

Report

Report to:	Hamilton Area Committee
Date of Meeting:	8 February 2023
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/1613
Planning proposal:	Change of use of dwellinghouse to short-term lets/serviced accommodation

1 Summary application information

Application type: Detailed planning application

Applicant: Mr. Steven Evans
Location: 26 Shawburn Street
Hamilton
ML3 9DX

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

2.2 Other actions/notes

- (1) The Area Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Kimberley Hughes
- ♦ Council Area/Ward: 18 Hamilton West and Earnock
- ♦ Policy Reference(s): Policy 2 - Climate Change
Policy 3 - General Urban Areas and Settlements
Policy 5 - Development Management and Placemaking
Policy 6 - Visitor Economy and Tourism
Policy VET2 - Visitor Accommodation

♦ Representation(s):

▶	6	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

Roads Development Management Team

Environmental Services

Planning Application Report

1 Application Site

- 1.1 The site relates to an upper floor cottage flat at 26 Shawburn Street, Hamilton. The 2-bedroom flat has a driveway with a single off-street parking space and a rear garden shared with the lower flat.
- 1.2 Shawburn Street is a residential cul-de-sac composed of primarily cottage flats of similar scale and design, although not all properties have a driveway. That said the neighbouring property to the north-east (No. 24) is a semi-detached two storey house.
- 1.3 To the rear of the application site is a row/group of trees which separates the site from the A724 (Burnbank Road). The wider area is mainly residential in character.

2 Proposal(s)

- 2.1 The proposal relates to a change of use of the 2-bedroom cottage flat to short-term let accommodation. No external alterations/changes are proposed.
- 2.2 The applicant has provided details of the operation of the proposed short-term let. The property is to be let in its entirety and not for housing multiple occupants (House of Multiple Occupancy) and shall be managed by a professional letting agent who specialise in letting to professionals and businesses as well as insurance companies to accommodate people displaced from their own home due to repair work. The property may, however, on occasion be let as tourist accommodation.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2 this application must be assessed against: Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking. In addition, as the site falls within the general urban area Policy 3 – General Urban Areas - is also applicable. Furthermore, as the property will on occasion be used as tourist accommodation, Policies 6 - Visitor Economy and Tourism and VET2 – Visitor Accommodation are also a consideration.
- 3.1.2 Policy 2 – Climate Change identifies that all development should seek to minimise and mitigate the effects of climate change, however, a change of use from flat to short-term let is not considered to have a significant impact on the climate.
- 3.1.3 Policy 3 – General Urban Areas and Settlements states that proposals that are ancillary to residential areas will be assessed on their individual merits regarding their effect on the amenity and character of the area.
- 3.1.4 Policy 5 – Development Management and Placemaking states that the Council should ensure that the proposal will not result in any significant adverse impact on nearby buildings or the streetscape by way of layout, scale, massing, design, or external materials. Development should also have no unacceptable adverse impacts by way of overshadowing, overlooking or any other loss of residential amenity.
- 3.1.5 Policy 6 – Visitor Economy and Tourism states that proposal for new visitor accommodation will be supported where they contribute to the visitor economy and demonstrate their viability. Development should respect the area's character and have suitable parking provision.

3.1.6 Policy VET2 – Visitor Accommodation states that all proposals should be accompanied by a business plan demonstrating financial viability and that proposals within settlement boundaries should respect and integrate with the establish character and streetscape.

3.1.7 Section 7.0 (Short-term lets/self-catering) of the recently approved Supporting Planning Guidance at a Dwellinghouse sets out that in deciding if a material change of use has occurred the following factors will be considered:-

- ◆ how guests arrive and depart
- ◆ likely frequency and intensity of noise or other antisocial behaviour
- ◆ impact on public services and resident's amenity
- ◆ the ability of provide in-curtilage car parking
- ◆ cumulative impact on the character and amenity of a neighbourhood
- ◆ number of people staying.

3.2 Relevant Government Advice/Policy

3.2.1 The Revised Draft National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on the 11 January 2023. In the interim period before NPF4 is formally adopted, it will be considered a significant material consideration in the determination of planning applications. In this instance, there are not considered to be any provisions of the NPF4 draft framework which would materially affect the determination of this application.

3.3 Planning Background

3.3.1 There are no records of any previous planning applications relating to 26 Shawburn Street, Hamilton.

4 Consultation(s)

4.1 Roads Development Management Team – No objection. Visibility splays are achievable, one off-street parking space is acceptable for the proposal, and on-street parking is also available.

4.2 Environmental Services - No adverse comments or objection.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken, and 6 letters of objection were received from neighbouring proprietors. The grounds of objection are summarised as follows:

- a) **There is insufficient parking on the street to accommodate the proposal which is impacting residents' ability to park. The proposal could also be detrimental to road safety and traffic congestion as pavements are full of parked cars and vans thus a fire engine would have trouble reaching the bottom of the street and the proposal is a danger to children playing and impairs the movement of elderly residents.**

Response: Shawburn Street is within an established residential area where cottage flats are dominant. When built, the provision of off-street parking was not a major consideration presumably due to low car ownership at that time. This, however, has changed with the passage of time.

