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Llywodraeth Cymru  
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Welsh Government

## Consultation – summary of responses

### Permitted development rights

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

Date of issue: **April 2014**



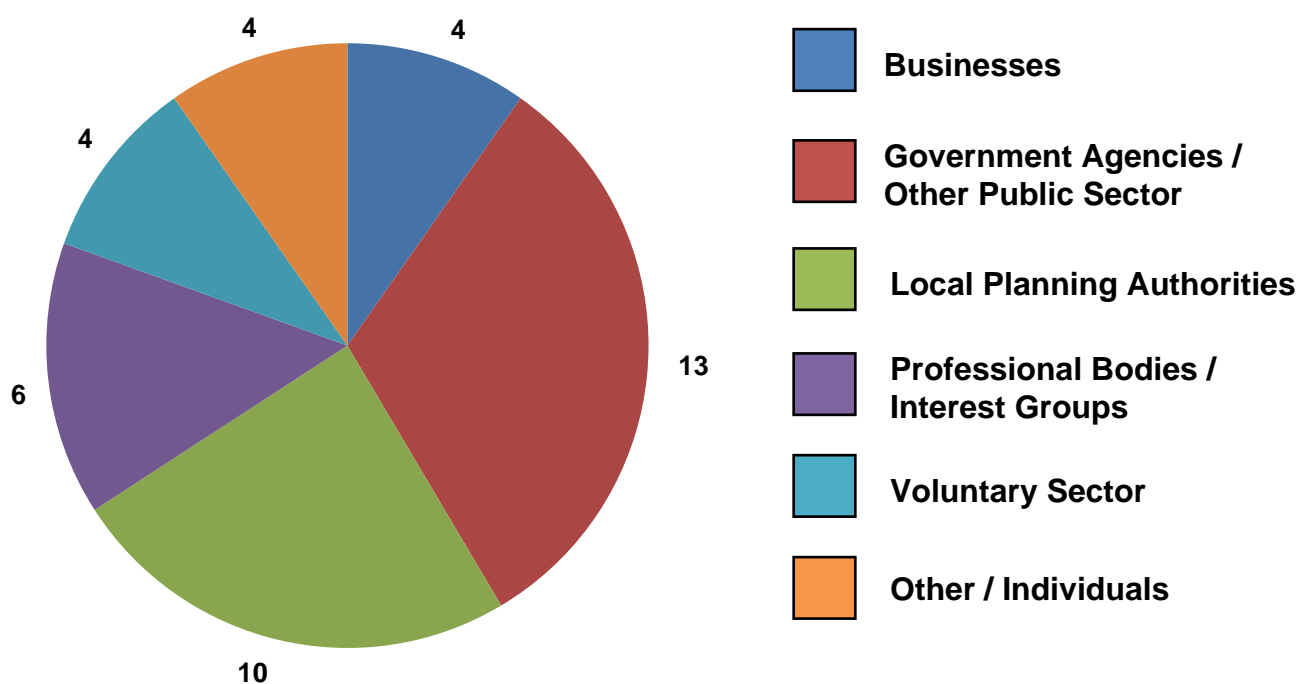
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## Introduction

1. The “Proposed Changes to Non-Domestic Permitted Development Rights” consultation exercise was launched on 03 October 2012 and was open for responses until 11 January 2013. A total of 14 questions were set out in the consultation document with a response form provided.
2. 41 respondents submitted comments. The following document provides a summary of these responses.
3. The responses have been grouped into the following key themes:
  1. Industrial and Warehouse development
  2. Hard surfacing
  3. Permitted changes of use between industrial classes
  4. Schools, Colleges, Universities and Hospitals
  5. Office buildings
  6. Shops and financial / professional service establishments
  7. Trolley stores
  8. Refuse and bicycle storage
  9. Prior approval process
  10. World Heritage Sites
  11. Any other issues?
4. The 41 responses were received from a wide range of sectors. The breakdown of responses is provided in the chart below.

## Number of Responses



## Summary of Responses by Key Theme

### Theme 1: Industrial and Warehouse Development

<b>Consultation question:</b>				
<b>Q1. Do you agree with the above proposed amendments to Part 8 of Schedule 2 of the GDPO?</b>				
<b>Category</b>	<b>Agree</b>	<b>Agree With Comment</b>	<b>Disagree</b>	<b>No Comment</b>
Businesses	0	0	0	4
Government Agencies/Other Public Sector	5	0	7	1
Local Planning Authorities	3	9	0	0
Professional Bodies/Interest Groups	0	6	0	0
Voluntary Sector	0	4	0	0
Others	0	2	0	0
All Respondents	8	21	7	5
<b>Overall Percentage<sup>1</sup></b>	<b>20%</b>	<b>51%</b>	<b>17%</b>	<b>12%</b>

### Overview

- The majority of respondents supported the proposed amendments to Part 8 of Schedule 2 of the General Permitted Development Order (GDPO), only some of the respondents in the “Government Agencies/Other Public Sector” category raising concerns. The main reasons for concern were the potential impacts on ecology sites, the lack of consideration of flood risk and contamination, restrictions on development in Article 1(5) land, and building heights / gross floor space limits being too generous. Detailed issues are considered below.

<sup>1</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

## **Detailed Issues**

### Use of materials

6. A number of respondents, predominantly Local Planning Authorities (LPAs), suggested that any new materials should match the existing building, regardless of whether the development affects article 1(5) land or not.
7. One LPA commented that the term '*similar appearance*' regarding the use of materials is too vague and could lead to ambiguity.

### Building height

8. Some respondents felt that the proposed amendment to allow a new build allowance of up to 15m in height was too excessive. One LPA felt that the restriction should also apply to alterations and not just new build.
9. Another LPA commented that a building of this height in article 1(5) land would be visually obtrusive and should be reduced to lessen the impact on historically significant areas.
10. One respondent suggested that any building within 10m of a boundary should ensure its maximum height is no greater than the building to which it relates or 5m – whichever is lower.

