

Permitted Development Amendments to the Town and Country Planning (General Permitted Development) Order 1995

Consultation Response Form

Respondents are encouraged to submit their responses online:

<https://www.smartsurvey.co.uk/s/5RJZZK/>.

Alternatively, please complete the consultation response form and email to
planconsultations-e@gov.wales.

Your name:

Organisation (if applicable): Caerphilly County Borough Council

email / telephone number:

Your address: Tredomen House, Tredomen Park, Hengoed, CF82 7PG

Q.1 Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?

Yes ☐

No ☐

Other ☒

Comments:

To support businesses the principle of extending the period of use to 56 days is supported. However, there will be more significant impacts associated with some uses, particularly in the countryside and particularly in terms of landscape, ecology, noise, flooding, drainage and highway safety impacts from longer and more intensive use.

Q.2 Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.

Yes ☐

No ☐

Other ☒

Comments:

No. It is considered too early to be able to evidence any significant benefits within this Authority from the extension of temporary PD rights.

Complaints have been received following the use of land as a shooting range in terms of noise and impact upon highway safety from indiscriminate parking.

Q.3	Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	<p>Comments: Some uses will require greater restrictions to mitigate the use.</p> <p>Careful consideration needs to be given to the type of uses included within this use class and as a minimum the additional 28 day period should not apply to shooting ranges or those uses currently restricted to 14 days.</p> <p>Temporary uses within flood zones where highly vulnerable development is resisted and within environmentally or ecologically sensitive areas such as SINC's should also be excluded from this extension to PD rights.</p>		

Q.4	Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input checked="" type="checkbox"/>
	<p>Comments: Markets can help to add vitality to a town centre and provide economic benefits as part of the Covid-19 recovery.</p> <p>The impact on existing town centres, however, needs to be carefully considered and controlled, as well as the impact on highway infrastructure, public realm, pedestrian mobility, amenity and noise impacts. These will be difficult to control or mitigated if the number of days are increased significantly.</p> <p>More permanent or "out of town" markets, potentially every weekend a year, could also result in significant impacts in this respect.</p> <p>An increase to days 56 would not therefore supported but 28 days would be more appropriate.</p> <p>The town centre first principle should apply and planning permission should be sought for such uses in the longer term.</p>		

Q.5	Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments: See comments at Q4 above. 28 days would be appropriate.		

Q.6	Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.		
	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>

Comments:

Permitted development rights for a temporary period will allow units to change quickly in response to emergency situations, such as the recent pandemic, and facilitate “pop up” shops to allow the market to be tested.

The long-term form and function of a Town Centres requires careful consideration and providing permanent PD rights for such changes of use during such a sensitive period of recovery is not supported. The proliferation of single uses such as A3 could have a significant, negative impact on the vitality and viability of a Town Centre.

It should also be recognised that the definition of a town centre is not universal across LPA's and in practical terms will require clarification.

The amenity impact on adjacent residential units also needs to be taken into account.

In addition change of uses in Conservation Areas should be restricted and controlled to allow the impact upon the character and appearance of the area to be appropriately considered.

Notwithstanding the above comments the preference would be for the WG to introduce a new specific use class for “town centre use”, with a definition created of a use that:

- increases the economic vibrancy and vitality of the town throughout different times of the day e.g. retail, hospitality, cafés, restaurants, offices;
- provides essential day to day services for the local community e.g. retail, financial services, education and training, health, childcare, fitness centres, places of worship;
- maintains and enhances culture and heritage e.g. libraries, museums, theatres, cinemas, music venues.

The new town centre use class could allow for a mix of uses to reflect changing retail and business models and recognise that a building may be in several uses concurrently or that a building may be used for different uses at different times of the day, for example a high end butcher/deli counter by day and restaurant by night or child care facilities and place of worship. This would give businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their business and their community. The “Town centre” use class will however require further detailed consideration of potential implications in order to ensure there are no ‘unintended consequences’ that arise.

Further consideration would also need to be given to the areas to be defined as Town Centres within which the new use class would apply. In this context within a town centre could refer to the area shown on the proposals map of a

development plan, as a district centre, inset boundary, local centre, principle town centre boundary, shopping zone, town centre, town centre boundary, retail centre or retail and commercial hierarchy. However this should be defined by each local authority in order to ensure that there are no unintended consequences for example in Newport this would have the unintended consequence of allowing an out of centre retail and leisure park at Spyttty to benefit from the new PD changes as it is identified as a District Centre in the adopted LDP. Any further unrestricted use of this out of centre facility (even for 12 months) will be in direct competition with the City Centre and would significantly undermine efforts to help the City Centre recover.

It is therefore suggested that WG Pilot the new town centre use class for a period of 12/18 months in a number of towns across Gwent. The extent and location of the towns for the pilot to be determined by the individual Local Planning Authorities taking part in the pilot.

Q.7 Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☒

No ☐

Other ☐

Comments:

These uses can be adequately controlled by the Highway Authority through license.

Q.8 If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?

Comments:

Conditions to control the hours of use to reduce the impacts on adjacent residential properties.

Q.9 Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.

Yes ☒

No ☐

Other ☐

Comments:

These can be controlled by the Highway Authority through license.

Advertisement Consent may still also be required despite these changes to permitted development rights.

Awnings within Conservation Areas should be excluded.

Q.10 Do you have any comments regarding Part 3A?

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
Comments:		

Q.11	Do you have any comments regarding Part 12A?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>	
Comments:			

Q.12	Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing.		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>	
Comments:			
Yes. However the definition of a HMO needs to be clarified.			

Q.13	Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>	
Comments:			
This is supported in principle but the enforcement of these requirements will be difficult to achieve through the planning system.			
In addition larger areas of hard surfacing or hard surfacing which in combination with any other development over 100 sq. metres in total will be controlled via the SAB process. The duplication of regulatory controls needs to be avoided and area thresholds introduced.			

Q.14	Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing.		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>	
Comments:			
Yes and controls over advertising are welcomed but suggest that consideration be given to greater controls within sensitive areas such as Conservation Areas.			
Control needs to be maintained over the siting within street scene so as not to cause obstruction to pedestrians.			

Q.15	Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>	

	Comments:
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Q.16	Do you agree with the proposals for amending Article 4 Directions?		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: Making the process quicker and less onerous is supported, however, could the absence of Welsh Government approval erode the status of an Article 4 Direction in decision making. More up to date mechanisms of consultation using social media and online resources to reach a wider audience should be promoted ahead of traditional advertising in the press etc.		

Q.17	We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.		
	What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?		
	Comments: The direct effect on the Welsh language is likely to be limited in Caerphilly CBC. Any economic benefits are likely to be felt across the community but may, nonetheless, have positive effects on Welsh speaking communities and the Welsh language.		

Q.18	We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.
	Comments: None

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: ☐