

# **Business Bulletin**

## **Planning Committee**

**2.00pm, Wednesday, 19 May 2021**

## Planning Committee

Convener:	Members:	Contacts:
<p data-bbox="129 232 475 264">Councillor Neil Gardiner</p>  <p data-bbox="129 734 494 801">Vice-Convener Councillor Maureen Child</p> 	<p data-bbox="603 232 943 770">Councillor Chas Booth Councillor George Gordon Councillor Joan Griffiths Councillor Cameron Rose Councillor Max Mitchell Councillor Joanna Mowat Councillor Ethan Young Councillor Hal Osler Councillor Mary Campbell</p>	<p data-bbox="986 232 1485 434">Veronica MacMillan Committee Services 0131 529 4283 <a href="mailto:veronica.macmillan@edinburgh.gov.uk">veronica.macmillan@edinburgh.gov.uk</a></p> <p data-bbox="986 483 1430 600">David Givan Chief Planning Officer <a href="mailto:david.givan@edinburgh.gov.uk">david.givan@edinburgh.gov.uk</a></p>

### Scottish Government proposals for Licensing and for Planning Control Areas for Short Term Lets in Scotland

[Regulations](#) implemented on 1 April 2021 allow planning authorities to designate all or part of their area as short-term let control areas. Within designated areas, planning permission will be required for change of use of a dwelling to a short-term let.

All proposed control areas require to be considered and approved by the Scottish Government before they can come into effect. Guidance on control areas is being prepared by Scottish Government. Following the issue of this guidance, expected in June 2021, a report will be prepared for Committee to consider the designation of a control area or areas, taking the guidance into account.

Legislation for a licensing scheme has been withdrawn from the Scottish Parliament to allow for the guidance to be developed. Licensing regulations will be re-laid before Parliament in June 2021. It is expected that local authorities will have until 1 April 2022 to establish a scheme and existing hosts will have until 1 April 2023 to apply.

#### Contact:

Iain McFarlane  
Programme Director City Plan  
[iain.mcfarlane@edinburgh.gov.uk](mailto:iain.mcfarlane@edinburgh.gov.uk)

### Planning Time Performance Information – Quarter 4 2020/21

Time performance statistics for Quarter 4 (Q4) are appended to this Bulletin.

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 for Quarters 1 and 2 use the Scottish Government's checked mid-year return, which was made available in November.

The appended charts show that in Q4:

#### Contact:

Ben Wilson  
Team Manager  
[ben.wilson@edinburgh.gov.uk](mailto:ben.wilson@edinburgh.gov.uk)

- Five of the six major applications determined in Q4 had processing agreements or agreed extensions of time. These tools are promoted by the Scottish Government and applications which use them are not monitored by the nationally-aligned indicators. The remaining case was a long-term legacy case from 2014, which was inactive for several periods of time. Periods of ‘stop-the-clock’ have been identified for this, which should reduce its impact on overall average times for major applications in 2020/21 when they are calculated by the Scottish Government. An indicative figure for this case and hence the quarter has been calculated (138.7 weeks).
- Average decision times for relevant local developments (12.6 weeks (indicative)) were longer than the previous quarter (11.6 weeks) but still significantly faster than the Council’s average for last year (15.6 weeks).
- Decision times for householder applications (7.7 weeks) were longer than the previous quarter (7.2 weeks), and longer than the Council’s average for last year (7.3 weeks).

Across all application types, the service determined over 1,047 applications during January, February and March. This is higher than Q3 (934) and higher than any other quarter in the last two years. Overall, 1,161 applications were submitted in Q4, a significant increase on Q3 (1,091) and again higher than any other quarter in the last two years.

The appended charts also provide information and brief commentary on enforcement cases and legal agreements. Serving of enforcement notices had resumed in Q3 but were suspended again in Q4 due to the lockdown restrictions.

## **Old and New Towns of Edinburgh World Heritage Site (ONTE WHS) Management Plan 2017/22 Update**

### **What is the Management Plan?**

The purpose of the ONTE WHS [Management Plan 2017-22](#) is to set out what is significant about the WHS as a basis for understanding its important qualities, in order to determine the action necessary to protect and manage it. It includes long-term goals and short-term actions to preserve the Site, advocates existing protective policies, aims to influence day-to-day management issues, provides supporting information on managing the opportunities and threats facing the Site and provides a framework to monitor the condition of the built environment.