### Flooding

11. A Government Agency commented that there was no account of flood risk or contamination within the consultation document and that a prior approval process should be enacted to consider flooding, contamination and drainage.
12. A suggestion was also put forward in the consultation responses that no development should be permitted within 7m of a river as this could affect the access rights of the respondent.

### Article 1(5) land and Heritage

13. A number of respondents felt that adequate consideration had not been given to the protection and safeguarding of article 1(5) land, as well as archaeological sites.
14. There were, however, contrasting comments received from respondents who opposed the restrictions to article 1(5) land and listed buildings, suggesting that they were too strict and would cause businesses in these areas to struggle.

### Boundaries

15. A variety of comments were received from respondents relating to how proposed development close to a boundary could affect existing buildings.
16. One LPA suggested that no new development should be permitted within 20m of a highway and another commented that no development should be permitted on a

principle elevation. In comparison, one LPA suggested that the proposed amendments should be more generous on sites that are a suitable distance from residential developments.

### Other

17. A professional body felt that all permitted development rights should ensure that 'green' building techniques are promoted by the proposed changes, for example, requiring all new warehousing to include 'green' roofs or solar panels.
18. Two respondents felt there was a lack of recognition in the consultation document for the potential impact the proposed amendments may have on ecologically sensitive areas and protected species.

### **Response:**

#### Use of materials

19. Due to the type of buildings the proposed changes relate to (industrial and warehouses), we consider that it is unnecessary for materials on new buildings to match the existing for sites outside article 1(5) land.
20. It would be too onerous to require materials to "match" the appearance of existing buildings, particularly as Part 8 of the existing GPDO only requires that development should not materially affect the external appearance of the building.

#### Building height

21. In the context of existing buildings, a new build allowance up to 15m in height for areas outside article 1(5) land is considered reasonable.
22. The restrictions on the total new floor space allowed on article 1(5) land will be retained in the amended Order.
23. Introducing a maximum height of 5m where any development occurs within 10m of a boundary would be more restrictive than existing requirements for extensions, therefore, the proposed amendments are considered reasonable.

#### Flooding

24. Amendments to non-domestic permitted development rights will not remove existing statutory access rights to rivers.
25. Introducing a prior approval process for flood risk or contamination is deemed to be too complex given the scale of permitted development proposed. In any event new development will also be subject to and have to meet Building Regulations, such as sustainable drainage requirements.

#### Article 1(5) land and Heritage

26. The need to protect article 1(5) land and listed buildings from inappropriate development has been fully considered in this consultation and will be included in the

amended Order. Some archaeological sites currently benefit from legal protection as scheduled ancient monuments. Removing the need to ensure that development does not materially affect the appearance of the premises, or providing the opportunity to erect a new floorspace, will not place archaeological deposits at greater risk.

27. Where the proposed changes to the Order include restrictions to development on listed buildings, it should be noted that this also includes development within the curtilage of these buildings. Currently, there are no restrictions in the existing Order; therefore, the proposed changes offer far greater protection to the historic built environment.

#### Boundaries

28. Restricting development within a certain distance of a highway is unnecessary as there are sufficient controls in place in terms of scale and height to minimise any potential adverse impact.
29. The nature of industrial and warehouse buildings is such that there is not usually a “principle” elevation, i.e. an elevation that, due to its design or setting, is the main elevation of the building.
30. The proposed thresholds for development within a certain proximity to the site boundary are deemed appropriate.

#### Other

31. Building regulations are now devolved to Wales and provide a means for securing energy efficiency improvements in new buildings.
32. The Wildlife and Countryside Act 1981 gives legal protection to plant and animal species. This legal protection is unaffected by the proposals in the Amendment Order.
33. Regulation 60 of the Habitats Regulations provides protection for designated European sites, as defined by the Habitats Regulations. The Habitat Regulations are unaffected by the Amendment Order.



## Theme 2: Hard Surfacing

**Q2(a). 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?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	0	0	4
Government Agencies/Other Public Sector	2	1	4	5
Local Planning Authorities	10	3	0	0
Professional Bodies/Interest Groups	0	6	0	0
Voluntary Sector	0	4	0	0
Others	0	2	0	0
All Respondents	12	16	4	9
<b>Overall Percentage<sup>2</sup></b>	<b>29%</b>	<b>39%</b>	<b>10%</b>	<b>22%</b>

**Q2(b). Should an allowance be made for the partial replacement of hard surfacing? If yes, how large should this allowance be?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	0	0	5
Government Agencies/Other Public Sector	1	0	3	8
Local Planning Authorities	0	0	12	0
Professional Bodies/Interest Groups	3	3	0	0
Voluntary Sector	0	4	0	0
Others	2	0	0	0
All Respondents	6	7	15	13
<b>Overall Percentage<sup>3</sup></b>	<b>15%</b>	<b>17%</b>	<b>37%</b>	<b>32%</b>

<sup>2</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

<sup>3</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

## **Overview**

34. Generally, there was overwhelming support for the proposal in question 2(a). However, some issues were raised. There was particular concern with potential water contamination, the use of permeable surfacing in an industrial setting and the impact on protected land.
35. There was a mixed response to question 2 (b). Of those respondents in favour of an allowance for the partial replacement of hard surfacing with impermeable materials, there was no consensus on the appropriate floorspace.

## **Detailed Issues**

### Contamination

36. Although it was generally agreed that hard surfacing should be permeable, the main concern highlighted by respondents was how developers and LPAs would determine if there was a risk of groundwater contamination by exercising the PDR. One respondent also commented that if leakage on an industrial estate occurred, the problems may not be easily controlled.
37. A large number of respondents suggested that supporting guidance is needed on groundwater contamination.
38. Two respondents also recommended the introduction of a prior approval approach to consider the potential risk of groundwater contamination.
39. A number of respondents noted that groundwater contamination is already controlled through existing environmental legislation. One LPA suggested that any potential groundwater contamination would be better controlled through existing environmental legislation.

