



Glasgow City Council
Planning Local Review Committee

Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability

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Item 1

23rd June 2026

**9A Athole Gardens - 26/00017/LOCAL –
Use of flatted property (main door) (Sui generis) as short term let (Sui
generis)**

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): 23 (Kelvindale)

Citywide: n/a

Local member(s) advised: Yes No consulted: Yes No

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1 LOCATION, DEVELOPMENT PLAN DESIGNATIONS AND PROPOSAL

Location

- 1.1 The application site is a basement flat within a subdivided B-Listed townhouse property. The site is in Ward 23 (Kelvindale). The site has a high transport accessibility.
- 1.2 It is shown that the flat is accessed via a stair entrance to the front of the basement flat. However, this has not been built as per a previous application. The only access would therefore be either through the back garden or shared access with the other flats.

Proposal

- 1.3 It is proposed to use the existing 3-bedroom flatted dwelling as a short term let property (Sui Generis). A maximum of 5 occupants would be using the property and access to a kitchen, living room and bathroom would be provided during their stay. The maximum number of occupants is alternatively referred to as 5 and 6 in the operational plan, appeal statement and noise impact plan.
- 1.4 Cycle parking is proposed in a document titled "Cycle Parking Provision Plan" for 3 bikes to the front and to the rear.
- 1.5 No physical alterations are proposed to the property.

2 DEVELOPMENT PLAN POLICIES

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan (CDP) policies and Supplementary Guidance are:
 - **Policy 1:** Tackling the climate and nature crises
 - **Policy 2:** Climate mitigation and adaption
 - **Policy 23:** Health and Safety
 - **Policy 30:** Tourism
- 2.2 The relevant City Development Plan policies and Supplementary Guidance are:
 - **CDP 1 & SG 1:** The Placemaking Principle
 - **CDP 10 & SG 10:** Meeting Housing Needs

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.
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.
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
07. 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.
08. The proposal is contrary to SG10 of the Glasgow City Development Plan as it is located within Glasgow West Conservation Area

09. 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.
10. The submitted drawing A101 STL shows external stairs at the front of the property to street level. These stairs have not been constructed thereby rendering the only access through the communal garden to the rear. This sharing of communal access space with the other residential flats in the building is detrimental to the amenity of the other flats. This is contrary to CDP1, SG1(Part 2), CDP10 and SG10 of the Glasgow City Development Plan.

4 APPEAL STATEMENT

- 4.1 A summary of the material points raised in the appeal statement is given below:

01. The report of handling incorrectly interpreted information provided that the garden section is communal when it is part of the property.
02. The private stair shown on the application has planning permission granted and should be considered as a condition requiring its completion rather than a reason for refusal.

Committee should note: this is outwith the competency of the review and the planning authority is unable to create a condition that would only grant the use of this site once another application is complete. Committee therefore are instructed to judge the application based on the absence of the private stair.

03. There is precedent for the application given other properties in the area, including next door, have STL licences.
04. The flat is at basement level and has a private entrance so unacceptable noise will not be an issue. A noise management plan has been included.
05. Cycle storage has been included

Committee should note: the proposed cycle storage is located in an area with a shared burden and is not within the plan proposed.

06. Once the property has its own entrance, this will increase the variation of housing typologies in the area, which would be attractive to a family if this is returned to housing stock.
07. The STL will have a completely independent entrance, meaning it will not interact with or disrupt other residents. The operation is effectively self-contained, despite being within the same building.

08. Short term lets typically operate at lower occupancy than a typical long-term tenancy. The average occupancy rate in the UK is around 40-45% (statistic from government report on STL included in submission).
09. As the parking in the area is limited to either resident permit holders or paid on an hourly basis (£7.20/hour), there would likely be a decrease in parking intensity due to these high costs.
10. A noise management plan has been included.
11. An operational plan has been submitted.

5 RELEVANT PLANNING HISTORY

5.1 The previous relevant planning application history for the property includes the following:

- 02/00232/DC - Use of flat as multiple occupancy for four tenants – Lawful Use
- 21/00037/LBA - Internal and external a
- Iterations to listed building. - Grant Subject to Condition(s)
- 22/00260/LBA - Internal and external alterations (retrospective) – Refuse
- 22/00266/FUL - External alterations including replacement windows and doors, garden alterations and erection of outbuilding. (Retrospective) - Refuse
- 22/02762/LBA - Internal and external alterations. - Grant Subject to Condition(s)
- 23/02731/FUL - External alterations (Retrospective). - Grant Subject to Condition(s)
- 25/02640/FUL - Use of flatted property (main door) (Sui generis) as short term let (Sui generis) - Refuse

6 REPRESENTATIONS AND CONSULTATIONS

6.1 There were 5 representations received to the application. These are summarised as follows:

- Concerns around noise, particularly from guests congregating at the entrance, a common area for residents.
- Concerns around using the property as a short-term let during a housing crisis.
- Loss of privacy for long term residents. The back garden is private but overlooks neighbouring residents.
- Lack of sufficient access to the property.
- Dispute as to the definition of the flat as a main door property, as it is only accessible via a common area of the close. Included in this is dispute that the flat has been subdivided and therefore if the flat exists as 9A Athole Gardens until the previous works for the application are completed.
- Highlighted inadequacies of the operational plan:

- Lack of information as the testing of fire alarms (carbon monoxide alarms)
- Lack of fire risk assessment
- Lack of maintenance strategy for gas boiler
- Parking in a congested area.
- Shared bin facilities.

