

Number: **WG21134**



Llywodraeth Cymru  
Welsh Government

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Welsh Government

## Consultation responses – Part 1

### Permitted development rights

Industrial and Warehouse Development  
Schools, Colleges, Universities and Hospitals  
Office Buildings  
Shops, Financial and Professional Services

Date of issue: **April 2014**



Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	ROBERT A ROBINSON FRICS AILCM Town Clerk	
<b>Organisation</b>	WELSHPOOL TOWN COUNCIL	
<b>Address</b>	Triangle House, Union Street, Welshpool, SY21 7PG	
<b>E-mail address</b>	wtcouncil@btinternet.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**Existing**

The right to extend industrial/warehouse buildings by up to 1,000sm (or in some cases specified to 500sm). This allowance is subject to the buildings not being increased by more than 25% of its volume (or 10% in other cases specified).

**Proposed**

To extend the right to new buildings as well as extensions with the height of the new buildings not to be more than 15m (limited to 5m if within 10m of the boundary of the site. The restrictions on limitations as to volume would be removed. Listed buildings would still need consents.

**Response**

The Council supports this proposal.

26 OCT 2012

Consultation reference: WG 15462

<b>Q2a</b>	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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**Existing**

At present hard surfacing is not restricted as to the type of construction.

**Proposed**

The proposal is to regulate that all hard surfaces should be porous or of permeable materials except where there is a risk of contamination.

**Response**

The Council does NOT support this proposal due to its concern that permeable surfaces on industrial estates can lead to contamination from adjoining sites as well as other uses within the use class in the future.

<b>Q2b</b>	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"/>

Comments:

**Existing**

As above.

**Proposed**

As above - allowance for some of the hard surfacing to be non porous or permeable.

**Response**

The Council is NOT in support of such surfaces on industrial estates.

Consultation reference: WG 15462

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"/>

Comments:

**Existing**

Subject to size (235sm) owners may change the use of the building with consent from B2 (heavy industry or B8 (warehouse) to B1 (business) or from B1 and B2 to B8.

**Proposal**

To continue with the above policy but with the size being increased to 470sm.

**Response**

The Council supports this application.

**Q4** If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?

Comments:

**Response**

The Council has no view on this aspect.

Consultation reference: WG 15462

Q5	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Existing</b> At present schools etc are limited to a 10% increase (or 250cm) whichever is the smaller without consent.</p> <p><b>Proposed</b> To extend the right to extend to new buildings with regard to schools, universities, Colleges and Hospitals. To increase the amount to 25% of the original building etc or 100sm whichever is the smaller. Reference to cubic content to be removed but a limit on height placed of 5m. The height of an extension may not be increased without consent if within 10m of the boundary. Other limitations if close to a boundary.</p> <p><b>Response</b> The Council supports this application.</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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Existing</b> None.</p> <p><b>Proposal</b> A right to be able to extend an office building by 25% of the original gross area or 500sm whichever is the smaller. Some height restrictions. Alterations may not take place within 5m of the site boundary and will only apply to ground floor space. The created space may only be used in conjunction with the existing building. Listed buildings would still need consent.</p> <p><b>Response</b> The Council supports this proposal. Any removal of restrictions which support business are welcomed.</p>				

Consultation reference: WG 15462

<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Existing</b> Limited changes of use from A2 or A3 to A1. <b>Proposal</b> Extensions allowed up to a limit of 25% (or 50sm) of the original building with a height limit of 4m and with no building within 2m of the boundary of the site. Alterations or extension of shop fronts will still need consent as will listed buildings.  The rights extend to ground floor premises only. There are other minor restrictions (such ATM's still needing consent). <b>Response</b> The Council supports this application.				

<b>Q8</b>	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 type="checkbox"/>	<input type="checkbox"/>
Comments: The Council is in support of this proposal.				

<b>Q9</b>	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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Existing</b> No reference <b>Proposal</b> Deemed consent for the provision of cycle and refuse storage subject to the floorspace not exceeding 20sm, height no more than 2.5m and other minor restrictions. Listed buildings would still need consent. <b>Response</b> The Council supports this application.				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>Existing</b></p> <p><b>None.</b></p> <p><b>Proposal</b></p> <p>Retain the need for consent with regard to shop fronts, ATM's and Security Grills on the basis of a planning fee being paid for a pre-consent consultation.</p> <p><b>Response</b></p> <p>The Council supports the proposal in principle. There needs to be better guidance for planning officers to ensure a common approach to applications.</p>	

<b>Q11</b>	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"/>
<p>Comments:</p> <p><b>Existing</b></p> <p>World Heritage sites and National Parks have restrictions on all development.</p> <p><b>Proposal</b></p> <p>It is suggested that the above should be offered the same protection as those under article 1.5 (conservation areas, Areas of Outstanding Natural Beauty, National Parks, World Heritage sites and the Broads)</p> <p><b>Response</b></p> <p>The Council supports this application.</p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p>The Council has a difficulty with Charity Shops being an A1 unrestricted use. The Council is of the view that there should be a separate use class for 'registered charities'. The reason is to allow a level playing field in the High Street taking into account the Charity Shop Rate Relief and also the effect on rental values at rent review on other shop uses.</p>	



Consultation reference: WG 15462

**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 type="checkbox"/>
<p>Comments:</p> <p>Any reduction in the regulations as proposed is welcomed. The proposals put forward go some way to helping 'free up' the planning system with regard to small applications.</p> <p>The comment made on Charity Shop uses should be taken on board which will help reduce the impact on High Streets where there is larger amount of Charity Shops than is of benefit to the whole street. The suggested addition would give local authorities to assess the need for such uses and to be able to regulate in the same way as A2 uses.</p>			

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:

Welshpool Town Council represents a small market town in Powys Wales on the border with Shropshire. The town has a population of approx 6,700 and has a shopping centre, office space and industrial estates as well as local schools.

The Council confirms that it is willing to give oral evidence if required and if the Welsh Assembly feels it would be of benefit.

I do not want my name/or address published with my response (please tick)



R. A. ROBINSON  
25.10.2012

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	John Bowers	
<b>Organisation</b>	Awdurdod Parc Cenedlaethol Eryri	
<b>Address</b>	Swyddfa'r Parc Cenedlaethol Eryri, Penrhyndeudraeth, Gwynedd LL48 6LF	
<b>E-mail address</b>	john.bowers@eyri-npa.gov.uk	
<b>Type</b> (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"/>
Comments: <b>The provisions of the Town and Country Planning (Use Classes) Order 1987 mean that attempts to control uses of new ancillary buildings allowed as "permitted development" may not succeed if challenged in Court. No objection to new ancillary buildings allowed as proposed being used for any purpose included within the Use Class of the main building.</b>				

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 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	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Consultation reference: WG 15462

there is a risk of groundwater contamination?			
<p>Comments:</p> <p><b>Article 3, Schedule 2 Part 9 of the GPDO allows replacement of hard surfaces on any "private way" WITHOUT any restriction to porous materials. I know of no proposals to impose such a restriction.</b></p> <p><b>Schedule 3 of the Flood and Water Management Act 2010 has provisions which should ensure that porous materials are used for all new or replacement external hard surfaces.</b></p> <p><b>"Requirements" for permitted development should be subject to the same tests as planning conditions.</b></p> <p><b>Welsh Office Circular 35/95 sets out these tests. One is "Relevant to planning" Paragraph 22 follows the heading "Non-planning controls"</b></p> <p><b>"...A condition which duplicates the effect of other controls will normally be unnecessary, and one whose requirements conflict with those of other controls will be ultra vires because it is unreasonable..."</b></p> <p><b>Another test is "enforceable". If Parliament was confident that the Planning Act could control non-porous hard surfaces, there would have been no need for Schedule 3 of the Flood and Water Management Act, 2010.</b></p>			

<b>Q2b</b>	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:</p> <p><b>Already "permitted development". Article3, Schedule 2, Part 9 of the GPDO refers.</b></p>				

<b>Q3</b>	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>				

Consultation reference: WG 15462

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
<p>Comments:  <b>I would prefer a round figure- 400 or 450 or 500 square metres. 470 square metres is based on 2 X 235 square metres, itself a conversion from Imperial measurements from long ago.</b></p>	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:  <b>Building on car parks should not be "permitted development".</b></p>				

<b>Q6</b>	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 checked="" type="checkbox"/>
<p>Comments:  <b>Not on Article 1.5 land. Similar considerations apply to offices in conservation areas etc as for shops. No comments on proposals outside Article 1.5 land.</b></p>				

<b>Q7</b>	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 checked="" type="checkbox"/>
<p>Comments:  <b>Not on Article 1.5 land. No comments on proposals outside Article 1,5 land.</b></p>				

<b>Q8</b>	Should new permitted development rights for	Yes		No
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Consultation reference: WG 15462

	trolley stores be introduced to the GPDO, as detailed in paragraph 3.31 of the consultation paper?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:  <b>Trolley stores should be designed as part of the planning application to build or convert a new supermarket etc.</b></p>				

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
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Comments:  <b>Not needed in the curtilage of industrial or warehouses or health or education buildings because of the provisions of the Town and Country Planning (Use Classes) Order 1987, as explained in comments in response to Q1 above. Cycle stores etc in the curtilage of other types of building should be subject to planning applications, at least on Article 1.5 land.</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p>The process is not well understood. It has led to many enforcement notices and some litigation -often based on arguments over dates rather than the merits of the development. I would much prefer categories of development which provide useful services but which are not in themselves profitable to benefit from free applications, or reduced fees.</p> <p>Applications for most types of development which improve lives for disabled people do not need a fee.</p>	

<b>Q11</b>	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"/>
<p>Comments:</p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p>1. Hawliau ar gyfer Eisteddfodau Cenedlaethol e.e. safleoedd carafan dros dro, defnydd adeiladau ar gyfer nosweithiau llawen ac ati mewn dalgylch yr Eisteddfod, mynedfeydd newydd dros dro i ac o gefnffyrdd.</p> <p>2. Wildlife ponds on farms add to biodiversity at modest cost. At the moment, they are only "permitted developemnt" if necessary for agriculture.</p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p>Complicated legislation imposes costs on law abiding developers and local planning authorities which are not properly considered by the Assessment.</p>			

Consultation reference: WG 15462

**Simpler "permitted development" rights with reduced application fees or free applications might be preferable. A Regulatory Impact Assessment should consider this option.**



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:

Yr wyf yn siomedig bod y papur ymgynghoru ddim ar gael yn Gymraeg.

I do not want my name/or address published with my response (please tick)

<p><b>Pennaeth Adfywio a Datblygu Y Gyfarwyddiaeth Cymunedau</b> Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Swyddfeydd Dinesig Stryd yr Angel PEN-Y-BONT AR OGWR CF31 4WB</p> <p>Ffôn: 01656 643643 Ffacs: 01656 815325/ 643190 <i>Rhowch 18001 cyn unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth cyfnewid testun</i> Gwefari: <a href="http://www.bridgend.gov.uk">www.bridgend.gov.uk</a></p>	<p>Cyngor Bwrdeistref Sirol</p>  <p><b>BRIDGEND</b> County Borough Council</p>	<p><b>Head of Regeneration &amp; Development Communities Directorate</b> Bridgend County Borough Council Civic Offices Angel Street BRIDGEND CF31 4WB</p> <p>Telephone: 01656 643643 Fax: 01656 815325/ 643190 <i>Put 18001 before any of our telephone numbers for the text relay service</i> Website: <a href="http://www.bridgend.gov.uk">www.bridgend.gov.uk</a></p>
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Direct line / *Deialu Uniongyrchol:* 01656 643152

Our Ref / *Ein cyf:* DCD/FL

Your Ref / *Ein cyf:*

Ask for / *Gofynnwch am:* David C Davies

Date / *Dyddiad:* 19 November 2012

Non Domestic PDR Consultation  
Development Management Branch  
Planning Division  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Dear Sir

### **CONSULTATION - PROPOSED CHANGES TO NON-DOMESTIC PERMITTED DEVELOPMENT RIGHTS**

I enclose for your information a copy of a report and extract from the amendment sheet submitted to the Development Control Committee on 15 November 2012 regarding the above. Committee endorsed both recommendations as this Authority's response to your consultation.

Yours faithfully



**Development Control Manager**

Enc.

**ITEM : 7**

**PROPOSED CHANGES TO NON DOMESTIC PERMITTED DEVELOPMENT RIGHTS**

The Welsh Government has issued a consultation document on proposed changes to non-domestic permitted development rights (PDRs). This consultation document proposes amendments and additions to the Town and Country Planning General Permitted Development Order (GPDO) in respect of the following: industrial and warehouse development, educational institutions and hospitals, offices, shops and professional / financial services establishments.

Full details of the consultation document can be accessed via <http://wales.gov.uk/consultations/planning/nondomopdrs/?lang=en>

The consultation forms part of the Welsh Government's ongoing review of the planning application process which focuses on the role of planning in facilitating economic recovery whilst maintaining the Welsh Government's commitment to sustainable development.

The review of the planning application process supports the Welsh Government's strategy for economic recovery, which places an emphasis on the role that the planning system has to play in supporting the growth of business.

It proposes that the operation of the planning system can be improved by reducing the number of minor, uncontentious planning applications. It suggests that extending PDRs for uncontentious applications would release resources to allow local planning authorities to concentrate on more complex applications and, if introduced for small and medium sized businesses, could help to stimulate economic recovery or innovation.

The intention is that the proposed changes would serve to reduce current regulation and costs on business by allowing minor extensions and alterations of premises to be undertaken without the need to submit formal planning applications. At the same time any potential adverse impacts such as overlooking, overshadowing and effect on the character of an area would be controlled.

The paper details the proposed changes and asks questions as part of the consultation process. This report has been formulated to follow that arrangement incorporating recommended responses after each question.

1. Change to Part 8 of the Permitted Development Order in respect of industrial and warehousing.
  - (i) To allow the erection of new buildings as well as extensions.
  - (ii) To also apply to R & D facilities.
  - (iii) Construct new buildings up to 100 sq m subject to:-
    - a. the height of the building does not exceed 5m if within 10m of the boundary of the curtilage of the premises.

