



Glasgow City Council
Planning Local Review Committee

Item 1

3rd March 2026

Report by Executive Director of Neighbourhoods,
Regeneration and Sustainability

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26/00002/LOCAL – Flat 10 Balfour Court, 4 Lethington Avenue,
Glasgow G41 3HB
Use of flatted dwelling (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): 7 (Langside)

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 ground-floor one bedroom flat within a three storey apartment block with one neighbouring flat (a two storey duplex apartment above the application site). This property is within Balfour Court on Lethington Avenue. The site is in ward 7 (Langside). The site has a high transport accessibility.
- 1.2 The flat has its own access, though this is accessible through a shared pathway. This pathway also provides access to the managed gardens, which are shared with the other flats in the court. Parking is provided via an allocated parking space.

Proposal

- 1.3 It is proposed to use the existing 1-bedroom flatted dwelling as a short term let property. A maximum of 2 occupants would be using the property and access to a kitchen, living room and bathroom would be provided during their stay.
- 1.4 A 2 year temporary planning permission had been granted in November 2023 for a short term let at the site. The application is for permanent planning permission.
- 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 proposal is contrary to NPF 4 Policy 30, and Policies CDP 1: The Placemaking Principle and CDP 10: Meeting Housing Needs and the associated supplementary guidance of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal would result in a change of use from a residential flat to short-stay accommodation within an existing flatted residential building, resulting in a mix of mainstream residential flats and short-stay accommodation within a single building. The use of the property as a short-term let will result in an unacceptable loss of amenity to neighbouring residents.
03. The proposal is contrary to NPF 4, policy 30, and to policies CDP 1: The Placemaking Principle and CDP 10: Meeting Housing Needs and the associated supplementary guidance of the Glasgow City Development Plan (adopted March 2017) insofar as the proposal would result in an unacceptable introduction of commercial use and intensification of the activity in an existing flatted residential building. It is not considered that there are demonstrable local economic benefits from the proposal which would outweigh the loss of mainstream residential accommodation.

4 APPEAL STATEMENT

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

01. The decision misapplies planning policy, ignores evidence from a successful two-year trial period
02. The property is a 32 m² flat and is the applicants only home in Scotland. The decision creates housing loss by jeopardizing the applicant's housing security, penalising non-commercial owner-occupying and is disproportionate. This is because the housing otherwise sits empty while they are working overseas.
03. I have rented the property successfully since 2019, including under a two-year temporary planning permission granted in November 2023, without a single complaint or amenity issue.
04. NPF4 requires housing to be protected and used efficiently. This proposal achieves that by keeping a small owner-occupied home in active use year-round rather than vacant.

05. Amenity is protected by virtue of the flat's own entrance, path, garden and parking. No evidence of actual harm to residential amenity has been identified.
06. Policy requires case-by-case assessment, not automatic refusal. This is a single, owner-occupied studio, not a commercial or investor-led unit.
07. The applicant has no intention of selling therefore this creates no housing gain and forces the flat to be empty for many months.
08. Regarding a statement in the report of handling that "there are many short-term lets within the area...due to the cumulative effect..." no figures, thresholds or spatial evidence has been provided. This argument is unsupported and disproportionate.

5 RELEVANT PLANNING HISTORY

- 5.1 The previous planning application history for the property includes the following:
- 23/01483/FUL | Use of flatted dwelling (Sui Generis) as short term let (Sui Generis) (Retrospective) | Decided - Grant Subject to Condition(s)
 - 25/01701/FUL | Use of flatted dwelling (Sui Generis) as short term let (Sui Generis) | Refuse

6 REPRESENTATIONS AND CONSULTATIONS

- 6.1 There were no representations received to the application.
- 6.2 There were no representations received to the review.

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, sustainable tourism 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:

- 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. *Opportunities for sustainable travel,*
- vi. *measures taken to minimise carbon emissions.*

Committee should note that:

- The area has a high public transport accessibility and is within walking distance of a major town centre.

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

b) Proposals for tourism related development will take into account:

- iii. *Impacts on communities, for example by hindering the provision of homes and services for local people;*
- v. *Accessibility for disabled people;*

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, and there is a residential unit above, though not accessible through the same pathway.
- It is unclear whether 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.

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.

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.

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:

- A management plan has been submitted. Which details the required information stated above including access, waste disposal and cleaning arrangements.
- The site is in a high public transport accessibility area.
- No other property on the site is used for short-stay accommodation.
- The sole neighbouring property in the block, or other properties within the estate, have not lodged any complaints.

Committee should consider whether:

- the loss of a one bedroom dwelling would be outweighed by the economic benefit to the city?
- the residential amenity of the neighbouring property above 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:

- A waste management plan has been provided within the management plan. It states that "The contracted cleaners shall be responsible after each guest check out to dispose of the household waste which will be left in the bin under the staircase. The caretaker, employed through Speirs Gumley collects the rubbish weekly. This bin is located underneath the stairs to the house and are for the sole use of this property. "

- Given that Speirs Gumley are the property factors, it is unclear if the waste is disposed of separately to residential waste, and that it is considered commercial waste. The mixing of commercial with residential waste would be contrary to policy.

Committee should consider whether:

- the amenity of the neighbouring residents in regards to waste management 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:

- In research by Scottish Government: ‘short-term lets – impact on communities: research’ 2019, such flats were considered to lead to increased noise, litter, waste and loss of amenity.
- Mitigation measures have been stated, nor is a management plan supplied to address noise impacts.

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:

- One dedicated space is provided.
- No cycle parking is proposed, and no reasoning has been provided for this deviation.

Committee should consider whether:

- The lack of cycle parking provision is acceptable in this case, or could this be addressed by condition?

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.

9 Policy and Resource Implications

Resource Implications:

Financial:

Legal:

Personnel:

Procurement:

Council Strategic Plan: Specify which Grand Challenge (s) and Mission (s) the proposal supports. Where appropriate the relevant Commitment can also be listed.

Equality and Socio-Economic Impacts:

Does the proposal support the Council's Equality Outcomes 2025-29? Please specify.

What are the potential equality impacts as a result of this report?

(no significant impact, positive impact or negative impact)

Please highlight if the policy/proposal will help address socio-economic disadvantage.

Climate Impacts:

Does the proposal support any Climate Plan actions? Please specify:

What are the potential climate impacts as a result of this proposal?

Will the proposal contribute to Glasgow's net zero carbon target?

Privacy and Data Protection Impacts:

Are there any potential data protection impacts as a result of this report
Y/N

If Yes, please confirm that a Data Protection Impact Assessment (DPIA) has been carried out

10 Recommendations

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