



Glasgow City Council

Local Review Committee

Report by Executive Director of Neighbourhoods,  
Regeneration and Sustainability

**Item 1**

19 September 2023

Contact: Sam Taylor Ext: 78654

**Use of granny flat as short stay accommodation at 47 Oykel Crescent,  
Glasgow**

**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): 17

Citywide: n/a

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

**PLEASE NOTE THE FOLLOWING:**

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## **1 LOCATION AND DEVELOPMENT PLAN DESIGNATIONS**

- 1.1 The site consists of a detached two-storey dwelling with a detached single-storey granny flat that was converted from a double garage to the rear. The garden, including the granny flat, is enclosed by a 1.8m high timber fence, with a set of double electric gates giving access to 2 parking spaces in front of the granny flat.
- 1.2 Both are finished in off-white harling, with grey concrete roofs and white uPVC windows and doors.
- 1.3 It is proposed to change the use of the detached granny flat to be used as short stay accommodation. This does not include any alterations to the external appearance of the granny flat.

## **2 DEVELOPMENT PLAN POLICIES**

- 2.1 The relevant National Planning Framework 4 (NPF4) and City Development Plan policies and Supplementary Guidance are:

Policy 23 Health and Safety  
Policy 30 Tourism

CDP1 The Placemaking Principle  
CDP2 Sustainable Spatial Strategy  
CDP3 Economic Development  
CDP10 Meeting Housing Needs  
CDP11 Sustainable Transport

SG1 Placemaking  
IPG3 Economic Development  
SG10 Meeting Housing Needs  
SG11 Sustainable Transport

## **3 REASONS FOR REFUSAL**

- 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 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 have a significant adverse impact on the character and amenity of the residential, suburban area and the existing residential properties. Issues associated with the intensification of activity such as noise, traffic and privacy concerns are considered to

negatively impact on residential amenity and call into question the compatibility of the short term let in this residential neighbourhood.

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 fails to provide a satisfactory level of sustainable accessibility to the site. With an official accessibility rating of "below base", the site in question lacks sufficient active travel routes and a frequent public transport service to both the City Centre of Glasgow and its urban neighbourhoods. Furthermore, the site does not feature good access to local shops and services.

## **4 APPEAL STATEMENT**

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

- The site is a 6-minute drive from Robroyston train station, which has direct access to Glasgow's city centre, 20 minutes away. The M80 is also only 4 minutes away.
- Robroyston & Glendale are also nearby and have a great range of local amenities.
- The granny flat has a separate entrance via the back garden of the dwelling and shares a small driveway (2-car capacity, of which the owner uses 1).
- There are several car parking spaces in the estate. Concerns have been raised that these are for the occasional use of the residents rather than for commercial use, but they form part of the public road, and no restrictions are in place.
- The main windows in the flat face onto the driveway shared with the main house and not directly onto neighbouring properties. There are also 1.8m fences at the boundary line to prevent substantial overlooking, but the owner is happy to add screening to the existing fence to provide additional privacy to the immediate neighbours.
- The entrance to the driveway and flat is secured by a large security gate.
- The flat would not be let when the principal dwelling is unoccupied, therefore any behaviour that may cause a disturbance to the other residents will be dealt with immediately.
- The location is more accessible for tourists wishing golfing holidays than a city centre location.

- The building is within the curtilage of the applicant's property with a 1m buffer zone and a 1.8m fence surrounding it; the applicant is willing to double slate the fence along the boundary with the complainant's property, this will make the fence acoustic resilient.
- NPF 4 states that when there is a conflict between the local development plan and NPF4, whichever is the newest will prevail which in this case is NPF4. NPF4 also states that development proposals for new or extended tourist facilities or accommodation in locations identified in the local development plan will be supported. However, as the City Development Plan does not have a tourism designation, we argue that the development is NOT contrary to NPF 4 policy 30 and that as NPF 4 takes priority, its tourism support should be prevalent.
- The proposal is not of a scale that would impact the surrounding area or put a strain on the local services; it is also of a size that is only good for a short-term stay due to its compact size.
- The applicant has used the accommodation for a period of 8 months (1st April 2022 – 20th Nov 2022), without any incident being reported to the Police or council environmental officers. 70% of the time it was occupied by 1 person or by a couple. The accommodation is never rented when the owners are not occupying the main property; therefore, the capacity can be policed to a high standard.
- The proposed site will positively contribute to Glasgow City Council's economy.
- Visitors are vetted ahead of their stay by a standard process and so are no threat to the community in terms of being antisocial or being bad neighbours.
- The applicant handles laundry and cleaning.
- The application is for a stand-alone accommodation that has already consented to use incidental housing to the dwelling. Therefore, the principle of capacity within the property has been established.

