

Respondent Information Form

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- ☐ Individual
☒ Organisation

Full name or organisation's name

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We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☒ Yes
☐ No

Question 1

Do you consider that the maximum limit in Classes 18B and 22A of five residential units per agricultural unit or forestry building should be changed?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer including (if appropriate) how you consider the limit should change.

There is no compelling evidence to justify any deviation from the existing limit. The number of extra units that are likely to come forward as a result of any changes is very low and unlikely to have any significant impact on the housing crisis. This is traded against the potential drop in standard of new development that could occur.

Question 2

Do you believe the current floor space maximum of 150 square metres in Classes 18B and 22A should be removed or increased?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain how and why

There is no compelling evidence to justify any deviation from the current floor space maximum. The number of extra units that are likely to come forward as a result of any change to floor space is very low and unlikely to have any significant impact on the housing crisis. According to the Scottish Household Survey the average size of a rural dwelling is 121 sqm and therefore there is already a degree of flexibility in the size of dwelling that can be created utilising Classes 18B and 22A. It should be noted that this should not be set as a minimum standard as smaller units can provide well designed and proportioned dwellings.

Question 3

Do you believe that small extensions and/or separate buildings should be allowed as part of the conversion of an agricultural or forestry building to residential use under PDR?

- ☐ Yes
- ☐ No
- ☒ Unsure

Please explain your answer.

This would help to accommodate any particular requirements of the prospective occupant(s) and gives greater scope for enhancements to existing structures. In any case, the planning authority would still retain a degree of control over the design / external appearance of the building through the prior approval process in relation to:

- the provision of natural light in all habitable rooms;
- impacts on transport;
- access to the dwelling;
- the impacts on noise on prospective residents or occupiers;
- risks to occupiers of the proposed dwelling from contamination from the site;
- the risk of flooding of the site.

In any case, the most important consideration is how the floor space is used – and that extensions must relate to the main property and be proportionate. Also, in green belt areas where there can be significant pressure for new housing, extensions can introduce elements that harm the character and purpose of the green belt. If PDR rights are to be extended, green belts should be an exception where planning permission would be required.

Question 4

Do you consider that any of the current location-based restrictions in relation to Classes 18B and 22A should be removed and if so, which?

- ☐ Yes
☒ No
☐ Unsure

Please explain your answer.

Removing current restrictions, for example on 'Areas of Archaeological Importance' may result in adverse impacts on important historic sites or monuments. Whilst these may not have statutory protection, they may still constitute an important part of local heritage as non-designated historic environment assets and development should therefore protect and preserve such resources in situ. Removing current restrictions carries a degree of risk that these resources could be damaged without a proper archaeological evaluation.

The postamble to the question talks about a single stage process via a prior approval, this would simplify the process. However, the time-period to determine an application should commence from validation, not receipt, and allow a 64 day period for determination. Any changes within the SSI should provide for extensions of time.

Question 5

Do you consider the prior notification and approval mechanism (including the relevant matters and fee) associated with Classes 18B and 22A should be changed?

- ☒ Yes
☐ No
☐ Unsure

Please explain your answer.

In the Council's experience of dealing with Classes 18B and 22A, prior approval is always required to ensure that the proposal is acceptable. As such the Council would wish to see the procedure amended to require automatic prior approval in all cases relating to Classes 18B and 22A. This would eliminate the need for the authority to request further details and would allow the Council to concentrate on dealing with the matters required in the prior approval.

Question 6

Do you consider that PDR should allow the change of use of any other buildings on agricultural/forestry land to residential? If so, to which type(s) of building should the PDR be extended, and why?

- ☐ Yes
☐ No
☒ Unsure

Please explain your answer

Extending PDR to non-agricultural or forestry related buildings, especially on larger estates/compounds with many buildings, carries with it an increased risk that such buildings could be converted for the purposes of short-term holiday lets or other uses that are unlikely to address the housing emergency. Given that the purpose of the review of PDR is to support housing delivery, this may constitute an unnecessary loophole in some circumstances. It would be preferable if control over such changes of use was retained by planning authorities. However there may be scope to allow changes of use from certain uses such as equestrian structures and infrastructure installations e.g. water pumping stations.

Question 7

Do you consider that the PDR under Classes 18B or 22A should be expanded or revised in any other way?

- ☐ Yes
☒ No
☐ Unsure

Please explain your answer

The Council supports the view expressed in the consultation document that: proposals for new build housing, including through the replacement of existing buildings (as opposed to the conversion of existing buildings) should continue to be the subject of a planning application.

This would allow planning authorities, through emerging LDP's, to adopt policies addressing particular issues in their areas.