## DEVELOPMENT CONTROL COMMITTEE MEETING : 15 NOVEMBER 2012

- b. in other cases the height of the building does not exceed 15m or the height of the highest building within the curtilage of the premises whichever is lower.
- (iv) Applies to industrial / warehousing and R & D, to new build and extensions.
- (v) No restriction on cubic content.
- (vi) The gross floorspace does not exceed the original building by more than 10% in a conservation area or 25% in any other case or 500 square metres in a conservation area or 1000 square metres in any other case, whichever is the lesser.
- (vii) New buildings, extensions or alterations in conservation area to be finished using materials which have a similar appearance to those on the existing building.
- (viii) No reduction in the space available for parking.
- (ix) No development within the curtilage of a listed building.
- (x) Development must be within the curtilage of an existing industrial building or warehouse.

### Question 1 - Do we agree with the proposed amendments?

It is not considered that the proposed changes would significantly affect the number of planning applications received. However, for those relatively few schemes that would become exempt it would help expedite their development and contribute to economic development of local businesses. It is considered that this change would be unlikely to seriously harm residential or general amenities.

- 2. The creation of hard surfaces within the curtilage of an industrial building or warehouse is permitted development. The proposal is to require that hardstanding should be constructed in porous material except where this could give rise to ground water contamination.

### Question 2 - (a) Do we agree with this proposal? (b) Should there be an allowance made for the partial replacement of hard surfacing and if so how large should the allowance be?

It is considered beneficial to reduce surface water run off unless it would otherwise lead to ground water contamination and as such the proposed change can be generally supported. However, large parts of the south of the County Borough are underlain by limestone which is prone to erosion by underground water leading to the creation of swallow holes, fissures and eventual collapse. Provision should, therefore, be made that in areas where the County Borough Council consider that such suspect geology exists, the proposed permitted development right should not apply. In other, generally suitable geology, porous material should not include chippings where they could otherwise be transported onto the public highway. The partial or full replacement of hard surfacing in porous material can also be supported subject to the geological restriction stated above.

## DEVELOPMENT CONTROL COMMITTEE MEETING : 15 NOVEMBER 2012

3. Increase the 235sqm threshold to 470sqm to change from an industrial use to a warehouse

### Question 3 - Do we agree with the change

It is not considered that a change from a B2 (general industrial) use of the size suggested would be likely to raise any significant issues. However, a change from B1 (light industry) may give rise to issues associated with HGV movements in areas that may not be suitable for such vehicles, such as adverse effects on highway safety and residential amenity. The Transportation and Engineering Section has also indicated that there could be implications on traffic generation and generate more HGV traffic.

### Question 4 - Is 470m<sup>2</sup> the correct threshold?

The proposed change increases flexibility but a greater increase in size may materially change the use of the existing industrial premises. The Transportation and Engineering Section would prefer the increase to be more modest in view of their concerns expressed in 3 above.

5. To allow extensions, alterations and new buildings to schools, colleges, universities or hospitals provided that:-
- (i) The cumulative floor space does not exceed 25% of the total floor space of the original establishment or 100square metres whichever is the lesser.
  - (ii) New building not to exceed 5m in height and extensions not to exceed 5m in height within 10m of the boundary, or in all other cases the height of the original building.
  - (iii) No development allowed within the curtilage of a listed building.

### Question 5 - Do we agree with the proposed amendments?

It is not considered that this will raise any new significant issues provided there is an additional qualification that this would not result in the loss of any onsite parking without an equivalent on site replacement parking provision. Furthermore the proposed amendment of distance from boundary be reduced from 20m to 5m be amended to be no nearer than 15m where the development would adjoin existing or approved residential development.

6. There are currently no permitted development rights in respect of offices (Class B1(a)). The proposals will permit:-
- (i) Extensions and alterations of office buildings not exceeding 25% of the original building or 50sqm whichever is the lesser.
  - (ii) No higher than existing building unless within 10m of a boundary in which case no higher than 5m.
  - (iii) No development within 5m of the boundary.
  - (iv) Alterations limited to ground floor only.

## DEVELOPMENT CONTROL COMMITTEE MEETING : 15 NOVEMBER 2012

- (v) Does not apply to conservation areas or within curtilage of listed buildings.

### Question 6 - Do we agree with the change?

It is not considered that this proposal will raise any significant issues subject to the following qualifications

- (a) that the proposal not reduce the size of the access and car parking area, serving the office; and
  - (b) materials and design should be in keeping with the existing building.
7. The proposals include changes to shops (Class A1) and financial professional services (Class A2) subject to the following limitations:-
- (i) Extensions not to exceed the original building by 25% or 50 sqm, whichever is the less.
  - (ii) Any extension is limited to 4m in height.
  - (iii) No development within 2m of any boundary.
  - (iv) No development within curtilage of listed building or conservation area.
  - (v) No development to consist of a veranda, balcony or raised platform.
  - (vi) No development beyond the existing shopfront.
  - (v) Development not to include the insertion or creation of a new shopfront or replacement of an existing shop front, nor the installation of a security grille or shutter on a shop front.
  - (vi) Alterations limited to ground floor only.

### Question 7 - Do we agree with this proposal?

It is considered that this proposal is unlikely to have a significant impact on the general amenities of any part of the County Borough provided that existing off street parking is not lost as a result of the proposal and provided the provision relates solely to the original retail premises. If there was not such a caveat a retail unit could be subdivided and each new retail unit could benefit from a permitted development right to extend.

8. The proposal includes trolley stores within the curtilage of shops provided that:-
- (i) The gross floor space of the building / enclosure does not exceed 20 sqm and is not within 20m of the boundary with a residential property, including hotels.
  - (ii) No part of the building to be sited above or below a residential property, including hotel.
  - (iii) Building or enclosure not to exceed 2.5m in height.

## DEVELOPMENT CONTROL COMMITTEE MEETING : 15 NOVEMBER 2012

- (iv) No development in conservation areas or curtilage of listed buildings.
- (v) No development between a shop and highway where the distance between the shop and boundary of the curtilage of the premises is less than 5m.

### Question 8 - Do we agree with this proposal?

It is considered that the proposal is unlikely to have a significant impact on the general amenities of any part of the County Borough. The Transportation and Engineering Section has no objection subject to no reduction in the space available for parking or turning of vehicles.

9. The proposal includes changes for refuse stores and bicycle stores subject to:-
- (i) The floor space of any new building not to exceed 20 sqm and height not to exceed 2.5m.
  - (ii) The building not to be within 10m of the site boundary or 20m of the boundary when adjoining residential curtilage.
  - (iii) Not in the curtilage of a listed building or conservation area.
  - (iv) No reduction in the space available for parking or turning of vehicles.
  - (v) No part of the building would be sited above or below a residential building including hotel.

### Question 9 - Do we agree with this proposal?

It is considered that the proposal is unlikely to have a significant impact on the general amenities of any part of the County Borough.

10. The consultation paper does not propose that a new prior approval process should be adopted for shop front alterations or installation of ATMs. However, the Council's views are sought as to whether this should be further investigated.

A prior approval process could operate as follows:-

- (i) Retain the need to apply for new shop fronts and ATMs in conservation areas and within the curtilage of listed buildings.
- (ii) Retain the need to apply for security shutters and grilles.
- (iii) A 28 day period for deemed consent for ATMs where Authority can only consider design, appearance and siting but not the principle of development, with no requirement to consult.

### Question 10 - What are our views on the above prior approval notice

It is not considered that the proposal in respect of shop fronts to a prior approval process will have a significant impact on the general amenities of the County Borough. The changes floated in respect of ATMs are likely to give rise to more significant issues. I am

## **DEVELOPMENT CONTROL COMMITTEE MEETING : 15 NOVEMBER 2012**

aware of cases where the Police have expressed concern / objected to the siting of ATMs because of poor surveillance that may result in an increase in crime. I am also aware that there can be highway safety objections because of inadequate on street parking to cater for calling motorists and which leads to non compliance with parking restrictions and highway safety. I am also aware of the concerns / objections of residential neighbours living close to proposed ATMs because of likely nighttime disturbance from pedestrians / drivers using such facilities. I am not convinced that the changes proposed in respect of ATMs will enable the LPA to fully consider the implications of such proposals especially where they would be located in primarily residential areas. The Transportation and Engineering Section has indicated that there are serious concerns with this proposal and ATMs should continue to be the subject of planning applications.

The Authority is also asked for any suggestions to further amend the Town and Country Planning General Permitted Development Order. The Welsh Government currently requires Design and Access Statements for a wide range of planning applications. Some would become exempt because of the proposed changes to the GPDO but many others, which are relatively minor, would still require planning permission. However, the requirement to ensure many applications be accompanied by a Design and Access Statement puts a burden on developers, can cause delay and can make Local Planning Authorities appear unduly bureaucratic by having to insist on the submission of such statements. As the Government is looking to reduce the burden on developers with the proposed relaxations they would be well advised to also review the types of application where Design and Access Statements are really essential.

Members should note that there will be significant changes to Part 1 of the Order in respect of development within the curtilage of a dwellinghouse next year.

### **RECOMMENDATION**

That this report be endorsed as the views of this Local Planning Authority which shall be forwarded to the Welsh Government in response to their consultation document.



## NORTH WALES ASSOCIATION OF TOWN AND LARGER COMMUNITY COUNCILS

**WELSH ASSEMBLY GOVERNMENT**  
CONSULTATION ON PERMITTED DEVELOPMENT RIGHTS  
(PLANNING ACTS)**INTRODUCTION**

The North Wales Association of Town and Larger Community Councils represents 33 Local Councils in Mid and North Wales. All have been consulted before this response to the above was prepared for presentation.

**QUESTION ONE****Existing**

The right to extend industrial/warehouse buildings by up to 1,000sm (or in some cases specified to 500sm).

This allowance is subject to the buildings not being increased by more than 25% of its volume (or 10% in other cases specified).

**Proposed**

To extend the right to new buildings as well as extensions with the height of the new buildings not to be more than 15m (limited to 5m if within 10m of the boundary of the site. The restrictions on limitations as to volume would be removed.

Listed buildings would still need consents.

**Response**

The Association supports this application in principle but considers that the 15m height is excessive.

**QUESTION TWO (A)****Existing**

At present hard surfacing is not restricted as to the type of construction.

**Proposed**

The proposal is to regulate that all hard surfaces should be porous or of permeable materials except where there is a risk of contamination.

**Response**

The Association does not support this proposal due to its concern that permeable surfaces on industrial estates can lead to contamination from adjoining sites as well as other uses within the use class in the future.

**QUESTION TWO (B)****Existing**

As above.

**Proposed**

As above - allowance for some of the hard surfacing to be non porous or permeable.

**Response**

The Association is not in support of such surfaces on industrial estates. Leakage from future uses can cause problems and will not be easily controlled.

### **QUESTION THREE**

#### **Existing**

Subject to size (235sm) owners may change the use of the building with consent from B2 (heavy industry or B8 (warehouse) to B1 (business) or from B1 and B2 to B8.

#### **Proposal**

To continue with the above policy but with the size being increased to 470sm.

#### **Response**

The Association supports this application.

### **QUESTION FOUR**

#### **Question**

Is 470sm in question 3 enough?

#### **Response**

The Association has no view on this aspect.

### **QUESTION FIVE**

#### **Existing**

At present schools etc are limited to a 10% increase (or 250cm) whichever is the smaller without consent.

#### **Proposed**

To extend the right to extend to new buildings with regard to schools, universities, Colleges and Hospitals.

To increase the amount to 25% of the original building etc or 100sm whichever is the smaller.

Reference to cubic content to be removed but a limit on height placed of 5m.

The height of an extension may not be increased without consent if within 10m of the boundary.

Other limitations if close to a boundary.

#### **Response**

The Association supports this application.

### **QUESTION SIX**

#### **Existing**

None.

#### **Proposal**

A right to be able to extend an office building by 25% of the original gross area or 500sm whichever is the smaller.

Some height restrictions. Alterations may not take place within 5m of the site boundary and will only apply to ground floor space.

The created space may only be used in conjunction with the existing building. Listed buildings would still need consent.

#### **Response**

The Association supports this proposal. Any removal of restrictions which support business are welcomed.

### **QUESTION SEVEN**

#### **Existing**

Limited changes of use from A2 or A3 to A1.

#### **Proposal**

Extensions allowed up to a limit of 25% (or 50sm) of the original building with a height limit of 4m and with no building within 2m of the boundary of the site. Alterations or extension of shop fronts will still need consent as will listed buildings. |

The rights extend to ground floor premises only. There are other minor restrictions (such as ATM's still needing consent).

#### **Response**

The Association supports this application.

### **QUESTION EIGHT**

#### **Proposal**

To introduce permitted rights for trolley stores for retail units.

#### **Response**

The Association agrees with this proposal.

### **QUESTION NINE**

#### **Existing**

No reference

#### **Proposal**

Deemed consent for the provision of cycle and refuse storage subject to the floor space not exceeding 20sm, height no more than 2.5m and other minor restrictions. Listed buildings would still need consent.

#### **Response**

The Association supports this application.

### **QUESTION TEN**

#### **Existing**

None.

#### **Proposal**

Retain the need for consent with regard to shop fronts, ATM's and Security Grills on the basis of a planning fee being paid for a pre-consent consultation.

#### **Response**

The Association supports the proposal in principle. There needs to be better guidance for planning officers to ensure a common approach to applications.

### **QUESTION ELEVEN**

#### **Existing**

World Heritage sites and National Parks have restrictions on all development.

#### **Proposal**

It is suggested that the above should be offered the same protection as those under article 1.5 (conservation areas, Areas of Outstanding Natural Beauty, National Parks, World Heritage sites and the Broads)

#### **Response**

The Association supports this proposal.

### **QUESTION TWELVE**

#### **Any other issues**

The Association has a difficulty with Charity Shops being an A1 unrestricted use.

The Association is of the view that there should be a separate use class for 'registered charities'. The reason is to allow a level playing field in the High Street taking into account the Charity Shop Rate Relief and also the effect on rental values at rent review on other shop uses.

### **QUESTION THIRTEEN**

#### **Regulation comments**

Any reduction in the regulations as proposed is welcomed. The proposals put forward go some way to helping 'free up' the planning system with regard to small applications.

The comment made on Charity Shop uses should be taken on board which will help reduce the impact on High Streets where there is larger amount of Charity Shops than is of benefit to the whole street. The suggested addition would give local authorities to assess the need for such uses and to be able to regulate in the same way as A2 uses.

