

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Housing, Environmental and Economic Development

Planning Committee: 12 June 2012

**Subject: Scottish Government Consultation – General Permitted Development
Amendment Order 2012**

1. Purpose

- 1.1** To advise the Committee of a Scottish Government consultation on proposed changes to the regulations relating to non-domestic Permitted Development, and to agree the Council's response.

2. Background

- 2.1** The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 sets out various classes of development for which the Scottish Government grants planning permission by virtue of the Order itself, without the need to apply for planning permission. Such development is known as Permitted Development, and developers' right to carry out development of the types specified in the order is referred to as their Permitted Development Rights ('PD Rights').
- 2.2** Over the last few years the Scottish Government has embarked upon a series of significant amendments to the Scottish planning system. One of the purposes of these reforms has been to make the planning system more efficient and proportionate, and to this end the Government proposes to extend PD Rights in order to remove the need to apply for planning permission for certain minor developments. Reform of the rules governing householder Permitted Development was implemented last year, and a preliminary consultation on changes to non-domestic Permitted Development was considered by the Planning Committee on 29 June 2011. The Scottish Government has now prepared detailed proposals for reform of non-domestic Permitted Development, and is seeking views on these.

3. Main Issues

- 3.1** The consultation paper contains specific questions on which the Council's views are sought. The recommended responses are contained in Appendix A.
- 3.2** The principal changes proposed to Permitted Development Rights are as follows:

Amendments to existing PD classes

- Alter PD rights for local authority housing developments to include erection of flats, and raise the financial threshold for non-residential development by local authorities TO £250,000;

- Amend the definition of 'industrial building' to include use for research and development purposes, thereby granting such uses the same PD rights as other industrial uses;
- Extend the existing PD rights for temporary uses of land for up to 28 days per year to include temporary use as an open air market;
- Amend PD rights for the formation hard surfaces to require that such surfaces be porous;
- Reduce PD rights for the creation of agricultural and forestry private roads, due to concerns about the damage such development can cause to the countryside.
- Subject to consultation, delete PD rights for the deposit of waste material arising from an industrial process on the site which predates 1 July 1948

Proposed new PD classes

- Introduce PD rights to extend shops, financial/professional services and institutional uses by up to 25% or 100m² (whichever is the lesser);
- Introduce PD rights to extend offices by up to 25% or 50m² (whichever is the lesser);
- Introduce PD rights to install charging points for electric vehicles;
- Introduce PD rights for the use of land as a pavement café; and
- Permit the formation of access ramps to any non-domestic building;

(All of these proposed new classes of PD rights would be subject to various limitations.)

- 3.2** The proposed changes would result in some developments no longer requiring an application for planning permission, and consequently a reduction in the number of planning applications to the Council. On the whole, the types of development affected would be relatively minor works, and the proposals would address some anomalous situations where minor works or works by the Council itself require applications. Other changes, such as the requirement for porous hard surfaces, reflect current environmental good practice.
- 3.3** Whilst the proposed changes are considered to be generally positive, they do include several reforms which may give rise to occasional difficulties:
- Allowing the use of land for temporary open air markets for 28 days per year would remove many such markets from effective planning control. Such uses can have an impact on the amenity of the surrounding area, and 28 days per year would allow regular events; However, the Council would be able to control operation of the market through the licensing process; and
 - The proposals to allow extensions to certain types of commercial buildings have a slight risk that these may enable unsightly or otherwise unfortunate developments to be built without needing an application. However, the proposed limits on the PD rights would minimise this risk.

4. People Implications

- 4.1** The proposed changes if implemented may result in a marginal reduction in the workload for Planning Service.

5. Financial Implications

- 5.1** The proposed changes would result in a reduction in the number of planning applications received and thus fee income, although it is considered that the reduction will be relatively minor.

6. Risk Analysis

- 6.1** There are no known risks associated with this report.

7. Equalities Impact Assessment (EIA)

- 7.1** There is no equalities impact associated with this report.

8. Strategic Assessment

- 8.1** The proposed changes do not conflict with the Council's four strategic priorities.

9. Conclusion and Recommendation

- 9.1** In general, the proposals are considered to be appropriate changes which would allow a number of predominantly minor development types to take place without the need for a planning application.
- 9.2** It is recommended that the Committee note the content of this report and agrees that Appendix A forms the Council's response to the consultation paper.

Elaine Melrose

Executive Director of Housing, Environmental and Economic Development

Date: 29 May 2012

Person to Contact: Pamela Clifford, Planning & Building Standards Manager,
Housing, Environmental and Economic Development,
Council Offices, Clydebank. G811TG.
01389 738656
email: Pamela.Clifford@west-dunbarton.gov.uk

Appendices: A. Proposed Response to Consultation

Background Papers: 1. Scottish Government Consultation;
"General Permitted Development Amendment Order 2012";

Wards Affected: All