

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

SUBJECT:

WELSH GOVERNMENT CONSULTATION – PROPOSED CHANGES TO NON-DOMESTIC PERMITTED DEVELOPMENT RIGHTS

Background

The Town and Country Planning (General Permitted Development) Order 1995 (GPDO) lists those developments and changes of use that are permitted development and as such do not require a formal planning application. These are known as permitted development rights (PDRs).

In June 2010 the “Study to Examine the Planning Application Process in Wales” commissioned by the Welsh Government was published. The report recommended changes to the GPDO including in relation to non-domestic PDRs with the aim of improving the planning application system.

The Welsh Government has consulted on proposed changes to Part 3 (Changes of Use), Part 8 (Industrial and Warehouse development), and Part 32 (Schools, Colleges, Universities and Hospitals) of the GPDO. The consultation also seeks views on proposed new PDRs for office buildings, shops and financial services establishments (use classes B1(a), A1 and A2 of the Town and Country Planning (Use Classes) Order 1987.

Purpose of this report

The purpose of this report is to seek member’s endorsement for the response to the consultation.

The Proposed Changes

The consultation sets out proposed changes to the above parts of the GPDO and explains that the changes are intended to improve the operation of the planning system by reducing the minor, uncontentious planning applications. Extending PDRs allows local planning authorities to concentrate on the more complex applications and by reducing unnecessary regulation help to stimulate economic recovery for small and medium size businesses.

The consultation has been informed by a research project undertaken on behalf of the Welsh Government and which advocates the “impacts approach” to PDRs rather than

the traditional volume and size thresholds. This focuses on allowing minor extensions and alterations to be undertaken without planning permission whilst at the same time controlling any possible adverse effects such as overlooking, overshadowing and effect on local character. The consultation was also accompanied by a draft Regulatory Impact Assessment which considers the likely impacts of the proposals should they be adopted.

The main changes, with reference only to those elements of each category affecting National Parks, being consulted upon are:

Part 8 – Industrial and Warehouse Development

Part 8 currently allows for the extension and alteration of existing buildings in a National Park up to 500 square metres. This allowance is subject to the increased volume of the original building not being exceeded by more than 10%.

The main proposed changes are:

- To include research and development buildings under Part 8.
- The inclusion of new buildings up to 100sqm gross floor space subject to them not exceeding 5m in height if within 10m of the boundary of the curtilage, and in other cases not to exceed 15m or the height of the highest building within the curtilage of the premises whichever is the lower.
- In the case of extensions the height not to exceed 5m if within 10m of the boundary of the curtilage or in all other cases the height of the building being extended or altered. The floorspace of the original building not to be exceeded by more than 10%, or 500sqm, whichever is the lesser.
- New buildings, extensions and alterations within a National Park to be finished using materials which have a similar appearance to those used for the existing building/the building being extended or altered.
- No development permitted within the curtilage of a listed building.

Part 8, Class C – Hard Surfaces

Part 8, Class C currently allows for the provision of a hard surface within the curtilage of an industrial building or warehouse. The proposed change is:

- Hard surfaces to be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building except where there is a risk of groundwater contamination.

Permitted Changes of Use Between Industrial Classes

The GPDO currently allows for the change of use of a building from class B2 (general industrial) or B8 (storage and distribution) to a B1 (business) use and for the change of use from a B2 use to a B1 or B8 use. Development is not permitted where the change

of use is to or from a use falling within B8 if the change of use relates to more than 235sqm of floor space.

The proposed change is:

- To increase the threshold to 470sqm

Views are also sought on whether this should be large or more modest in size.

Part 32 - Schools, Colleges, Universities and Hospitals

Part 32 currently allows schools, colleges, universities and hospitals to erect new buildings without permission subject to the cumulative floor space being limited to 10% of the overall floor space of the original buildings with an overall volume limit of 250 cubic metres. This PDR does not apply if any part of the building is within 20m of the boundary of the site or where the proposal would prejudice the use of an existing playing field.

