CITY DEVELOPMENT PLAN 2017

SG10 Meeting Housing Needs

SUPPLEMENTARY GUIDANCE

February 2017

PROPOSED CITY DEVELOPMENT PLAN POLICIES	PROPOSED CITY DEVELOPMENT PLAN SUPPLEMENTARY GUIDANCE
CDP 1 The Placemaking Principle	SG 1: The Placemaking Principle
CDP 2 Sustainable Spatial Strategy	*SDF City Centre* *SDF Glasgow North* *SDF Govan Partick* *SDF Greater Easterhouse* *SDF Inner East* *SDF River* *LDF Drumchapel* *LDF Pollok* *LDF South Central*
CDP 3 Economic Development	SG 3 Economic Development
CDP 4 Network of Centres	SG 4 Network of Centres
CDP 5 Resource Management	SG 5 Resource Management
CDP 6 Green Belt and Green Network	SG 6 Green Belt and Green Network
CDP 7 Natural Environment	SG 7 Natural Environment
CDP 8 Water Environment	SG 8 Water Environment
CDP 9 Historic Environment	SG 9 Historic Environment
CDP 10 Meeting Housing Needs	SG 10 Meeting Housing Needs
CDP 11 Sustainable Transport	SG 11 Sustainable Transport
CDP 12 Delivering Development	SG 12 Delivering Development

Policies CDP 1 (The Placemaking Principle) and CDP 2 (Sustainable Spatial Strategy) are overarching policies which, together with their associated Supplementary Guidance, must be considered for all development proposals to help achieve the key aims of The Plan.

Policies CDP 3 to CDP 12 (and associated Supplementary Guidance) provide more detail on specific land use elements which contribute to meeting the requirements of the overarching policies.

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1. Multiple Occupancy

Introduction

1.1 Multiple occupancy provides an essential form of accommodation for many people, particularly students. When concentrated in a particular street or building, however, it can give rise to environmental problems due to increased activity, noise, pressure on car parking and refuse disposal.

1.2 This supplementary guidance aims to strike a balance between the demand for multiple occupancy and the need to ensure that the stability of neighbourhoods and the residential amenity of properties and streets are not adversely affected by multiple occupancy accommodation.

Legal Permissions Required

1.3 The legal controls over this type of housing use are complex. Multiple occupancy in a flat, for example, needs 2 legal permissions before it can operate - planning permission, and a Licence for a house in multiple occupation (HMO Licence). Failure to obtain planning permission lays the owner open to enforcement action under planning legislation, and failure to obtain a Licence can lead to prosecution, under housing legislation.

1.4 For the purposes of licensing, the Housing (Scotland) Act 2006, Part 5 defines multiple occupancy and this definition is reflected in Planning Circular 2/2012 'Houses in Multiple Occupation: Guidance on Planning Control and Licensing' (see Glossary). This definition highlights why multiple occupancy of a flat is different from mainstream occupancy of a flat to the extent that it constitutes a material change of use requiring planning permission. It also provides clarity for the purposes of enforcement.

1.5 On the basis of the above, and other factors such as upkeep of gardens and property, multiple occupancy is regarded by the Council as being sufficiently different from family occupancy, in fact and degree. A change from the latter to the former is therefore regarded as a material change of use requiring planning permission.

When is Planning Permission Required?

1.6 DWELLINGHOUSES – Permission is required for a dwellinghouse:

- containing more than five unrelated residents living together, including a household where care is provided for the residents; and/or
- let out in 'bed-sits'.

1.7 FLATS – Permission is required for a flat where three or more unrelated persons live. Planning permission is deemed not to be required where only one lodger is accommodated in addition to one resident family.

Licensing Requirement

1.8 If granted planning permission or a Certificate of Lawfulness, applicants will also have to obtain a Licence for a House in Multiple Occupation (HMO). An application form and guidance notes can be obtained from the Licensing Section, Chief Executive's Department, 235 George Street, Glasgow, G1 1QZ, or downloaded from the Council's website here.

1.9 Applicants should note that possession of planning permission or a Certificate of Lawfulness will not guarantee the grant of an HMO licence, as Licensing addresses different matters, such as fire safety.

Key Criteria – Locational

1.10 A high concentration of flats in multiple occupancy within a particular neighbourhood has the potential to change the dynamics of a community and undermine its stability. High turnover of residents and under-occupied buildings during university/college holidays, along with the potential for lack of routine maintenance of properties in these areas, can discourage owner-occupation and detract from residential amenity.