### Article 1(5) land and Listed Buildings

40. A small number of respondents felt that permitted development rights should be excluded where it impacts upon listed buildings. Additional safeguards should also be implemented where permitted development rights apply to Areas of Outstanding Natural Beauty (AONBs) and conservation areas.
41. However, one respondent felt that if permitted development rights are amended to allow greater protection for article 1(5) land, there is concern that businesses may struggle.

### Impermeable surfacing

42. Comments were received which stated that with planning permission, existing impermeable hard surfacing should be allowed to be replaced like for like.
43. A further comment revealed that in certain instances, the laying of porous / permeable surfaces is inadequate to meet industry requirements and that sites should be able to replace like for like, where there is an existing concrete base.
44. Similarly, a group from the voluntary sector suggested that where permeable or porous surfaces may be ineffective or undesirable, attenuation may be a suitable alternative approach.

### **Response:**

#### Contamination

45. The requirement for new and replacement hard surfaces to be constructed of porous or permeable materials is noted. We have given lengthy consideration to the issue of potential groundwater contamination. We consider that existing environmental legislation is adequate in order to address any potential risk of groundwater contamination. The supporting guidance note provides detailed advice for stakeholders.

#### Article 1(5) land and listed buildings

46. Given the potential adverse impact that large areas of hardstanding could have on the setting of listed building, a specific clause is included in the Amendment Order that excludes the provision of hardstandings within the curtilage of listed buildings.

#### Impermeable surfaces

47. The Amendment Order allows a new or replacement hard to be laid providing it is designed to direct surface water run-off from the hard surface to a porous or permeable area.

### Theme 3: Permitted Changes of Use Between Industrial Classes

**Consultation question:**

**Q3. Do you agree that the size thresholds for changes of use for B8 floorspace in Part 3 Class B.1 of the GPDO should be increased?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	0	0	4
Government Agencies/Other Public Sector	1	0	0	12
Local Planning Authorities	10	0	2	0
Professional Bodies/Interest Groups	2	4	0	0
Voluntary Sector	0	4	0	0
Others	2	0	0	0
All Respondents	15	8	2	16
<b>Overall Percentage<sup>4</sup></b>	<b>37%</b>	<b>20%</b>	<b>5%</b>	<b>39%</b>

**Consultation question:**

**Q4. If so, is 470m2 the correct threshold, or should the increase be larger or more modest?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	0	0	4
Government Agencies/Other Public Sector	0	0	0	13
Local Planning Authorities	0	0	3	9
Professional Bodies/Interest Groups	0	0	6	0
Voluntary Sector	3	0	1	0
Others	0	0	2	0
All Respondents	3	0	12	26
<b>Overall Percentage<sup>5</sup></b>	<b>7%</b>	<b>0%</b>	<b>29%</b>	<b>63%</b>

<sup>4</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

<sup>5</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

## **Overview**

48. Overall, there was significant support for the increasing the threshold although many felt that the 470sqm proposed in the consultation document is an arbitrary figure and should be a whole number.

## **Detailed Issues**

### Threshold limits

49. Comments were received highlighting the fact that an increase from the existing 235sqm threshold to 470sqm was arbitrary. One suggestion was to provide an increase to 500sqm, which would be consistent with the Part 8 allowance for new build and extensions. Another suggestion indicated that a percentage of the overall floor space would be appropriate, i.e. 25% or 500sqm, whichever is lower.

### Parking and residential areas

50. Concerns were also raised through the consultation in regards to parking standards and how these may impact upon neighbouring residential areas.
51. One LPA commented that B1 offices are often close to residential areas and that there may be a risk that a change of use from B1 to B8 for larger buildings could have a negative impact due to increased traffic, larger vehicles and operating hours. Another respondent also expressed concerns relating to the impact of residential amenity and highway safety the proposed changes could have.

### Employment

52. Two respondents commented that the proposed changes could result in the loss of employment due to the potential loss of B1/B2 land to B8 uses.

### Other

53. One Government Agency suggested that although the proposed threshold limit may be modest in an urban context, this may not be the case in a rural setting and therefore, a more modest threshold should be considered.
54. Another Government Agency commented that permitted development rights would remove the established means of assessing public safety risk via a planning application, therefore, putting the onus for safety responsibility onto the applicant.

**Response:**

Threshold limits

55. Based on feedback from the consultation, the threshold will be increased to 500sqm.

Parking and residential areas

56. Given the scale and type of floorspace involved, we do not consider there would be any significant impact on parking, residential amenity or highway safety.

Employment

57. The threshold increase in relation to floor space would not result in a significant loss of B1/B2 floor space and in any case, B8 floorspace can generate employment.

Other

58. The majority of respondents agreed that the 235sqm threshold should be increased to provide greater flexibility for business and industry. Given that Part 3 Class B of the GPDO relates solely to change of use of existing buildings, not new buildings, the increased threshold is unlikely to have a significant impact on the setting of rural areas. Also, given the type and scale of this specific proposal we do not consider that public safety is a significant issue.

## Theme 4: Schools, Colleges, Universities and Hospitals

### Consultation question:

**Q5. Do you agree with the above proposed amendments to Part 32 of the GPDO?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	0	0	4
Government Agencies/Other Public Sector	0	0	3	10
Local Planning Authorities	9	2	1	0
Professional Bodies/Interest Groups	0	6	0	0
Voluntary Sector	0	4	0	0
Others	0	2	0	0
All Respondents	9	14	4	14
<b>Overall Percentage<sup>6</sup></b>	<b>22%</b>	<b>34%</b>	<b>10%</b>	<b>34%</b>

### Overview

59. Overall, the vast majority of respondents who provided comments on this question agreed with the proposal.
60. Some queries and issues were raised; including the scale of permitted extensions, the impact on article 1(5) land, and uncertainty about terminology.