The proposed changes are:

- To allow extensions and alterations as well as the erection of new buildings
- The cumulative total floor space of any buildings erected, extended or altered would exceed 25% of the total floor space of the original, or 100sqm whichever is the lesser.
- Reference to cubic content is removed.
- The height of any new build is not to exceed 5m, the height of any extension is not to exceed 5m if within 10m of the boundary of the curtilage of the premises or, in all other cases the height of the building being extended.
- No development to be allowed within the curtilage of a listed building.

Office Buildings

There are currently no PDRs relating to office uses falling under use class B1(a) of the GPDO. The consultation seeks views on the introduction of new PDRs for extending and altering such office buildings *in areas outside National Parks*. It is not intended to extend PDRs in relation to B1(a) office buildings into National Parks under this consultation.

Shops and Financial/Professional Services and Establishments

The research project informing this consultation found a number of minor applications related to retail premises, in particular changes to external areas, small extensions, new shopfronts and cash machines. However, it was also recognised that introducing new PDRs for these could have some significant impacts on the town centre environment and particularly in historic towns, conservation areas and on listed buildings. The consultation seeks views on the introduction of new PDRs for extending and altering premises used for purposes falling under use classes A1 (retail), or A2 (financial

services) *in areas outside National Parks*. It is not intended to extend PDRs in relation to these uses into National Parks under this consultation.

Trolley Stores

The consultation seeks views on introducing PDRs for trolley stores within the curtilage of shops subject to various restrictions, including:

- The gross floor space not to exceed 20sqm
- No part of the building or enclosure to be within 20m of hotels, residential institutions or dwellings
- The height to not exceed 2.5m
- No development to take place in a conservation area or within the curtilage of a listed building
- No development to take place between the shop front and a highway where the distance is less than 5m.

Refuse Storage and Cycle Storage Facilities

The consultation seeks views on introducing PDRs for all non residential uses to allow the construction of waste storage containers and for cycle storage *in areas outside National Parks*. It is not intended to extend PDRs in relation to these facilities into National Parks under this consultation.

Prior Approval for Shopfronts and ATMs

The consultation also seeks views on the intention to expand the prior approval regime to include shop fronts and ATMs (cash machines). This consultation does not intend to propose this process at this time but invites comments on whether this approach would be appropriate in Wales. The consultation sets out how the prior approval process might work but excludes this process in relation to National Parks.

World Heritage Sites

Views are also sought on whether world heritage sites should be included in the definition of Article 1(5) land which includes National Parks within its definition.

The consultation document is available for members should they wish to read this in full.

Response to the Consultation

The Welsh Government has requested feedback on eleven questions and the questions and recommended responses are listed at Appendix A.

It will be noted that a number of the recommendations for PDRs expressly exclude land within the National Parks. It is considered, in general terms that this is necessary to enable the continued regulation of non-domestic development in the public interest and

with regard to the wider National Park's purposes. The heavier industry and larger institutions that this consultation mainly relates to tend to fall outside the National Park's boundaries in any case and need for continued tighter regulation of these areas where they do fall within the Authority's jurisdiction is concurred with. In addition, the proposals to exclude PDRs for changes to shops and offices which are generally more prevalent in the National Parks is supported in the interests of ensuring that the Authority has the ability to have a greater involvement in the detail of changes which can impact significantly on the character of the area.

Recommendation

That members endorse the recommendations set out in Appendix A.

References – Welsh Government Consultation Document – Proposed Changes to Non-Domestic Permitted Development Rights, 3rd October 2012 inc Annex 1 – Draft Regulatory Impact Assessment

(For further information contact Vicki Hirst, Head of Development Management)

Consultation Response Form

Proposed Changes to Non-Domestic Permitted Development Rights

We want your views on our proposals for amendments to some non-domestic permitted development rights in Wales. Your views on the draft text for the subsequent Amendment Order and draft Technical Guidance document are also sought.

Please submit your comments by 11/01/2013.

If you have any queries on this consultation, please email:

planconsultations-c@wales.gsi.gov.uk or telephone Alan Groves on 029 2082 5362.