4.2 The applicant did not request any further procedure for the determination of the review. It is however for Committee to decide whether the review documents provide sufficient information to enable them to determine the review without further procedure. Where it is decided that the review documents are not sufficient, it is then for Committee to determine the manner in which the review is to be conducted; either by means of written submissions, the holding of one or more hearing sessions or a site inspection, as set out in regulations 12 and 13 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations.

## **5 REPRESENTATIONS AND CONSULTATIONS**

5.1 There were 8 representations to the application, 7 objecting to the proposal and 1 neutral, including from Councillor Rannachan, Councillor Dempsey and Councillor Campbell.

5.2 A summary of the issues raised is given below:

- The proposal is within a residential area far from city centre amenities
- Public transport in the area is poor
- The proposal will have a negative impact on the privacy and amenity of neighbours
- The proposal will have a negative impact on pedestrian and road safety due to an increase in on-street parking.
- The proposal will have a detrimental impact on the character of the area
- The proposal is not of a size and scale in keeping with the surrounding environment.

5.3 There were two further representations to the review, which raised the following additional point:

- It is neither practical nor factual to assert that the fence provided screens movement to and from the property, as it was this movement that alerted me to the fact it was operating as an Air BnB.

5.4 No consultations were undertaken.

## **6 COMMITTEE CONSIDERATIONS**

6.1 The key issues for Committee to consider are:

### **NPF4 Policy 23 Health and Safety**

The policy intends to encourage, promote and facilitate development that improves health and wellbeing.

e) Development proposals that are likely to raise unacceptable noise issues will not be supported.

- Committee should consider whether the proposal will create unacceptable noise issues for neighbouring properties.

### **NPF4 Policy 30 Tourism**

The policy intends to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

a) Development proposals for new tourist facilities or accommodation, in locations identified in the LDP, will be supported.

b) 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.

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.
  - As the tourism designation was a new designation introduced in NPF4, these will be introduced in the new City Development Plan and cannot be implemented at the current time.
  - The proposal utilises an existing granny-flat associated with the dwelling.
- Committee should consider whether the proposal:
  - will benefit local people;
  - is consistent with net zero commitments;
  - will inspire people to visit Scotland;
  - will contribute to the local economy;
  - is compatible with the surrounding area;
  - will impact on the local community.
- Committee should also consider whether there are opportunities for sustainable travel and appropriate management of parking and traffic generation; and whether the reuse of the building will have an unacceptable impact on local amenity or the character of the neighbourhood.

## **SG1 The Placemaking Principle**

### Non-Residential Development Affecting Residential Areas

Outwith the Network of Centres and Economic Development Areas identified in the Plan, permission will not normally be granted for proposals for non-residential uses that would generate unacceptable levels of disturbance, traffic, noise, vibration, and emissions (particularly outside normal working hours).

- The site is not within the Network of Centres or an Economic Development Area.
- Committee should consider whether the proposal will generate unacceptable levels of disturbance, traffic, noise, vibration and emissions, particularly outside normal working hours.

### Waste Storage, Recycling & Collection

### *Designing New Development*

All new developments must include appropriate and well-designed provision for waste storage, recycling and collection. All waste/recycling areas must be located discreetly, so as to have no adverse visual impact or cause traffic/noise nuisance to neighbours.

- No information about waste storage for the proposal is provided.
- Committee should consider whether the waste storage, recycling and collection arrangements are satisfactory for a commercial use within a residential area.

## **IPG3 Economic Development**

### Tourism and the short -stay economy

The delivery and availability of a wide range of short-stay accommodation is important, however it is recognised that such activities need to be located in appropriate locations where the existing amenity of a particularly area, especially residential areas, are not negatively impacted.

Proposals should ensure

- (i) that the location, scale, design and demand are adequately considered and appropriate to the area;
- (ii) that negative impacts on the surrounding area are minimised, especially predominantly residential areas ;
- (iii) any car parking is of a scale, design and incorporates landscaping appropriate to the area. It should not negatively impact the amenity of the area; and
- (iv) proximity to public transport.

- The proposal is within a residential area that has below base accessibility by public transport.
- Secure off-street parking for one car is provided within the site.
- Committee should consider whether the proposal's location and scale are appropriate and whether negative impacts on the surrounding area are minimized.

## **SG10 Meeting Housing Needs**

### Tourist Accommodation

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.

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.

*Key Criteria - Locational*

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.

