



Business Bulletin

Planning Committee

2.00pm, Wednesday 2 December 2020

Planning Committee

Convener:	Members:	Contacts:
<p data-bbox="129 237 475 271">Councillor Neil Gardiner</p>  <p data-bbox="129 734 496 801">Vice-Convener Councillor Maureen Child</p> 	<p data-bbox="603 237 927 353">Councillor Chas Booth Councillor George Gordon Councillor Joan Griffiths Councillor Cameron Rose Councillor Max Mitchell Councillor Joanna Mowat Councillor Rob Munn Councillor Hal Osler Councillor Mary Campbell</p>	<p data-bbox="986 237 1489 439">Veronica MacMillan Committee Services 0131 529 4283 veronica.macmillan@edinburgh.gov.uk</p> <p data-bbox="986 488 1430 604">David Leslie Chief Planning Officer david.leslie@edinburgh.gov.uk</p>

Scottish Government Consultation on a Licensing Scheme and Planning Control Areas for Short Term Lets in Scotland

The consultation sought views on the Scottish Government's detailed proposals for the regulation of short-term lets which will form the basis for secondary legislation to be laid in Parliament in December 2020. The target implementation of regulations is April 2021. Comments were requested by Friday 16 October 2020.

The consultation paper addresses three key areas and seeks views on issues arising and possible ways of addressing these issues:

- definition of short-term lets;
- the establishment of control areas under the Planning (Scotland) Act 2019; and
- the establishment of a licensing scheme under the Civic Government (Scotland) Act 1982.

A response has been submitted by officers after consultation with the Short Term Lets Member – Officer Working Group. (See Appendix 1).

A report was considered by Policy and Sustainability Committee on [1 December 2020](#).

Contact:

david.leslie@edinburgh.gov.uk
Chief Planning Officer

Scottish Government Consultation on Permitted Development Rights – phase 1 priority development types

The consultation sought views on the Scottish Government's draft proposals for changes and extensions to Permitted Development Rights (PDR) in the following development types:

- Digital telecommunications infrastructure;
- Agricultural developments;
- Peatland restoration; and
- Development related to active travel.

Following consideration of the consultation comments, the Scottish Government intends to finalise proposals and to prepare regulations to be laid in Parliament in December

Contact:

Gina.bellhouse@edinburgh.gov.uk

2020. Comments were requested by Thursday 12 November 2020.

A response has been submitted by officers after consultation with the Convener and Vice Convener (See Appendix 2).

Planning Time Performance Information – Quarter 2 2020/21

Time performance statistics for Quarter 2 are provided as Appendix 3.

They use the Scottish Government's headline indicators, which measure decision making times by the average number of weeks in which applications without processing agreements or agreed time extensions are determined. The national indicators look at major, local (non-householder) and householder developments. The appended statistics present information on listed building consent and advert applications in a similar way. Enforcement cases are presented using the same indicators as in previous years.

The time performance charts for the three headline indicators use the Scottish Government's checked mid-year return, which was made available in November.

Accordingly, average times for majors and locals show average decision times incorporating stop-the-clock periods for both Quarter 2 and Quarter 1 (for which interim figures were reported in October).

Appendix 3 shows that in Quarter 2:

- Average decision times for relevant major applications (33.0 weeks) were faster than in any quarter in 2019/20 and similar to the national average for last year (33.5 weeks).
- Average decision times for relevant local developments (11.7wks) were faster than in any quarter last year and Quarter 1 (12.9wks) and are approaching the national average (10.9 weeks).
- Decision times for householder applications (7.3 weeks) were faster than in any quarter last year and Quarter 1 and match the national average for last year (7.3 weeks).

Across all application types, the service determined over 694 applications during July, August and September. This is lower than typical for a quarter and lower than for Q1 (780). Overall submission of applications for the first 6 months of 20/21 is lower than typical. Depending on type, incoming

Contact:

ben.wilson@edinburgh.gov.uk

volumes of applications are around 65%-90% of levels last year. Householder applications have reduced the least (to 90%).

Appendix 3 also provides information and brief commentary on enforcement cases and legal agreements.

APPENDIX 1

Submitted to **Short Term Lets: Consultation on a licensing scheme and planning control areas in Scotland**

Submitted on **2020-10-16 10:18:51**

Questions

1 Please identify any issues with the proposed definition as set out in chapter 4, and how to resolve them.

Question 1:

CEC approach to date is that we have

- encouraged the use of a common definition for Planning and Licensing purposes,
- sought a criteria based approach,
- identified particular loopholes,
- sought clarification of definition of house and flats
- asked that there is a focus on defining a "primary residence" .

