

Report

Report to:	Planning Committee
Date of Meeting:	16 August 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/22/0526
Planning proposal:	Change of use from house to short-term residential let.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Rossleigh Developments Ltd
Location:	72 Whistleberry Wynd Hamilton ML3 0SE

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 Planning Committee has delegated powers to determine this application.

3 Other information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (adopted 2021)**
Policy 2 Climate change
Policy 3 General Urban Areas
Policy 5 Development Management and Placemaking
Policy 6 Visitor Economy and Tourism
Policy VET2 Visitor Accommodation

◆ Representation(s):

▶	14	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ Consultation(s): None

Planning Application Report

1 Application Site

- 1.1 The site relates to an end-terrace two-storey dwellinghouse at 72 Whistleberry Wynd, Hamilton. The 3-bedroom house has front and rear gardens and 2 off-street parking spaces.
- 1.2 Whistleberry Wynd is a dead-end residential street composed of semi-detached and rows of 3 terraced houses of near identical scale and design. One side near the end of the street has a buffer of landscaping which faces no. 72 and provides a separation from a neighbouring industrial unit.

2 Proposal(s)

- 2.1 The proposal relates to a change of use of the property from Class 9 – Houses to Sui Generis – Short-Term Let and no external changes are proposed.
- 2.2 The applicant has provided detail of the operation of the proposed short-term let. The property is to be let in its entirety and not for housing multiple occupants (HMO) 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.

3 Background

3.1 Local Plan Status

- 3.1.1 With regard to the South Lanarkshire Local Development Plan 2: all applications are assessed against Policy 2 – Climate Change and Policy 5 – Development Management and Placemaking; as the site falls within the general urban area where Policy 3 – General Urban Areas applies, and while the short-term let is not proposed for uses as tourist accommodation, the Use Class would permit use as tourist accommodation hence 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 house 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 Carrying out development at a dwellinghouse Support Planning Guidance 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 or people staying.

3.2 Relevant Government Advice/Policy

3.2.1 Given the nature and scale of the proposed change of use, there is no specific government guidance relative to the determination of this application.

3.3 Planning Background

3.3.1 There are no records of any previous planning applications submitted for 72 Whistleberry Wynd, however the house was part of the original consent ref. HM/06/0028 for the erection of 69 houses granted 13 October 2006.

4 Consultation(s)

4.1 Given the nature and scale of the proposed change of use, no consultations were undertaken.

5 Representation(s)

5.1 Statutory neighbour notification was undertaken, and a petition of objection was received and signed by fourteen neighbouring proprietors. The grounds of the objections are summarised as follows:

a) **No information as to whether any extensions, alterations, and/or subdivision is proposed to the property.**

Response: No extensions, alterations, and/or subdivisions are proposed. The application is solely for change of use, and this was reflected in the application description.

b) **Vetting of tenants is a concern to residents and potential disruption from tenants who are not vetted with a Discloser Scotland PVG and/or are offenders. Public services may be put under professional and/or financial strain as a result of unvetted tenants or tenants in emergency situations.**

Response: While the point raised is recognised, this is not a material planning consideration and cannot be considered in the assessment of this application. However, the applicant has stated that the property would be managed by a letting company who vet tenants and the property would be let to professionals, businesses for their employees, or insurance companies for people displaced due to home repairs. Furthermore, the Planning Service does not bear responsibility towards the vetting of any potential occupants for any property granted consent for residential purposes whether for short- or long-term occupation. Criminal or social issues arising from the occupation of any property are the remit of other services such as Police Scotland and Social Services.

- c) **The property will require frequent maintenance in order to safeguard tenants and neighbours alike. Poor cleanliness and the accumulation of waste risks attracting vermin. Vacant properties are at high risk of break-ins and fire which could spread to neighbours.**

Response: While the point raised is recognised, this is not a material planning consideration and cannot be considered in the assessment of this application. However, the applicant has stated that the property is to be cleaned and maintained weekly with a contract in place for maintenance of the grounds, and while tenants would be responsible for placing the bin out for collection, missed bins will be actioned by the maintenance company. Furthermore, theft and fire are a risk of any property and permanently occupied properties are often left vacant during the day and during holidays.

- d) **The street may be subject to parking congestion and pavement parking impacting on the safety of the public road and road users including children and the elderly.**

Response: Minimum parking standards require 2 off-street parking spaces for a 3-bedroom house which are provided in the front curtilage, and a change of use to short-term let will not alter the maximum potential occupancy of the house for which these standards are set.

- e) **The Whitehall area is lacking in local amenities which have not been improved by South Lanarkshire Council since regeneration and the development of further housing. What impact will the proposal have on the limited amenities available to permanent residents?**

Response: A change of use to short-term let for a single dwellinghouse is not a type of development which would require contributions to be made toward the provision of local services, therefore while the point raised is recognised, this is not a material planning consideration and cannot be considered in the assessment of this application. Furthermore, a short-term let is likely to have a lower demand for local services such as community centres and libraries than a permanent residence.