*Key Criteria – Design and Amenity Space*

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; and

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
- 
- The site is within an area of below base accessibility, contrary to policy.
  - The applicant contends in their appeal statement that the proposal is of a scale that will have no impact on local amenities or facilities, the character and amenity of the area, or traffic congestion.
  - The proposal includes parking for a single car within a driveway that is shared with the owner of the dwelling and is secured by a gate.
  - The nearest shops are at Robroyston Retail Park, which includes an ASDA with a petrol station, LIDL, One Below, Food Warehouse, McDonalds, Costa, Puregym and B&M with a garden centre. Nova Business Park to the south also includes Wallace Well Farm Dining and Carvery. This is approximately 1.5 miles away, a 6 minute drive, 26 minute walk or 8 minute cycle.
  - The proposal utilises an existing granny-flat.
  - A management plan for the proposal is not provided, although the applicant indicates that they undertake all cleaning and laundry themselves.



- Committee should consider whether the proposal has good access to shops and services, as well as whether it has been demonstrated that the proposal will not place additional pressure of local amenities and facilities or have an adverse impact on the character and/or amenity of the area or on traffic congestion and parking.
- Committee should consider whether the proposal introduces an incongruous addition to the surrounding area and/or will result in unacceptable intensification of activity within a residential area.
- Committee should consider whether they are satisfied that the lack of a management plan, required by policy, is acceptable in this case.

## **SG11 Sustainable Transport**

### Cycle Parking

With the growth in cycle tourism, it is important that, wherever possible, hotels, guest houses and bed and breakfasts provide for safe, secure, well-designed and sheltered on-site cycle parking. Cycle parking should always be safe, sheltered and secure.

For Hotels, Guest Houses and Bed and Breakfasts, 1 space should be provided per 10 bed spaces.

- There is no specific minimum standard for short-term letting accommodation, but the principle of the standards for hotels, guest houses and bed and breakfasts may be considered to apply.
  - 2 bed spaces are provided
  - No information about cycle parking is provided.
- Committee should consider whether adequate cycle parking is provided.

### Vehicle Parking

To encourage the use of non-car transport modes, maximum car parking standards are set out for certain types of development, including retailing, leisure and commercial uses

For Hotels, Guest Houses and Bed and Breakfasts in areas of base accessibility, a maximum of 1 space should be provided per bedroom.

- There is no specific standard for short-term letting accommodation, but the principle of the standards for hotels, guest houses and bed and breakfasts may be considered to apply.
  - The proposal includes 1 bedroom.
  - 1 parking space is provided.
- Committee should consider whether adequate vehicle parking is provided.

7.1 The options available to the Committee are:

- a. Be minded to grant planning permission, with or without conditions (see over for draft conditions), following the signing or recording of a planning obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement; or
- b. Refuse planning permission.

7.2 If Committee are minded to grant planning permission, a legal agreement will be required to ensure that should the applicant no longer occupy the dwelling at 47 Oykel Crescent, the use of the granny flat as a short-term let will cease.

## DRAFT CONDITIONS

01. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date of grant of this permission.

**Reason:** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

02. Noise from or associated with the completed development (the building and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times.

**Reason:** To protect the occupiers of dwellings or noise sensitive buildings from excessive noise

03. Before any work on the site is begun, details of refuse and recycling storage areas and bins shall be submitted to and approved in writing by the planning authority. These facilities shall be completed before the development/the relevant part of the development is occupied.

**Reason:** To ensure the proper disposal of waste and to safeguard the environment of the development

04. 1.8 metre high screen fencing shall be erected in the following location(s): along the north-east edge of the path leading to the entrance to the short term let to the south-east boundary fence of the property. The screen fencing shall be erected prior to the occupation of the short-term let hereby approved and shall not be removed without the prior written approval of the planning authority

**Reason:** In order to protect the appearance of both the property itself and the surrounding area

05. Provision shall be made in the design of the development for the parking of cycles. This provision shall be in accordance with the requirements of City Development Plan, Supplementary Guidance 11: Sustainable Transport, Section 4 Cycle Parking: locations; minimum levels; safe, sheltered and secure. The cycle parking shall be available for use in accordance with the approved drawings before the development is occupied.

**Reason:** To ensure that cycle parking is available for the occupiers/users of the development.

06. The use shall be limited to eighteen months from date consent is granted, at which date the use of the site as a short-term let shall cease. The site shall be restored within one month of that date to its pre-development condition or an upgraded condition which has been previously approved in writing by the planning authority.

**Reason:** Having regard to the temporary nature of the proposed development  
**Reason:** To enable the Planning Authority to consider this/these aspect(s) in detail.

07. Before any work on site is begun, a management plan setting out
- 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
- shall be submitted to and approved in writing by the Planning Authority. The development shall then be managed in accordance with the approved plan unless otherwise agreed in writing by the Planning Authority.

**Reason:** To enable the planning authority to consider this/these aspect(s) in detail.

**Reason:** In order to safeguard the amenity of neighbouring properties.

## 2 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 result of this proposal?* n/a

*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

**3 Recommendations**

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