This consultation paper

- addresses all these points apart from definition of "primary residence" .

CEC therefore

- supports the proposed definition and asks that the Glossary of terms includes definition of a primary residence.

2 Please identify any issues with the proposed control area regulations as set out in chapter 5, and how to resolve them.

Question 2:

a) CEC approach to date is that we have

- sought the principle that all STLs in a defined area will require a change of use to overcome the current burden of a case-by-case basis
- sought a way of managing high concentrations of STLs
- highlighted where "seasonal" use of property to support events could be an exception.

This consultation paper proposes

- in a designated STLCA all secondary letting will be a change of use and require planning permission
- that the primary purpose of STLCA is to manage high concentrations
- discretion for planning authorities to apply a flexible approach around one-off events.

CEC therefore

- supports this approach. Further local decisions will be required by CEC on designated STLCA (or Areas) and any flexibility for specific events.

b) CEC approach to date is that we have

- sought simple way of linking planning permission to licensing of properties.

This consultation paper proposes

- in a manner similar to advertising hoardings, any planning permission which is granted would be valid for a default period of ten years (unless a longer or shorter period is set by the authority) but that local authorities should have the power to revoke planning permission after that time.

CEC therefore suggests an alternative:

- revocation of planning applications is a complex process and would be onerous for an authority potentially handling thousands of cases. Instead of the onus being on the planning authority to revoke the consent, the consents should be temporary and lapse. The period of planning permission could be linked to the length of the licence to keep it simple and easy for neighbours to follow.

c) CEC approach to date is that we have

- sought clarity about permitted development rights and the general allowance of a use for up to 28 days in a calendar year.

This consultation paper proposes

- to remove this permitted development right within control areas because it is considered this undermines the purpose of establishing a control area, adds to the complexities of enforcement and is confusing for neighbours.

CEC therefore supports this approach

- but seeks explicit clarification in relation to existing limitations of General Permitted Development Order Class 15.

d) CEC approach to date is that we have

- sought details of the process of establishing a STLCA
- shared information about existing extent of STL in Edinburgh and how transitional arrangements might work.

This consultation paper proposes

- using a similar process to that used to establish conservation areas (they have a similar effect in making planning permission mandatory within them). The conservation area process requires some form of consultation (not specified in legislation) and notification to Ministers for approval
- that local authorities have the power to set a grace period during which a host may submit a planning application for an existing secondary let and during which

no enforcement action would be taken against them.

CEC therefore supports the approach

- but seek early publication of guidance alongside the regulations to allow proposals in Edinburgh to be prepared and planning policies clarified.

e) in Annex B - Planning Legislation

The proposed legislation states: (2) In a short-term let control area, the use of a dwellinghouse for the purpose of providing short-term lets is deemed to involve a material change of use of the dwellinghouse.

This does not appear compatible with what is set out in the consultation paper. The paper states it will be secondary lettings (a form of short term lets) which will involve a material change of use in control areas. Home sharing and home letting shouldn't, but they would under this wording.

CEC proposed revision:

Revise this section so that the legislation reflects secondary lettings as automatic change of use in control areas (if that is approach intended).

3 Please identify any issues with the proposed licensing order as set out in chapter 6, and how to resolve them.

Question 3:

a) CEC approach to date is that we have

- sought a licensing regime to identify where and how STLs are operating and to regulate their operation to address safety issues
- sought to implement a licensing scheme at the earliest opportunity after regulations are in place.

This consultation paper proposes

- that the licensing system is to be delivered by local authorities but the Scottish Government will specify the mandatory and other possible conditions for the licence. Local authorities will have the power to introduce licensing conditions from a menu of options to address local issues of concern
- a target for local authorities to be able to implement a licensing scheme from 1 April 2021 and give local authorities discretion as to when they bring the provisions into force in their area. However, all local authorities must have a live licensing scheme open to receive licensing applications by 1 April 2022.

CEC therefore

- supports these proposals

b) CEC approach to date is that we have

- sought to ensure that it is a requirement of applying for a licence that planning permission is granted for the property.

This consultation paper proposes

- a mandatory condition that the host must confirm they have applied for, or obtained planning permission (if required), that it remains current and that they are complying with any planning conditions.

CEC therefore supports this

- but seeks clarification on 1) whether the licensing authority can refuse to consider a licence application until the result of a planning permission application is approved and 2) the impact on a licence granted if planning permission is subsequently refused.

c) CEC approach to date is that we have

- sought to allow comments to be received from neighbours when STL uses are proposed in a manner which is easier to address in both Planning and Licensing.