Edinburgh has long been celebrated as a great city: ancient capital, medieval Old Town alongside the eighteenth century classical New Town, all situated in a landscape of hills and valleys near the wide estuary of the Firth of Forth. The recognition of these qualities led to the city’s inscription by UNESCO as a World Heritage Site (WHS) in 1995. Each WHS must demonstrate that it is fulfilling its obligations in respect of UNESCO’s requirements in

## ONTE WHS Management Plan Review

Edinburgh is currently taking part in an international project funded by the European Regional Development Fund looking at 'Heritage in the Atlantic Area: Sustainability of the Urban World Heritage Sites' ([ATLAS](#)), alongside Bordeaux, Florence, Porto and Santiago de Compostela. A key output of this project will be a new Management Plan. As part of the project, an evaluation has already been undertaken of the production process and delivery of the current Management Plan and an evaluation of the 'mainstreaming' of heritage in wider city management is currently underway.

A bid from EWH to the National Lottery Heritage Fund was successful in March 2021 and a 'Community Outreach and Resilience Project' can now commence to support the ONTE WHS Management Plan Review. Community engagement will be a key element informing the next Management Plan as it develops throughout 2021 and into 2022. Two further projects underway that will support the review of the Management Plan are the Climate Change Risk Assessment (CCRA) project and the Climate Vulnerability Index ([CVI](#)) project. These are partnership projects with HES, EWH and the Council, in collaboration with the University of Edinburgh and James Cook University (Brisbane), as well as local residents and wider stakeholders. The CVI project means that Edinburgh will be the first cultural WHS to establish a methodology for assessing climate risk in an urban World Heritage context. It is being funded by the Royal Society Edinburgh and will take place in May and June 2021.

The governance structure, resourcing and scope of the Management Plan review will be informed by the outcome of these projects and reported to Planning Committee.

## Building Standards

The Building Standards service continues to exceed the Scottish Government performance targets and is adhering to the conditions of their appointment as a verifier for this Council area. A Customer Engagement plan is being developed to improve customer communication and satisfaction over the coming year.

The appointment is conditional on sustained and improved performance as well as adherence to actions set out in the Building Standards Improvement Plan.

implementing the World Heritage Convention. Overall responsibility for managing WHSs in the UK lies with the Department of Culture, Media and Sport (DCMS).

DCMS looks to Scottish Ministers to ensure compliance with the Convention in relation to Sites in Scotland. Each WHS is required to have an up-to-date management system in place, this usually takes the form of a Management Plan. The management of the Old and New Towns of Edinburgh (ONTE) WHS is overseen by a Steering Group that is made up of members from Historic Environment Scotland (HES), City of Edinburgh Council and Edinburgh World Heritage (EWH).

### **Contact:**

Jenny Bruce  
Edinburgh World Heritage Site  
Co-ordinator  
[jenny.bruce@edinburgh.gov.uk](mailto:jenny.bruce@edinburgh.gov.uk)

### **Contact:**

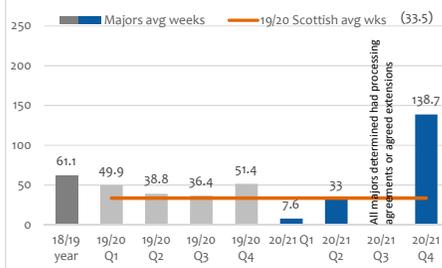
Colin Wishart  
Operations Manager Building  
Standards  
[colin.wishart@edinburgh.gov.uk](mailto:colin.wishart@edinburgh.gov.uk)

In relation to performance, the service continues to exceed Scottish Government targets for first reports on building warrant applications and the granting of building warrants once satisfactory information is received. The targets are 95% within 20 working days and 90% within 10 working days respectively.

	<b>2020/21</b>			
	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
<b>Number of first reports</b>	829	921	1,397	1,173
<b>% on target</b>	98%	98%	99%	98%
<b>Number of warrants granted</b>	843	890	1,030	1,022
<b>% on target</b>	93%	95%	94%	94%

**Major Developments**

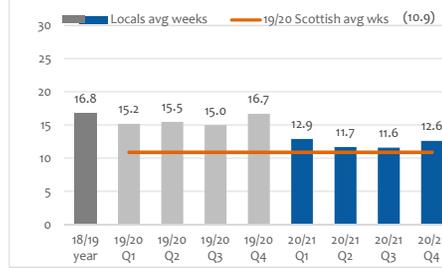
Average Decision Times (weeks) for applications without processing agreements or agreed extensions