### Detailed Issues

#### Extensions

61. Many respondents felt that an increase in the threshold for extensions from 10% of the total floor space to 25% is too excessive and could result in significant extensions in terms of scale. However, one LPA did acknowledge that the limit of 100sqm was reasonable.
62. Another LPA felt that the 100sqm limit is not a large enough area and so the benefits would be negligible. They also suggested a limit on the amount of curtilage of a site that can be built on, such as 50%, as they felt it would be irrational to require permeable hard surfacing, but total coverage of non-permeable buildings.

#### Terminology

<sup>6</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

63. One respondent felt that without definitions of 'cumulative' and 'gross floor space', this could lead to misinterpretation of these terms and should be included for clarity.
64. Similarly, two LPAs commented that a definition was required to determine 'original floor space' as many of these institutions are in older buildings and are therefore likely to have already been extended. They queried whether the term 'original floor space' referred to when the building was first built, or as it currently stands.

#### Boundaries

65. A number of respondents provided comments on the proposed amendments to development within a boundary of site that would see a reduction from 20m to 5m.
66. Many felt this was too large a reduction and could significantly impact upon neighbouring residential area and create overbearing development. Two LPAs suggested a revised figure of 10m. Others commented that additional factors needed to be considered, such as where development adjoins existing residential areas and proximity to rivers and highways.

#### Article 1(5) land and Conservation

67. A variety of groups responded to the consultation question agreeing, in principle, with the proposed amendments, but commented that protection for historically significant areas **Should new PDRs for trolley stores be introduced to the GPDO, as detailed above** and buildings, as well as ecologically sensitive areas, should be maintained or even improved. A Government Agency felt that there should be lower floor space thresholds and reduced height allowances to minimise any impact in article 1(5) areas.
68. One respondent felt that permitted development rights should be excluded in their entirety, where it impacts on curtilage or setting of a listed building. However, another respondent raised concerns that if development rights are changed to ensure greater protection to article 1(5) land, then this may have an adverse impact on businesses in the immediate area.

#### Materials

69. Numerous comments were received indicating the importance of ensuring that the use of materials for improvements and new build development should match the existing.
70. A large number of respondents also commented that materials should match or be similar to the existing materials in all cases, not just article 1(5) land.

#### Other

71. A small number of respondents suggested that any building on car parks should not be permitted development and there should be no loss of parking spaces or impact to access points.



72. A Government Agency raised concerns that permitted development rights will result in statutory consultees not being able to comment on appropriate improvements to sewerage or drainage systems.

**Response:**

Extensions

73. Although the proposed amendment to increase the potential floor space allowance for new development from 10% to 25% raised concerns from respondents, a limit has been included at 100sqm. Therefore, any extension or new development would not be able to exceed 100sqm, which would prevent large-scale extensions.

Terminology

74. 'Cumulative' and 'gross floor space' retain their accepted meanings. 'Original' retains its current meaning, as defined in the GPDO, with further clarification in the Amendment Order.

Boundaries

75. Although there is a proposed reduction from 20m to 5m regarding development in relation to a boundary, the Amendment Order introduces height restrictions to minimise overbearing development. The Order states that development within 10m of a boundary should not exceed 5m in height, or the original size of the building, whichever is lesser.

Article 1(5) land and Conservation

76. Article 1(5) land will have the same threshold restrictions for new development as those outside these protected areas – 100sqm. Similar materials would also have to be used. We do not consider there is a requirement for additional conditions.
77. The Wildlife and Countryside Act 1981 gives legal protection to plant and animal species. This legal protection is unaffected by the proposals in the Amendment Order.
78. Regulation 60 of the Habitats Regulations provides protection for designated European sites, as defined by the Habitats Regulations. The Habitat Regulations are unaffected by the Amendment Order.

Materials

79. With a limited impact on the street scene, it is unnecessary to require similar or matching materials for any new development – unless the development is located on article 1(5) land.

Other

80. The loss of parking spaces is addressed in the Amendment Order.

81. As permitted development rights are used to deal with small-scale, uncontentious developments, drainage is not deemed to be a significant issue. Building Regulations approval, which includes drainage issues, will be needed for any significant works.

## **Theme 5: Office Buildings**

### **Consultation question:**

**Q6. Should new PDRs for offices be introduced to the GPDO as detailed above?**

<b>Category</b>	<b>Agree</b>	<b>Agree With Comment</b>	<b>Disagree</b>	<b>No Comment</b>
Businesses	0	0	0	4
Government Agencies/Other Public Sector	0	1	2	10
Local Planning Authorities	8	1	3	0
Professional Bodies/Interest Groups	0	6	0	0
Voluntary Sector	0	4	0	0
Others	1	1	0	0
All Respondents	9	13	5	14
<b>Overall Percentage<sup>7</sup></b>	<b>22%</b>	<b>32%</b>	<b>12%</b>	<b>34%</b>

### **Overview**

82. Generally, respondents agreed that new permitted development rights for offices should be introduced; however, a significant number commented that further clarity is needed on how the proposed changes could effect the built and natural environment, such as the use of materials, parking and article 1(5) land.

### **Detailed Issues**

#### Article 1(5) land and Conservation

83. There was significant support from respondents regarding the protection of article 1(5) land and listed buildings. A large number commented that they would only support the proposed changes if there were adequate safeguards in place for the historic environment.

<sup>7</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

84. A respondent also suggested that more could be done to recognise the potential impact development could have on ecologically sensitive areas and that this should be fully considered when considering permitted development rights for offices.
85. However, a Government Agency felt that if permitted development rights offer greater protection for article 1(5) land, then this could impact upon local businesses.

#### Materials

86. A large number of respondents felt that the use of materials should match and be in keeping with the existing building, when considering any improvements or extensions. Some also felt that the requirement for matching materials should apply to buildings both inside and outside of article 1(5) land.