This consultation paper proposes

- that the applicant for a licence needs to notify neighbours within a 20 metre distance of the property, including all residents on a tenement stair and neighbouring tenement stairs and where planning permission is also required, propose to give local authorities the power to combine the notification requirements so that neighbours are not notified twice about the same proposal.

CEC therefore supports the approach

- but seeks further detail is required of how this will be delivered in a joined-up process.

d) CEC approach to date is that we have sought a licensing regime

- that sets a maximum occupancy for a STL based on size of property
- where local conditions can be applied within the local authority area
- which has appropriate transitional arrangements to allow the Council to manage a large volume of applications

This consultation paper proposes

- that local authorities will specify a maximum occupancy capacity condition with each licence. Local authorities must do this but may use their own criteria to set appropriate occupancy limits
- that local authorities will have discretionary powers to add licence conditions to address local needs & concerns
- to make appropriate transitional arrangements to allow operators to continue operating until a licence has been granted or refused
- to include grace periods which will allow hosts already operating to submit an application & afford local authorities time to consider them.

CEC therefore supports these proposals

- but notes that the proposals do not allow for the licensing system to control the numbers by imposing a cap or limit (but rather through the STLCA planning designation).

e) in Annex C - Licence requirements

Under Planning permission and conditions:

Indicates that where planning permission is required, that this will be self-declaratory and will not need to be verified. Would it not be appropriate at least in control areas, where planning permission is required by legislation, for this to be verified before a licence can be issued? Otherwise operators may well get their licence and potentially not apply for planning permission. This is likely to lead to continued instances of ESHORT investigations and a potential conflict whereby the local authority under the powers of the planning authority say it is not acceptable but under other powers grant a licence to operate anyway, and potentially take additional tax revenue. Surely this will undermine the planning system and integrity of planning enforcement.

CEC proposed revision:

Make verification of planning permission a mandatory requirement as part of licence application.

APPENDIX 2

Submitted to **The Scottish Government's Programme for Reviewing and Extending Permitted Development Rights (PDR) in Scotland – Consultation on Phase 1 Proposals**

Submitted on 2020-11-11 15:24:47

Digital Telecommunications Infrastructure

1 Do you agree with an increase in permitted height for new ground based masts to 30 metres outside designated areas, subject to the existing prior approval regime on siting and appearance?

Yes

If you disagree please explain why:

2 Do you agree that existing ground based masts should be able to be increased in height up to 30 metres (i.e. the same maximum height as for new masts proposed in Q.1 above) and that the increase should be limited to no more than 50% of the height of the original mast (whichever is the lower)?

Yes

If you disagree, please explain why:

3 Do you agree that we should allow existing masts which are above 30 metres in height to be increased to up to 50 metres in height?

Yes

If you disagree, please explain why:

4 Do you agree that we should allow existing masts which are greater than 50 metres in height to be increased by up to 20% of the height of the original mast?

No

If you disagree, please explain why:

Using percentages creates unnecessary confusion. PDR criteria covering expansions in height should be clearly set out in metres not percentages.

5 Do you agree that we should allow an increase in the width of existing masts by up to 2 metres or, if greater, one half of the width of the original mast (i.e. the increase is on the widest part of the mast and including any equipment)?

Yes

If you disagree, please explain why:

6 Do you agree that any height or width increase within a designated area should be subject to prior notification/prior approval in order that visual impacts can be assessed?

No

If you disagree, please explain why:

The City of Edinburgh Council (CEC) do not approve of the use of prior notification procedures for development under class 67. The concept of PNT/PA creates a public expectation that a planning authority will deal with such applications in a manner similar to a planning authority, and that residents can actively influence the determination of the proposed development in the same manner as a planning application. The system of PNT/PA is cumbersome and creates an additional strain on local authority administrative and financial resources, particularly as it generates a fee which is below that which would have been received for a planning application.

7 Do you agree that we should increase the maximum distance that replacement masts may be from their original location from 6m to 10m, outside designated areas?

Yes

If you disagree, please explain why:

8 Do you agree that in the case of replacement masts, in designated areas the current 6m distance from the original location should be retained?

Yes

If you disagree, please explain why:

9 We propose to retain the current approach to notify the relevant safeguarding body for masts. Do you agree?

Yes

If you disagree, please explain why:

10 Do you agree that the PDR for antenna systems on buildings outside designated areas should be as set out in Table 3 in the consultation paper?

Yes

If you disagree, please explain why:

11 Do you agree with extending PDR for antenna systems on buildings to all or some of the designated areas to which restrictions on PDR for such infrastructure currently applies?

