

**Report of Handling for Application 25/02625/FUL**

<b>ADDRESS:</b>	121 Trinity Avenue Glasgow G52 3EJ
<b>PROPOSAL:</b>	Use of main door flatted dwelling (Sui Generis) as short term let (Sui generis).

<b>DATE OF ADVERT:</b>	None.
<b>NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED</b>	<p>Two representations received objecting to the proposal. The points of objection are summarised as follows:</p> <ul style="list-style-type: none"> <li>• There are several rental flats in the area and concerns it will be used as a multi-let</li> <li>• Frequency of visitors</li> <li>• Noise</li> <li>• Waste</li> <li>• Traffic/parking concerns</li> <li>• Anti-social behaviour</li> </ul> <p><b>Case Officer Comments:</b></p> <ul style="list-style-type: none"> <li>• The points of objection have been noted and taken into consideration during the assessment of the application.</li> </ul>
<b>PARTIES CONSULTED AND RESPONSES</b>	None.
<b>PRE-APPLICATION COMMENTS</b>	No formal pre-application discussion has been recorded.

<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>	<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><b>Policy 1:</b> Tackling the climate and nature crises</p>

	<p><b>Policy 2:</b> Climate mitigation and adaption</p> <p><b>Policy 23:</b> Health and Safety</p> <p><b>Policy 30:</b> Tourism</p>
<b>CITY DEVELOPMENT PLAN POLICIES</b>	<p><b>CDP 1 &amp; SG 1:</b> The Placemaking Principle</p> <p><b>CDP 10 &amp; SG 10:</b> Meeting Housing Needs</p>
<b>OTHER MATERIAL CONSIDERATIONS</b>	None.
<b>REASON FOR DECISION</b>	The proposal is 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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<b>Planning History</b>	None recorded.
<b>Siting</b>	The application site is a flatted dwelling within a 4 in a block property located on Trinity Avenue. The dwellinghouse is located within an established mainstream residential area in Ward 04 – Cardonald.
<b>Design and Materials</b>	The application seeks planning permission for a change of use from a flatted dwelling to short term let and does not involve any physical alterations to the property. The property is located on the ground floor and the entire flat is proposed to be used as short term let. The property contains three bedrooms. There is garden space to the front and rear of the property, however, the ground floor flat has ownership of part of this space and the other part is owned by the flat above.
<b>Privacy</b>	The property has its own direct access door at the side, however, there is a communal path leading to this door within the curtilage shared with the flat above. It is considered that a privacy conflict is created as a result of the regular of guests accessing the property, owing to the high frequency of stays, and the detrimental impact this can have on the privacy of mainstream residential occupants of the neighbouring property above and opposite which is in very close proximity to the application property. Additionally, the property has a private garden at the front which is adjacent to the access door for the flat above which raises some concerns in terms of privacy
<b>Landscaping (Including Garden Ground)</b>	The curtilage of the building is divided for private use for the ground floor and first floor flat. The ground floor property has ownership of the majority of the front garden and has ownership a section to the rear of the building. It should be noted that the front garden is located adjacent to the access door for the first floor flat. The rear garden is bound by three other residential gardens.
<b>Access and Parking</b>	Access to the property can be taken from the street by a shared access path leading to the door on the side elevation of the four in a block building. There is no parking provide within the curtilage of the property and no information on safe, sheltered and secure bicycle parking has been provided.
<b>Site Constraints</b>	There are no constraints which are of relevance to the proposal.
<b>Other Comments</b>	<p><b>Assessment</b></p> <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>

b) whether any other material considerations (including objections) have been satisfactorily addressed.

In respect of (a), the Development Plan comprises of National Planning Framework 4 (NPF4) which was adopted on 13th February 2023 and the Glasgow City Development Plan which was adopted on 29th March 2017.

### **National Planning Framework 4 (2023)**

**Policies 1 - Tackling the climate and nature crises and 2 – Climate Mitigation and Adaptation** are overarching policies which must be taken into consideration for all development proposals: *when considering all development proposals significant weight will be given to the global climate and nature crises.*

**Case Officer Comment:** With regards to Policies 1 and 2, the property is in an area of high accessibility in terms of public transport. The applicant has not confirmed if safe and secure bicycle storage can be provided on-site. Due to the scale of the proposal, which is utilising an existing site, and by 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.

**Policy 23 – Health and Safety** 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 wellbeing. *Development proposals that are likely to raise unacceptable noise issues will not be supported.*

**Case Officer Comment:** Due to the transitory nature of the proposed use, increased noise and activity issues could arise, which would be detrimental to the existing neighbours within the flatted block and street, thereby creating an adverse impact on their residential amenity. Consequently, it is considered that the proposed use is contrary to Policy 23.