1.11 Historically, multiple occupancy has been concentrated within parts of the West End, close to Glasgow University and with easy access to the other universities and colleges in the City. The density of flats with an HMO Licence in Hillhead and Woodlands, in the heart of Ward 11, has now reached such a level that further development would undermine residential amenity within these areas.

1.12 The following locational criteria will be applied to all multiple occupancy development proposals:

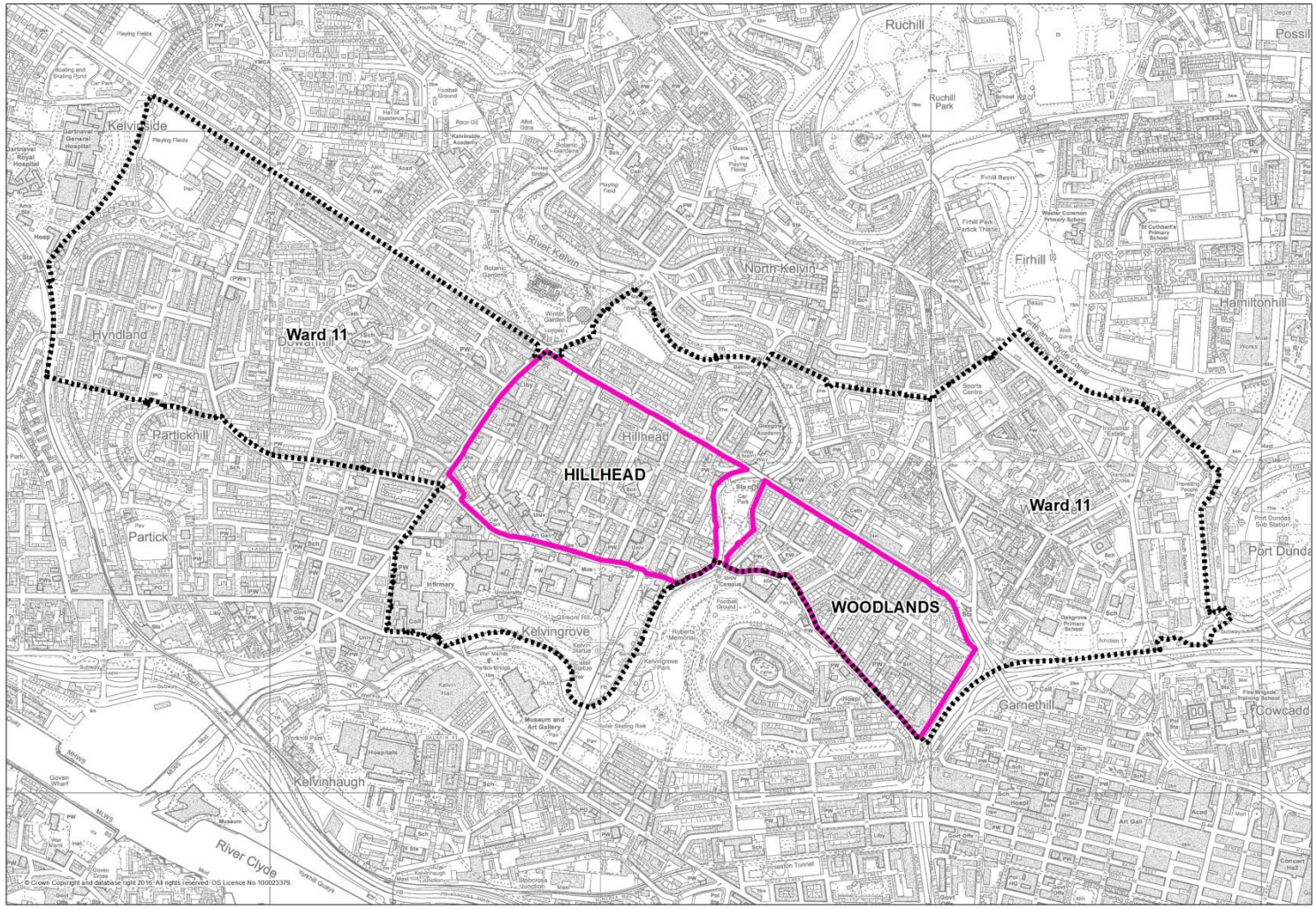
a) In Hillhead and Woodlands, no further planning applications for multiple occupancies will be supported (see Figure 1).
b) In all other locations, the proportion of multiple occupancies should not exceed 5% of the total number of dwellings comprising that unit within a given street or block (or other readily identifiable unit). Exemptions from this rule may include properties that have become completely isolated from family accommodation);
c) In locations where on-street parking is controlled, residents' parking permits for HMOs shall be restricted to 1 permit per property. No parking permits will be issued for residents of HMOs granted planning permission after the adoption of SG 11;
d) In locations where on-street parking is not controlled, the potential impact of an HMO on on-street parking will be taken into account in determining the acceptability of the proposal, in accordance with 'Parking' guidance contained within SG 11: Sustainable Transport.