**The Association is willing to give oral evidence to the relevant committee if it was felt to be helpful.**

Robert A Robinson FRICS AILCM  
Secretary  
North Wales Association of Town and Larger Community Councils  
Triangle House  
Union Street  
Welshpool  
SY21 7PG  
Tel 01938 553142  
Email [wtcouncil@btinternet.com](mailto:wtcouncil@btinternet.com)

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Vicki Hirst	
<b>Organisation</b>	Pembrokeshire Coast National Park Authority	
<b>Address</b>	Llanion Park Pembroke Dock Pembrokeshire	
<b>E-mail address</b>	vickih@pembrokeshirecoast.org.uk	
<b>Type</b> <i>(please select one from the following)</i>	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"/>

Comments:

**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.**

**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.**

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:  <b>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.</b></p>				

<b>Q2b</b>	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:  <b>It is considered that all replacement of hardstanding should be through permeable/porous means.</b></p>				

<b>Q3</b>	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>				

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

<b>Q5</b>	Do you agree with the proposed amendments	Yes		No
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Consultation reference: WG 15462

	to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?		Yes (subject to further comment)	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>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.</b>				

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"/>
Comments: <b>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.</b>				

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"/>
Comments: <b>As Q6</b>				

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"/>
Comments: <b>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.</b>				

Consultation reference: WG 15462

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<b>Q9</b>	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
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Comments: <b>As Q6</b>		



Consultation reference: WG 15462

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

<b>Q11</b>	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:				

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

**Draft Regulatory Impact Assessment**

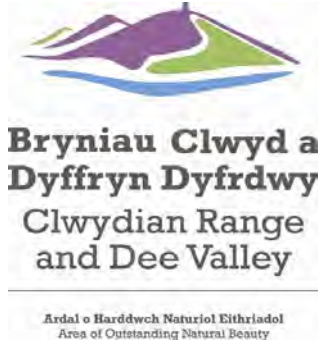
<b>Q13</b>	Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?	Yes	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments:			

Consultation reference: WG 15462

**General**

<b>Q14</b>	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"/>
----------------------------------------------------------------------------------------------------



Eich cyf/Your ref:  
Ein cyf/Our ref:  
Dyddiad/Date **14 December 2012**  
Rhif union/Direct dial [REDACTED]  
E-bost/E-mail [REDACTED]

**Non Domestic PDR's Consultation  
Development Management Branch  
Planning Division  
Welsh Government  
Cathays Park  
CARDIFF  
CF10 3NQ**

Dear Sir or Madam

**WELSH GOVERNMENT CONSULTATION: PROPOSED CHANGES TO NON DOMESTIC PERMITTED DEVELOPMENT RIGHTS**

Thank you for seeking the views of the Joint Advisory Committee (JAC) for the Clwydian Range and Dee Valley AONB on this consultation document.

The following observations were agreed by the JAC at a meeting held on 14 December 2012.

**“The JAC welcomes recognition of the need to maintain additional protection and safeguards in respect of development in AONB’s and other Article 1(5) land in formulating the new proposals. In addition, the JAC welcomes the proposed inclusion of World Heritage Sites such as the Pontcysyllte Aqueduct and Canal within the ambit of Article 1(5), and the proposal to provide similar protection in respect of development within the curtilage of a Listed Building. These changes will provide a clearer and more consistent approach to the protection of heritage assets. However, the JAC notes an inconsistency in this regard relating to the proposed new permitted development rights for trolley stores. Whilst safeguards in relation to such development in Conservation Areas and the curtilage of Listed Buildings is welcomed, the JAC would suggest that this should be extended to other Article 1(5) land (including AONB’s) and World Heritage Sites.”**

Yours sincerely,

[REDACTED SIGNATURE]

Cyd-Bwyllgor Cyngor AHNE Bryniau Clwyd a Dyffryn Dyfrdwy  
Gwasanaeth Cefn Gwlad Sir Ddinbych  
Parc Gwledig Loggerheads  
Yr Wyddgrug  
CH7 5LH



Clwydian Range & Dee Valley AONB Joint Advisory Committee  
Denbighshire Countryside Service  
Loggerheads Country Park  
Mold  
CH7 5LH

[REDACTED]

[REDACTED]

Consultation reference: WG 15462

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Heather Galliford	
<b>Organisation</b>	Wales Environment Link The following member organisations support this document: Bat Conservation Trust Butterfly Conservation Wales Campaign for National Parks Campaign for the Protection of Rural Wales Keep Wales Tidy RSPB Cymru Wildlife Trusts Wales Ymddiriedolaeth Genedlaethol / National Trust	
<b>Address</b>	27 Pier Street Aberystwyth SY23 2LN	
<b>E-mail address</b>	heather@waleslink.org	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

Even with the safeguards proposed, we are not convinced that the proposed relaxation of planning control for new industrial buildings of up to 100 square metres is consistent with the conservation of the scenic beauty of National Parks and AONB or the heritage value of World Heritage Sites. We suggest the exclusion of article 1(5) from this provision.

Consultation reference: WG 15462

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 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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We fully support the aim of mitigating the potential for new hard surfaces to exacerbate flood risk associated with heavy rainfall. We also agree that the use of permeable and porous surfaces may be appropriate in many situations. Where permeable or porous surfaces would be undesirable or ineffective, attenuation may be a suitable approach. We ask that consideration be given to whether attenuation should also be encouraged through the modification of permitted development rights.</b></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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>No comment</b></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> <p><b>No comment</b></p>				

Consultation reference: WG 15462

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

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
<b>We have no comment on most of the detail of these proposals. We do however welcome the introduction of a safeguard relating to the curtilages of listed buildings.</b>				

<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
<b>No comment</b>				

<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				
<b>No comment</b>				

Consultation reference: WG 15462

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:  <b>No comment</b>				

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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:  <p><b>We welcome these proposals as a contribution to improved recycling and the encouragement of green travel. Some of the proposed limitations, such as distance from boundaries and from class C uses, seem unnecessarily restrictive in relation to cycle parking. We would suggest that more relaxed limits are developed for cycle parking.</b></p> <p><b>Using the example of the permitted development rights for non-domestic renewables recently introduced in Wales, we also suggest that the permitted development rights for cycle parking and refuse stores should be generally available for all non-domestic uses rather than being tied to specific use classes.</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments:	
No comment	

<b>Q11</b>	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:				
We welcome the proposal to include World Heritage Sites in the definition of Article 1(5) land.				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments:	
We support the fact that most of the provisions do not apply on article (1)5 land and we would expect the planning proposals to ensure appropriateness of new development in protected landscapes as a contribution to sustainable development.	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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:			
No comment			



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:

**No comment**

I do not want my name/or address published with my response (please tick)

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Owain Davies	
<b>Organisation</b>	Ceredigion County Council	
<b>Address</b>	Cyngor Neuadd Ceredigion Penmorfa, Aberaeron, Ceredigion SA46 0PA	
<b>E-mail address</b>	owain.davies@ceredigion.gov.uk	
<b>Type</b> <i>(please select one from the following)</i>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: I think that this needs further thought, as the hydrological impacts are going to				

Consultation reference: WG 15462

vary on a site by site basis. My first thought is that this is an area that would benefit from a 'prior notification' approach, so that the local authority would have some time (28 days) to consult with the EAW and drainage technicians before determining whether prior approval is required.

<b>Q2b</b>	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"/>

Comments:  
If no allowance is made then there would be greater opportunities to secure improvements to surface water drainage systems and address situations where there are known problems. A 28 day prior notification process would not be overly onerous, and it should be borne in mind that many industrial/warehousing locations already feature large areas of impermeable surfaces and poor surface water disposal systems. There is a technical difficulty in providing porous surfaces in areas where there is a large amount of movement for HGV's and a brick paviour approach would not be financially viable or technically appropriate (given the frequent movement of HGV's). A prior notification process would allow a quick assessment of the existing surface water system to be made whenever a renewal of hard surfacing is being undertaken, which strikes me as a good time to make such an assessment.

<b>Q3</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**Q4** If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?

Comments:

Consultation reference: WG 15462

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<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 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><b>Agree with all the changes except the proximity to the boundary. Plant rooms (boilers, etc) could very likely be located near to the boundaries of the site and could be a cause of concern for immediate neighbours (noise, etc). I think a more reasonable distance would be 10m rather than 5m.</b></p>				

<b>Q6</b>	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 checked="" type="checkbox"/>
<p>Comments:</p> <p><b>Offices are often located in prominent locations in town centres (not necessarily conservation areas) where restrictions to PD rights help to secure the protection of the historic environment and the appearance of these area's more generally. The height restrictions may have the unintended consequence of encouraging flat roof extensions which could be harmful to the character and appearance of some office buildings.</b></p>				

<b>Q7</b>	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 checked="" type="checkbox"/>
<p>Comments:</p> <p><b>The proposed amendments would still require applications for changes to shopfronts and wouldn't allow alterations above the groundfloor, so I can't see it leading to a huge reduction in applications, but it would introduce a greater level of uncertainty. Large retailers would be likely to challenge the Local Authorities interpretation of PDR's and this could lead to a greater workload rather than less.</b></p>				

Consultation reference: WG 15462

<b>Q8</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q9</b>	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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>I think it would be a bad idea as it would lead to a loss of control over the appearance of shopfronts which are very important in terms of the character and quality of the built environment. It would also remove the consultation process that the planning system currently provides, and therefore remove the ability of civic societies and the public to comment on such proposals.</b></p>	

<b>Q11</b>	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"/>
<p>Comments:</p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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"/>
<p>Comments:</p>			

Consultation reference: WG 15462

**General**

<b>Q14</b>	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"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
Name	Adrian James	
Organisation	Environment Agency Wales	
Address	Ty Cambria 29 Newport Road Cardiff CF24 0TP	
E-mail address	adrian.james@environment-agency.wales.gov.uk	
Type (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**1.1 We have concerns with respect to the proposed changes which will allow the construction of certain new buildings under permitted development rights. Our concerns relate to the potential for such buildings to be constructed:**

- in areas at risk of flooding, particularly where Technical Advice Note 15 (TAN15) Development Advice Maps may have been updated since planning permission for the existing building(s) at the premises was granted; or
- on land affected by contamination.

**1.2 We note the intention to retain existing provisions in Part 8 of the GPDO which enables a building extension that does not exceed 1,000sqm to benefit to from permitted development rights. This can lead to an extensive impermeable area being developed under permitted development rights without appropriate consideration of the potential flood risk from increased surface water run-off.**

**In light of our above concerns, we recommend that the GPDO is amended to require developers before exercising the above existing and proposed permitted development rights, to apply to the local planning authority for a determination**



Consultation reference: WG 15462

as to whether the authority’s prior approval is required for the development proposed. This will enable the planning authority to consider:

- whether the proposed development is located within a flood risk area, and requires a flood consequences assessment; and
- whether the proposed development is on land affected by contamination;
- the drainage capacity of the area to accommodate increased surface water run-off.

1.3 We also note the intention to retain existing provisions in Part 8 of the GPDO which enables development under permitted development rights up to 5 metres of the boundary of the premises. Where the boundary of the premises is adjacent to a main river, we would have concerns should the proposed development impinge on the ability of the Environment Agency to access or carry out works of maintenance and improvement on these rivers. We would therefore recommend that any proposal within 7 metres of a main river should be subject to approval of the local planning authority prior to the commencement of works under permitted development rights. This distance is consistent with provisions in byelaws for where a Flood Defence Consent may be required.

Please see also our comments to Question 12.

<b>Q2a</b>	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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Surface water flows can be increased by extensive areas of impermeable surfacing. We therefore support the proposal to amend Part 8 Class C of Schedule 2 to the GPDO to require all new hard surfaces to either be constructed of porous or permeable materials or to direct run-off to a permeable or porous area, subject to there being no risk of groundwater contamination.

The consideration of groundwater contamination should include how the replacement of hardstanding with permeable or porous materials may lead to any on-site contamination entering groundwater, the potential for existing contaminants in the ground to be mobilised by water infiltration, and the potential for contamination to enter surface waters via groundwater.

However, it is unclear from the information provided in the consultation document how or where applicants and local planning authorities should consider a potential risk of groundwater contamination.

We therefore recommend that the proposed amendment to Part 8 Class C of Schedule 2 to the GPDO should also include a requirement for developers,

Consultation reference: WG 15462

**before exercising such permitted development rights, to apply to the local planning authority for a determination as to whether the authority’s prior approval is required for the development proposed. The purpose of this prior approval would be to give local planning authority the opportunity to consider the potential risk of groundwater contamination prior to the commencement of works.**

**Alternatively, any amended regulations should be supported by new guidance which clarifies how developers should identify cases, where because of contamination risks, drainage via a permeable surface or to a permeable area should not be allowed, and what alternative approaches should be considered by the developer to deal with surface water.**

<b>Q2b</b>	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"/>

**Comments:**  
**We understand that this question relates to making an allowance for the partial replacement of hard-surfacing with non-porous surfacing to benefit from permitted development rights.**

**A partial replacement of an existing hard surfacing may nevertheless relate to an extensive area of hardstanding. In light of potential risk of surface water run-off implications, we consider that any allowance under permitted development rights should be limited to minor repair works e.g. potholes.**

<b>Q3</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
**No comment.**

Consultation reference: WG 15462

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

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>We note the proposed change to extend permitted development rights for development up to 5 metres of the boundary of the premises. For the same reasons set out in our response to Question 1 above, we recommend that any proposal within 7 metres of a main river should be subject to approval of the local planning authority prior to the commencement of works under permitted development rights.</b>				

<b>Q6</b>	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 checked="" type="checkbox"/>
Comments: <b>We note the proposals to enable certain development to benefit from permitted development rights subject to the development being 5 metres from the boundary of the premises. For the same reasons set out in our response to Question 1 above, we recommend that any proposal within 7 metres of a main river should be subject to approval of the local planning authority prior to the commencement of works under permitted development rights.</b>				

<b>Q7</b>	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
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Consultation reference: WG 15462

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>We note the proposals to enable certain development to benefit from permitted development rights subject to the development being 2 metres from the boundary of the premises. For the same reasons set out in our response to Question 1 above, we recommend that any proposal within 7 metres of a main river should be subject to approval of the local planning authority prior to the commencement of works under permitted development rights.</b></p>			

<b>Q8</b>	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 type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>No comment.</b></p>				

<b>Q9</b>	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
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:  <b>No comment.</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>No comment.</b>	

<b>Q11</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>No comment.</b>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>Further to our comments above we have suggest that two further amendments should be made to the GPDO:</b>	
<p><b>(i) We support the intention set out in the DCLG 2008 report, which informs this consultation document, to make suggestions to align the GPDO with planning practice by focussing on the impact that a development would have on its surroundings.</b></p> <p><b>A number of the proposed changes to the GPDO include make provision for certain new buildings, and building extensions of a particular size to benefit from permitted development rights. However, it is currently unclear from the consultation document how the proposed changes will ensure appropriate consideration is given to flood risk, and land and water contamination prior to the commencement of works.</b></p> <p><b>We therefore recommend that permitted development rights for new buildings, or extensions to existing buildings within the following areas should be subject to prior approval from the local planning authority:</b></p> <ul style="list-style-type: none"> <li>- <b>Where the proposals are in Zone C of the Development Advice Maps referred to under TAN15;</b></li> <li>- <b>Where the proposals involve groundworks and/or non-main foul or surface</b></li> </ul>	

Consultation reference: WG 15462

**water disposal within Source Protection Zones or defined water protection zones;**

- **Development on potentially contaminated land which may pollute controlled waters;**
- **Development within 250 metres of land which is, or has been, used to deposit refuse or waste;**
- **Development involving the use of land for the deposit, storage, transfer, processing and/or treatment of refuse or waste;**
- **Development within 7 metres of a Main River.**

(ii) As stated in our comments to ‘Question 2’ above, we support the proposal to allow industry and warehousing to lay, under permitted development rights, unlimited areas of permeable or porous hard-standing, or make provision to direct run-off to a permeable surface, subject to there being no risk of groundwater contamination.