#### Boundaries

87. There were a number of comments from respondents in terms of development within certain distances of existing buildings and highways.
88. Two LPAs stated that new development should be at least 20m from any highway. Another LPA felt that extensions should not be permitted within 10m of Class C uses, and no development should be permitted in front of the principle elevation.
89. One respondent also felt that the proposed amendments could harm the street scene, but this could be addressed by protecting principle elevations and providing adequate set back from highways.

#### Parking

90. One of the main concerns highlighted from the respondents related to the potential loss of parking provision.

#### **Response:**

##### Article 1(5) land

91. We agree that there is a need to offer a level of protection to article 1(5) land and this is addressed in the Amendment Order.
92. The Wildlife and Countryside Act 1981 gives legal protection to plant and animal species. This legal protection is unaffected by the proposals in the Amendment Order.
93. Regulation 60 of the Habitats Regulations provides protection for designated European sites, as defined by the Habitats Regulations. The Habitat Regulations are unaffected by the Amendment Order.
94. Regarding the impact on businesses in 1(5) land, the proposed amendments for permitted development rights offer minor changes and improvements – none of which are deemed to significantly affect or impact upon businesses. If LPAs consider that PDRs should apply to specific 1(5) land they have tools such as LDOs that can be used.

### Materials

95. It is acknowledged that some office buildings are located in more sensitive locations, such as city / town centres. It would be too onerous to insist on matching materials but the Amendment Order will, however, require that materials have a similar external appearance.

### Boundaries

96. The Order will restrict the scale of development where it is in close proximity to the site boundary.

### Parking

97. The protection of parking and manoeuvring areas for vehicles is provided for in the Amendment Order.

## **Theme 6: Shops and financial / professional service establishments**

### **Consultation question:**

**Q7. Should new PDRs for shops and financial/professional service establishments be introduced to the GPDO, as detailed above?**

<b>Category</b>	<b>Agree</b>	<b>Agree With Comment</b>	<b>Disagree</b>	<b>No Comment</b>
Businesses	0	0	0	4
Government Agencies/Other Public Sector	0	2	3	9
Local Planning Authorities	8	0	3	0
Professional Bodies/Interest Groups	0	6	0	0
Voluntary Sector	0	4	0	0
Others	0	2	0	0
All Respondents	8	14	6	13
<b>Overall Percentage<sup>8</sup></b>	<b>20%</b>	<b>34%</b>	<b>15%</b>	<b>32%</b>

### **Overview**

98. There was general support for new permitted development rights for shops and financial / professional services, although some detailed issues were raised.

<sup>8</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

99. Although Businesses held no strong views to the proposal, LPAs, Professional Bodies, the Voluntary Sector and other individuals were in favour of introducing the new PDRs. Government Agency responses were mixed.

### **Detailed Issues**

#### Article 1(5) land and Heritage

100. The impact of the proposal on article 1(5) land generated mixed responses.
101. A number of respondents commented that they would support the proposed changes, providing safeguarding measures were in place to protect article 1(5) land. However, a smaller number of respondents who disagreed with the proposal felt that restrictions to article 1(5) land were too strict and would ultimately impact on business.

#### Shop fronts

102. An individual suggested that because planning permission would still be required for changes to shop fronts and that alterations above ground floor were not permitted, this would not reduce the number of planning applications submitted to local authorities.
103. One LPA suggested that security shutters could be included within the permitted development rights, providing that guidance was provided.
104. Another respondent felt that ATMs should also be included within the changes to permitted development rights.

#### Extensions and improvements

105. There were mixed responses to the consultation question, with some respondents commenting that the proposed changes were too restrictive, while others felt they didn't go far enough to reduce or minimise the impact of potential development.
106. One LPA suggested that alterations at ground floor level within 2m of a boundary should not be permitted. Another LPA commented that no development should be allowed in front of a principle elevation. However, a Professional Body questioned the need for a 50sqm threshold and felt it was too small to deliver any real benefits. An LPA concurred with this and suggested raising the threshold.

#### Terminology

107. A small number of respondents expressed concerns over three key terms that they felt required greater clarity: 'gross floor space'; 'raised platform'; and 'shop front'.

#### Parking

108. Many respondents supported the proposed amendments, providing that parking spaces and manoeuvring are not affected.

## Materials

109. A variety of respondents commented that the use of materials for improvements and extensions should match existing, both inside and outside of article 1(5) land areas.

### **Response:**

#### Article 1(5) land and Heritage

110. Extensions or alterations are not proposed on article 1(5) land to protect more sensitive locations such as town and city centres.
111. Businesses located on article 1(5) land will continue to have the opportunity to apply for changes and alterations to their premises through the planning application process. If LPAs consider that PDRs should apply on 1(5) land they have tools such as LDOs.

#### Shop fronts

112. Although planning permission will still be required for changes and alterations to shop fronts, the greater flexibility that is proposed with the new permitted development rights should still reduce the number of planning applications submitted to local planning authorities.
113. Given the number of planning issues to be considered - such as design, crime and access - security shutters and ATMs are developments that should be considered through the planning application process.

#### Extensions and improvements

114. Regarding development within 2m of a site, similar permitted development rights are provided for householders and it is therefore deemed acceptable for the proposed inclusion of new PDRs for shops and financial/professional services.
115. We consider that the 50sqm threshold limit balances the need for greater flexibility against any impact new development may cause. The threshold is informed by the evidence base.

#### Terminology

116. The terms 'gross' and 'shop front' have their usual, accepted meanings and a definition of 'raised platform' will be included in the amended Order.

#### Parking

117. Parking and manoeuvring space is protected in the Amendment Order.

## Materials

118. Given that development is restricted in article 1(5) land, limited to ground floor and not permitted in front of an existing frontage, there is no requirement for materials to match as the aesthetic and visual impact would be minimal.