Key Criteria – Design and Amenity Space

1.13 Planning applications for multiple occupancy will be determined against the following criteria:

a) There must be individual access to a lit street. This will include main door flats and undivided dwellinghouses, but will exclude most properties served by a tenement close and/or communal stairs and properties which have already been subdivided;
b) There must be direct access to amenity space, a refuse store and a drying area to the rear of the building. Recycling space should also be provided in accordance with 'Provision of Waste and Recycling Space' guidance contained within SG 5: Resource Management;

Figure 1 – Hillhead and Woodlands areas of Ward 11 where no further planning applications for multiple occupancies will be supported



2. Student Accommodation

Introduction

2.1 This Supplementary Guidance seeks to ensure the provision of high quality student accommodation in appropriate locations whilst also protecting the character and amenity of existing areas. It applies to all types of student accommodation developments, including new build, change of use and conversion.

2.2 Universities and their students make a significant contribution to the economy and to the social mix, vitality and vibrancy of an area. The 2011 Census confirmed that there were almost 130,000 students studying in Glasgow and almost half of these students lived within the City boundary. Although some choose to live at home or in private rented accommodation, there is a need for student accommodation to house a large proportion of the remaining students.

2.3 Student accommodation is defined as a managed primary residence for students studying in a further or higher education course. Unlike mainstream residential flats, there is a greater level of interaction between residents and a greater reliance on communal facilities and social space due to the format of individual rooms/studios or cluster flats. The nature of this use, therefore, requires more active day-to-day management than mainstream residential flats in order to maintain a good living environment for the occupants.

2.4 Student accommodation is therefore considered to be a quasi-residential use which falls outwith a specified Use Class and is therefore classed as Sui Generis.

2.5 Historically, student accommodation (particularly conversions of existing buildings) has tended to lack on-site amenities and communal facilities. These characteristics have placed additional pressures on existing local amenities and facilities, such as recreational space and community facilities. There is therefore a need for purpose-built student accommodation to provide students with high quality living and with adequate on-site amenity spaces and communal facilities. Such development will complement existing provision in the second hand private rented sector, and will form part of the solution to meeting the housing needs of students.

Key Criteria – Locational

2.6 The Council will generally support student accommodation in locations with good access to university and college facilities by active travel routes and/or public transport and where the development:

a) Will not result in an unacceptable concentration of student accommodation in the locality that would be harmful to the maintenance of a balanced community. A map of existing and consented student accommodation illustrates existing locations and distribution;
b) Will have no adverse impact on the character and amenity of the surrounding area;
c) Has good access to shops, services, healthcare, leisure and community facilities; and
d) Will not place unsustainable pressure on local amenities and facilities.

Key Criteria – Design and Amenity Space

2.7 It is imperative that the design of student accommodation meets the needs of its users. While the average length of stay is less than that for mainstream accommodation and there is traditionally a greater emphasis on shared amenity, this should not form a justification for a reduced level of quality in individual living accommodation. Guidance on flatted residential development, contained within SG 1: Placemaking and Design (add hyperlink to SG1 when it becomes available), will be applied to all

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proposed student accommodation developments, in terms of design, privacy, sunlight and daylight. Where possible, opportunities to achieve dual aspects should be achieved.

2.8 The proposed development must demonstrate that:

a) Depending on the size of the proposal, it provides a mix of accommodation including cluster flats, studio accommodation and, where required, family accommodation with appropriate segregation between occupation types;
b) It will fully integrate with its surrounding environment and meet placemaking principles, as set out in SG1 Placemaking; and
c) It will offer suitable, high quality communal facilities, amenity and social spaces along with adequate refuse and recycling facilities as set out in SG1 Placemaking.

2.9 Amenity standards for flatted dwellings, as set out in SG 6: Greenspace and Green Network, will be applied to student accommodation developments.

2.10 In student accommodation developments, the provision of amenity space may be provided as a combination of internal and external amenity spaces. Internal amenity spaces may include study areas, gymnasiums, cinema rooms and social hubs. Unique and creative approaches to the provision of internal amenity spaces are welcomed for the approval of the Planning Authority.

2.11 Circulation and reception spaces will not be accepted as contributing to the required provision of amenity space within the development. Internal amenity spaces will only be acceptable where the proportions of the space are fit for communal use and the proposed or potential function and purpose of the space is fully set out to the satisfaction of the Planning Authority.