5.2 These letters are available for inspection 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 dwellinghouse, the development will not result in a significant material impact on the climate.
- ◆ No external changes are proposed to the house therefore the change of use will not have a significant material impact on the physical character of the house or its surroundings.
- ◆ Due to the proposed short-term let being within a traditional dwellinghouse, the number of residents at any one time will be limited by the nature of the building as a 3-bedroom house. Guests would arrive and depart at varying times of day and the

house may be left unoccupied just as permanent residents would. The house has sufficient off-street parking, private amenity space, and public service provision such as waste collection. Consequently, as a short-term let the property will have similar amenity impacts as its current use as a permanently occupied dwellinghouse therefore it is not considered that 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 change of use to short-term let as the applicant has provided a supporting statement detailing that the accommodation is not intended for tourist purposes but 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, however, it is considered that use as a short-term let will have a comparable impact on amenity as a permanently occupied dwellinghouse. 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)

26 July 2022

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 13 April 2022
- ▶ Consultations: None
- ▶ Representations:

Dated:

Petition
S. Ingles
83 Whistleberry Drive, Hamilton, South Lanarkshire, ML3 0PZ

05.05.2022

Contact for further information

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

Mark Ripley
Planning Officer
Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 07385516141

Email: mark.ripley@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/22/0526

Conditions and reasons

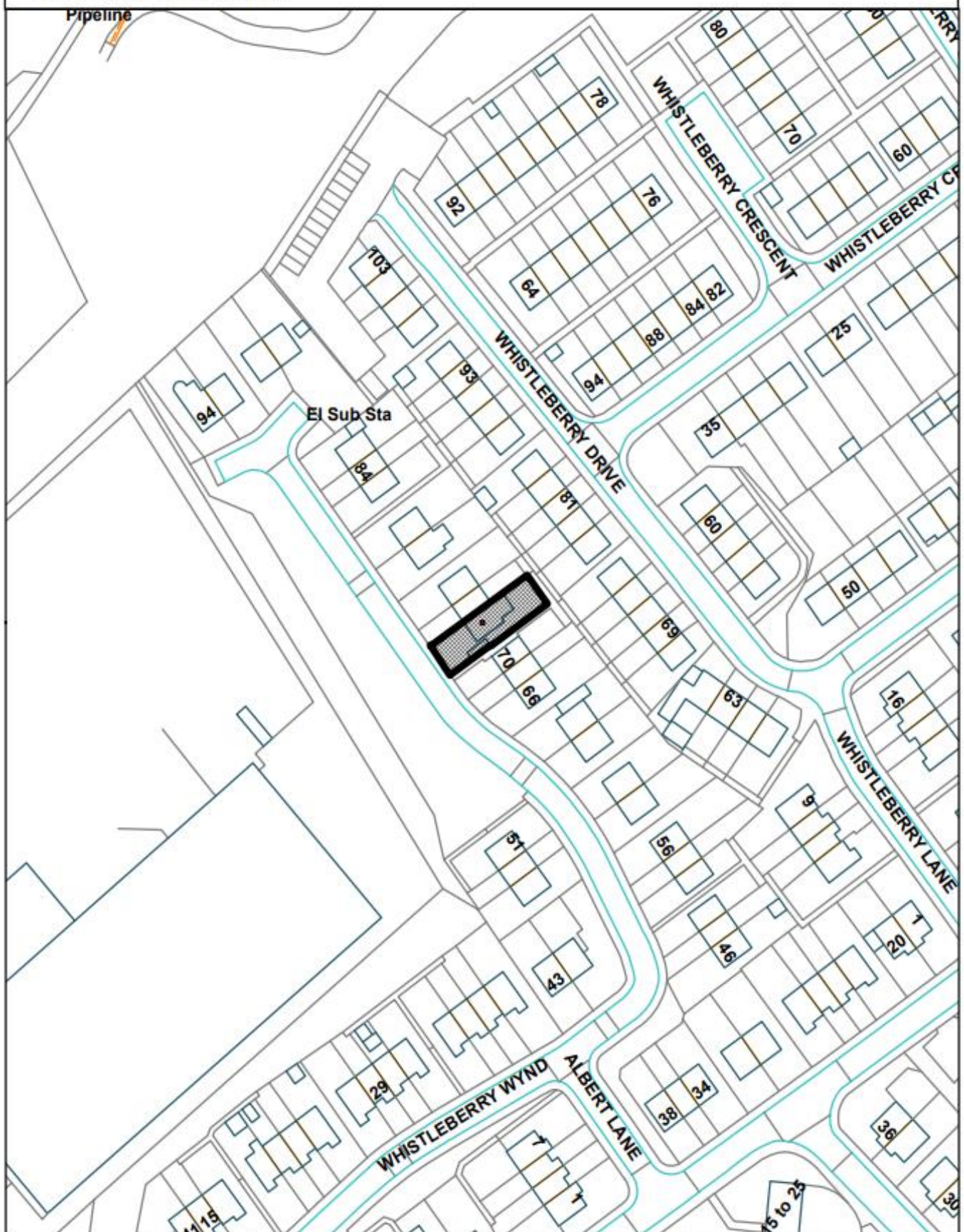
01. That the permission hereby granted is for a temporary period only and shall expire on 16 August 2032. For the avoidance of doubt, at the expiry of this permission the property will revert to Use Class 9 – House, unless an application is submitted to and approved by the Council as Planning Authority.

Reason: To safeguard the amenity of the area.

02. 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.

72 Whistleberry Wynd, Hamilton



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Scale:
1:1,250

Date:
21/07/2022



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development