Question 8

Do you believe that there should be new PDR for the replacement of agricultural and forestry buildings with new-build homes in particular circumstances? If so, in what circumstances?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer

We would not be in favour of PDR for the demolition of an existing agricultural or forestry building and the erection of a house, or houses, on the same footprint. It is important that the design and sustainability of any new building is subject to the planning process, to ensure that it meets the requirements of the relevant planning policy framework, including any design guidance. This may include, for example, requirements relating to sustainability and energy performance. We would also agree that new development should be subject to local publicity and an opportunity for public comment. NPF4 also includes clear requirements on 'Design, Quality and Place', 'Climate Mitigation and Adaptation' and 'Heat and Cooling'.

Question 9

Do you believe that there should be new PDR for new-build homes in any particular types of rural areas in particular circumstances? If so, in what types of rural areas in what circumstances?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer

As above (8).

In addition, the housing crisis is most acute in urban areas, especially towns and cities with good access to public services. Expanding PDR for new build homes in rural areas will not address the core problems associated with the housing crisis. Whilst it is important to support rural communities in providing an adequate supply of homes, we are of the opinion that existing planning policy (together the proposed amendments to PDR laid out in this paper) provides an appropriate framework.

Question 10

Do you consider that proposals to convert the ground floor or entirety of buildings in town and city centres to residential use should benefit from PDR?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer

For the reasons set out in the consultation paper regarding NPF4 Policy 27(f) and the need for professional judgement to be applied to any changes to residential use affecting ground floor retail units, it is not considered appropriate for PDR to be introduced in such cases. Levels of vacancy in town centre units vary from year to year and it is important for there to be flexibility in supply of ground floor units for Class 1A use, to respond to market changes and to avoid the issue of dead frontages set out in Policy 27.

Question 11

Do you consider that there should be PDR for the change of use of properties above Use Class 1A premises to residential use?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer

The redevelopment/reuse of spaces above ground level Class 1A units is desirable in principle and should be encouraged to increase and improve local living. However, for the reasons set out in the consultation paper, particularly the 'agent of change principle', other amenity issues and sometimes unsatisfactory access arrangements to dwellings where none were hitherto required, necessitating the development of access stairs etc., it is not considered appropriate for PDR to be introduced in such cases. If introduced for a selection of matters, prior notification would be insufficient to comprehensively appraise proposals for the conversion/reuse of such properties.

Question 12

Do you have any comments about the prospect that the PDR would allow a change of use to residential from any existing use?

- ☒ Yes
☐ No
☐ Unsure

Please explain your answer

Although a lack of developer contributions and an overall simpler process might benefit developers, it is unclear whether evidence exists that the planning process is acting to discourage the reuse of upper floor spaces for residential use; no such evidence is set out in the consultation paper, and it is clear from the commentary in the paper that there is scepticism as to whether such an approach would be desirable or effective. There would be a significant risk that low-quality development could arise from PDR in the circumstances set out, due to a lack of full oversight by the planning authority over a range of matters including access (in some cases), the agent of change principle and other amenity impacts set out in the consultation paper. It is considered that prior notification on a limited selection of key matters (including those mentioned above) would be insufficient to appropriately address such proposals in the round.

If the PDR rules are to change, there should be specific requirement to incorporate space standards into any proposed change of use to residential and would look to have a restriction not to include Short-term lets or houses in multiple occupation.

Question 13

Do you think PDR for the change of use of properties above Use Class 1A premises to residential use should include any limits on the minimum or maximum floorspace, size and/or number of residential units that can be formed?

- ☐ Yes
☐ No
☒ Unsure

Please explain your answer and describe what you think the limits should be, if any

To ensure high quality development and avoid overcrowding, minimum national room size standards, based on further research, would be required to determine appropriate minimum floorspaces and the size and/or number of residential units that could be formed. It is considered that current Building Standards requirements would not be sufficient for this purpose.

The Council would look for the Scottish Government to adopt a robust national space standard for housing that is not a building regulation and remains solely within the planning system.

Question 14

What other potential limits, restrictions and exclusions to such PDR should be considered?

For the reasons set out with respect to Question 12, it is considered that further limits, restrictions and exclusions to PDR would be insufficient to appropriately address proposals in those cases where such limits did not apply. The examples given in the consultation paper (supermarkets; enclosed shopping centres and shops in 'out of town' retail parks) could arise; however, it is considered highly unlikely for reasons of marketability and access that such proposals would arise.