We consider that the potential benefit of this measure to reduce surface water run-off may also be appropriate for other Use Classes. We therefore suggest that consideration is also given to enable shops, offices and institutions to lay a stipulated allowance of permeable or porous hard-standing, or direct run-off to a permeable surface under permitted development rights, where there is no risk of groundwater contamination.

We would happy to discuss further any of the comments we have made above.

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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**

<b>Q14</b>	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"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Roisin Willmott	
<b>Organisation</b>	RTPI Cymru	
<b>Address</b>	PO Box 2465 Cardiff CF23 0DS	
<b>E-mail address</b>	roisin.willmott@rtpi.org.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>The proposed amendments appear to be sensible and workable proposals.</b>				

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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>This is a welcome change but we seek clarification on whether this would align with the forthcoming SUDs approval process required by the Floods and Water</b>				



Consultation reference: WG 15462

**Management Act 2010.**

In addition, would the change infer that any planning applications for surfaces using non permeable materials would be unacceptable. There needs to be policy support or guidance about the use of permeable surfaces in order to clarify this issue when considering planning applications.

We also believe that whilst TAN 15 refers to surface water run off across the catchment, its wording is quite loose and may only be associated with the development advice maps associated with rivers. TAN 15 should be reworded and revised to take account of the Local Flood Risk Areas identified by Preliminary Flood Risk Assessments (2011), the forthcoming Local Flood Risk Management Strategies (2013) and updated Flood Map for Surface Water (uFMsfw) Flooding when it is published in 2013.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: <b>We believe that a minimal area of 10sqm where the impact would be insignificant would be a sufficient allowance. Although it is important to note that by introducing an allowance, discussions on significance will follow. While this introduces flexibility into the process, it also improves subjectivity.</b>				

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"/>
Comments: <b>None</b>				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
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Consultation reference: WG 15462

<p>Comments:  <b>This appears to be appropriate.</b></p>
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<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>Comments:  <b>None</b></p>
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<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>Comments:  <b>None</b></p>
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<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>

<p>Comments:  <b>No problems are foreseen with the PD rights proposed, but given the limitations (e.g. no alterations or replacement of shopfronts, or insertions of ATMs) it is hard to see what real benefit will be derived for these premises.</b></p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Q8</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>Comments:  <b>None</b></p>
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Consultation reference: WG 15462

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<b>Q9</b>	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
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>RTPI Cymru welcomes the additional provision for cycle storage introduced by the Welsh Government.</b></p>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>This would place additional burdens upon LPAs to consider such prior approval applications within 28 days and therefore prioritise this work above other planning applications to the detriment of service delivery for other applications. This would appear to be unfair and potentially harmful with little benefit gained.</b></p>	

<b>Q11</b>	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"/>
<p>Comments:</p> <p><b>There may be some merits in terms of national consistency in Wales and the UK. This may also remove part of the requirements for supplementary planning guidance at a local level.</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p><b>None</b></p>	

### **Draft Regulatory Impact Assessment**

<b>Q13</b>	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"/>
<p>Comments:</p> <p><b>None</b></p>			

Consultation reference: WG 15462

**General**

<b>Q14</b>	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:
<b>None</b>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
Name	Geoff White	
Organisation	Neath Port Talbot CBC	
Address	The Quays Brunel Way Neath	
E-mail address	g.white@npt.gov.uk	
Type <i>(please select one from the following)</i>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

**However, the definitions require tightening as follows:**

**References to buildings/extensions within 10 metres of boundaries need to ensure that the maximum height is no greater than the height of the building to which it relates or 5 metres whichever is the lesser. This is on the basis that a large proportion of our industrial heritage which is still in operational use is located within residential areas;**

**It is noted that a time restriction on the use of new buildings as included within paragraph A2© in the English Regs. Whilst this might be considered over protective, there need to be restrictions in sensitive areas where the existing planning unit is restricted in the time of operation and this is therefore suggested. Alternatively any new buildings should be the subject of the same conditions associated with the existing buildings within the curtilage of the site. For example if there is an hours of operation condition associated with the existing buildings, this should also apply to the development which is constructed under permitted development rights. Furthermore, should the**

Consultation reference: WG 15462

**extension and/or new building be tied to the parent building. If this is not the case the new building could be divided/separated from the parent building potentially without its own parking and servicing areas etc, thus having a knock on effect on the surrounding area.**

**No new buildings or extensions forward of a building line fronting a highway unless greater than 20 metres away.**

**It is queried as to whether you only have permitted development rights for an extension and alteration once. If the building has been extended previously beyond the 100m<sup>2</sup> allowance you cannot build further without planning permission. If this is not the case developers could build extensions incrementally to threshold dive the BREEAM requirements. It is noted however that this may well become incorporated into the Building Regulations however in the interim it could be an issue.**

**Whilst it is acknowledged that permitted development rights are not available to listed buildings, consideration has not been given to development which lies adjacent to a listed building which could potentially impact upon the setting of the listed building.**

**There is no recognition of the potential impact upon BAP habitat or any ecologically sensitive areas**

**The criteria for alterations to office buildings specifically restricts them to ground floor level only, or as we have suggested below 4 metres. Should this criteria also apply to industrial buildings as these are often located in residential areas where the impact of changes to a building at first floor level and above can be significant.**

<b>Q2a</b>	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 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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>a) Yes, this is consistent with current practice on sustainable drainage, however, the ground contamination exception, whilst supported, needs to be defined so that contamination in such circumstances is properly dealt with, eg requiring that all run off is passed through an interceptor and the issue of maintenance is adequately covered.</b></p>				

Consultation reference: WG 15462

<b>Q2b</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>b) It should be dealt with as in a) to encourage sustainable drainage.</b>				

<b>Q3</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>The justification put forward for the change is to allow flexibility without evidence to support it. The increase in the allowance could result in the uncontrolled loss of employment generating buildings, given that warehousing uses are less likely to generate significant levels of employment when compared to general and light industrial uses. This proposal would therefore be resisted.</b>				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
Comments:	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes. However, the definitions require tightening as follows:</b>  <b>References to buildings/extensions within 10 metres of boundaries need to</b>				



Consultation reference: WG 15462

**ensure that the maximum height is the lower of 5 metres or the height of other buildings;**

**No new buildings or extensions forward of a building line fronting a highway unless greater than 20 metres away;**

**The materials should match in all cases and not just Article 1(5) land.**

**There shall be no loss of parking spaces, or impact upon existing access points.**

**There is no recognition of the potential impact upon BAP habitat or any ecologically sensitive areas**

<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Yes. However, the definitions require tightening as follows:**

**References to buildings/extensions within 10 metres of boundaries need to ensure that the maximum height is the lower of 5 metres or the height of other buildings;**

**No new buildings or extensions forward of a building line fronting a highway unless greater than 20 metres away;**

**Materials to be used to match the existing building.**

**There shall be no loss of parking spaces or impact upon existing access points**

**There is no recognition of the potential impact upon BAP habitat or any ecologically sensitive areas**

<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Yes. However, the definitions require tightening as follows:**

**References to ground floor require a height restriction of say 4 metres;**

Consultation reference: WG 15462

**Materials to be used to match the existing building.**

**There shall be no loss of parking spaces or impact upon existing access points**

**There is no recognition of the potential impact upon BAP habitat or any ecologically sensitive areas**

**The ability to undertake alterations at ground floor level within 2 metres of a boundary could potentially allow the introduction of openings on an elevation either on or very close to a boundary which could have a significant impact upon the amenities of neighbouring occupiers. This needs to be addressed.**

**Security shutters are specifically excluded but could be covered by criteria to enable their provision without having an unacceptable impact. For example, requiring the concealment of the shutter box so that it does not project forward of the shop front or is concealed behind the fascia, together with the shutter curtain incorporating perforations which cover an area of at least 75% of the shutter curtain and are colour coated to match the existing shop front. These criteria are normally sought as part of the planning process and could be included as conditions of the permitted development rights. This should not however relate to article 1(5) land and listed buildings.**

<b>Q8</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Yes. However, the definitions require tightening as follows:**

**The restriction in the second bullet point should not be just Class C uses but all uses;**

**The trolley stores should not displace any existing parking spaces or impact upon existing access points**

**Materials to be used to match the existing building;**

**The restriction on Conservation Areas should be expanded to Article 1(5) land.**

**Clarification is required on the extent of a site and its associated permitted development rights. A retail park for example could be described as one planning unit and as such could only accommodate one trolley store under permitted development rights. However there may be 10 retail units on that park and it is questionable as to whether each of those retail units would have PDR to erect a trolley store thereby having 10 stores, which could lead to visual clutter.**

Consultation reference: WG 15462

**Whilst it is acknowledged that each trolley store can only cover a floor area of 20m<sup>2</sup>, there is no restriction on the number of stores which can be constructed. If you could have multiple stores all over a site, all of which would be PD as long as they do not extend to more than 20m<sup>2</sup>. This does not seem to be appropriate.**

<b>Q9</b>	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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>Yes. However, the definitions require tightening as follows:</b>  <b>Whilst it is acknowledged that the building can only cover a floor area of 20m<sup>2</sup>, there is no restriction on the number of units which can be constructed. If you could have multiple buildings all over a site, all of which would be PD as long as they do not extend to more than 20m<sup>2</sup>. This does not seem to be appropriate.</b>  <b>The restriction in the seventh bullet point should not be just Class C uses but all uses;</b>  <b>Materials to be used to match the existing building, however if an alternative material is to be used, a prior notification procedure should be followed to ensure that good quality materials are used;</b>  <b>Clarification is required on the extent of a site and its associated permitted development rights. A retail or industrial park for example could be described as one planning unit and as such could only accommodate one refuse/cycle store under permitted development rights. However there may be 10 units on that park and it is questionable as to whether each of those units would have PDR to erect a refuse/cycle store thereby having 10 stores, which could lead to visual clutter.</b>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?		
<p>Comments:</p> <p>The introduction of prior approval for shop fronts and ATM's is not supported. These are developments that are important to the character of town, village and other centres and our experience is that designs usually require amendment and alterations which cannot be dealt with by conditions as allowed for in the suggested scheme. This will therefore lead to the double handling of applications as it is anticipated that the majority of proposals would require the submission of an application. This would lead to a slowing down and not the speeding up of decisions.</p> <p>The introduction of ATM's within this authority has previously caused issues regarding pedestrian and highway safety ie sited on narrow pavements with insufficient space to allow for passing pedestrians. Inappropriate siting on sharp highway bends can also encourage vehicles to park, even on double yellow lines, which in turn can cause a highway safety issue. The impact upon pedestrian and highway safety therefore needs to be taken into account in any future prior notification process. Furthermore will these permitted development rights relate to ATM's within buildings only, or will they also include freestanding ATM's which seem to be becoming more popular.</p>			

<b>Q11</b>	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:				

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

Consultation reference: WG 15462

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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**

<b>Q14</b>	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"/>
----------------------------------------------------------------------------------------------------

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Judith Jones	
<b>Organisation</b>	Merthyr Tydfil County Borough Council	
<b>Address</b>	Unit 5, Triangle Business Park, Pentrebach, Merthyr Tydfil, CF48 4TQ	
<b>E-mail address</b>	judith.jones@merthyr.gov.uk	
<b>Type</b> (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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q2b</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**25%**

<b>Q3</b>	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"/>

Comments:

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
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Comments:  
**470sqm is correct**

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:



Consultation reference: WG 15462

<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q8</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q9</b>	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
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>The Prior Approval process should progress as set out.</b>	

<b>Q11</b>	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:				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>No</b>	

### **Draft Regulatory Impact Assessment**

<b>Q13</b>	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**

<b>Q14</b>	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"/>
----------------------------------------------------------------------------------------------------

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Ruth Bradshaw	
<b>Organisation</b>	Campaign for National Parks	
<b>Address</b>	6-7 Barnard Mews London SW11 1QU	
<b>E-mail address</b>	ruthb@cnp.org.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: <b>Even with the safeguards proposed, we are not convinced that the proposed relaxation of planning control for new industrial buildings of up to 100 square metres is consistent with the conservation of the scenic beauty of National Parks and AONBs or the heritage value of World Heritage Sites. We suggest the exclusion of article 1(5) land from this provision.</b>				

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 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	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

there is a risk of groundwater contamination?			
Comments: <b>We fully support the aim of mitigating the potential for new hard surfaces to exacerbate flood risk associated with heavy rainfall. We also agree that the use of permeable and porous surfaces may be appropriate in many situations.</b>			

<b>Q2b</b>	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"/>
Comments: <b>We consider that all replacement of hard surfacing should be through permeable/porous means.</b>				

<b>Q3</b>	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"/>
Comments: <b>No comment</b>				

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

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We have no comment on most of the detail of these proposals. However, we are concerned that the proposals would make it easier to build more on existing sites without planning permission - 25% could comprise a significant extension.</b></p>				

<b>Q6</b>	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:</p> <p><b>We have no comment on the detail of specific proposals, but we strongly support the proposal to exclude National Parks from these pd rights.</b></p>				

<b>Q7</b>	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:</p> <p><b>As Q6</b></p>				

<b>Q8</b>	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:</p> <p><b>We consider that National Parks should be excluded from these pd rights in the same way that Conservation Areas are excluded. There are many small shops and stores within settlements in National Parks where trolley stores could be provided and the cumulative effect could have significant impacts on the special qualities of these areas.</b></p>				

Consultation reference: WG 15462

<p><b>Q9</b></p>	<p>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?</p>	<p>Yes</p>	<p>Yes (subject to further comment)</p>	<p>No</p>
		<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>
<p>Comments: <b>As Q6</b></p>				

Consultation reference: WG 15462

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

<b>Q11</b>	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: We welcome the proposal to include World Heritage Sites in the definition of Article 1(5) land.				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: We welcome the fact that most of the provisions being consulted on here do not apply on article (1)5 land.  We would like to see further amendments to the part 40 of the GDPO to remove the permitted development rights that were introduced in May 2012 relating to wind turbines up to 11.1m in height. AONBs, World Heritage Sites and SSSIs are all specifically excluded from these PD rights but not National Parks. We are very concerned about this decision to treat National Parks differently from AONBs and SSSIs as all three were created under the same legislation and should be granted the same level of protection. Welsh Government planning policy also emphasises that National Parks and AONBs have equivalent status. We would like to see part 40 amended so that National Parks are also excluded from these PD rights.	

