

REPORT OF HANDLING FOR APPLICATION 25/01701/FUL

ADDRESS:	Flat 10 Balfour Court 4 Lethington Avenue Glasgow G41 3HB	Item 3 3rd March 2026
PROPOSAL:	Use of flatted dwelling (Sui Generis) as short term let (Sui Generis)	

DATE OF ADVERT:	05 September 2025
NO OF REPRESENTATIONS AND SUMMARY OF ISSUES RAISED	No representations received.
PARTIES CONSULTED AND RESPONSES	No consultations sought.
PRE-APPLICATION COMMENTS	No pre-application advice sought.

EIA - MAIN ISSUES	NONE
CONSERVATION (NATURAL HABITATS ETC) REGS 1994 – MAIN ISSUES	NOT APPLICABLE
DESIGN OR DESIGN/ACCESS STATEMENT – MAIN ISSUES	NOT APPLICABLE
IMPACT/POTENTIAL IMPACT STATEMENTS – MAIN ISSUES	NOT APPLICABLE
S75 AGREEMENT SUMMARY	NOT APPLICABLE
DETAILS OF DIRECTION UNDER REGS 30/31/32	NOT APPLICABLE
NPF4 POLICIES	<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>Policy 1- Tackling the climate and nature crises Policy 2- Climate mitigation and adaption Policy 3- Biodiversity Policy 30- Tourism</p>
CITY DEVELOPMENT PLAN POLICIES	CDP1-The Placemaking Principle SG1 The Placemaking Principle - Part 1 and Part 2 CDP10- Meeting Housing Needs SG10- Meeting Housing Needs
OTHER MATERIAL CONSIDERATIONS	NONE

REASON FOR DECISION	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.
COMMENTS	

PLANNING HISTORY	Development Management			
	Ref	Proposal	Decision Issued	Decision
	23/01483/FUL	Use of flatted dwelling (Sui Generis) as short term let (Sui Generis) (Retrospective)	03.11.2023	Granted subject to conditions
SITING	The application site is a main door ground floor flatted dwelling within Balfour Court at 4 Lethington Avenue which is in the Shawlands area.			
DESIGN AND MATERIALS	<p>The application site is a one-bedroom ground floor flatted dwelling, forming the ground floor of Balfour Court which is a three storey building comprising of two flats, the property subject of this application and the upper, two storey duplex apartment. The flat benefits from a small area of private garden ground adjacent to the building as well as an allocated parking space.</p> <p>A 2 year temporary planning consent was granted in November 2023 for short term let at the application site. The applicant wishes to renew the consent on a permanent basis.</p>			
DAYLIGHT	N/A			
ASPECT	N/A			
PRIVACY	No issues.			
ADJACENT LEVELS	N/A			
LANDSCAPING (INCLUDING GARDEN GROUND)	No issues.			
ACCESS AND PARKING	No changes proposed to existing access and parking arrangements.			
SITE CONSTRAINTS	NONE			
OTHER COMMENTS	<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 style="margin-left: 40px;">a) whether the proposal accords with the statutory Development Plan; and 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>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: <i>when considering all development proposals significant weight will be given to the global climate and nature crises.</i></p> <p>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.</p>			

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 permanent 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. Whilst the property has its own access, it does share communal pathway with other residents and 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.

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 one-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. There have been no complaints during the period of consent of the previous planning permission, however, a permanent change of use is not appropriate 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 which could cause harm to residential amenity. It could also be detrimental to the character of the residential neighbourhood as it is introducing a permanent commercial use within a residential flatted estate. 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 a 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 one bedroom with the potential for two guests at one time. The application confirms the property has a private parking space.

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 for up to 2 guests within a flatted block. There have been no complaints during the period of consent of the previous planning permission, however, a permanent change of use is not appropriate due to the subject property's proximity to the neighbouring properties and the disturbance from the frequent turnover of guests. This would result in an unacceptable intensification of activity in a dominantly mainstream residential area. Overall, this would have a detrimental impact on the residential amenity and character of the area.

A sufficient management plan for the proposed use has been submitted.

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 2 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

	<p>access to the building from Lethington Avenue with the upper floor flat which could impact upon residential amenity.</p> <p>Overall, the proposal is not considered to comply with CDP10/SG10 of the City Development Plan.</p> <p>In terms of the housing crisis, the proposed change of use raises concerns as it would create a loss of a 1 bedroom flat within a residential area of high demand. There are many short term lets within the area, therefore, approval of a permanent short term let is not considered appropriate due to the cumulative effect this would have on the housing stock within the area.</p> <p>Conclusions</p> <p>In respect of (b) other material considerations include the views of statutory and other consultees and the contents of letters of representations. No letters of representation have been received which require to be addressed prior to the determination of this application.</p> <p>On the basis of the foregoing, it is recommended that planning permission be refused.</p>
RECOMMENDATION	Refuse

Date: 29/10/2025	DM Officer	Laura Johnston
Date: <u>06/11/2025</u>	DM Manager	Ross Middleton