Sub	32	12	7	1	7	3	5	7	8
Det	25	9	7	5	9	5	5	6	6
6 month totals:						Sub:8, Det:10	Sub:15, Det:12		
12 month totals:						Sub: 23, Det:22			
12 month average for 20/21:						64.0 wks			

**Local (Non-Householder)**

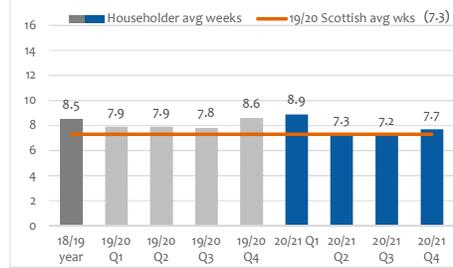
Average Decision Times (weeks) for applications without processing agreements or agreed extensions



Sub	1061	299	248	271	264	184	243	285	295
Det	1082	268	242	241	249	187	212	244	294
6 month totals:						Sub:427, Det:399	Sub:580, Det:538		
12 month totals:						Sub: 1007, Det: 937			
12 month average for 20/21:						12.2 wks			

**Householder**

Average Decision Times (weeks)



Sub	1464	422	389	375	425	344	384	509	526
Det	1481	387	397	369	390	362	317	472	499
6 month totals:						Sub:728, Det:699	Sub: 1035, Det: 971		
12 month totals:						Sub: 1763, Det: 1650			
12 month average for 20/21:						7.67 wks			

**Comments:**

Major applications without a processing agreements and/or agreed extension:

- Legacy case from 2014 at Eyre Terrace

Major applications with processing agreement and/or agreed extension:

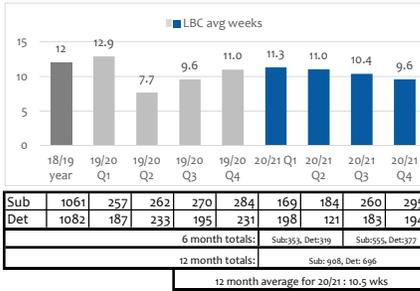
- Housing development at Marionville, Burdiehouse and Clovenstone
- Mixed use brownfield developments at Fountainbridge and Iona Street

**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.
- Q3&4 figures have not yet been verified by Scottish Government and may include some stop-the-clock periods.
- Submitted & determined figures show all applications (i.e. with and without processing agreements / agreed extensions)

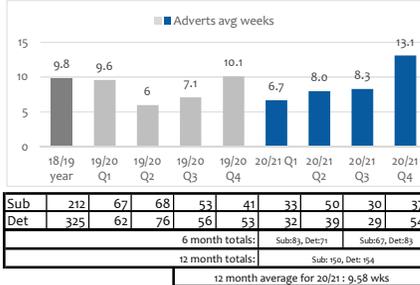
**Listed Building Consents**

Average Decision Times (weeks)



**Advert consents**

Average Decision Times (weeks)



**Enforcement**

**Short Term Let Enforcement Cases 2020/21**

	Q1	Q2	Q3	Q4
Number submitted	6	61	10	6
Number closed	72	15	46	54
Number (and %) closed within 6 months (target 80%)	43 (59.7%)	9 (60.0%)	34 (73.9%)	29 (50.1%)
6 month %:- 59.8%	6 month %:- 63.0%			
12 month %:- Last year (19/20 : 68.9%)	20/21 : 61.5%			
Number of notices served	0	0	3	0
Number (and %) closed within 6 months (target 80%)	n/a	n/a	3(100%)	n/a
6 month %:- n/a	6 month %:- 100%			
12 month %:- (19/20 : 67.6%)	20/21 : 100%			

**All Other Enforcement Cases 2020/21**

	Q1	Q2	Q3	Q4
Number submitted	111	199	168	150
Number closed	127	117	234	192
Number (and %) closed within 3 months (target 80%)	95 (74.8)%	91 (77.8%)	160(68.4%)	121 (63.0%)
6 month %:- 76.2%	6 month %:- 66.0%			
12 month %:- (19/20 : 65.6%)	20/21 : 69.7%			
Number of notices served	0	0	0	0
Number (and %) closed within 3 months (target 80%)	n/a	n/a	n/a	n/a
6 month %:- n/a	6 month %:- n/a			
12 month %:- Last year (19/20 : 40.1%)	20/21 : n/a			

**Comments:** A system has been developed to allow serving of enforcement notices to take place in Q3 - this was suspended in Q4 due to lockdown restrictions. 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. Significant progress has been made clearing older 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	31	34
Number of applications where more than 6 months since Minded to Grant decision	24	23	14	10

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