### Draft Regulatory Impact Assessment

<b>Q13</b>	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"/>



Consultation reference: WG 15462

Comments:

**No comment**

Consultation reference: WG 15462

**General**

<b>Q14</b>	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:
<b>No comment</b>	

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Steve Speed	
<b>Organisation</b>	Planning Jungle Limited	
<b>Address</b>	20 Burnham Road Morden, Surrey SM4 5LX, England	
<b>E-mail address</b>	steve@planningjungle.com	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input 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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Comments: Please see my answer to Question 14.				

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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment.				

Consultation reference: WG 15462

<b>Q2b</b>	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 type="checkbox"/>

Comments:  
**No comment.**

<b>Q3</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**No comment.**

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

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:  
**Please see my answer to Question 14.**

Consultation reference: WG 15462

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 checked="" type="checkbox"/>
Comments: <b>Please see my answer to Question 14.</b>				

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 checked="" type="checkbox"/>
Comments: <b>Please see my answer to Question 14.</b>				

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 type="checkbox"/>	<input type="checkbox"/>
Comments: <b>No comment.</b>				

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
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>No comment</b>				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>No comment.</b>	

<b>Q11</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: <b>No comment.</b>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>No comment.</b>	

**Draft Regulatory Impact Assessment**

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

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:

**Planning Jungle Limited runs the website [www.planningjungle.com](http://www.planningjungle.com), which since January 2009 has been at the forefront of helping local authorities, agents, architects, and members of the public to interpret Part 1 of the GPDO in England. The website also includes detailed information about Parts 8, 32, 41, 42 of the GPDO in England.**

**As stated by paragraph 2.9 of the Consultation Document, the changes that are now proposed for Wales are based upon the changes that were introduced in England by SI 2010/654; namely the current versions of Parts 8, 32, 41, 42 of the GPDO in England.**

**However, the current versions of Parts 8, 32, 41, 42 of the GPDO in England are so poorly written that it's impossible for most people to know how to interpret them. SI 2010/654 was a very poor quality piece of legislation, and it would be a fundamental error if the changes that are introduced in Wales are based upon the changes that were introduced in England. In my opinion, the changes that are proposed for Wales need to be based upon rewriting the legislation from scratch.**

**I would ask that you review the document that I've attached titled "Parts 8, 32, 41, 42 of the GPDO - Ambiguities", which highlights the very poor quality of SI 2010/654.**

I do not want my name/or address published with my response (please tick)

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## Parts 8, 32, 41, 42 of the GPDO - Ambiguities

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Last updated: February 2012

### Quick Links:

- [PART 32, CLASS A](#)
- [PART 8, CLASS A](#)
- [PART 41, CLASS A](#)
- [PART 42, CLASS A](#)

### Introduction:

This is one of a number of documents produced by **Planning Jungle Limited**. This company provides one of the most comprehensive resources available relating to **householder permitted development legislation**, and provides **consolidated versions of planning secondary legislation**. Please note that access to this document (and other documents) is via membership only. For more information, please see [www.planningjungle.com](http://www.planningjungle.com).

This particular document highlights some of the **ambiguities** within **Parts 8, 32, 41, 42 of the GPDO**, including phrases that are unclear and difficult for LPAs to know how to interpret. As such, this document contains "**questions**", rather than "**answers**".

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### Other Notes:

This document does **not** cover all of the Classes of Parts 8, 32, 41, 42. Instead, it aims to point out the more significant problems with **Part 8 Class A, Part 32 Class A, Part 41 Class A, and Part 42 Class A**, which are the four Classes that allow extensions and new buildings. This document starts with Part 32 Class A, and then for the other Classes refers back to this Class and makes comparisons with it.

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## PART 32 - SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

### CLASS A:

#### Permitted development

##### A The erection, extension or alteration of a school, college, university or hospital building.

Comments:

- 1) None.

(A.1 Development is not permitted by Class A—)

**(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—**

**(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or**

**(ii) 100 square metres,**

**whichever is the lesser;**

Comments:

- 1) There is **no** definition of the term “cumulative” (this is the only Class to use the phrase “**cumulative** gross floor space”).
- 2) Suppose a site originally had one 100m<sup>2</sup> building, and a 10m<sup>2</sup> extension has previously been added to this building. Presumably the “cumulative gross floor space of any buildings erected, extended or altered” is 10m<sup>2</sup>, rather than 110m<sup>2</sup>. However, suppose the site originally had one 100m<sup>2</sup> building, and all of the windows have previously been altered. Is the “cumulative gross floor space of any buildings erected, extended or altered” 100m<sup>2</sup>, on the basis that the entire building has been altered, or 0m<sup>2</sup> ... ?
- 3) Under the above limitation, it could be argued that once the floor space of a site has been extended by 25% or 100m<sup>2</sup>, then even **alterations** to the buildings (e.g. the replacement of windows) would **not** be permitted development.
- 4) There is **no** definition of the phrase “gross floor space”. Does it include floor space that is incidental to the main use, such as staff facilities, ancillary offices, hallways, toilets, covered car parking areas (e.g. basement and multi-storey car parks), etc ... ? Is the area measured internally or externally ... ?

(A.1 Development is not permitted by Class A—)

**(b) if any part of the development would be within five metres of a boundary of the curtilage of the premises;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A—)

**(c) if, as a result of the development, any land used as a playing field at any time in the five years before the development commenced and remaining in this use could no longer be so used;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A—)

**(d) if the height of any new building erected would exceed five metres;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A—)

**(e) if the height of the building as extended or altered would exceed—**

**(i) if within ten metres of a boundary of the curtilage of the premises, five metres; or**

**(ii) in all other cases, the height of the building being extended or altered;**

Comments:

- 1) Does the phrase “the building as extended or altered” refer to the whole of the resulting building including the extension or alteration, or to just the extension or alteration itself ... ? In my opinion, the former interpretation would appear technically correct – however Part 42 Class A limitation A.1(b) implies that the latter interpretation is correct.
- 2) If the above phrase refers to the whole of the resulting building including the extension or alteration, then where an existing building is less than 10m from a boundary and more than 5m high the above limitation suggests that even alterations to the building (e.g. the replacement of windows) would not be permitted development. But what about the case where those parts of a building that are within 10m of a boundary are less than 5m high but other parts of the building (that are more than 10m from a boundary) are more than 5m high ... ?
- 3) Suppose a site consists of a 1,000m<sup>2</sup> building, most of which is at height 10m, and a single part of which is at height 50m<sup>2</sup> (e.g. a cooling tower). Under the above limitation, it could be argued that the site would be able to increase the size of the entire 1,000m<sup>2</sup> building to height 50m. Admittedly, the site would not be able to increase its original gross floor space by more than 25% or 100m<sup>2</sup>, but it could still significantly increase the external height of all of the buildings on the site by several fold (even in a Conservation Area) by not adding additional internal floors, and then (potentially) make a subsequent application for planning permission to add internal mezzanine floors.
- 4) Under the above limitation, a (say) Victorian school building within a Conservation Area could add a full-width front, side, or rear dormer with a balcony. Indeed, for some sites, it could be argued that a dormer would not even increase the “gross floor space” of the site, meaning that unlimited dormers would be permitted development.

(A.1 Development is not permitted by Class A—)

**(f) if the development would be within the curtilage of a listed building; or**

Comments:

1) None.

(A.1 Development is not permitted by Class A—)

**(g) unless—**

**(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;**

**(ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.**

Comments:

1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(a) the development must be within the curtilage of an existing school, college, university or hospital;**

Comments:

1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(b) the development shall only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;**

Comments:

1) None, other than noting that “incidental” is more restrictive than “ancillary”.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(c) any new building erected shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and**

Comments:

1) The phrase “similar external appearance” (with no definition of “similar”), is likely to cause the same problems as the phrase “of a similar appearance” in the amended Part 1.

2) I think it’s a real shame that the above condition only applies in the case of article 1(5) land, particular as the equivalent condition in the amended Part 1 applies in all cases.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(d) any extension or alteration shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.**

Comments:

- 1) See above comments for A.2(c)

(A.3 For the purposes of Class A—)

**(a) where two or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement; and**

Comments:

- 1) If a planning unit has a particular use, even a mixed use, then surely each building on that site has that same use, or is at least ancillary to that same use. Therefore, in what circumstances would two separate buildings within the same curtilage be used for different “institutions” ... ? The above interpretation will potentially encourage people to try to increase their allowances under this Class by claiming that different original buildings are used for different “institutions”. For example, it could be argued that a site with two original buildings each of size 1,000m<sup>2</sup> would be able to erect 100m<sup>2</sup> of extensions if the two original buildings are used “for the same institution” but 2 x 100m<sup>2</sup> of extensions if the two original buildings are used for different institutions. As an example, would the use of a school site by two different organisations (e.g. one registered organisation for primary level and another for secondary level) constitute more than one institution ... ?

(A.3 For the purposes of Class A—)

**(b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A.**

Comments:

- 1) For reference, the GPDO 1995 gives the following definition of “original”:

*“original” means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built”.*

- 2) It is interesting to compare the difference between the type of definition of “original building” used in the draft version of the legislation (during the “Improving Permitted Development” consultation) and the type of definition used in this final version:

Draft version:

*“original building” means any building other than a building erected at any time under Class A”.*

Final version:

*“original ... building” means any **original** building ... other than any building erected at any time under Class A”.*

- 3) For sites where there has been a previous change of use or subdivision, what is the “original school, college, university or hospital building” ... ? Consider the following examples:

a) Suppose the buildings on a site were constructed in 1950 for use as a B1 office, an additional 100m<sup>2</sup> building was constructed in 1960, and then planning permission was granted in 1970 for a change in use to a D1 school. Does the phrase “original ... building” refer to only those buildings that were constructed in 1950, or does it include the building constructed in 1960 on the basis that this building existed at the start of the new use in 1970 ... ?

b) Now suppose a similar situation to the above, but where the 1970 change in use occurred either

under permitted development rights or without requiring planning permission (e.g. from a D1 health clinic to a D1 school). Does the phrase “original ... building” refer to only those buildings that were constructed in 1950, or does it include the building constructed in 1960 on the basis that this building existed at the start of the new use in 1970 ... ?

c) Now suppose a similar situation to the above, but where in 1970 the site remained within the same use (a D1 school) but was subdivided into two separate sites (e.g. two completely separate D1 schools). Does the phrase “original ... building” refer to only those buildings that were constructed in 1950, or does it include the building constructed in 1960 on the basis that this building existed at the start of the new uses in 1970 ... ?

4) Some of the implications of the above questions are as follows:

a) Suppose that, for the above examples, the phrase “original ... building” refers to only those buildings that were constructed in 1950. For examples a) and b), it would appear that the site would **not** be able to extend under Class A, on the basis that the original building has already been extended by the 100m<sup>2</sup> additional building in 1960. For example c), it would appear that the new site that contains the 100m<sup>2</sup> additional building would **not** be able to extend under Class A, whilst the other new site **would** be able to extend under Class A (as its curtilage would contain nothing but original buildings). It could therefore be argued that a site could subdivide into two sites (without requiring a planning application) and so long as all of the previous extensions were within one of the two new sites, the other new site would effectively “reset” its limits under this Class. Furthermore, the interpretation that the phrase “original ... building” refers to only those buildings that were constructed in 1950 would introduce a contradiction, because the phrase “any original building ... other than any building erected at any time under Class A” in the legislation implies that a building erected under Class A can subsequently become an “original building” (although could not become an “original school, college, university or hospital building”).

b) Suppose that, for the above examples, the phrase “original ... building” refers to only those buildings that existed immediately after the change in use or subdivision in 1970. For examples a), b) and c), it would appear that the site **would** be able to extend under Class A (as its curtilage would contain nothing but original buildings). It could therefore be argued that a site could change its use (either under a planning application or under permitted development rights) or subdivide (without requiring a planning application) and the new site would effectively “reset” its limits under this Class. Indeed, for example c), the site would also multiply its number of limits, because each of the two new sites would have a separate limit.

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## **PART 8 - INDUSTRIAL AND WAREHOUSE DEVELOPMENT**

### **CLASS A:**

#### **Permitted development**

##### **A The erection, extension or alteration of an industrial building or a warehouse.**

(A.1 Development is not permitted by Class A if—)

**(a) the height of any part of the new building erected would exceed—**

**(i) if within ten metres of a boundary of the curtilage of the premises, five metres;**

**(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(b) the height of the building as extended or altered would exceed—**

**(i) if within ten metres of a boundary of the curtilage of the premises, five metres;**

**(ii) in all other cases, the height of the building being extended or altered;**

Comments:

- 1) Does the phrase “the building as extended or altered” refer to the whole of the resulting building including the extension or alteration, or to just the extension or alteration itself ... ? In my opinion, the former interpretation would appear technically correct – however Part 42 Class A limitation A.1(b) implies that the latter interpretation is correct.
- 2) If the above phrase refers to the whole of the resulting building including the extension or alteration, then where an existing building is less than 10m from a boundary and more than 5m high the above limitation suggests that even alterations to the building (e.g. the replacement of windows) would not be permitted development. But what about the case where those parts of a building that are within 10m of a boundary are less than 5m high but other parts of the building (that are more than 10m from a boundary) are more than 5m high ... ?
- 3) Suppose a site consists of a 1,000m<sup>2</sup> building, most of which is at height 10m, and a single part of which is at height 50m<sup>2</sup> (e.g. a cooling tower). Under the above limitation, it could be argued that the site would be able to increase the size of the entire 1,000m<sup>2</sup> building to height 50m. Admittedly, the site would not be able to increase its original gross floor space by more than 25% or 100m<sup>2</sup>, but it could still significantly increase the external height of all of the buildings on the site by several fold (even in a Conservation Area) by not adding additional internal floors, and then (potentially) make a subsequent application for planning permission to add internal mezzanine floors.
- 4) Under the above limitation, a (say) Victorian building (e.g. used for research and development) within a Conservation Area could add a full-width front, side, or rear dormer with a balcony. Indeed, for some sites, it could be argued that a dormer would not even increase the “gross floor space” of the site, meaning that unlimited dormers would be permitted development.