No

Please indicate which designations should have extended PDR and why, or, if you disagree, please explain why:

CEC's local authority area includes 50 conservation areas, two world heritage sites, several designated gardens and large numbers of category A listed buildings. CEC therefore strongly opposes any extension of telecoms PDR within designated areas.

12 What controls should apply in designated areas for antenna systems on buildings and should there be any differentiation between area type (e.g. size and number limits, prior notification/ prior approval or greater restrictions in designations such as conservation areas and world heritage sites, to avoid any detrimental impact on the built environment in terms of any potential visual clutter etc)?

Please explain your answer:

The existing controls should remain in place with no amendment.

13 Do you agree that we should extend PDR to small cell systems on dwellinghouses (rather than just for small antennas)?

Yes

If you disagree, please explain why:

14 What limitations and restrictions should apply to small cell systems on dwellinghouses (e.g. smaller units, fewer in number than small antennas under PDR)?

Please explain your answer:

15 In conservation areas, what limits or requirements should apply to small cell systems on dwellinghouses and other buildings (e.g. prior notification/ prior approval to assess the visual impacts or smaller/lower limits, different provisions for dwellinghouses compared to other buildings)?

Please explain your answer:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

16 Do you agree that extending PDR for small cell systems as proposed and the proposed changes to PDR for new ground based cabinets in designated areas would meet the requirements of Article 57 of EU Directive 2018/1972?

Not Answered

If you disagree, please explain why:

17 Are there any other potential amendments, comments or observations you wish to make in relation to potential changes to PDR, that you consider necessary, to be compliant with the requirements of Article 57 of EU Directive 2018/1972?

Not Answered

Answer:

18 Do you agree that we should extend existing PDR in designated areas to allow for new equipment housing up to 2.5 cubic metres volume?

No

If you disagree, please explain why:

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

19 Should this be subject to prior notification/prior approval on the siting and appearance to mitigate visual impacts?

No

If you disagree, please explain why:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

20 If this were to be introduced do you agree that we should differentiate between types of designated areas by, for example, having smaller size limits in conservation areas than in National Parks?

No

If you disagree, please explain why and give your views on what limits should apply in which areas:

Dividing up designated areas into sub categories will create unnecessary confusion.

21 Do you agree that we should extend PDR for new equipment housing on buildings in designated areas, with a limit on size of up to 2.5 cubic metres volume?

No

If you disagree, please explain why:

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

22 Should this be subject to prior notification/ prior approval requirements on the siting and appearance to mitigate visual impacts?

No

If you disagree, please explain why:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

23 Do you agree that PDR for other apparatus should be extended in designated areas, beyond the basic 'like for like' alteration or replacement that currently applies?

Not Answered

If you disagree, please explain why:

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

24 Should any new PDR for other apparatus in designated areas have specific limits and restrictions regarding size and visual intrusion?

No

Please explain your answer, and, if you agree, please indicate what sorts of limits and restrictions should apply and why. If you disagree, please explain why. :

CEC does not support the expansion of telecoms PDR in designated areas for the reasons stated in the answer to question 11.

25 Do you agree that PDR for new development of other apparatus on buildings in designated areas should be subject to prior notification/prior approval to mitigate visual impacts?

No

If you disagree, please explain why:

CEC does not support PNT/PA for the reasons stated in the answer to question 6.

26 In which designated areas do you consider that PDR for underground development could be extended?

Please explain your answer, particularly with regard to those designated areas where PDR for underground development could not be extended:

/

27 In those areas where PDR for underground development could be extended, what limitations, restrictions or requirements should apply (e.g. prior notification/ prior approval, a requirement for an archaeological assessment or specific limitations)?

Please explain your answer:

/

28 Do you have any further comments to make which are specifically related to the potential changes to PDR for Digital Communications Infrastructure which have not been addressed in the questions above?

Yes

Additional comments:

Class 67 of the GPDO is written in a complicated manner and is generally difficult to comprehend for both members of public and planning officers. It should be simplified as much as possible for the benefit of all stakeholders, and to aid in the effective national rollout of 5G. The extensive use of PNT/PA serves to

introduce subjective criteria into the assessment of a proposal which should ideally only be assessed against a set of clear objective criteria. It also creates a significant administrative and financial burden on planning authorities.

Agricultural Developments

29 Do you agree with our proposal to increase the maximum ground area of agricultural buildings that may be constructed under class 18 PDRs from 465sqm to 1,000sqm?

Yes

If you do not agree please explain why. :

30 Do you agree with our proposal to retain other existing class 18 conditions and limitations?

Yes

If you do not agree please explain why.:

31 Do you think that the new 1,000sqm size limit should apply in designated areas (e.g. National Parks and National Scenic Areas)?

