

Report To: The Planning Board

Date: 5 June 2024

Report By: Director, Environment and Regeneration

Report No: 24/0019/IC

Local Application Development

Contact Officer: Katrine Dean

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**Subject: Change of use of flat to short term lets at
24 Admirals Court, 84 Kempock Street, Gourrock**



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SUMMARY

- The proposal is acceptable when assessed against National Planning Framework 4.
- The proposal accords with the adopted and proposed Local Development Plans.
- There have been 11 representations objecting to the application.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

[24/0019/IC | Change of use of flat to short term lets | Flat 3-1 24 Admirals Court 84 Kempock Street Gourock PA19 1ND \(inverclyde.gov.uk\)](https://www.inverclyde.gov.uk/24/0019/IC/Change-of-use-of-flat-to-short-term-lets/Flat-3-1-24-Admirals-Court-84-Kempock-Street-Gourock-PA19-1ND)

BACKGROUND

At the April 2024 meeting of the Planning Board the determination of this application was continued until after a report on Short Term Lets had been brought to the Environment & Regeneration Committee.

The Supplementary Planning Guidance - Short Term Lets report was presented to the Environment & Regeneration Committee on 16th May 2024.

The Environment & Regeneration Committee approved the Supplementary Planning Guidance as a basis for supporting the determination of applications for planning permission for short-term lets.

SITE DESCRIPTION

The application site is a two-bedroom flat within a flatted building which fronts onto Kempock Street, with rear access onto Lower Kempock Street in the centre of Gourock. The building is four storeys at the front with retail units on the ground floor, and five storeys at the rear with views of the Firth of Clyde. The building has a pitched and tiled roof, is finished in grey coloured render and brown coloured cladding to the ground floor.

The site is located in Gourock Town Centre as well as the Kempock Street/Shore Street Conservation Area. There is a variety of uses/premises in the immediate vicinity including a café, public house, restaurants, local supermarket, outdoor pool, gym, and a car park. Gourock train station is nearby and the site is served by the 901 bus service, linking the area to Glasgow.

PROPOSAL

This application seeks planning permission to change the use of the flat to short term lets. No physical alterations to the flat are proposed in this application. Short term lets are to be available all year round with 1 to 4 guests accommodated per let. A minimum of 4-night lets would be accommodated with no maximum time period. A total of 73 lets are indicated as being accommodated per year. There is no allocated/designated parking with the premises.

It had been indicated by the agent that the use for short term lets had taken place and have now ceased operation during the planning application process.

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 7

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.

Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

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 27

a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.

b) Development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:

i. will be supported in existing city, town and local centres, and
ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:

- all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;
- the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and
- the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.

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 22 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 6 are within the network of town and local centres identified in Schedule 7. Proposals which accord with the role and function of the network of centres as set out in Schedule 7 and the opportunities identified in Schedule 8 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

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.

Policy 28 – Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

Planning Policy Supplementary Guidance – ‘Short Term Lets’

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 23 - Network of Centres Strategy

The preferred locations for the uses set out in Schedule 5 are within the network of town and local centres identified in Schedule 6. Proposals which accord with the role and function of the network of centres as set out in Schedule 6 and the opportunities identified in Schedule 7 will be supported. Proposals for Schedule 6 uses outwith the network of centres or not conforming with the role and function of a particular centre will only be supported if it can be demonstrated that:

- a) there is not a suitable sequentially preferable opportunity;
- b) there will not be an unacceptable impact on the vibrancy, vitality or viability of other centres within the network of centres; and
- c) there are clear community or economic benefits that can be best achieved at the proposed location.

Proposals for Business (Class 4), residential and hotel uses will also be supported in town and local centres.

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.

Policy 28 – Conservation Areas

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future

of the building. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

Planning Policy Supplementary Guidance – ‘Short Term Lets’

CONSULTATIONS

Head of Service – Roads and Transportation – Advises that the property as a 2-bedroom flat requires 2 parking spaces and that no additional parking spaces are required. Furthermore, the applicant should be advised that residents parking permits are in place in this area to allow residents to park for more than 3 hours for free however they would not be granted for any short term lets due to guests not meeting the criteria of having a vehicle registered to the property, it not being their home address.

PUBLICITY

An advertisement was placed in the Greenock Telegraph on 2nd February 2024 due to development affecting a conservation area.