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Consultation reference: WG 15462

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
Name	Vicki Hirst	
Organisation	Pembrokeshire Coast National Park Authority	
Address	Llanion Park Pembroke Dock Pembrokeshire	
E-mail address	vickih@pembrokeshirecoast.org.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input checked="" type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input type="checkbox"/>
	Voluntary sector (community groups, volunteers, self help groups, co-operatives, social enterprises, religious, and not for profit organisations)	<input type="checkbox"/>
	Other (other groups not listed above) or individual	<input type="checkbox"/>

Q1	Do you agree with the proposed amendments to Part 8 of Schedule 2 to the GPDO, as described in Table 1 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Whilst the changes are considered acceptable in principle, it is considered that a height of 15m could be visually intrusive, and particularly in protected areas such as National Parks. It is suggested that a lower height should be specified for National Parks.</p> <p>In addition, with regard to subsection A.1(f) the definition of "similar" for external finishes is open to interpretation - this would be better defined as to match. Some control over the finishes for new buildings in National Parks is also considered necessary.</p>				

Q2a	Do you agree that Part 8 Class C of Schedule 2 to the GPDO should be amended in order to require all new hard surfaces, including the part or whole replacement of hard surfaces, to	Yes	Yes (subject to further	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

	either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area within the curtilage of the industrial/warehouse building, except where there is a risk of groundwater contamination?		comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: Agree that hardstandings should be porous/permeable, but it will be difficult for both landowners and planning officers to know if there is a risk of groundwater contamination making interpretation of this difficult.</p>				

Q2b	Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments: It is considered that all replacement of hardstanding should be through permeable/porous means.</p>				

Q3	Do you agree that the size thresholds for changes of use of B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Q4	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?			
<p>Comments: No comment to make.</p>				

Q5	Do you agree with the proposed amendments	Yes		No
----	---	-----	--	----

Consultation reference: WG 15462

	to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: 25% could comprise a significant amount of extension without any regulation. However, as the restriction of 100sqm is set, it is considered that it would be rare where the full 25% would be used.</p>				

Q6	Should new permitted development rights for offices be introduced to the GPDO, as detailed in paragraph 3.22 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: No comment with regard to the specific proposals, but it is agreed that no new PDRs should be introduced for National Parks due to the sensitivity of these areas to change.</p>				

Q7	Should new permitted development rights for shops and financial/professional services be introduced to the GPDO, as detailed in paragraph 3.30 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments: As Q6</p>				

Q8	Should new permitted development rights for trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments: There is no objection to the proposals to introduce PDRs for trolley stores but it is considered that National Parks should be excluded from this PDR in the same way that Conservation Areas are excluded. There are numerous small stores and shops within the small settlements in National Parks that could provide trolley stores and which could have significant impacts on the special qualities of the area.</p>				

Consultation reference: WG 15462

--

Q9	Should new permitted development rights for new buildings to store refuse and/or bicycles, as outlined in paragraph 3.37 of the consultation paper, be introduced?	Yes	Yes (subject to further comment)	No
Comments: As Q6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

Q10	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: As Q6	

Q11	Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Q12	Are there any other amendments to the GPDO that you would like to suggest?
Comments:	

Draft Regulatory Impact Assessment

Q13	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Consultation reference: WG 15462

General

Q14	We have asked a number of specific questions throughout this consultation. If you have any related queries or comments which we have not specifically addressed, please use this space to report them:

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
--

Consultation reference: WG 15462

How to Respond**Please submit your comments in any of the following ways:**

Email
Please complete the consultation form and send it to : planconsultations-c@wales.gsi.gov.uk [Please include 'Proposed Changes to Non-Domestic Permitted Development Rights Consultation – WG-15462' in the subject line]
Post
Please complete the consultation form and send it to: Development Management Branch Planning Division Welsh Government Cathays Park Cardiff CF10 3 NQ
Additional information
If you have any queries on this consultation, please Email: planconsultations-c@wales.gsi.gov.uk Telephone: Alan Groves on 029 2082 5362