Yes

Please explain your answer.:

32 Do you agree with our proposal to increase the scale of extensions or alterations to agricultural (and forestry) buildings that may be carried out without requiring prior approval?

Yes

If you do not agree please explain why.:

33 Do you agree with our proposal to discourage developers from erecting new buildings for the sole purpose of converting them by limiting class 18 and 22 PDR where a residential conversion has taken place under PDR on the same farm within the preceding 10 years?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of agricultural buildings to residential dwellings, even if a 10 year time limit is in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation. Please see answer to question 34 for more detail.

34 Do you agree with the proposed new PDR for conversion of agricultural buildings to residential use, including reasonable building operations necessary to convert the building?

No

If you do not agree please explain why.:

CEC has faced significant and sustained pressure over many years to allow new housing within the green belt, and we face consistent challenges in trying to manage urban sprawl and new housing in unsuitable and unsustainable locations. Introducing PDR allowing the change of agricultural buildings to residential dwellings would seriously undermine our long term attempts to manage the development of new housing within the green belt and urban fringe. CEC is strongly opposed to introducing these new rights.

35 Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters?

No

If you do not agree please explain why.:

CEC Strongly opposes the use of a PNT/PA for agricultural rights. As with telecommunications, we believe the PNT/PA system places a significant administrative and financial burden on planning authorities and raises public expectation unnecessarily.

36 Do you agree with the proposed range of matters that would be the subject of a prior notification/prior approval process?

No

If you do not agree please explain why.:

As detailed in the response to question 35, CEC strongly opposes the PNT/PA process. The list of matters would require a significant amount of officer time and resources to properly assess, and the fee received would be less than that for a full planning application.

37 Do you agree with the proposed maximum number (5) and size (150sqm) of units that may be developed under this PDR?

No

If you do not agree please explain why.:

See answer to question 35 and 36.

38 Do you agree with the proposed protection for listed buildings and scheduled monuments?

Yes

If you do not agree please explain why.:

39 Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of agricultural buildings to residential dwellings, even if a 10 year time limit is in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation. Please see answer to question 34 for more detail.

40 Do you agree with the proposed new PDR for conversion of agricultural buildings to flexible commercial use, including reasonable building operations necessary to convert the building?

No

If you do not agree please explain why.:

CEC has concerns over the ability of agricultural buildings to change to commercial use under PDR. We have strongly attempted through local plan policy to encourage town centre/designated areas first commercial development in sustainable locations which are well served by public transport in order to both promote sustainable travel, and tackle climate changes. Many agricultural sites are situated in remote locations which are accessible only by private car, and the proposed PRD would run contrary to our overall long term aims.

41 Do you agree with the proposed cumulative maximum floorspace (500sqm) that may change use?

No

If you do not agree please explain why.:

See answer to question 40. In addition, it should be noted our current local plan policy regulating this matter only generally permits up to 250 square metres (sqm) of retail out with designated areas under specific circumstances. The proposed changes would allow double this level, seriously impacting on the aims and objectives of our local plan policy.

42 Do you agree that the proposed new PDR should be subject to a prior notification/prior approval process in respect of specified matters where the cumulative floorspace changing use exceeds 150sqm?

No

If you do not agree please explain why.:

As detailed in the response to question 35, CEC strongly opposes the PNT/PA process

43 Do you agree with the proposed range of matters that would be the subject of prior notification/prior approval?

No

If you do not agree please explain why.:

As detailed in the response to question 36, CEC strongly opposes the PNT/PA process range of matters. The range of matters would require a significant amount of officer time and resources to properly assess, and the fee received would be less than that for a full planning application.

44 Do you agree with the proposed protection for listed buildings and scheduled monuments?

Yes

If you do not agree please explain why.:

45 Do you agree with the proposed measures to discourage developers from erecting new buildings for the sole purpose of converting them?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of agricultural buildings to commercial uses, even if a 10 year time limit is

in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation.

46 Do you agree that we should take forward separate PDRs for the conversion of forestry buildings to residential and commercial uses?

No

If you do not agree please explain why.:

Whilst CEC has fewer forestry areas than agricultural land, we still oppose the introduction of any such PDR rights for the same reasons.

47 Do you agree that the same conditions and limitations proposed in respect of the PDR for the conversion of agricultural buildings should apply to any separate PDR for the conversion of forestry buildings, insofar as relevant?

No

If you do not agree please explain why.:

CEC does not support any changes to PDR which would ultimately allow the conversion of forestry buildings to commercial uses, even if a 10 year time limit is in place. Notwithstanding our opposition to the principle, the time limit leaves open the possibility that unrestricted conversions can take place at a set point in the future, potentially undermining and creating uncertainty around future local plan and non-statutory guidance preparation.