SITE NOTICES

A site notice was posted on 2nd February 2024 due to development affecting a conservation area.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification and 11 objections were received on the following grounds:

- Strangers coming and going.
- Title deeds state that the flat should only be occupied as private dwelling, whereas the applicant is running a business.
- Key safe had been left open, which could have resulted in unauthorised access to properties.
- Safety and security would be compromised.
- 2 to 3 different people per week using the flat.
- 7 people in apartment at once.
- The lift in the building is very small and had been used by the guests instead of elderly residents.
- Residents did not receive letters during neighbour notification.
- Devaluation of property.
- Flat is currently being used for short term lets.
- Key safe is located outside of objectors' living room window and guests have knocked several times on the window to get in the building which resulted in loss of privacy and detriment to amenity.
- May result in crime at the building.
- Flat being used for parties.
- Arrivals and departures during unsociable hours.
- No respect for the residents.
- Misuse of the lift and other communal facilities.
- Residents pay for bins and communal areas to be cleaned.
- Let may cause the building to fall into disrepair due to the need for upgrade of carpet and painting of walls more frequently which the residents pay for.
- Many elderly residents in the building would not feel safe in their homes from the comings and goings of strangers.
- Possible anti-social behaviour.

- There are around 20 other short term let properties advertised in the area, therefore visitor demand is being met elsewhere and there is no need for another one.
- There is a shortage of homes for long term let purposes in the building.
- Concern for noise and disruptive behaviour in the building.
- Possible negative cumulative impact of short term lets in the area by allowing this application.
- Guests were not wearing masks during the pandemic.

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), Inverclyde Planning Policy Supplementary Guidance - 'Short Term Lets'; the consultation response; and the amenity impact.

Both LDPs locate the application site within a town centre which requires the development to be considered under Policies 14 and 27 of NPF4; Policy 1 and 22 of the adopted LDP and Policies 1 and 23 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.



View of 24 Admirals Court, 84 Kempock Street from the front

The development 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 27 of NPF4 supports development proposals that enhance and improve the vitality and viability of town centres. Policy 22 of the adopted and Policy 23 of the proposed LDPs indicate the preferred location for a variety of uses identified in Schedule 6 and Schedule 5 respectively as being within the network of town or local centres. Short term lets are not specifically identified in Schedule 6 or Schedule 5. Notwithstanding, being in a town centre the site is considered to be accessible by a variety of transport modes and is considered to be a sustainable location. The town centre contains a variety of commercial uses which this proposal would add to. The proposed use can therefore be considered to accord with the role and function of the town centre. The proposed use in general terms can therefore be considered to accord with the terms of Policy 27 of NPF4, Policy 22 of the adopted LDP and Policy 23 of the proposed LDP. Furthermore, the development in its proposed town centre location also complies with Inverclyde Planning Policy Supplementary Guidance on 'Short Term Lets'.

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. The flat is within a town centre and it is acknowledged that there is a loss of a flat however visitors using the flat are likely to contribute to the vitality and viability of the local economy. It is therefore considered that the economic benefits of this use outweigh the loss of one residential flat.

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 mixed nature of this town centre. 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, this should be reported to the Council's Public Protection Service to investigate under their remit. Any anti-social or criminal 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 to be significant in this regard. It is not considered that the proposed use would impact the existing levels of overlooking in this location. As such, the proposed 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 Gourock train station and the 901-bus route linking the site to Glasgow and Greenock. 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 development does not require additional parking to be provided and is considered unlikely to have an adverse impact on the operation of the transport and active travel networks. Should planning permission be granted an advisory note would be applied to inform the applicant of the parking permit restrictions in the area. The development therefore accords with Policy 11 of the adopted LDP and Policy 12 of the proposed LDP. The development also meets the quality of being 'Safe and Pleasant' through minimising the impact of traffic and parking on the street scene. As the development meets all relevant qualities of successful places, it accords with Policy 14 of NPF4 and Policy 1 of both LDPs. As no physical/external alterations are proposed in this application, the proposal would have no impact on the Conservation Area, and therefore it also complies with Policy 28 of both LDPs.

With regards to the objections that have not already been addressed above the following comments are made. Title deed particulars, key safe location, size and use of the lift, maintenance arrangements, the impact on property values and guests not wearing masks during the pandemic are not material considerations in determining this planning application. Shortage of residential accommodation is not considered to be an issue as there are a limited amount of short term lets accommodation in the area. The required neighbour notification has been carried out. The applicant has advised during the processing of the application that although the use as short term let had occurred in the past, the flat is currently not being used for this purpose, therefore the application is being assessed for a proposed use.

Overall Conclusion

The development generally accords with Policies 14, 27 and 30 of NPF4, Policies 1, 10, 11, 22, 27 and 28 of the adopted LDP, Policies 1, 11, 12, 23, 27 and 28 of the proposed LDP and Inverclyde Planning Policy Supplementary Guidance on 'Short Term Lets'. 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 development is in accordance with the relevant Plan Policies and there are no material considerations which outweigh these policies.

RECOMMENDATION

That the application is granted subject to the following condition:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.

Reason:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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.