(A.1 Development is not permitted by Class A if—)

**(c) any part of the development would be within five metres of any boundary of the curtilage of the premises;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(d) the gross floor space of any new building erected would exceed 100 square metres;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(e) the gross floor space of the original building would be exceeded by more than—**

**(i) 10% in respect of development on any article 1(5) land or 25% in any other case; or**

**(ii) 500 square metres in respect of development on any article 1(5) land or 1,000 square metres in any other case;**

**whichever is the lesser;**

Comments:

- 1) Compare the wording of the above limitation with the wording of the equivalent limitation in Part 32 Class A, which states the following:  
*“(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—  
(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or  
(ii) 100 square metres,  
whichever is the lesser;”*
- 2) Is there any reason why such different wordings have been used for two limitations that would otherwise appear to have the same aims ... ?
- 3) The wording of the above limitation is similar to the wording of the volume limitations in the previous version of Part 1, in that it would appear that a site could increase its ability to extend by demolishing (parts of) existing buildings. For example, it could be argued that a site with 2 x 1,000m<sup>2</sup> buildings could demolish one, and then extend the other by 1,000m<sup>2</sup>, on the basis that such works would not increase the gross floor space of the original buildings by any amount at all.
- 4) Under the above limitation, it could be argued that once the floor space of a site has been extended by 10%/25%/500m<sup>2</sup>/1000m<sup>2</sup>, then even **alterations** to the buildings (e.g. the replacement of windows) would **not** be permitted development.
- 5) There is **no** definition of the phrase “gross floor space”. Does it include floor space that is incidental to the main use, such as staff facilities, ancillary offices, hallways, toilets, covered car parking areas (e.g. basement and multi-storey car parks), etc ... ? Is the area measured internally or externally ... ?

(A.1 Development is not permitted by Class A if—)

**(f) the development would lead to a reduction in the space available for the parking or turning of vehicles;  
or**

Comments:

1) None.

(A.1 Development is not permitted by Class A if—)

**(g) the development would be within the curtilage of a listed building.**

Comments:

1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(a) the development must be within the curtilage of an existing industrial building or warehouse;**

Comments:

1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(b) any building as erected, extended or altered shall only be used—**

**(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;**

**(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;**

Comments:

1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(c) no building as erected, extended or altered shall be used to provide employee facilities—**

**(i) between 7.00 pm and 6.30 am, for employees other than those present at the premises of the undertaking for the purpose of their employment, or**

**(ii) at all, if a notifiable quantity of a hazardous substance is present at the premises of the undertaking;**

Comments:

1) None.



(A.2 Development is permitted by Class A subject to the following conditions—)

**(d) any new building erected shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and**

Comments:

- 1) The phrase “similar external appearance” (with no definition of “similar”) is likely to cause the same problems as the phrase “of a similar appearance” in the amended Part 1.
- 2) I think it's a real shame that the above condition only applies in the case of article 1(5) land, particular as the equivalent condition in the amended Part 1 applies in all cases.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(e) any extension or alteration shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.**

Comments:

- 1) See comments for above A.2(d).

(A.3 For the purposes of Class A—)

**(a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;**

Comments:

- 1) If a planning unit has a particular use, even a mixed use, then surely each building on that site has that same use, or is at least ancillary to that same use. Therefore, in what circumstances would two separate buildings within the same curtilage be used for different “institutions” ... ? The above interpretation will potentially encourage people to try to increase their allowances under this Class by claiming that different original buildings are used for different “institutions”. For example, it could be argued that a site with two original buildings each of size 10,000m<sup>2</sup> would be able to erect 1,000m<sup>2</sup> of extensions if the two original buildings are used “for the same institution” but 2 x 1,000m<sup>2</sup> of extensions if the two original buildings are used for different institutions.

(A.3 For the purposes of Class A—)

**(b) “original building” does not include any building erected at any time under Class A;**

Comments:

- 1) For reference, the GPDO 1995 gives the following definition of “original”:  
*““original” means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built”.*
- 2) See comments under Part 32 Class A limitation A.3(b) for further discussion of the phrase “original building”.

(A.3 For the purposes of Class A—)

**(c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees;**

Comments:

- 1) None.

(A.3 For the purposes of Class A—)

**(d) “industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine; and**

Comments:

- 1) None.

(A.3 For the purposes of Class A—)

**(e) “warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.**

Comments:

- 1) None.

#### **OMISSIONS:**

Comments:

- 1 This Class would appear to allow an extension to be erected in front of any elevation of a building, including the front elevation.
-

## PART 41 - OFFICE BUILDINGS

### CLASS A:

#### Permitted development

##### A The extension or alteration of an office building.

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(a) the gross floor space of the original building would be exceeded by more than—**

**(i) 25%; or**

**(ii) 50 square metres,**

**whichever is the lesser;**

Comments:

- 1) Compare the wording of the above limitation with the wording of the equivalent limitation in Part 32 Class A, which states the following:  
*“(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—  
(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or  
(ii) 100 square metres,  
whichever is the lesser;”*
- 2) Is there any reason why such different wordings have been used for two limitations that would otherwise appear to have the same aims ... ?
- 3) The wording of the above limitation is similar to the wording of the volume limitations in the previous version of Part 1, in that it would appear that a site could increase its ability to extend by demolishing (parts of) existing buildings. For example, it could be argued that a site with 2 x 1,000m<sup>2</sup> buildings could demolish one, and then extend the other by 1,000m<sup>2</sup>, on the basis that such works would not increase the gross floor space of the original buildings by any amount at all.
- 4) Under the above limitation, it could be argued that once the floor space of a site has been extended by 25% or 50m<sup>2</sup>, then even **alterations** to the buildings (e.g. the replacement of windows) would **not** be permitted development.
- 5) There is **no** definition of the phrase “gross floor space”. Does it include floor space that is incidental to the main use, such as staff facilities, ancillary offices, hallways, toilets, covered car parking areas (e.g. basement and multi-storey car parks), etc ... ? Is the area measured internally or externally ... ?

(A.1 Development is not permitted by Class A if—)

**(b) the height of the building as extended would exceed—**

**(i) if within ten metres of a boundary of the curtilage of the premises, five metres; or**

**(ii) in all other cases, the height of the building being extended;**

Comments:

- 1) There is a difference between the wording of the above limitation, which refers to “the height of the building as extended ...”, and the wording of the equivalent limitation for Part 32 Class A, which refers to “the height of the building as extended **or altered** ...”. Is this difference really deliberate ... ?
- 2) Does the phrase “the building as extended” refer to the whole of the resulting building including the extension, or to just the extension itself ... ? In my opinion, the former interpretation would appear technically correct – however Part 42 Class A limitation A.1(b) implies that the latter interpretation is correct.
- 3) If the above phrase refers to the whole of the resulting building including the extension, then where an existing building is less than 10m from a boundary and more than 5m high the above limitation suggests that no extension would be permitted development, even if the extension itself was more than 10m from a boundary and less than 5m high. But what about the case where those parts of a building that are within 10m of a boundary are less than 5m high but other parts of the building (that are more than 10m from a boundary) are more than 5m high ... ?
- 4) Suppose a site consists of a 1,000m<sup>2</sup> building, most of which is at height 10m, and a single part of which is at height 50m<sup>2</sup> (e.g. a cooling tower). Under the above limitation, it could be argued that the site would be able to increase the size of the entire 1,000m<sup>2</sup> building to height 50m. Admittedly, the site would not be able to increase its original gross floor space by more than 25% or 50m<sup>2</sup>, but it could still significantly increase the external height of all of the buildings on the site by several fold by not adding additional internal floors, and then (potentially) make a subsequent application for planning permission to add internal mezzanine floors.
- 5) Under the above limitation, a (say) Victorian office building could add a full-width front, side, or rear dormer with a balcony. Indeed, for some sites, it could be argued that a dormer would not even increase the “gross floor space” of the site, meaning that unlimited dormers would be permitted development.

(A.1 Development is not permitted by Class A if—)

**(c) any part of the development, other than an alteration, would be within five metres of any boundary of the curtilage of the premises;**

Comments:

- 1) There is there a difference between the wording of the above limitation, which states “any part of the development, **other than an alteration**, would be within five metres ...”, and the wording of the equivalent limitation for Part 32 Class A, which states “any part of the development would be within five metres ...”. Is this difference really deliberate ... ?

(A.1 Development is not permitted by Class A if—)

**(d) any alteration would be on article 1(5) land; or**

Comments:

- 1) The above limitation is quite strange, because it strongly implies that an office building within a Conservation Area is **not** allowed to undertake alterations under permitted development, but **is** allowed to undertake extensions under permitted development. Although it could be argued that the phrase “any alteration” would also (in a broad sense) apply to any extension, such an interpretation would contradict the wording of limitation A.1(c), which uses the phrase “any part of the development, other than an alteration” to refer to extensions, and the wording of condition A.2(b), which deals sets out requirements for the materials of extensions on article 1(5) land.

(A.1 Development is not permitted by Class A if—)

**(e) the development would be within the curtilage of a listed building.**

Comments:

- 1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(a) any office building as extended or altered shall only be used as part of, or for a purpose incidental to, the use of that office building;**

Comments:

- 1) None, other than noting that “incidental” is more restrictive than “ancillary”.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(b) any extension shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended; and**

Comments:

- 1) The phrase “similar external appearance” (with no definition of “similar”) is likely to cause the same problems as the phrase “of a similar appearance” in the amended Part 1.
- 2) I think it’s a real shame that the above condition only applies in the case of article 1(5) land, particular as the equivalent condition in the amended Part 1 applies in all cases.

(A.1 Development is not permitted by Class A if—)

**(c) any alteration shall be at ground floor level only.**

Comments:

- 1) The above limitation is quite strange, because it strongly implies that an office building is **not** allowed to undertake alterations above ground floor level, but **is** allowed to undertake extensions above ground floor level. Although it could be argued that the phrase “any alteration” would also (in a broad sense) apply to any extension, such an interpretation would contradict the wording of limitation A.1(c) which uses the phrase “any part of the development, other than an alteration” to refer to extensions.

(A.3 For the purposes of Class A—)

**(a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement; and**

Comments:

- 1) If a planning unit has a particular use, even a mixed use, then surely each building on that site has that same use, or is at least ancillary to that same use. Therefore, in what circumstances would two separate buildings within the same curtilage be used for different “institutions” ... ? The above interpretation will potentially encourage people to try to increase their allowances under this Class by claiming that different original buildings are used for different “institutions”. For example, it could be argued that a site with two original buildings each of size 1,000m<sup>2</sup> would be able to erect 100m<sup>2</sup> of extensions if the two original buildings are used “for the same institution” but 2 x 100m<sup>2</sup> of extensions if the two original buildings are used for different institutions.

(A.3 For the purposes of Class A—)

**(b) “office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order.**

Comments:

- 1) None.

#### **OMISSIONS:**

Comments:

- 1) Part 32 Class A (and Part 8 Class A) contains a definition of “original ... buildings”, whereas this Part 41 Class A (and Part 42 Class A) does not contain such a definition. Is this difference really deliberate ... ?
  - 2) This Class would appear to allow an extension to be erected in front of any elevation of a building, including the front elevation.
-

## PART 42 - SHOPS OR CATERING, FINANCIAL OR PROFESSIONAL SERVICES ESTABLISHMENTS

### CLASS A:

#### Permitted development

##### A The extension or alteration of a shop or financial or professional services establishment.

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(a) the gross floor space of the original building would be exceeded by more than—**

**(i) 25%; or**

**(ii) 50 square metres;**

**whichever is the lesser.**

Comments:

- 1) Compare the wording of the above limitation with the wording of the equivalent limitation in Part 32 Class A, which states the following:  
*“(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—  
(i) 25% of the gross floor space of the original school, college, university or hospital buildings; or  
(ii) 100 square metres,  
whichever is the lesser;”*
- 2) Is there any reason why such different wordings have been used for two limitations that would otherwise appear to have the same aims ... ?
- 3) The wording of the above limitation is similar to the wording of the volume limitations in the previous version of Part 1, in that it would appear that a site could increase its ability to extend by demolishing (parts of) existing buildings. For example, it could be argued that a site with 2 x 1,000m<sup>2</sup> buildings could demolish one, and then extend the other by 1,000m<sup>2</sup>, on the basis that such works would not increase the gross floor space of the original buildings by any amount at all.
- 4) Under the above limitation, it could be argued that once the floor space of a site has been extended by 25% or 50m<sup>2</sup>, then even **alterations** to the buildings (e.g. the replacement of windows) would **not** be permitted development.
- 5) There is **no** definition of the phrase “gross floor space”. Does it include floor space that is incidental to the main use, such as staff facilities, ancillary offices, hallways, toilets, covered car parking areas (e.g. basement and multi-storey car parks), etc ... ? Is the area measured internally or externally ... ?

(A.1 Development is not permitted by Class A if—)

**(b) the height of the building as extended would exceed four metres;**

Comments:

- 1) Does the phrase “the building as extended” refer to the whole of the resulting building including the extension, or to just the extension itself ... ? In my opinion, the former interpretation would appear technically correct – however the above limitation implies that the latter interpretation is correct.