Any residential use of the property has potential to generate demand for parking be it one, two or more cars. The proposed use has similar possibilities and the fact that one off street parking space exists is advantageous. Furthermore, the limited number of bedrooms (two) is likely to limit parking

demand. Accordingly, it is not considered that this proposal would have any detrimental effect in terms of parking when compared with the existing situation. The property will remain residential in use/character with the same parking requirements as being occupied long-term. It must be recognised that this is only one of several properties on the street and is not the sole cause of the expressed traffic/parking concerns. Indeed, 26 Shawburn Street has a driveway which approximately half the properties on the street do not, and as a 2-bedroom property it would be unlikely to require more than one vehicle to park on-street. Consequently, any perceived parking and traffic issues in Shawsburn Street are not considered sufficient justification to refuse planning permission.

In terms of accidents and associated perceived danger this, on the balance of probability, is more likely to be due to irresponsible/inconsiderate driving rather than one property being used for short-term lets.

b) The proposal could have a detrimental impact in terms of noise and disturbance.

Response: The property will remain residential in use and while it will be used for short-term let instead of long-term occupancy, it will have similar amenity impacts. On this basis it is not considered that change of use when compared with 'normal' occupancy would cause any significant adverse impacts in terms of noise and disturbance.

- 5.2 These letters have been copied and are available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact on the amenity of the adjacent area.

- 6.2 It is considered that the proposed change of use raises no unacceptable issues from a development management perspective. In relation to Policies 2, 3, 5, 6, and VET2 of the South Lanarkshire Local Development Plan 2, it is noted that:-

- ♦ As the application is for a change of use to an existing flatted dwelling, the development will not result in a significant material impact on the climate.
- ♦ No external changes are proposed to the flat, therefore, the change of use will not have a significant material impact on the physical character of the flat or its surroundings.
- ♦ Due to the proposed short-term let being a 2-bed cottage flat, the number of residents at any one time will be limited by the nature of the building. Guests will arrive and depart at varying times of day and the flat may be left unoccupied just as permanent residents would. The flat has one off-street parking space instead of the Council's minimum standard of two spaces, however, on-street parking is also available and whether the flat is occupied long-term or let short-term, it would have the same parking requirements. The management company would take responsibility for disposing of waste and the flat would also benefit from Council refuse collection. Consequently, as a short-term let the property will have similar amenity impacts as its current use and, therefore, it is not considered that the proposed change of use would cause significant adverse impacts on neighbouring amenity.

- ◆ While Policies 6 and VET2 seek evidence of financial viability, this has not been sought for the establishment of the proposed short-term let as the applicant has provided a supporting statement detailing that the accommodation is not intended for general tourist purposes but mainly for letting to professionals, businesses, and home insurance companies.

6.3 The main consideration in the assessment of this application is the impact of the proposed use on the existing level of amenity. It is, however, considered that use as a short-term let will have a comparable impact on amenity as a permanently occupied flatted dwelling. Consequently, the proposal accords with the considerations of Policies 2, 3, 5, 6 and VET2 of the South Lanarkshire Local Development Plan 2.

6.4 Given the above, it is recommended that planning permission be granted.

7 Reasons for Decision

7.1 The proposal will not result in a significant adverse impact on residential amenity and complies with the provisions of Policies 2, 3, 5, 6 and VET2 of the adopted Local Development Plan 2. There are no other material considerations which would justify the refusal of planning permission.

David Booth

Executive Director (Community and Enterprise Resources)

23 January 2023

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (Adopted 2021)
- ▶ Neighbour notification letter dated 25 November 2022
- ▶ Supporting Planning Guidance – Development at a Dwellinghouse.
- ▶ Consultations:

Roads Development Management Team	30.11.2022
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Environmental Services	06.12.2022
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| ▶ Representations | Dated: |
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S Thompson 28 Shawburn Street, Hamilton, ML3 9DX	22.12.2022
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M McJamie 24 Shawburn Street, Hamilton, ML3 9DX	22.12.2022
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E Devine 34 Shawburn Street, Hamilton, ML3 9DX	12.12.2022
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Elizabeth Valentin

32 Shawburn Street, Hamilton, ML3 9DX

14.12.2022

Shelley McKeown

15.12.2022

Miss Jacqueline Campbell
22 Shawburn Street, Hamilton, ML3 9DX

02.12.2022

Contact for further information:

If you would like to inspect the background papers or want further information, please contact:-

Mark Ripley, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA

Phone: 07385516141

Email: mark.ripley@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/1613

Conditions and reasons

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 decision notice.

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

02. That the permission hereby granted is for a temporary period only and shall expire on 8 February 2033. For the avoidance of doubt, at the expiry of this permission the property will revert to Use Class 9 - House, unless an application is submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

03. That within the 10-year period set-out in Condition 1, the use of the short-term let hereby approved shall be restricted to short-term occupation only and shall not be let or used as the sole residence of any one person, family, or group. No individual, family, company, group, or any other type of occupant shall occupy the accommodation for more than 12 weeks in any calendar year. To facilitate monitoring, a record system of all lettings, to include names, addresses and duration of stay, shall be in place at all times for Council inspection and shall be submitted to the Council as Planning Authority 12 months from the date of initial occupation or completion, whichever is the earlier, and every 12 months thereafter.

Reason: To ensure that the accommodation does not become occupied by long term or permanent residents without the express grant of planning permission and to ensure compliance with local plan policy.