2.12 On-site communal facilities may include laundry, utility and mail facilities. On-site vehicle and cycle parking should be provided in accordance with SG 11: Sustainable Transport (Table 3.1).

Legal Agreements

2.13 The Planning Authority may require a Section 75 Agreement to be signed as part of the planning consent to ensure the proposed development remains in use as student accommodation.

Temporary Use of Student Accommodation as Short-Stay Accommodation

2.14 Student accommodation and short-stay accommodation are two distinct *sui generis* planning uses. Recurring or temporary use of student accommodation as short-stay accommodation therefore requires planning permission. Such a use would only be permitted for specified periods when the development is not being operated as student accommodation (i.e. outwith term-time). Proposals will be assessed on an individual basis and will be subject to the same considerations as student accommodation developments. Details of the proposed use must be set out in the initial application submission. On-site vehicle and cycle parking should be provided in accordance with SG 11: Sustainable Transport (Table 3.1).

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3. Care in the Community

Introduction

3.1 This Supplementary Guidance seeks to ensure that all care in the community developments enjoy a high level of residential amenity and effectively integrate with their surrounding environment.

3.2 Care in the Community accommodation is wide ranging and falls within Class 8 (residential institutions) of the Town & Country Planning (Use Classes) (Scotland) Order 1997. This type of development can include care homes, sheltered accommodation, hospices, supported care centres and independent living/supported accommodation.

3.3 The type of care required in each type of development will differ, therefore it is imperative that it is tailored and designed with the end user in mind.

When is Planning Permission Required?

3.4 SUPPORTED ACCOMMODATION IN A DWELLINGHOUSE - the use will no longer remain within Class 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and will require planning permission if there will be more than 5 unrelated persons, including any resident staff (see Glossary).

3.5 SUPPORTED ACCOMMODATION IN A FLAT - planning permission will be required for a change of use if there will be more than 3 unrelated persons, including any resident staff in the flat. This reflects the Council's view of where planning permission is required in flats and does not emanate from planning legislation.

3.6 "OFFICE" FLATS FOR SUPPORTED ACCOMMODATION - planning permission will usually be required. When located in a tenement or a multi-storey block, they should be on the ground or lowest floor, ideally with their own entrance, to protect residential amenity within the building.

Key Criteria – Locational

3.7 The Council will generally support care in the community accommodation in the following locations:

a) In locations with good access to active travel routes and a frequent public transport service; and
b) In locations with good access to shops, services and community facilities.

Key Criteria – Design and Amenity Space

3.8 It is imperative that the design of the development meets the needs of users of the accommodation or facility, therefore the design and layout must be tailored to the type of development and the people that will reside there or use the facility on a frequent basis.

3.9 All new development should:

a) meet placemaking and design standards, as set out in SG1: Placemaking and Design;
b) provide a mix of accommodation units, where appropriate;
c) provide high quality indoor and outdoor amenity space;
d) demonstrate high standards of design and inclusive design;
e) ensure safe, easy and inclusive access for all people regardless of disability, age or gender, both into the building or site and to local amenities such as shops, community and leisure facilities;
f) ensure adequate privacy levels are maintained for residents;
g) demonstrate no adverse impact on the character and amenity of the surrounding area; and
h) demonstrate that it is compliant with the Care Inspectorate's National Care Standards.

4. Tourist Accommodation

Introduction

4.1 Tourist accommodation is wide ranging and can include hotels, hostels, guest houses, bed and breakfast establishments and short-stay serviced apartments. These types of development bring positive economic benefits to the City by providing a base for the hundreds of thousands of tourists that visit Glasgow every year.

4.2 While the Council supports the promotion of tourist accommodation, there is a need to preserve the character and amenity of established residential areas and Conservation Areas.

4.3 Due to the diverse range of tourist accommodation on offer, careful consideration must be given to the site, location and design of a development proposal in order to provide high quality accommodation and associated facilities which successfully integrate with the surrounding environment.

4.4 This Supplementary Guidance applies to all types of tourist accommodation, including new build, change of use and conversion. Additional detailed guidance is provided for guest houses and short-stay accommodation in Sections 4A and 4B respectively.

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.

4.7 The Planning Authority may use conditions to ensure that proposals for tourist accommodation remain solely in use for that purpose and cannot be transferred to another Class 7 use or other Use Class without the consent of the Planning Authority.

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.