### **Policy 30 – Tourism**

This policy encourages, promotes and facilitates sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. As stated under this policy:

*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; and*
- 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 a loss is not outweighed by demonstrable local economic benefits.*

**Case Officer Comment:** The applicant has not supplied any information regarding the contribution the proposal will generate to local economy. The properties surrounding the subject property are dominantly mainstream residential. The introduction of a short-term letting use at the application property is deemed to be out of character with the predominant use of the dwellings in the neighbourhood. It is considered that the transitory nature of the proposed use and the potential disturbance caused by the regular throughput of guests would have an unacceptable impact on the residential character and amenity at this locale.

The applicant has not produced any information regarding the opportunities for sustainable travel for potential visitors.

No information has been submitted to clearly demonstrate that the loss of the application property as a residential is outweighed by the local economic benefits the proposed short-term let use brings. The loss of a three-bedroom residential flat in this established residential neighbourhood, and without information to justify otherwise is considered to negatively impact on residents of the City by "*hindering the provision of homes for local people*".

The proposal does not accord with Policy 30 of NPF4.

### **Glasgow City Development Plan 2017**

**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.

**SG 1 (part 2)** states:

**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.

### **Commercial Uses in Residential Properties**

Paragraph 3.2 states "*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. The test will be the preservation or enhancement of residential amenity and the environment.*

**Case Officer Comment:** There are no proposed physical alterations to the property. However, due to the proposed use's transitory nature and its location in close proximity to other residential properties within a neighbourhood street and wider dominantly mainstream residential setting, it is considered that it will cause harm to residential amenity and erode the character of the property. The proposal fails the test as it does not preserve or enhance the residential amenity.

On this basis, the proposed change of use does not comply with CDP1/SG1 of the City Development Plan.

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.

#### **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.*

#### **Case Officer Comment:**

- The site is located within a 'High' Accessibility area in terms of public transport.
- The nearest local convenience shop is an approximately 10 minute walk from the property.
- It is considered that the scale of the proposal would be unlikely to place additional pressure on local amenities and facilities
- The introduction of a commercial use to a dominantly mainstream residential street and neighbourhood, allied with the transitory nature of the business and the disturbance caused by a regular turnover of guests, will adversely impact on the character and amenity of the area, particularly for neighbours in immediate proximity to the subject property.
- No details of safe and secure cycle parking has been provided. The proposal includes 3 bedrooms. There is no vehicle parking provision within the site. It is likely visitors may bring cars which would lead to additional on-street parking. This has the potential to cause increased traffic congestion and parking issues within the immediate area.

Refer to comments under Section 4B below.

### **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.*

**Case Officer Comment:** The proposal is for short-term let accommodation containing three bedrooms. Due to the subject property's proximity to the neighbouring properties and the disturbance from the frequent turnover of guests, the proposed use is considered to result in an unacceptable intensification of activity in a dominantly mainstream residential area. This would have a detrimental impact on the residential amenity and character of the area.

A management plan for the proposed use has not been submitted. As such, there are no details with regards to maintenance arrangements, including frequency of cleaning and laundry, access arrangements for servicing and deliveries, access arrangements for guests, arrangements for storage and disposal of waste, on-site management arrangement and bicycle/vehicular parking. Therefore, the Planning Service cannot fully assess the impact on the residential amenity of the area or the landlord control of guests behaviour.

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

**4.10** To manage the potential impact on existing nearby residential properties, proposals requiring planning permission for short-stay accommodation must be considered against the key criteria for tourist accommodation in Section 4.

**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 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.*

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

- 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.*
- 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.*

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 the following Conservation Areas:

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

**Case Officer Comment:** There is a general presumption against the granting of planning permission for a change of use from residential flat to short-stay accommodation. Point b) and c) above does not apply. With regards to point a), the property is located within an existing flatted block containing 4 residential properties and would result in a mix of mainstream and short stay use. It is noted that the application site has its own means of access; however, it shares the main pathway access to the building from Trinity with the upper floor flat.

On this basis, the proposal does not comply with CDP10/SG10 of the City Development Plan.

**Case Officer Conclusion:**

This assessment establishes that the proposed change of use is contrary to the relevant Development Plan policies.

In respect of (a) the proposed development is in not accordance with the statutory Development Plan. It is contrary to NPF4 Policies 23, and 30. It is also contrary to CDP Policies CDP1/SG1 and CDP10/SG10.

Regarding part (b), 2 representations has been received and the points within the objections have been taken into consideration during the assessment of the application.

It is recommended that this application for planning permission be refused.

<b>Recommendation</b>	<b>Refuse</b>
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Date: 29/01/2026	DM Officer	Laura Johnston
Date: <u>30/01/2026</u>	DM Manager	Ross Middleton