48 Do you agree with our proposed approach to providing greater clarity as to the planning status of polytunnels?

Yes

If you do not agree please explain why.:

Peatland Restoration

49 Do you agree with the general approach to PDR for peatland restoration, (i.e. wide ranging PDR given the likely oversight via Peatland Action and via the Peatland Code)?

Yes

If you do not agree, please explain why.:

50 Do you agree with the approach to PDR for peatland restoration that relies on a general understanding of what will constitute peatland?

Yes

If you do not agree, please explain why.:

51 Do you agree with this approach to a blanket PDR for 'peatland restoration'?

Yes

If you do not agree, please explain why.:

52 Do you agree that as peatland restoration projects will likely be subject to oversight from Peatland Action, or validation under the Peatland Code, there is no need for additional controls on related PDR in designated areas?

Yes

If you do not agree, please explain why.:

53 Do you think there should be PDR for new temporary access tracks (private ways) which may be necessary to carry out peatland restoration projects?

Yes

Please explain your answer:

54 What sort of time limits and restoration requirements do you consider should apply to any PDR for temporary access tracks (private ways) for peatland restoration projects? Please explain your answer.

Please explain your answer:

/

55 If possible, should any PDR for temporary access tracks (private ways) for peatland restoration only apply to projects which have been approved for funds provided by the Scottish Government, through Peatland Action or other bodies?

Yes

Please explain your answer.:

56 Do you agree that the peatland restoration PDR should allow for the transfer of peat within the restoration site and for peat to be brought into the restoration site?

Yes

If you do not agree, please explain why.:

/

57 Do you agree that the peatland restoration PDR should not grant permission for the extraction of peat outside the restoration site or for removal of peat from the restoration site?

Yes

If you do not agree, please explain why.:

/

58 Are there any other forms of development which could be granted planning permission by the PDR for peatland restoration as proposed, which should be restricted or controlled?

No

Please explain your answer, setting out what sorts of development you consider should be restricted and why.:

59 Do you have any other views or points to make about the proposed PDR for peatland restoration?

Peatland restoration - any other views:

\

Development Related to Active Travel

60 Do you agree with the proposal to allow the erection of a cycle store in the front or side garden of a house up to a maximum size of 1.2 m height, 2 m width and 1.5 m depth?

No

If you disagree please explain why:

CEC is generally supportive of active travel initiatives and we have worked with Spokes the main cycling organisation in Edinburgh and the Lothians to produce a factsheet on this matter for the general public. However, we are concerned by the proposal to introduce the specific concept of a 'cycle store' when dealing with structures which are incidental to the enjoyment of the dwellinghouse. The planning authority cannot control what is stored in such structures and given that the key issue when assessing storage structures is aesthetics, the introduction of such rights would make it harder for us to resist the erection of other non bike related structures.

There is also a potential issue in that at present householders can only erect a fence to 1 metre in height under existing PDR. This could create a scenario where storage structures could be higher than fences.

How would the concept of blocking traffic and pedestrian safety by blocking sightlines be assessed?

61 Do you agree with the proposal to permit cycle stores up to 1.2 metres in height, 2 metres in width and 1 metre in depth in the front or side garden of a house in a conservation area?

No

If you disagree please explain why:

CEC has generally been sympathetic to storage structures in front garden within a conservation area. However, the requirement for planning permission means that as an authority, we are able to control the orientation, colour, and materials of the cycle store to minimise the visual impact. If cycle stores are permitted development, there would be no control of the aesthetics. Concern about harm to conservation areas.

62 Should such an extension to PDR be subject to a restriction on materials?

No

Please explain your answer:

There are no particular concerns with regards to materials; there is a recognition that people would be concerned about the security issues of using timber. Colour, orientation and means to disguise the store are more critical than materials.

63 Do you agree with the proposal to increase the floorspace of storage sheds allowed in the rear garden of houses in conservation areas to eight square metres?

No

If you do not agree please explain why:

As stated previously, the planning authority cannot control the use of structures. We would not support a loosening of restrictions in conservation areas.

64 Do you agree with the introduction of PDR for the erection of a cycle store in the private garden area of a flat, including in a conservation area?

No

Please explain your answer:

Within Edinburgh, a number of flats are also subdivided villas and workers accommodation colony buildings. These subdivisions can be very varied and there are instances where a private garden can be overlooked by windows in a separate ownership. With PD rights for flats, it would potentially be possible to have a cycle store in front of someone else's windows but it would under the definition in 7.17 be a private allocated garden space. Any PD rights would need to address such a situation and make sure someone else's ground floor windows do not overlook that private space.