6.2 There were four representations received to the review, all restating their previous rejection. New points are summarised as follows:

- The operational plan includes reference to an external CCTV camera, this would require additional planning consent for a building of this kind.
- The 'smart lock' suggested could impact fire safety.
- Discrepancy between the noise impact assessment and operational plan in terms of 'quiet hours' proposed.
- The noise impact assessment makes assertions which are impractical such as 'elimination of noise'.
- Security concerns around the access from the proposed cycle storage.
- "ITEM 4" appears to be an unbalanced picture of Airbnbs generally.
- The STL License given is for home sharing and not for a subdivided separate flat. Should this be granted the flat would be operating without a license. There is no precedent for secondary letting on the street. 8 Athole Gardens, for instance, is a homestay.
- The back garden area is communal access, contrary to statements of owner at 9A.
- Use of residential rubbish as commercial.

7 COMMITTEE CONSIDERATIONS

7.1 Committee should consider if the following are in accordance with NPF4, the relevant City Development Plan policies and Supplementary Guidance, and if there are material considerations which outweigh the Development Plan considerations.

7.2 The following are the relevant policy considerations:

7.3 Climate change and mitigation

National Planning Framework 4: NPF4 Policy 1 Tackling the climate and nature crises and Policy 2: Climate Mitigation and Adaptation states that "when considering all development proposals significant weight will be given to the global climate and nature crises" and that "development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported."

NPF4 Policy 30: Tourism states that "Proposals for tourism related development will take into account: v. Opportunities for sustainable travel, vi. measures taken to minimise carbon emissions."

Committee should note that:

- The area has a high public transport accessibility
- Both cycle storage proposed at the front and rear are in shared areas of the tenements. The use of this shared area could not be controlled by condition.

Committee should consider whether:

- the proposal will have a positive effect on the climate crisis?
- the climate crisis and climate mitigation has been sufficiently considered in this proposal?

7.4 Housing need

NPF4 Policy 30: Tourism

- 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.

Committee should note that:

- The area is predominantly residential in character.
- It is unclear how the site is accessible to wheelchair users

CDP 10 & SG 10: Meeting Housing Needs 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.

Supporting Information

4.8 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.

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.

Section 4B Short-stay Accommodation

- 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 a) To protect residential amenity planning permission will not be granted for a change of use from a residential flat to a 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

Committee should note that:

- The management plan provided for the application and review does not address the lack of adequate access to the property.
- During the consultation stage, concern had been raised by respondents around guests congregating in a common entrance, the lack of access to the property, lack of information around testing the fire alarms, maintenance strategy for boiler, parking concerns and the sharing of bin facilities with residents.
- No other property within the building is a short-stay accommodation.
- While the property has a main door entrance, there is currently no external stairs permitting entrance. Therefore, the property must be judged as having shared access.

Committee should consider whether:

- the loss of a mainstream three bedroom dwelling would be outweighed by the economic benefit to the city?
- the application effectively subdivides a larger duplex apartment, contrary to policy?
- If residential amenity could be affected negatively by this proposal?

7.5 Residential amenity, noise and parking

Residential amenity

SG1 - The Placemaking Principle (Part 2) - Commercial Uses in Residential Properties

There is a presumption against granting planning permission for commercial uses of dwelling houses, including flats. In residential areas scrutiny must be given to 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.

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.

SG1 (Part 2): Waste, Recycling and 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.

Committee should note that:

- The waste management proposed appears to involve the mixing of commercial waste with residential.

Committee should consider whether:

- if the proposal has properly considered waste management measures?
- the amenity of the neighbouring residents has been sufficiently considered in this proposal?

Noise

NPF4 Policy 23 – Health and Safety states that “development proposals that are likely to raise unacceptable noise issues will not be supported.”

Committee should note that:

- A noise management plan was attached to the application.
- It is outwith the competence of a typical review to judge the acceptability of a noise management plan, and further comment would be required from Environmental Health.

Committee should consider whether:

- the amenity of the neighbouring residents has been sufficiently considered in this proposal?
- the noise impact of the proposal could cause disamenity to neighbours?

NPF4 Policy 13 and CDP11/SG11: Sustainable transport

These policies seek to ensure all development is designed and delivered to support and accommodate sustainable and active transport options. SG11 includes details of the standards expected.

Cycle Parking	Minimum standard is one space per unit unless a dedicate storage facility is available. Cycle parking must be safe, sheltered and secure.
Vehicle Parking	Minimum standard is one space per dwelling unit and 0.25 unallocated spaces per dwelling for visitors.

CDP 10 & SG 10: Meeting Housing Needs also requires an applicant “can demonstrate there will be no adverse impact on traffic congestion and parking”

Committee should note that:

- No vehicle parking provision is proposed. However, any associated cars would be subject to existing parking restrictions.
- The site cannot provide parking within the curtilage of the property.
- Cycle parking is proposed within a shared burden and could not be controlled by a planning condition.

Committee should consider whether:

- The lack of cycle and car parking provision is acceptable in this case?
- The proposal could give rise to parking problems?

8 COMMITTEE DECISION

8.1 The options available to the Committee are:

- a. Grant planning permission, with or without conditions;
- b. Refuse planning permission; or
- c. Continue the application for further information.

8.2 *Section 43A(12)(a) of the Town and Country Planning (Scotland) Act 1997* requires that reasoning behind why the local review body has been decided

be supplied in the decision notice. Should committee be minded to grant planning permission, material considerations that justify a departure from the plan would require to be identified.

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 n/a

*result of this
proposal?*

*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

9 RECOMMENDATIONS

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