4A. Guest Houses and Bed and Breakfast Establishments

Detailed Criteria

4.9 To manage the potential impact on existing nearby residential properties, proposals for guest houses and bed and breakfast establishments will be considered against the key criteria for tourist accommodation in Section 4 and the following additional detailed criteria:

a) Guest houses and bed and breakfast establishments shall be located only in detached, semi-detached or end-terraced properties.
b) Conversions from former dwellinghouses now in non-mainstream residential use, such as offices, may be considered favourably, provided they would not reduce local amenity due to noise, traffic movements or other material considerations.
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 dwellinghouses and/or flats to guest houses and/or bed and breakfast establishments will be strongly resisted in the following Conservation Areas:
   - Crosshill;
   - Dennistoun;
   - Glasgow West;
   - Park;
   - St Vincent Crescent; and
   - Strathbungo.

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 and the additional detailed criteria outlined in paragraph 4.16 below.

When is Planning Permission Required?

4.11 DWELLINGHOUSES – Under Class 9 of the Use Classes Order, a house remains in use as a house whether it is the sole or main residence of the occupants or not. This sets a context that a house being used on a short-term basis does not constitute a change of use. Therefore, short stay use of a house Is unlikely to require planning permission provided that it is occupied by a single household as defined in Class 9.

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.

4.13 The occasional use of a flat as short-stay accommodation, which is otherwise a sole or main residence, is unlikely to constitute a material change of use. Planning permission is deemed not to be required where only one lodger is accommodated in addition to one resident family.

4.14 Where a flat is being used frequently to provide short-stay accommodation, there is likely to be a material change of use. In determining whether a short-stay use would constitute a change of use, the Council will take account of:

- The nature of services provided, such as cleaning or laundry;
- The size and context of the property;
- The frequency and duration of short stays; and
- The number of people staying.

4.15 Where servicing is provided to an extent that would be beyond what would reasonably be expected in a mainstream domestic context, then it is likely that a material change of use from residential flat (Sui Generis) to short-stay accommodation (Sui Generis) would occur.

Detailed Criteria

4.16 Short-stay accomodation 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.

Glossary

CARE IN THE COMMUNITY DEVELOPMENT - Any development which falls within Class 8 (Residential Institutions) of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

DESIGN AND ACCESS STATEMENT - Provides a framework for applicants to explain how a proposed development is a suitable response to the site and its setting, and demonstrate that it can be adequately accessed by prospective users.

DWELLINGHOUSE – A building used as a residence rather than a business. Includes detached, semi-detached and terraced houses. Does not include a building containing one or more flats, or a flat contained within such a building (Source: The Town and Country Planning (General Permitted Development) (Scotland) Order 1992).

FAMILY - A person is a member of the same family, if married to each other, are civil partners to each other or living together as a couple or one of them is the parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the other (including step and half relations and foster children) (Source: Housing (Scotland) Act 2006, Part 5, Section 128 Relationships).

FLAT - A separate set of premises, whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally (Source: The Town and Country Planning (General Permitted Development) (Scotland) Order 1992). Used as a residence rather than a business.

INCLUSIVE DESIGN - To ensure such a development is designed in such a way to be accessible to, and usable by, as many people as reasonably possible.

MAIN DOOR FLAT - A ground floor flat within a residential building with a direct access to the street through a private front garden.

MULTIPLE OCCUPANCY - The only or main residence of three or more persons from three or more families. (Source: Planning Circular 2/2012 Houses in Multiple Occupation: Guidance on Planning Control and Licensing). Whether planning permission is required or not for multiple occupancy will be relative to the type of dwelling, as set out in Section 1 of this Supplementary Guidance.

NON-MAINSTREAM RESIDENTIAL USE - Any use, other than a mainstream dwelling, including multiple occupancies, institutions, and offices, that is made of a property whose original purpose was as a dwelling unit for families or individuals.

RESIDENT STAFF – Staff who are required to reside overnight at their place of work (eg. Care Home) in accordance with their terms of employment.

SECTION 75 OBLIGATION - A legal agreement under Section 75 of the Planning etc. (Scotland) Act 2006, which is used to control the use or development of land. Such an agreement is entered in the Land Register of Scotland and can be enforced against the successors in title.

SHORT-STAY ACCOMODATION – Accomodation occupied for a period of less than 90 days. Depending on the characteristics of the short stay and the property the accommodation may be mainstream residential accommodation or it may be deemed tourist accommodation where the use is more intensive (see Short Stay Accomodation in Part 4B of this guidance)

STUDENT ACCOMMODATION – A maaged primary residence for students studying in a further or higher education course.

TENEMENT CLOSE - The shared entrance and stairway within a traditional flatted residential building, with or without commercial units on the ground floor.