65 Do you agree with the proposal to allow cycle stores sufficient to accommodate up to two bikes per flat to the rear of larger blocks of flats, including in conservation areas?

No

If you disagree, please explain why:

CEC has concern about the description of a traditional tenement building. In Edinburgh, a large proportion of the rear of such buildings is useable garden space and not necessarily a 'functional' area for bins etc. It is amenity space for many of the residents.

In a large tenement building, the proposed PD rights could allow a large number of stores being erected in the common garden space. Some tenements have at least 6 flats, if not more so this could lead to large areas of garden being taken over with cycle stores. There is a key issue of joint ownership and the increase in PD rights would not take this into consideration. Some residents may not be happy with their garden being removed for sheds and this could lead to tension/neighbour disputes and enforcement enquiries. The planning system does not take ownership into account and the only recourse is through expensive civil action.

We would seek to retain control over structures in conservation areas to avoid over proliferation.

66 Do you agree with the introduction of PDR to allow the erection of cycle stores for buildings of class 4, 5 and 6 uses?

Yes

If you disagree, please explain why:

Such premises tend to be situated within commercial or industrial locations where the impact of storage structures would be less prominent than within residential areas.

67 Do you agree with the introduction of PDR to allow the erection of cycle stores on-streets?

Yes

If you disagree, please explain why:

Placing structures on street requires the agreement of the Council as Roads Authority. The planning authority is therefore able to effect some control over such structures prior to their installation. In addition, such structures can often be sited in locations where cars would have been parked resulting in a minimal difference to the overall streetscape.

68 If such PDR is introduced, do you agree with the proposed maximum size for the stores, and the proposed restriction on the number allowed in a particular street or block?

Yes

If you disagree, please suggest alternatives:

69 If such PDR is introduced, do you think it should it be allowed in conservation areas and, if so, should it be subject to any other limitations on size, materials etc?

No

Please explain your answer:

CEC as planning authority would wish to maintain direct control and input over the erection of such structures in conservation areas

70 Is there any other amendment to the General Permitted Development Order that you think we should consider in order to encourage active travel further?

Please explain your answer:

No

SEA Post-adoption Statement Summary

71 What are your views on the findings of the Update to the 2019 Sustainability Appraisal Report that accompanies this consultation document?

Please give us your views on the update to the Sustainability Appraisal, but please don't simply repeat what any views you gave us in the November 2019 consultation as these have already been taken into account:

/

Assessment of Impacts

72 Do you have any comments on the partial and draft impact assessments undertaken on these draft Phase 1 proposals?

Please give us your views on the partial and draft impact assessments undertaken on these draft proposals:

The Equality Impact Assessment does not identify any negative consequences. This should be checked and confirmed.

73 Do you have any suggestions for additional sources of information on the potential impacts of the proposals that could help inform our final assessments?

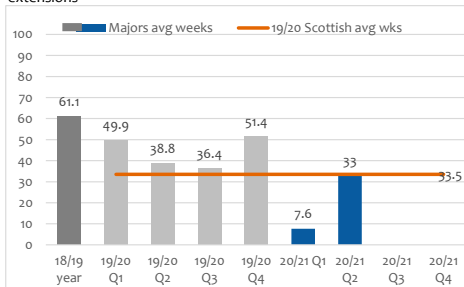
Please let us have any suggestions for where we might obtain additional information on the impacts of the proposals:

Supplementary submission to Scottish Government 19 November

Further to the Phase 1 PDR Consultation City of Edinburgh Council response on Questions 60 to 69, we would wish to suggest that if the Scottish Government progresses with proposals to extend permitted development rights for structures for cycle storage, the Council would be willing to work with Scottish Government planners on good practice and design advice. The Council has existing design guidance for householders considering the erection of cycle storage structures (as indicated in our response to Question 60). In the ongoing review of our Design Guidance, we will be considering further advice on this subject area and would be willing to share this if there was interest in preparing national planning advice on how to encourage permitted structures to address issues in conservation and other amenity areas.

