

Report To: The Planning Board

Date: 6 March 2024

Report By: Director, Environment and Regeneration

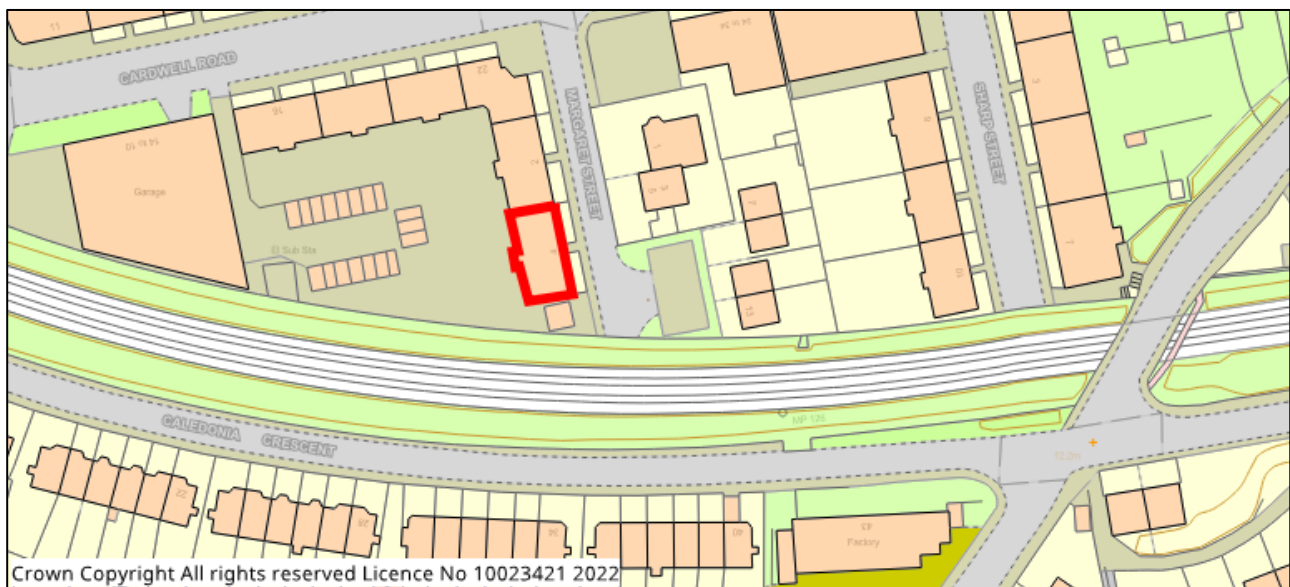
Report No: 24/0003/IC

Local Application
Development

Contact
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Subject: Change of use of flat to short term holiday lets (in retrospect) at
4F Margaret Street, Gourock



SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal accords with the adopted and proposed Local Development Plans.
- There has been 6 representations objecting to the application.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=S6OFODIMH8F00>

SITE DESCRIPTION

The application site comprises a two-bedroom flat on the third floor of a three-storey flatted building. The building has a grassed, shared rear drying area with an open boundary, which provides access

from the rear to garages and a retail store beyond. The surrounding area is predominately residential in character.

The flat has floorspace of 59.6sqm which accommodates two bedrooms, a living room, a kitchen, a bathroom and hallway. Parking is on-street at the front of the building.

PROPOSAL

This application seeks retrospective planning permission to change the use of the flat to short term holiday lets. No physical alterations to the building are proposed in this application. Parking for the guests/occupants is on-street.

The premises is let all year round with the durations of two to three days, seven days, and two to three weeks. The minimum duration of the lets is two nights and each year 80 to 100 guests/occupants are accommodated.

DEVELOPMENT PLAN POLICIES

National Planning Framework 4

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies, and the following are considered relevant to this application.

Policy 14

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency.

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 30

- 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.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 10 – Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- a provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, include links to the wider walking and cycling network; and
- b include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; the green network; and historic buildings and places.

Policy 11 – Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 27 – Tourism Development

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a) it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) major trip-generating proposals can be accessed by sustainable means; and
- c) it is appropriately designed for its location and avoids significant adverse impact on the green network and historic buildings and places.

PROPOSED DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 11 - Promoting Sustainable and Active Travel

Development proposals, proportionate to their scale and proposed use, are required to:

- provide safe and convenient opportunities for walking and cycling access within the site and, where practicable, including links to the wider walking, cycling network and public transport network; and
- include electric vehicle charging infrastructure, having regard to the Energy Supplementary Guidance.

Proposals for development, which the Council considers will generate significant travel demand, are required to be accompanied by a travel plan demonstrating how travel to and from the site by means other than private car will be achieved and encouraged. Such development should also demonstrate that it can be accessed by public transport.

The Council will support the implementation of transport and active travel schemes as set out in national, regional and Council-approved strategies, subject to adequate mitigation of the impact of the scheme on: development opportunities; the amenity and operations of existing and adjacent uses; and the resources protected by the Plan's historic buildings and places and natural and open spaces chapters.

Policy 12 – Managing Impact of Development on the Transport Network

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Policy 27 – Tourism Development

Proposals for change of use of tourism related facilities will only be supported where it can be demonstrated that they are no longer viable as a business in their current use.

Development of tourism related facilities will be supported in appropriate locations where:

- a) it avoids adverse impact on the amenity and operation of existing and adjacent uses;
- b) major trip-generating proposals can be travelled to by sustainable modes of transport; and
- c) it is appropriately sited and designed for its location and avoids significant adverse impact on the resources protected by the Plan's historic buildings and places, and natural and open spaces chapters.