## Trolley Stores

### Consultation question:

**Q8. Should new PDRs for trolley stores be introduced to the GPDO, as detailed above?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	0	0	4
Government Agencies/Other Public Sector	0	0	4	9
Local Planning Authorities	9	1	2	0
Professional Bodies/Interest Groups	0	6	0	0
Voluntary Sector	0	4	0	0
Others	1	1	0	0
All Respondents	10	12	6	13
<b>Overall Percentage<sup>9</sup></b>	<b>24%</b>	<b>29%</b>	<b>15%</b>	<b>32%</b>

### Overview

119. LPAs, Professional Bodies and those in the Voluntary Sector were generally in favour of the proposal, with the majority putting forward positive comments. However Government Agencies/Other Public Sector either disagreed with the proposal, or did not submit a response to the consultation question. Business provided no comment.

### Detailed Issues

#### Article 1(5) land and Conservation

120. A high number of respondents commented on and supported the development restrictions for conservation areas, but felt this should be extended to article 1(5) land. General comments related to the need to protect conservation areas, national parks, sites of archaeological interest and listed buildings.

<sup>9</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

### Use classes and changes of use

121. One LPA suggested that trolley stores should not be built close buildings used for Class C purposes.
122. Another LPA felt that if a trolley store was built and then no longer required, it would be difficult to enforce against changes of use, for example, to a smoking shelter.
123. Similarly, a respondent queried whether developers could use trolley stores for uses incidental to the store when they're no longer required. They suggested a guidance document could be provided focusing on possible changes of use.

### Terminology

124. There were queries raised in respect of terminology used in the Amendment Order. Two respondents questioned whether the 20sqm floor space threshold for any new building was individual or cumulative, while another requested clarification on the extent of the site. For example, a retail park could be a single planning unit, but have a number of individual stores. Therefore, would the proposed amendments allow one trolley store for the retail park, or one per store?

### Parking

125. A number of respondents recommended that new trolley stores should not impact upon or reduce the number of existing parking spaces or manoeuvring areas.

### Other

126. One LPA commented that trolley stores should be designed and included as part of the planning application process.
127. A business suggested that the proposed maximum height of a new building at 2.5m was too low to permit a suitable design for a trolley store and should be extended to 3m.

### **Response:**

#### Article 1(5) land and Conservation

128. The proposal has been considered in the context of protecting the historical environment.
129. Development in article 1(5) land is restricted, as is development within the curtilage of a listed building. This protection will be retained in the Amendment Order.

#### Use Classes

130. The potential impact on residential uses has been fully considered. The Amendment Order requires trolley stores to be at least 20m from the boundary of the curtilage of a building used for residential purposes to minimise any adverse amenity impact. A definition of 'residential purposes' will be included in the amended Order.



131. The PDR relates to the provision of storage facilities for trolleys. If necessary, LPAs, as they currently do, will need to consider whether enforcement action is expedient.

#### Terminology

132. The threshold of 20sqm of floor space for any new building is a one-off limit and not cumulative.

133. Regarding the number of trolley stores in areas such as retail parks where there are multiple business units, it is proposed to allow one trolley store per unit, providing parking and manoeuvring spaces are not affected.

#### Parking

134. The Amendment Order ensures that development will not lead to a reduction in space available for parking, or manoeuvring space.

#### Other

135. The amended PDRs aim to achieve greater flexibility for minor development. If trolley stores were introduced as part of the planning application process, this would undermine the aims of the amendments.

136. The proposed maximum height of 2.5m for any new building is deemed to be adequate. The same height restriction applies in both England and Scotland and provides suitable allowance for a trolley store.

## Theme 8: Refuse and bicycle storage

### Consultation question:

**Q9. Should new PDRs for the construction of new buildings to store refuse and/or bicycles be introduced to the GDPO, as detailed above?**

Category	Agree	Agree With Comment	Disagree	No Comment
Businesses	0	4	0	0
Government Agencies/Other Public Sector	8	4	1	0
Local Planning Authorities	10	1	1	0
Professional Bodies/Interest Groups	0	0	0	6
Voluntary Sector	0	0	0	4
Others	0	0	0	2
All Respondents	18	9	2	12
<b>Overall Percentage<sup>10</sup></b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>

### Overview

137. A significant majority of respondents agreed with the proposal and welcomed the changes. Only one LPA and one Government Agency disagreed with the proposal. No responses were received from professional bodies or groups and organisations in the voluntary sector.

### Detailed Issues

#### Article 1(5) land

138. A number of responses were received that agreed with the proposal to offer protection to article 1(5) land, as well as listed buildings. One respondent also suggested this protection be extended to archaeological sites.

#### Use classes

139. A LPA commented that development should be at least 20m from any residential uses, not just those in Use Class C. In contrast, another respondent felt that the proposal should only relate to Use Class C3 buildings (dwellinghouse).

<sup>10</sup> NB: percentage figures have been rounded upwards in each column so the overall percentage total may not equal 100.

140. Two LPAs queried how the storage units could be used if no longer required for refuse or bicycle storage (i.e. could developers lawfully change the use of the buildings once they are no longer required for their original purpose, such as to smoking shelters?)

#### Parking

141. Comments were mixed in regards to parking. One respondent commented that new build should not result in a reduction of parking spaces or manoeuvring space, while another felt that the alternative use of parking spaces for cycle storage be encouraged.
142. A business also suggested that a clear definition of '*space available for parking*' is required as it is slightly ambiguous and may or may not refer to formalised parking.

#### Other

143. One LPA commented that the proposed changes were not required for industrial / warehouse or health and education use classes.
144. It was suggested that boundary restrictions for building bicycle storage units could be relaxed and also, that permitted development rights for refuse and bicycle storage should be extended to all non-domestic uses.
145. Two respondents commented on the different criteria outlined for trolley stores and refuse / bicycle storage and felt it was unnecessarily complicated.
146. A business provided comments that suggested the maximum height of any new building should be amended from 2.5sqm to 2m.

#### **Response:**

##### Article 1(5) land

147. Additional restrictions on development in article 1(5) land is provided in the Amendment Order with PDRs excluded in relation to listed buildings and the curtilage of listed buildings.
148. The most significant, scheduled archaeological sites benefit from statutory protection under the Ancient Monuments and Archaeological Areas Act 1979.