Major Developments

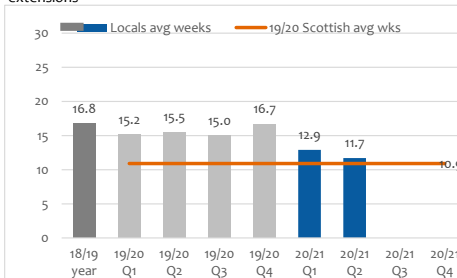
Average Decision Times (weeks) for applications without processing agreements or agreed extensions



Sub	32	12	7	1	7	3	5		
Det	25	9	7	5	9	5	5		
6 month totals:							Sub:8, Det:10		

Local (Non-Householder)

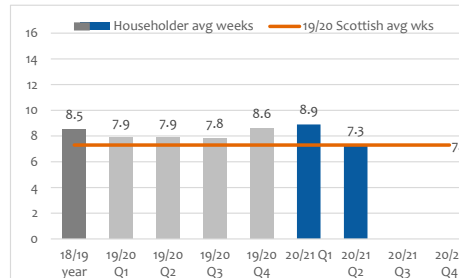
Average Decision Times (weeks) for applications without processing agreements or agreed extensions



Sub	1061	299	248	271	264	184	243		
Det	1082	268	242	241	249	187	212		
6 month totals:							Sub:427, Det:399		

Householder

Average Decision Times (weeks)



Sub	1464	422	389	375	425	344	384		
Det	1481	387	397	369	390	362	317		
6 month totals:							Sub:728, Det:679		

Comments:

Major applications without a processing agreement/extension:

- Mixed use development at Royal Hospital for Sick Children
- Removal of condition for housing scheme in Granton
- Student housing at Westfield Road

Major applications with a processing agreement/extension:

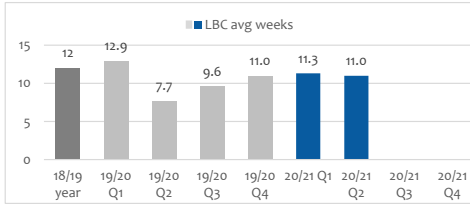
- Leisure development at Craigpark Quarry
- Extension of shopping centre at the Gyle

Notes:

- Decision times are from validation to issuing of permission, which includes time for legal agreements to be concluded.
- [Scottish Government](#) headline indicators monitor average decision times for major, local and householder applications without processing agreements or agreed time extensions. The charts show these times for relevant applications
- Quarterly figures for Q1 and Q2 are from Scottish Government's 6 monthly analysis (draft), and factor in stop-the-clock periods.
- Submitted & determined figures show all applications (i.e. with and without processing agreements / agreed extensions)

Listed Building Consents

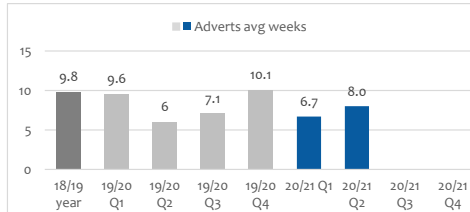
Average Decision Times (weeks)



Sub	1061	257	262	270	284	169	184		
Det	1082	187	233	195	231	198	121		
6 month totals:						Sub:353, Det:319			

Advert consents

Average Decision Times (weeks)



Sub	212	67	68	53	41	33	50		
Det	325	62	76	56	53	32	39		
6 month totals:						Sub:83, Det:71			

Enforcement

Short Term Let Enforcement Cases 2020/21

	Q1	Q2	Q3	Q4
Number submitted	6	61		
Number closed	72	15		
Number (and %) closed within 6 months (target 80%)	43 (59.7%)	9 (60.0%)		
	6 month %:- 59.8%			
	12 month %:- Last year (19/20): 68.9%			
Number of notices served	0	0		
Number (and %) closed within 6 months (target 80%)	n/a	n/a		
	6 month %:- n/a			
	12 month %:- Last year (19/20): 67.6%			

All Other Enforcement Cases 2020/21

	Q1	Q2	Q3	Q4
Number submitted	111	199		
Number closed	127	117		
Number (and %) closed within 3 months (target 80%)	95 (74.8)%	91 (77.8%)		
	6 month %:- 76.2%			
	12 month %:- Last year (19/20): 65.6%			
Number of notices served	0	0		
Number (and %) closed within 3 months (target 80%)	n/a	n/a		
	6 month %:- n/a			
	12 month %:- Last year (19/20): 40.1%			

Comments: No notices were served in Q2 as officers did not have the means to prepare and issue notices while working from home. A system is now in place to allow serving of enforcement notices to take place in Q3. The service has used discretionary enforcement powers, to allow businesses to operate with short term adaptations to Covid-19, before pursuing formal action in many cases.

Legal Agreements

Legal Agreements	At end Q1	At end Q2	At end Q3	At end Q4
Number of applications at legal agreement stage	37	31		
Number of applications where more than 6 months since Minded to Grant decision	24	23		

Comments: Overall pending agreements have reduced from end 19/20 (was 45) and actions to reduce number reaching 6+ months are being progressed.