercial nature of the proposal would adversely impact the character and amenity of the area.
8. The proposal is contrary to Policy 13 of National Planning Framework 4 (adopted February 2023) and CDP11 and SG11 of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal does not make provision for sustainable or active transport options.

for Executive Director of Neighbourhoods,  
Regeneration and Sustainability

DC/ CDAM/  
25/08/2025

## BACKGROUND PAPERS

## COPY OF ORIGINAL REPORT TO DEVELOPMENT APPLICATIONS COMMITTEE

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