##### Use classes

149. The potential adverse impact of refuse / bicycle stores could affect all buildings in residential use, this issue is addressed in the Amendment Order.

##### Parking

150. The Welsh Government supports sustainable transport initiatives and actively encourages alternative modes of transport to the motor vehicle; however, existing requirements for parking and manoeuvring space for vehicles are protected.

151. The term 'space available for parking' is already established in the existing Order.

#### Other

152. The proposed boundary restrictions for refuse and cycle storage are deemed to be adequate to minimise impact on surrounding areas.

153. The criteria for trolley stores and refuse / bicycle stores have been amended to reflect their similarities.

154. The incorrect measurement of 2.5sqm when referring to the height of a refuse / bicycle store has been corrected. This is the same height allowance as trolley stores and is deemed to be adequate for the purposes of a refuse / bicycle store.

### **Theme 9: Prior Approval process**

#### **Consultation Question:**

**Q10. What are your views on the above prior approval process?**

#### **Overview**

155. Respondents were split on whether a prior approval process should be introduced. Some felt that the proposed prior approval process could be beneficial in speeding up the planning process, whereas others suggested it would increase the workloads of LPAs unnecessarily.
156. A particular concern of respondents was the potential loss of control over shop front design which could impact upon the character of an area and quality of the built environment.

#### **Detailed Issues**

##### ATMs

157. There was very little support for deemed consent for ATMs due to concerns about highway, pedestrian and residential safety.

##### Implications for LPAs

158. A number of respondents felt that the proposed prior approval process would place additional burdens on LPAs. They felt it would not represent a reduced workload for officers and would be unfair, with very little gain.

##### Street scene and character

159. One LPA highlighted the impact on the character of a street the proposed amendments could have. They noted that design issues would often mean prior approvals would result in the submission of a planning application, therefore, slowing the system down.

160. An individual also commented that the prior approval process would result in a loss of control over shop fronts and could ultimately affect the character of an area.
161. There was, however, support from a number of respondents for the continued protection of article 1(5) land and listed buildings.

#### Other

162. A number of Government Agencies suggested that guidance should be made available for planning officers regarding the proposed prior approval process.
163. Some LPAs commented that the proposal is convoluted and complex, difficult to explain to the public and provides little benefit. However, there were others who felt it would be beneficial and provided a significant step forward.

#### **Response:**

164. Following consultation responses, at this stage we are not proposing to introduce a prior approval process for shop fronts or ATMs.

### **Theme 10: World Heritage Sites**

#### **Consultation Question:**

**Q11. Do you agree that World Heritage Sites should have the same level of protection as article 1(5) land for the purpose of the proposals detailed in this consultation document?**

#### **General comments**

165. Respondents were generally in favour of offering additional protection to World Heritage Sites (WHS), however, two respondents claimed that the proposed changes for those either living in, or LPAs with World Heritage Sites in their boundary, could cause a significant impact on businesses, residents and put unnecessary strain on LPA resources.
166. One LPA expressed reservations, specifically related to the Blaenavon World Heritage Site as the proposals would have a significant impact on residents and businesses as the entire built-up area would fall within article 1(5) land and would therefore remove all permitted development rights. The LPA suggested this would lead to a surge in planning applications and increased breaches of planning control.
167. An organisation from the Voluntary Sector also suggested that the proposed changes could deter businesses locating or remaining in Blaenavon.

168. An LPA felt that further clarification was required on the inclusion of WHS buffers for agricultural land. They commented that the proposed restrictions should not apply to buffer zones for WHS.
169. There were respondents who welcomed the addition of WHS within article 1(5) land, with an LPA suggesting that historic parks and gardens are also included as protected sites.

**Response:**

170. The proposed changes do not remove all permitted development allowances but place the same conditions on WHS as currently exist for conservation areas and AONBs. In terms of the Blaenavon WHS, most of the area is also part of a National Park or within a conservation area, so would also be affected by restrictions on article 1(5) land.
171. The Amendment Order provides the opportunity for small scale changes and improvements which are not significant enough to deter new industrial or commercial investment. Also LPAs have tools, such as LDOs, that can be used to provide site specific PDRs if they are keen to incentivise development in local areas.

**Theme 11: Any Other Issues?**

**Consultation Question:**

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

172. Two respondents felt that a separate use class was required for registered charities.
173. A number of comments were received reiterating support for the protection of article 1(5) land and listed buildings. One respondent also suggested including historic parks and gardens under this protection.
174. One LPA felt that the proposed amendments would likely lead to an increase in the number of pre-application queries. They also commented that Part 2 of General Permitted Development Order (GPDO) could be amended to help economic recovery, such as extending the definition of air conditioning units.
175. One respondent felt parts of the GPDO were too subjective and suggested providing definitions of key terms and phrases to ensure clarity for developers and LPAs.
176. A Professional Body commented that there were discrepancies between Part 8 and Part 6 of the GPDO in terms of maximum height for new buildings and that this should be addressed.
177. One Government Agent recommended that all permitted development rights should be subject to prior approval from LPAs, where proposals are in Use Class C, involve

ground works, contaminated land, within 250m of land for refuse/waste storage, involve processing of waste and within 7m of a main river.

178. A business responded by suggested that PDRs for offices should extend to ancillary office accommodation associated with general industrial uses.
179. Two respondents commented that Part 40 of the GPDO should be amended to exclude national parks, Areas of Outstanding Natural Beauty (AONBs), World Heritage Sites (WHS) and Sites of Special Scientific Interest (SSSIs).
180. A business submitted comments indicating that Part 24 of the GPDO should be amended. It was noted that the DCLG are considering changes to help fixed networks under construction and an additional consultation on wireless networks and that similar changes should be made in Wales.