Question 15

Do you consider that a prior notification and approval mechanism should be required in respect of a PDR for 'town centre living' as discussed in the consultation? If yes, what matters do you consider should potentially be subject to prior approval?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer

For the reasons set out with respect to Question 12, it is considered that prior notification on a limited range of factors (light, access, noise, flooding) would be insufficient to appropriately appraise such proposals.

Question 16

Should any such PDR (permitting the change of use of floors above Use Class 1A premises) also permit certain external alterations of a building to facilitate the conversion to residential use, if so what alterations?

- ☐ Yes
- ☒ No
- ☐ Unsure

Please explain your answer

The range of circumstances set out by which, for example, access could be gained via the development of external stairs etc. serves to highlight the incompatibility of the proposal with good placemaking. Such changes could have a considerable impact upon the appearance of centres and other areas, notwithstanding any listed building consent requirement or planning permission for external alterations to properties within designated conservation areas. For the reasons set out above, it is not considered appropriate for PDR to be introduced. Proposals of this type should require full planning consent.

Question 17

Please provide any other comments regarding the potential options to introduce PDR for 'town centre living' proposals as discussed in the consultation.

For the reasons set out above, it is not considered appropriate for PDR to be introduced. Proposals of this type should require full planning consent.

Question 18

Do you consider that any expanded PDR for rural homes (described in chapter 2) should be subject to a condition prohibiting the use of the new units for short-term letting?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please explain your answer

NPF4 does provide for the use of conditions controlling occupation of houses in rural areas. However, whilst it would be appropriate for a restriction on short-term lets for homes in rural areas, it may not be appropriate where the new home immediately abuts a town or village settlement boundary. As the use of the home for short-term let's will have an intensity of use that would be not represent a sustainable form of development nor would it promote local living, whilst the latter could contribute to the local living objective of the Scottish Government.

It is considered that the use for properties in rural areas for short-term let's should be for Local Planning Authorities to set an approach within the local development plan.

Question 19

Do you consider that any 'town centre living' PDR (described in chapter 3) should be subject to a condition prohibiting the use of the new units for short-term letting?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please explain your answer

Short term lets are currently subject to licensing which serves to manage and understand the number and distribution of such properties. In highly pressured areas, should PDR have no restrictions, there exists the potential that facilitation of changes to residential use could encourage development of properties aimed at short-term letting. In principle, central locations are better suited to short-term lets for reasons of amenity and access. However, as suggested in the consultation paper, to avoid the proliferation of such uses in certain locations, it is appropriate (should PDR be introduced) to include a condition prohibiting the use of the new units for short-term letting.

Question 20

Do you consider that it would be appropriate to amend PDR for existing dwellinghouses, to allow homeowners to make better use of their existing properties?

- ☐ Yes
- ☐ No
- ☒ Unsure

Please explain your answer

In principle, it is considered appropriate for the Scottish Government to consider changes to PDR to allow for greater changes to residential properties than is currently the case. However, any such changes (the detail of which is not set out in the consultation paper) should be given thorough consideration and should be subject to a separate consultation process. This could be done through a wider look at the direction and future of permitted development rights.

Question 21

Do you consider that the reference in the PDR for domestic air source heat pumps (ASHPs) should be revised to make it clear that the installation must comply with Microgeneration Certification Scheme (MCS) 020 a)?

- ☒ Yes
☐ No
☐ Unsure

Please explain your answer

Increased clarity on the standard for ASHP installations will help ensure compliance with PDR, regulation for ASHPs and installation (including repair and maintenance) work, monitor cumulative impacts from installations, and support recognition of green skills in the workforce. However, there are risks with limited supply of accredited ASHPs in the market and availability of trained installers, which may affect the rate of uptake, and will therefore need additional resources / support to ensure a continued supply of MCS 020 approved goods and services.

The text in respect of question 21 on pages 20/21 of the Consultation Paper references that planning authorities should continue to assess such proposals on a case-by-case basis *including in relation to cumulative noise impacts*. However, this may cause conflict between planning regulations and environmental health legislation, therefore specific guidance should be issued that could include an update to Circular 1/2011 – Planning and Noise.

Question 22

Do you consider that air source heat pumps (ASHPs) installed on domestic properties under PDR should be permitted to be used for heating and cooling but not solely cooling?

- ☒ Yes
☐ No
☐ Unsure

Please explain your answer

Requiring ASHPs to serve both heating and cooling purposes will remove potential for continued use of gas as the main heating source. Limiting the use of the ASHP to hot summer days (only for cooling), would be inappropriate and would not address the climate and nature crises as set out as a fundamental principle of Scottish Government planning policy. This will support decarbonisation of the domestic building stock and also help ensure the relevant energy efficiency retrofits are undertaken by owner occupiers, private landlords, housing associations and Council accommodation and prior to installing ASHPs, which will help tackle potential high energy prices (especially during winter) and fuel poverty as set out in the Scottish Governments Fuel Poverty Strategy.