CONSULTATIONS

Head of Service – Roads and Transportation – Advises the property as a 2 bedroom flat requires 2 parking spaces and no additional parking spaces are required.

PUBLICITY

None required.

SITE NOTICES

None required.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification and 6 objections were received. The grounds of objection may be summarised as follows:

- Noise from guests visiting the property at late hours.
- Disruption from guests in the stairwell.
- Development is detrimental to the amenity of elderly residents.
- Concerns for the safety of children.
- Property is already being let online.
- Conflict between residents and holiday makers.
- Parking issues.
- Potential devaluation of properties in the area.
- Untidiness of bin area due to change of use.
- Theft of parcel suspected from the guests.

ASSESSMENT

The material considerations in determination of the application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP); the proposed 2021 Inverclyde Local Development Plan (LDP); and the consultation response.

Both LDPs locate the application site within an established residential area which requires the development to be considered under Policy 14 of NPF4; Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP. As the application is for short term/holiday lets, a tourism related use, which brings visitors to the site, Policy 30 of NPF4, Policies 10, 11 and 27 of the adopted LDP and Policies 11, 12 and 27 of the proposed LDP are also relevant to this application.

The qualities of being 'Connected', 'Sustainable' and 'Adaptable' in Policy 14 of NPF4 are relevant to this application. The relevant qualities in Policy 1 of the LDPs are being 'Resource Efficient', through making use of existing buildings and previously developed land; 'Easy to Move Around', by being well connected and recognising the needs of pedestrians and cyclists; and 'Safe and Pleasant' which can be achieved through avoiding conflict with adjacent uses and minimising the impact on traffic and parking on the street scene.

The use supports the commitment to investing in the long-term value of buildings by allowing flexibility to accommodate different uses, thereby meeting the quality of being 'Adaptable' under Policy 14 of NPF4 and meeting the quality of being 'Resource Efficient' by making use of existing buildings under Policy 1 of both LDPs.

Policy 30 of NPF4 supports the reuse of existing buildings for short-term holiday letting where they do not result in an unacceptable impact on the amenity and character of an area or result in the loss of residential accommodation, unless such a loss is outweighed by demonstrable local economic

benefits. Policy 20 of the proposed LDP requires the proposal to be assessed with regards to the impact on the amenity, character and appearance of the area. The flat is within a residential area where it is acknowledged that there is a loss of one residential unit arising from the use, however, visitors using the flat are likely to contribute to the vitality and viability of the local economy. It is considered that the economic benefits of this use outweigh the loss of one residential unit. The use therefore accords with Policy 30 of NPF4.



View of 4F Margaret Street, Gourrock from the front

The use offers an alternative form of accommodation which is more transient, however, this is not considered to be out of keeping or out of character with the residential nature of this area. In considering impacts on neighbouring amenity, the use requires to be assessed in terms of its impact on adjacent uses with regards to noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing.

Although there is the potential for noise disturbance from occupants/guests, this is not considered to be significantly different from noise disturbance from a general residential/rented use. However, should any excessive noise result from the use of the property as a holiday let, this should be reported to the Council's Public Protection Service to investigate under their remit. Any anti-social behaviour is a matter for Police Scotland to investigate. In terms of the impact on the elderly, again, the difference between short-term and long-term rent is not considered significant in this regard. As such, the use complies with Policy 27 a) of the LDPs and can be considered to meet the quality of being 'Safe and Pleasant' in terms of avoiding conflict with adjacent uses in Policy 1 of the LDPs. The use also complies with Policy 20 of the proposed LDP.

The site is accessible by the 901 bus route linking the site to Gourrock town centre and also within walking distance of Fort Matilda train station providing access to Greenock and Glasgow. There are number of facilities and commercial premises nearby that can be used by the occupants/guests and the site is considered to be in an accessible location. Based on this, the use meets the qualities of being 'Connected' in Policy 14 of NPF4, 'Easy to Move Around' in Policy 1 of both LDPs and complies with Policy 27 b) of both LDPs. The development, in providing Sustainable and Active Travel, complies with Policy 10 of the adopted LDP and Policy 11 of the proposed LDP.

In considering the impacts of the development on traffic and parking on the street scene, the Head of Service - Roads and Transportation has no objections. The use does not require additional parking to be provided and is not considered to have an adverse impact on the operation of the transport and active travel networks. The use, therefore, accords with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. The use also meets the quality of being 'Safe and Pleasant' through minimising the impact of traffic and parking on the street scene. As the use meets all relevant qualities of successful places, it accords with Policy 14 of NPF4 and Policy 1 of both LDPs.

With regards to the objections that have not already been addressed above conflicts between residents and guests, disruption from guests in the stairwell and theft of a package (suspected to be by the guests), including potential danger to children, arising from the lets and potential devaluing properties are not material considerations in determining this application. The Town and Country Planning (Scotland) Act 1997 (as amended) allows retrospective planning applications to be submitted and such applications still have to be assessed against the relevant development plan policies and any material planning considerations, which has been done above.

Overall Conclusion

The use is considered to accord with Policies 14 and 30 of NPF4, Policies 1, 10, 11 and 27 of the adopted LDP and Policies 1, 11, 12, 20 and 27 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The use is in accordance with the relevant Plan Policies and there are no material considerations which outweigh these policies.

RECOMMENDATION

That the application is granted.

Stuart Jamieson
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Katrine Dean on 01475 712413.