

Report

Report to:	Planning Committee
Date of Meeting:	21 March 2023
Report by:	Executive Director (Community and Enterprise Resources)

Subject	Changes to General Permitted Development Rights and Use Classes Order - Update
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1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ advise the Planning Committee of changes to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997)
- ♦ summarise the key changes contained in the revised Orders

2. Recommendation(s)

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

- (1) that the changes to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and the Town and Country Planning (Use Classes) (Scotland) Order 1997) be noted.

3. Background

- 3.1. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GPDO) grants planning permission for specific types of development without a planning application having to be submitted. These grants are known as permitted development rights.
- 3.2. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (UCO) groups together various land uses into separate use classes. Changes of use within a single class do not constitute development for planning purposes and so planning permission is not required.
- 3.3. The Scottish Government has been carrying out a review of Permitted Development Rights (PDR) as part of their wider planning reform programme. Phase 2 of this review focusses on measures to help support the following:-
- ♦ The rollout of electric vehicle ("EV") charging infrastructure
 - ♦ The resilience and recovery of city, town and local centres
 - ♦ Operational development at Scottish ports

The changes in terms of the first two items are detailed below.

4. Electric Vehicle Charging Infrastructure

- 4.1. Changes to existing planning controls on EV charging infrastructure reflects the role electric vehicles can play in helping to address climate change; the substantial growth in EV ownership that is forecast in the coming years; and the increased need for charging equipment (including larger high power chargers) associated with forecasted levels of EV ownership.
- 4.2. At present the GDPO includes PDR for wall mounted EV charging points and charging upstands. The changes to be introduced amend those PDR as well as introducing new PDR for solar canopies for EV charging. The changes are summarised below:-
- ◆ Current limitations in specified areas such as Conservation Areas and World Heritage sites are removed so that in future the new PDR will apply.
 - ◆ An increase in the height of upstands from 1.6m to 2.7m although this will not apply within the curtilage of a dwellinghouse or of a building containing a flat or flats. The current restriction on upstands within 2 metres of a road, and those which would result in more than one upstand being provided for each parking space will continue to apply.
 - ◆ Restrictions on the size, location and illumination of nameplates on wall mounted chargers and upstands are removed.
 - ◆ New PDR for solar canopies, whose primary purpose is EV charging, and battery storage and equipment (including equipment housing) necessary for the support of a solar canopy are introduced. However, there are restrictions in terms of how close the structure would be to a road (5m); the height (4m) and, in the case of battery storage, its volume (29 cu m).

The Councils approved Supporting Planning Guidance on Electric Vehicle Charging applies to new development.

5. Resilience and Recovery of Centres

- 5.1. New measures are being introduced to provide greater flexibility in the use of buildings and outdoor spaces to help promote the resilience, regeneration and recovery of Scotland's centres. The changes are summarised below:-
- ◆ A new Use Class is introduced which combines the previously separate class 1 (shops) and class 2 (financial, professional and other services) into a single use class (1A). Previously changing between class 1 and class 2 needed planning permission but that will no longer be the case.
 - ◆ A change of use from the new class 1A to class 3 (food and drink) will be permitted without the need for a planning application as will the change of use of a betting shop, pay day loan shop and hot food takeaway to class 3. However, this does not apply where this would result in the change of use of a unit below any part of a dwelling or within 1m of a dwelling.
 - ◆ The change of use from a use within class 1A, class 3 or from a betting shop, pay day loan shop and hot food takeaway to class 4 (business) will not require planning permission. This is intended to provide for new small scale workspaces in town centres. However, this provision only applies where the building unit is less than 300 sq m.

- ◆ The placing of furniture on a public road (including the pavement) in order to sell or serve food and drink will not require planning permission where this is adjacent to a class 3 use or a pub or bar. A Road Occupation Permit will be required separately from the Council as Roads Authority under the Roads (Scotland) Act 1984. In addition, the relevant licensing controls will also continue to apply so that premises which sell alcohol for on-sales need to have outdoor drinking as an approved activity in their operating plan, and the area to be used must be defined in the layout plan.

6. Next Steps

- 6.1. The changes described above will come into force on 31 March 2023. The changes relating to town and local centres will allow movement between compatible uses to be carried out without the need for planning permission. However, the Council will be able to operate controls through roads legislation and licencing provisions.

7. Employee Implications

- 7.1. The changes will have no impact on staff resources.

8. Financial Implications

- 8.1. There are no financial implications resulting from the changes described in the report.

9. Climate Change, Sustainability and Environmental Implications

- 9.1. The changes are intended to help deliver the Scottish Government's wider policy objectives in terms of tackling the climate emergency. In addition, the Scottish Government has carried out a Sustainability Appraisal which allowed the environmental, social and economic effects of the changes to be considered.

10. Other Implications

- 10.1. The changes being introduced by the Scottish Government are required to be implemented by planning authorities. The Council can continue to manage the changes in relation to outside hospitality through other legislation at its disposal.

11. Equality Impact Assessment and Consultation Arrangements

- 11.1. An Equalities Impact Assessment, Child Rights and Wellbeing Impact Assessment and a screening for a Fairer Scotland Duty Assessment has been carried out by the Scottish Government.

- 11.2. Consultation by the Council is not required.

David Booth

Executive Director (Community and Enterprise Resources)

28 February 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ Good quality, suitable and sustainable places to live

Previous References

- ◆ None

List of Background Papers

- ◆ The Town and Country Planning (General Permitted Development and Use Classes)(Scotland) Miscellaneous Amendment Order 2023. Planning (Scotland) Act 2019

Contact for Further Information

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

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