(A.1 Development is not permitted by Class A if—)

**(c) any part of the development, other than an alteration, would be within two metres of any boundary of the curtilage of the premises;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(d) the development would be within the curtilage of a listed building;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(e) any alteration would be on article 1(5) land;**

Comments:

- 1) The above limitation is quite strange, because it strongly implies that a shop within a Conservation Area is **not** allowed to undertake alterations under permitted development, but **is** allowed to undertake extensions under permitted development. Although it could be argued that the phrase “any alteration” would also (in a broad sense) apply to any extension, such an interpretation would contradict the wording of limitation A.1(c), which uses the phrase “any part of the development, other than an alteration” to refer to extensions, and the wording of condition A.2(b), which deals sets out requirements for the materials of extensions on article 1(5) land.

(A.1 Development is not permitted by Class A if—)

**(f) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(g) any part of the development would extend beyond an existing shop front;**

Comments:

- 1) None.



(A.1 Development is not permitted by Class A if—)

**(h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or**

Comments:

- 1) None.

(A.1 Development is not permitted by Class A if—)

**(i) the development would involve the installation or replacement of a security grill or shutter on a shop front.**

Comments:

- 1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(a) any alteration shall be at ground floor level only;**

Comments:

- 1) None.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(b) any extension shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended; and**

Comments:

- 1) The phrase “similar external appearance” (with no definition of “similar”) is likely to cause the same problems as the phrase “of a similar appearance” in the amended Part 1.
- 2) I think it’s a real shame that the above condition only applies in the case of article 1(5) land, particular as the equivalent condition in the amended Part 1 applies in all cases.

(A.2 Development is permitted by Class A subject to the following conditions—)

**(c) any extension or alteration shall only be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.**

Comments:

- 1) None, other than noting that “incidental” is more restrictive than “ancillary”.

(For the purposes of Class A—)

**(a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;**

Comments:

- 1) If a planning unit has a particular use, even a mixed use, then surely each building on that site has that same use, or is at least ancillary to that same use. Therefore, in what circumstances would two separate buildings within the same curtilage be used for different “institutions” ... ? The above interpretation will potentially encourage people to try to increase their allowances under this Class by claiming that different original buildings are used for different “institutions”. For example, it could be argued that a site with two original buildings each of size 1,000m<sup>2</sup> would be able to erect 100m<sup>2</sup> of extensions if the two original buildings are used “for the same institution” but 2 x 100m<sup>2</sup> of extensions if the two original buildings are used for different institutions.

(For the purposes of Class A—)

**(b) “raised platform” means a platform with a height greater than 300 millimetres; and**

Comments:

- 1) None.

(For the purposes of Class A—)

**(c) “shop or financial or professional services establishment” means a building, or part of a building, used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended.**

Comments:

- 1) None.

#### **OMISSIONS:**

- 1) Part 32 Class A (and Part 8 Class A) contains a definition of “original ... buildings”, whereas this Part 42 Class A (and Part 41 Class A) does not contain such a definition. Is this difference really deliberate ... ?

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Peter Waldren	
<b>Organisation</b>	WYG Planning, Environment and Transport (on behalf of Sainsbury's Supermarkets Ltd (SSL))	
<b>Address</b>	5 <sup>th</sup> Floor, Longcross Court, 47 Newport Road, Cardiff, CF24 0AD	
<b>E-mail address</b>	peter.waldren@wyg.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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"/>

Comments:

It is not clear what evidence there is that further restriction in respect of Part 8 Class A1(c) and A1(e) is required. Permitted Development rights should be aimed at reducing restrictions, while the proposed amendments do this overall, the tightening of restrictions in respect of height and floorspace seem to run counter to this.

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 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	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

<b>Q1</b>	there is a risk of groundwater contamination?			
Comments: No comment				

<b>Q2b</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

<b>Q3</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

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

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

Comments: No comment
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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"/>
Comments: No comment				

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments: SSL support in principle the PDRs set out in Paragraph 3.30, however, further clarification is required:  Paragraph 3.30 limits the PDRs as follows: "no part of the development, other than an alteration, to be within 2m of any boundary within the curtilage of the premises". It is not clear what is meant by "other than an alteration". The Shimitze case is generally held to be the authority on what comprises an "alteration", finding that an alteration is anything other than total or substantial demolition. Accordingly, any extension would be an alteration and on this reading the proposed change appears almost worthless. Furthermore, there appears to be no benefit in the inclusion of the words "within the curtilage" - should this not be "of the curtilage"?  No PDRs are put forward for Article 1(5) land, which is significantly more restrictive than the PDRs suggested (and, indeed, existing) under Part 8. There is no clear rationale for this.  In addition, Paragraph 3.30 states that PD is: "not to consist of or include the construction of a veranda, balcony or raised platform". "Raised platform" requires further clarification. For example, alterations to service yards of supermarkets may involve the need for installation of a 'raised platform' (to allow a level docking system for delivery vehicles) which would be a minor and uncontentious proposal which should be allowed for under the new scheme of PDRs.  Finally, it is not clear what harm would arise from the insertion of an ATM - a facility provided for the benefit of the public. ATMs should be included within				

Consultation reference: WG 15462

the PDR scheme.

<b>Q8</b>	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"/>

Comments:

SSL support in principle the limitations contained in Paragraph 3.31 however seek further clarification on the following points;

Clarification is required as to whether a trolley store is included in the PDR allowance for extensions and alterations of existing premises, if attached to those premises, as identified in Paragraph 3.30 Point 1. (For example many supermarkets include a substantial trolley store attached to the front elevation of the store. Interestingly, this often does not extend beyond the existing shopfront as the entrance pod continues to form the front most point). If this is the case, wording will need to be introduced to avoid the trolley store being double counted.

Furthermore, point 1 should make clear whether the limit is individual (i.e. per trolley store) or in aggregate.

SSL suggest that point 2 of Paragraph 3.31 is unnecessary (or, at the very least, excessive), given the height restriction of 2.5m, set out in the fourth point. Just as a 5m high industrial building is considered acceptable providing it is at least 5m from the curtilage of the site (and therefore, possibly from a domestic curtilage) in Part 8, so too should a c.2.5m high trolley store.

The limitation suggesting height is not to exceed 2.5m is considered to be too low to permit suitable design involving a standard arched trolley store roof. Accordingly, it is considered the height should be extended to between 2.5 and 3 metres above ground level.

<b>Q9</b>	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
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

SSL support in principle the limitations contained in Paragraph 3.37, however seek further clarification on the following points:

Consultation reference: WG 15462

Point 2 suggests the maximum height of any new building or enclosure is not to exceed 2.5 "sqm". It is anticipated, that this figure is an error and is in fact supposed to read 2.5 metres. Accordingly, this will need to be rectified and made clear.

The rationale for the 10m boundary exclusion and the Article 1(5) land exclusion is not clear, given the suggested PDRs under Part 8, which allows industrial development up to 5m high.

A clear definition is required for "space available for the parking or turning of vehicles". In theory, any residual space might be used for turning or parking. Perhaps "space marked out for" or "space reserved for" the parking or turning of vehicles.

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: SSL agree that a prior approval process for shopfronts and ATMs would be beneficial.	

<b>Q11</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments: No comment				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: No further comment	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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: No comment			



Consultation reference: WG 15462

**General**

<b>Q14</b>	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:
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No comment

I do not want my name/or address published with my response (please tick) <input type="checkbox"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	GLYN P. JONES	
<b>Organisation</b>	FLINTSHIRE COUNTY COUNCIL	
<b>Address</b>	COUNTY HALL, MOLD, CH7 6NR	
<b>E-mail address</b>	glyn.p.jones@flintshire.gov.uk	
<b>Type</b> (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"/>

Comments:

For a border authority like Flintshire anything which unifies the regime with that operated in England, where many developers and agents will also operate, is generally to be welcomed. However, the basic problem here is that there is no such thing as a 'generic' industrial/warehousing building/site, which is presumably why the existing allowances in Wales (the previous allowances in England) take refuge in the relative safety of an 'across the board' set of volume criteria.

Most urban authorities have established employment parks and/or allocations for such development in development plans. In such areas there is clearly a presumption in favour of employment development be it by way of significant extension or new build and it can be argued in these circumstances that the limits could be far more generous than those in the proposed changes. Setting aside the opportunities and possible changes emanating from the Enterprise Zone designation, many of the recent developers within areas such as our Deeside Industrial Park are frustrated by the need to go through the planning process when there is no residential property within more than a mile of their

Consultation reference: WG 15462

site, where the roads and infrastructure are designed to accommodate significant development and where the only material consideration in most cases is the input of EAW with regard to site and slab levels.

The other end of the spectrum concerns those employment uses which come about because of a change of use of a former agricultural building in a rural area, where one of the criteria covering the actual conversion will be that the appearance (and possibly scale) of the building(s) remain(s) true to its rural character. Here, any extension would be likely to have an impact justifying the retention of tight planning control.

With regard to the detail of the changes - in relation to the amended A1f - it should be recognised that, for historical or other reasons, there exist industrial buildings within Article 1(5) land which do little or nothing to enhance its character and its identity, often because of the materials used. Requiring this to be perpetuated at the expense of an innovative architectural design which could also enhance the existing building, can be considered to be anomalous to say the least.

<b>Q2a</b>	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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Again, bringing this in line with England will simplify matters for developers but there are couple of potential issues.

The only way in which heavily contaminated land can often be brought back to a beneficial use is by capping to allow a non intrusive form of development (such as surface storage). In the case of development requiring planning permission this control would be no more than an inconvenience but the way in which the pd allowance is phrased places an additional burden of interpretation upon the local planning authority as to the level of "risk of groundwater contamination". This will not be known at the time of asking whether a development of this nature requires planning permission or not and it may well be that developers choose to apply their own interpretation of risk in deciding whether or not to submit a planning application. There is unlikely to be sufficient evidence to challenge this approach and to consider the expediency of any enforcement action. It is obviously difficult, but subjective indicators of this nature need to be avoided.

Given the option, many developers will prefer to construct a traditional, more robust impermeable hard standing and "direct surface water run off to a permeable or porous area within the curtilage..." to benefit from the pd

Consultation reference: WG 15462

**allowance. This again begs the question of the adequacy of the alternative provision, leading to the same potential problem as highlighted above. It is likely that it is only after the event (i.e when the hard surface has been constructed) that the adequacy of the drainage system can be fully assessed.**

<b>Q2b</b>	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"/>

**Comments:**  
**This just serves to complicate matters - any construction of hard surface which comprises development should be subject to the tests referred to in Q2a. What this question fails to recognise is the fact that laying a new hard surface might well fall somewhere in between "replacement" and "repair" or "maintenance". It is likely that the courts would need to determine where on the scale the definition of development lies.**

<b>Q3</b>	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comments:**  
**This is perhaps an indication of the need for a serious review of the whole Use Classes regime in view of the fact that few of the uses identified fall neatly into the specified classes. The case in point, storage and distribution, has changed significantly in its nature from when this evolved from the old 'warehousing' class.**  
  
**The principle of imposing a ceiling on the floorspace that could be converted (no pun intended) stems from the then perceived traffic impacts of each use in relation to others. As most Authorities now operate on the basis of maximum parking standards this is no longer significant.**

Consultation reference: WG 15462

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
<p>Comments:</p> <p><b>Why not 500 sq.m., which is probably easier to calculate ? Whatever floorspace is settled upon there would need to be some justification in terms of the likely impact (as mentioned above).</b></p>	

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>The changes allow the greater flexibility aimed at but the inevitable consequence of any limitation (and it is fully accepted that they are required) is that good design might be compromised in an attempt to avoid the need for planning permission (e.g. the 5metre height limit on new build might result in a design which is out of scale and character with often more substantial institutional buildings).</b></p>				

<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p>				

Consultation reference: WG 15462

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<b>Q8</b>	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 type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

**In the context of a large store/supermarket there is clearly little gain in seeking planning permission for small ancillary structures such as trolley stores. As these cannot be distinguished from other A1 uses (unless there is a minimum size of store to benefit from this pd) then this would undermine the tight control included in the proposals for shops in para 3.30.**

**There is clearly a tendency for trolley stores, bike stores etc. to be used as smoking shelters and providing that there were a couple of token trolleys this would be very difficult to enforce against.**

<b>Q9</b>	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
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

**Potential for misuse as above. The reference to there being "no reduction in the space available for the parking and turning of vehicles" presupposes that such facilities exist but shouldn't an alternative use of land to cater for cyclists be encouraged, even at the expense of a car parking space or two ?**

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>This would be a significant step forward. There seems to be a general mindset that all shops, all town centres have an individual character which would be ruined, hence the need for planning permission for what are often corporate standard and really insignificant developments in most cases. Where there is a particular character that needs to be preserved then there are other controls available (Conservation Areas, Article 4, etc.).</b></p> <p><b>Why doesn't this consultation paper keep step with the stated intention in England to introduce a prior approval process for ATM's, shopfronts,etc. ?</b></p>	

<b>Q11</b>	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"/>
<p>Comments:</p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p><b>Yes, I'm sure there are, but this needs more thought than a supplementary question near the end of a consultation paper which addresses specific points.</b></p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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"/>
<p>Comments:</p>			

Consultation reference: WG 15462

**General**

<b>Q14</b>	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"/>
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Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
Name	Development Control Manager	
Organisation	Denbighshire County Council	
Address	Caledfryn, Smithfield Road, Denbigh, LL16 3RJ	
E-mail address	planning @denbighshire.gov.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"/>
Comments: <b>The amendments are welcomed. Could the extension threshold mirror domestic PDR whereby within 5m of any existing building the A.1(e) floor space applies? Over 5m would be a new build and the new 100sq.m applies??</b>				

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 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?	Yes	Yes (subject to further comment)	No
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

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<b>Q2b</b>	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"/>
Comments:				

<b>Q3</b>	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comments:				
<p><b>The main issue here would appear to be parking standards for certain types of Class B uses. The parking and turning requirements for a light industrial use may differ to those for a storage use. There is concern that a too large an increase may result in associated parking problems?</b></p>				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?			
Comments:				
<p><b>Possibly more modest in order to retain controls mentioned above.</b></p>				

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consultation reference: WG 15462

Comments:  
**It is an extremely onerous task to calculate what the "original" floor space of schools, colleges and hospitals are. Most have been extended or altered significantly from their original design anyway. Could consideration be given to simply putting a floor space threshold of 100 sq.m?**

<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Parking provision remains a concern. Could something be added which restricts development on existing parking areas? Perhaps the restriction suggested in respect of store refuse and/or bicycles outlined in para 3.37 ie 'No reduction in the space available for parking or turning of vehicles' could also be included here.**

<b>Q7</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Same concern/comment to Q6 above**

<b>Q8</b>	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"/>

Comments:  
**Same concern/comment to Q6 above**

<b>Q9</b>	Should new permitted development rights for new buildings to store refuse and/or bicycles,	Yes	Yes	No
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Consultation reference: WG 15462

	as outlined in paragraph 3.37 of the consultation paper, be introduced?	(subject to further comment)		
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
<p>Comments:</p> <p><b>We do not see the benefit of operating a prior approval process and consider this to be an overly complicated process.</b></p>	

<b>Q11</b>	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>Clarity on inclusion of WHS Buffer Zones needs to be established with some guidance on PDR for agricultural development therein.</b></p> <p><b>Given the geographical extent of the Buffer Zones we do not consider that the restrictions should apply to these areas</b></p>				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
<p>Comments:</p> <p><b>No.</b></p>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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"/>
<p>Comments:</p>			

Consultation reference: WG 15462

**General**

<b>Q14</b>	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"/>
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Dear Sir/Madam,

Network Rail has been consulted by the Welsh Government on the Proposed Changes to Non-Domestic Permitted Development Rights. Thank you for providing us with this opportunity to comment on this Planning Policy document.

Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

### Level Crossings

Development proposals affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing.

As such, we strongly believe that the importance of Level Crossing safety warrants a specific Policy included in the Non-Domestic Permitted Development Rights Document which will help to elevate the importance of Level Crossings within the development management and planning process. We request that a policy is provided confirming that:

- The Council have a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:
  - *Schedule 4 (d)(ii) of the Town & Country Planning (Development Management Procedure) (Wales) order, 2012 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both The Welsh Ministers and Network Rail for separate approval".*
- As a first principle, Network Rail would seek to close Level Crossings where possible.
- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

We trust these comments will be considered in your preparation of the forthcoming document.

Regards,

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Dr. Del Morgan	
<b>Organisation</b>	Un Llais Cymru / One Voice Wales	
<b>Address</b>	24 College Street, Ammanford, SA18 3AF	
<b>E-mail address</b>	del.morgan@onevoicewales.org.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>
Comments:				

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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				



Consultation reference: WG 15462

<b>Q2b</b>	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 type="checkbox"/>
Comments:				

<b>Q3</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?			
Comments:				

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q6</b>	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"/>
Comments:				

<b>Q7</b>	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"/>
Comments:				

<b>Q8</b>	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 type="checkbox"/>	<input type="checkbox"/>
Comments:				

<b>Q9</b>	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
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments:	

<b>Q11</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:				

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

**Draft Regulatory Impact Assessment**

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

The primary aim of One Voice Wales is to support Community and Town Councils in their work to sustain and improve their local communities. It is these very organisations that are at the heart of community life throughout Wales, and their members are best positioned to reflect and represent the views of their citizens across the various aspects of their lives in those communities.

The principles embodied within this set of proposals can be summarised neatly by one of the statements included in the background section of the main document, namely, that:

“Extending permitted development rights for uncontentious applications would release limited resources to allow local planning authorities to concentrate on more complex applications and, especially for small and medium sized businesses, could help to stimulate economic recovery or innovation by reducing unnecessary regulation.”

Provided that the planning applications implied here are truly uncontentious, it would seem logical that communities would in general be supportive of the aim to make their passage through the bureaucratic processes as swift and as efficient as possible. However, any virement from this assumption could induce at worst a very angry community reaction, so it is essential that the range of permissions covered within these proposals remain well-defined and well-understood in respect of the general public’s knowledge and attitude.

In terms of one particular issue of possible contention, regard should be given to the associated traffic implications and vehicle parking of any minor industrial development or extension of hospital facilities. Small communities which already experience high traffic volumes or issues relating to car parking over-spilling into residential areas may need to have the opportunity to comment on what may be regarded as minor developments. Accordingly it might be appropriate for some level of impact assessment to be undertaken of how a relatively minor development might impact on a specific community.

One Voice Wales does not have the technical expertise necessary to comment directly on many of the key questions posed in this consultation, but we feel that we have sufficient hold on the subject matter to give our general support to the direction in which these proposals attempt to move the planning regulatory system. The new or amended permitted development rights should support economic recovery, whilst retaining the broad objective of communities to defend and protect their heritage, their environment and their way of life from unreasonable developments.

We would always support the call for communities to have a major input into decisions that could bring about significant changes to their environment, and this remains one of our primary criteria in relation to the planning process

Consultation reference: WG 15462

**generally.**

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Consultation reference: WG 15462

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Andrew Gurney	
<b>Organisation</b>	Farmers' Union of Wales	
<b>Address</b>	Llys Amaeth Plas Gogerddan Aberystwyth Ceredigion SY23 3BT	
<b>E-mail address</b>	andrew.gurney@fuw.org.uk	
<b>Type</b> (please select one from the following)	Businesses/Planning Consultants	<input type="checkbox"/>
	Local Planning Authority	<input type="checkbox"/>
	Government Agency/Other Public Sector	<input type="checkbox"/>
	Professional Bodies/Interest Groups	<input checked="" 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"/>

**Comments:**

Whilst acknowledging that agricultural holdings have been afforded their own Permitted Development Rights under Part 6 of the Town and Country Planning (General Permitted Development) Order (GPDO) 1995, the Union supports the amendments to Part 8 of the GPDO which will allow, without the need to apply for planning permission, for the erection of new buildings in addition to the current provisions which allow certain extensions and alterations to existing buildings, as this will be advantageous to those agricultural holdings which have diversified, or are considering diversification, to provide industrial or warehouse buildings for non-farm use.

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However, the FUW has reservations over the proposed maximum gross floor area for a new building erected under the amended GPDO believing that the 100m<sup>2</sup> area outlined in the consultation will be impractical for the intended use as an industrial unit or warehouse. Consideration should be given to the provision of a larger area which would be more practical.

The Union notes that the proposed maximum height of any new building is “not to exceed 15m or the height of the highest building within the curtilage of the premises, whichever is lower”. It believes that if this proposal is adopted then consideration should be given to amending the Permitted Development Rights for agricultural holdings to raise the maximum height for newly erected agricultural buildings from 12 metres to 15 metres to provide consistency between the various provisions for Permitted Development Rights.

The FUW is opposed to the new provision preventing development within the curtilage of a listed building as this will restrict development and lead to additional and unnecessary costs and red tape for developers as they would be required to submit a full planning application.

<b>Q2a</b>	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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

The Union agrees with the proposal for new or replacement hard surfaces to be constructed of porous or permeable materials on the proviso that this is undertaken where appropriate and will not add significant financial costs onto the overall cost of the development.

<b>Q2b</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:

Where it is appropriate for hard surfacing to be replaced, and this is being considered as part of a development, the Union believes that the GPDO should allow

Consultation reference: WG 15462

up to 100 percent of the hard surfacing to be replaced without the need to apply for planning permission as a means of reducing the amount of non-permeable surfacing and the quantity of direct run off into storm drains.

<b>Q3</b>	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"/>

Comments:

The Union agrees that the size threshold for change of use of buildings within Class B8 should be increased as this will provide increased flexibility for businesses.

<b>Q4</b>	If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?
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Comments:

Whilst agreeing that increasing the floor area to 470m<sup>2</sup> is a step in the right direction, given that Part 8 A.1(e) of the GPDO allows buildings to be extended by upto 1000m<sup>2</sup> without the need for planning permission, the FUW considers that a larger increase may be more appropriate.

<b>Q11</b>	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The FUW opposes the inclusion of World Heritage Sites into the definition of Article 1(5) land and is concerned that the proposals will merely impose a further restriction on businesses and industry in Wales, particularly businesses in rural areas who already have to contend with two thirds of the Welsh countryside being subject to some form of landscape, conservation or environmental designation.

In addition, the inclusion of World Heritage Sites into the definition of Article 1(5) land will place businesses, within these designated areas, at a disadvantage when compared with similar businesses in other parts of Wales as they will have to incur



Consultation reference: WG 15462

the financial cost and bureaucracy associated with submitting a full planning application for a development which would otherwise be accepted as a permitted development.

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

Comments:

As highlighted above, the Union believes that where the proposed amendments to Part 8 of the GPDO leads to ambiguities between this section and Part 6 relating to Agricultural Buildings and Operations, for example the maximum height of new buildings being 15m under Part 8 and 12m under Part 6, then consideration should be given to amending other parts of GPDO to reflect these amendments.

### **Draft Regulatory Impact Assessment**

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

Comments:

The FUW notes that, as part of the detail contained within the Regulatory Impact Assessment (RIA), applicants who would previously had to apply for planning permission could save between £166 and £330 in planning application fees. However, there is no account in the RIA of the fees associated with applying for a Determination on Prior Approval for a permitted development, if this is required by the local planning authority.

The Union has reservations over the conclusions drawn in paragraph 12.1 of the RIA which states that “a competition filter test has been applied to the proposed amendments. The result of the test suggests that the proposed amendments to the GPDO, set out in the consultation paper, are unlikely to have a significant detrimental effect on competition”. As outlined above, it believes that the inclusion of World Heritage Sites within the definition of Article 1(5) land will place businesses within these designated areas at a competitive disadvantage.

### **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:

The Union has welcomed successive planning policies and amendments which have purported to create flexibility in the planning system which in reality have fallen short of encouraging sustainable development and improvements in the economy of rural areas due to differing interpretation of these policies by overly cautious local

Consultation reference: WG 15462

planning authorities.

Therefore, there is a role for the Welsh Government to intervene to ensure that planning policy and legislation is being delivered and to ensure that the planning guidance it produces is delivered in the spirit in which it was developed.

I do not want my name/or address published with my response (please tick)

Proposed Changes to Non-Domestic Permitted Development Rights		
Date of consultation period: 3/10/2012 – 11/01/2013		
<b>Name</b>	Neil Richardson	
<b>Organisation</b>	RWE Group (in the UK)	
<b>Address</b>	Electron Building, Windmill Hill Business Prk, Whitehill Way, SWINDON, Wiltshire , SN5 6PB	
<b>E-mail address</b>	neil.richardson@rwenpower.com	
<b>Type</b> <i>(please select one from the following)</i>	Businesses/Planning Consultants	<input checked="" type="checkbox"/>
	Local Planning Authority	<input 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"/>

Comments:

It is not necessary to retain both existing sub-paragraphs A1(b) and A2(a) in this Part. It is probably better to retain A2(a), as a condition will continue to have effect after completion of the permitted development. Compare the equivalent provision for England in SI 2010/654.

Paragraph A2 needs amendment to make the conditions apply to any building erected (in addition to any building extended or altered).

The proposed PDRs for new buildings should extend to new office buildings on industrial and R&D sites, subject to the same size and location limits as proposed, and to a condition that the use of the new office building must be ancillary to the R&D or industrial activity on the same site and not an unrelated use. See answer to Q6.

Consultation reference: WG 15462

<b>Q2a</b>	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 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?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Comments:</p> <p><b>We support the proposal in relation to new/extended hard surfaces but have reservations about requiring replacement of existing hard surfaces in porous material. This may catch existing areas primarily used for manoeuvring heavy mobile plant and heavy vehicles, for which impervious paving may be preferable and more durable in areas subject to heavy vehicle traffic.</b></p> <p><b>In any case it should be made clear that any provision requiring replacement hard surfaces should be constructed in porous material does not extend to replacement existing hard paved surfaces which were expressly approved under a specific planning permission, whether in respect of the original development or subsequent additions or alterations to the development.</b></p> <p><b>It should be clarified what level of mobile plant and vehicle use on hard surfaced areas gives rise to a sufficient oil pollution hazard to amount to a risk of groundwater contamination for this purposes of this proposal.</b></p>				

<b>Q2b</b>	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:</p> <p><b>As noted under Q2a, we have reservations about applying the requirement for porous material to be used to replace existing hard surfacing, therefore we make no comment on how large any allowance for replacement should be.</b></p>				

<b>Q3</b>	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"/>

Consultation reference: WG 15462

Comments:

**Q4** If the answer to question 3 is yes, is 470sqm the correct threshold or should the increase be larger or more modest?

Comments:  
**There seems to be no logic behind 470 sqm other than its being twice the existing limit. Why not a round 500 sqm? More generally, the key factor to be taken into account in deciding whether an increase of this order is appropriate should be whether the permitted increase in B8 floorspace would be likely to give rise to an increase in heavy goods vehicle movements causing material detriment to the environment of any nearby residential areas.**

<b>Q5</b>	Do you agree with the proposed amendments to Part 32 of Schedule 2 to the GPDO, as described in Table 2 of the consultation paper?	Yes	Yes (subject to further comment)	No
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:  
**We have no comment on these proposals.**

<b>Q6</b>	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 checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**Yes. It should be made clear that these proposed PDRs also apply to offices which are ancillary to, and on the same site as, R&D uses, general industrial uses (class B2), storage and distribution (class B8) uses, and (in so far as wider PDRs are not available under Part 17 of Schedule 2 to the GPDO) operational facilities of utilities (e.g. electricity generating stations, substations, water treatment and sewage treatment works).**

**PDRs should extend to new office buildings on industrial and R&D sites, and the sites of the types of operational utility facility mentioned above, subject to size limits as per the proposed PDRs for new industrial buildings, and to a condition**

Consultation reference: WG 15462

**that the use of the new office building must be ancillary to the industrial, R&D or utility activity on the same site and not an unrelated use.**

<b>Q7</b>	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"/>

Comments:  
**We have no comment on this proposal**

<b>Q8</b>	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 type="checkbox"/>	<input type="checkbox"/>

Comments:  
**We have no comment on this proposal**

<b>Q9</b>	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
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments:  
**For the avoidance of doubt, these PDRs should also apply to utility operational land to which Part 17 of Schedule 2 to the GPDO applies, subject in all other respects to the same conditions and restrictions as outlined in paragraph 3.37 of the consultation paper.**

Consultation reference: WG 15462

<b>Q10</b>	What are your views on the prior approval process, outlined in paragraph 3.39 of the consultation paper?
Comments: <b>We have no comment on this proposal</b>	

<b>Q11</b>	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:				

<b>Q12</b>	Are there any other amendments to the GPDO that you would like to suggest?
Comments: <b>Please note comments about new ancillary office buildings on industrial and utility operational sites in the responses to Questions 1 and 6 above.</b>	

**Draft Regulatory Impact Assessment**

<b>Q13</b>	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**

<b>Q14</b>	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"/>
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