There will need to be an agreed standard on noise emission for dual functioning ASHP and their locations.

Question 23

Do you consider that the PDR for domestic ASHPs in Scotland should be amended to allow for the installation of up to two ASHPs on a detached dwellinghouse?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please explain your answer

Limiting PDR permission to install ASHPs to 1 per building can hinder the uptake of low carbon heating systems to decarbonise properties, and increase the burden on planning authorities to regulate installations through case-by-case assessments. Therefore, this amendment will offer consumers wider choices for heating and cooling using low carbon technologies.

Restriction to detached dwellinghouses is logical because it allows for installation of one ASHP potentially on each side of the house where space allows, in such a way as would be less likely to impact neighbours than might be the case for semi-detached or other properties.

Question 24

Do you consider that proposals that would result in more than one ASHP being installed on flatted buildings or on terraced or semi-detached properties should continue to be assessed on a case-by-case basis by planning authorities?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please explain your answer

To ensure that installation is undertaken with amenity impacts fully considered by the planning authority.

While the limitation on the number of ASHPs allowed on a property supports noise control, evaluation of permissions on a case-by case basis still provides some allowance to exceed this limit. This approach will still require significant resources from the planning authorities. Removing barriers to installation of low carbon emission heating systems in domestic properties will help accelerate area-wide decarbonisation efforts and can help tenants (especially from the private rented sector) have warmer homes. Therefore, it's worth exploring if a maximum permissible associated noise level in relation to the property size/location, or an alternative means for supporting uptake of ASHPs that is not limited by the number of installations per building, can be incorporated into the PDR. Adoption of the MCS 20 standard will also eliminate the need for assessments by the Council.

Question 25

Do you consider that any other changes should be made to the existing PDR for the installation of ASHPs in Scotland?

- ☐ Yes
- ☐ No
- ☒ Unsure

Please explain your answer

With technologies continuously evolving to bring quieter, cheaper and smaller ASHPs to the market, keeping a flexible approach with PDR can help increase uptake, reduce waiting periods and application costs for property owners, and reduce the demand on local authority planning services. Therefore, the need for assessment on a case-by-case basis should depend on wider criteria, including noise levels from the proposed unit, number of dwellings in the building / property size / type, and location (where applicable). Creating a system for property owners / installers to undertake a self-assessment prior to submitting a planning application could support the implementation of the PDR.

Question 26

Do you consider that it would be appropriate to have PDR for the installation (and subsequent repair and maintenance) of connections from individual buildings to heat networks?

- ☒ Yes
- ☐ No
- ☐ Unsure

Please explain your answer

Heat networks support decarbonisation of heat at scale and pace, and are anticipated to offer consumers a low carbon and affordable alternative to individual and fossil-fuel based heating systems. While the decision to develop a heat network and flexibility to connect to an existing heat network will depend on feasibility for each scenario, removing barriers to connections and maintenance work will make heat networks more attractive for domestic connections. Consequently, this can positively impact the feasibility for heat network development, which can help the transition to a low carbon energy market. It would however be essential to ensure that the installation of connections to heat networks follow the same limitations as other infrastructure and services.

Question 27

What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

No comments.

Question 28

What are your views on the predicted environmental effects of the proposals as set out in the environmental report? Please give details of any additional relevant sources.

No comments.

Question 29

What are your views on the assessment of alternatives as set out in the environmental report?

No comments.

Question 30

What are your views on the proposals for mitigation, enhancement and monitoring of the environmental effects set out in the environmental report?

No comments.

Question 31

Please provide any comments on the partial Business and Regulatory Impact Assessment (BRIA) and information on the potential business or regulatory impacts of any of the options identified in this consultation.

No comments.

Question 32

Are you aware of any examples of how any of the options identified in this consultation may affect, either positively or negatively, those with protected characteristics? If yes, please provide further detail

No comments.

Question 33

Please provide any comments or information on the potential impacts on children's rights and wellbeing of any of the options identified in this consultation

No comments.

Question 34

Do you have any information or comments on the potential impacts on island communities of any of the options identified in this consultation?

No comments.

Question 35

Are you aware of any examples of potential impacts, either positive or negative, that the options identified in this consultation may have on groups or areas at socio-economic disadvantage (such as income, low wealth or area deprivation)? If yes, please provide further detail.

No comments.

Question 36

Do you agree that a Fairer Scotland Duty assessment is not required in relation to the options set out in this consultation?

No comments.