**Response:**

181. We are continuing to work on improving the planning application process and will consider whether any further changes are needed to the GPDO as part of this process.
182. We do not consider - particularly given the nature of the permitted development rights proposed in the Amendment Order - that historic parks and gardens should benefit from the same protection as article 1(5) land and listed buildings.
183. Some interpretation on definitions and key terms will be provided in the Order itself and will also be supported by a Technical Guide.
184. Part 6 of the GPDO refers to agricultural buildings, while Part 8 refers to industrial buildings. These different land uses will have different issues and the Order reflects this in terms of building heights.
185. A prior approval process is deemed to be too complex and unnecessary given the nature of the changes in the Amendment Order. In an event new development will also be subject to and have to meet Building Regulations, such as sustainable drainage requirements.
186. Part 40 of the GPDO is not the subject of this Amendment Order but it has been drafted to restrict development in conservation areas and World Heritage Sites.
187. The Welsh Government issued a consultation document focusing on additional permitted development rights for Electronic Communications Code Operators in July 2013. The closing date for comments to be submitted was 31 October 2013.

## Draft Regulatory Impact Assessment

### **Consultation Question:**

**Q13. Do you have any comments to make about the draft Regulatory Impact Assessment at Annex 1?**

188. Two Government Agencies felt that there should be a separate use class for charity shops.
189. An LPA suggested that a review should take place looking into the types of application that should be accompanied by a Design and Access Statement.
190. A Professional Body highlighted their approval of the exclusion of Article 1(5) land, but that this should be extended to sites of archaeological interest.
191. Another Professional Body commented that the RIA made no account of the fees associated with applying for a determination on prior approval for a permitted development, if this is required by the LPA.
192. A comment was received questioning whether enough simplification has been proposed as much more regulation has been added. It was also noted that there is no quantification of the costs made by the proposed additional regulation and that these figures should be made available.
193. An LPA raised concerns regarding the potential reduction in planning application fees, coupled with additional financial cuts to local authorities. They felt that reduced funding and reduced fee income, without proportionate reductions in workloads, will equate to a higher service delivery costs that would be unsustainable.
194. Another LPA felt that complicated legislation imposes costs on law abiding developers and LPAs, which are not properly assessed in the RIA. They suggested that simpler PDRs with reduced fees or free applications may be preferable and that the RIA should have considered this option.

### **Response:**

195. We are continuing to work on improving the planning application process and will consider whether any further changes are needed to the GPDO as part of this process
196. We have recently commissioned research to review Design and Access Statements.
197. The most significant, scheduled archaeological sites benefit from statutory protection under the Ancient Monuments and Archaeological Areas Act 1979.



198. As prior approval is not being pursued through the amendments to the GPDO, this is not an issue for the RIA
199. The overall effect of the Amendment Order is deregulatory and introduces greater flexibility. The RIA addresses the costs of the legislation, and costs for LPAs in terms of reduced planning application fees have been quantified.
200. Although the proposals will ultimately result in a reduction in fees generated from planning applications, it is assumed that planning fees relate directly to the work involved on behalf of the relevant LPA. Therefore, any reduction in fees will be mirrored in a reduction in associated work by the relevant LPA.
201. As there is no fee for permitted development rights, there is no financial cost to the developer. The costs for LPAs in terms of reduced planning application fees have been quantified in the RIA.

### **Any general comments?**

#### **Consultation Question:**

**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.**

202. An LPA commented that they were disappointed the consultation document was not available in Welsh.
203. A Government Agency felt regard should be given to traffic and parking impact of a minor industrial or hospital development. They felt the new PDRs should support economic recovery whilst retaining the broad objective of communities – defending their heritage, environment and way of life.
204. An LPA submitted comments on behalf of a local ward member who expressed concern over the following factors:
- Unclear whether the proposals will affect domestic applications as well as commercial
  - That the proposals will increase the work of the planning team and enforcement
  - Unconvinced that the measures will help residents and businesses in their ward
  - Unsure whether the proposals will apply to the whole GPDO, or just those outlined in the consultation document
205. A Professional Body commented that there appeared to be a lot of additional regulation proposed and that they would like to see the calculations regarding the additional costs caused by the additional regulation.

206. Another Professional Body suggested that a consolidation Order should be produced, rather than continuing to rely on the 1995 GPDO Order.
207. An organisation from the Voluntary Sector commented that Part 40 should be amended to exclude national parks, as well as AONBs, WHS and Sites of Special Scientific Interest (SSSI).
208. One LPA felt they would benefit from a lead-in time to allow for staff training before any changes to the GPDO come into force. Furthermore, they suggested guidance notes should be made available to LPAs, as well as an interactive building on the Planning Portal website.

**Response:**

209. The consultation document for proposed changes to commercial permitted development rights has been scored against the Welsh Government's Welsh Language Scheme - it did not require translating. We welcome consultation responses in Welsh and a Welsh comments form was provided for this purpose.
210. The proposals outlined in the consultation document fully considered traffic and parking issues.
211. The amendments to the GPDO, as outlined in the consultation document, only apply to commercial premises. The Welsh Government introduced specific changes to householder permitted development rights on 30 September.
212. By increasing flexibility in what improvements and minor development can be undertaken without requiring the submission of a planning application, this will reduce the number of applications LPAs receive, freeing up resources to focus on larger scale and more contentious applications.
213. The overall effect of the Amendment Order is deregulatory. The costs for LPAs in terms of reduced planning application fees have been quantified in the RIA.
214. The Welsh Government is considering introducing a consolidation order.
215. The impact on protected areas such as national parks was considered during the consultation exercise associated with Part 40 of the GPDO (as amended for Wales). National Parks were not provided with the same level of protection as conservation areas and World Heritage Sites for a number of reasons, including the policy imperative to address climate change and the potential benefits of microgeneration in rural off-grid areas.
216. Before the Amendment Order comes into force, both LPAs and other statutory consultees will be made fully aware of the changes, allowing sufficient time for preparation. A guidance note will be issued with the Amendment Order.