

Amendments to permitted development rights

Details

Q1. Details

Name

[REDACTED]

Organisation

City & County of Swansea

Preferred contact details (Email address, phone number or address)

[REDACTED]

Q2. Type (please select one from the following)

Local Authority / Local Planning Authority

Q3. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Questions

Q4. Q1. 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?

Other

Comments:

In order to support businesses the principle of extending the period of use to 56 days is supported. However, there will be different impacts associated with increasing the use of a field for camping from 28 to 56 days a year than a market stall, for example. Campsites are used 24 hours a day and may have much greater ancillary structures, whilst a market may only be open in the day time. Within Swansea, for example, most of the camping that takes place is within the Gower AONB. The impacts of extending the temporary use in protected areas needs to be carefully considered. The intensity and frequency of use, and hence impacts, will therefore vary for different uses in this category and it may be a mistake to include them all together and there needs to be mechanism of retaining control over certain activities.

Colleagues within the Highway Authority have also expressed concern that the extension of temporary permitted development rights may have unacceptable impacts on highway safety. An example of this is where the temporary use of land for a car park takes place within Gower. Increased demand has the potential to adversely impact on the free flow of traffic in areas with cars queuing to enter car parks, particularly during the peak holiday season.

Q5. Q2. 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.

Other

Comments:

Not within this LPA, but anecdotal evidence of greater detrimental impacts such as highway congestion, impacts on residential amenity, drainage and tranquillity of some 'pop up' camp sites in other LPAs in Wales.

Q6. Q3. 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

Comments:

Some land uses will require greater restrictions to mitigate the use.

An increase of 28 to 56 days will result in a greater intensity of use. How will the impact on ecology, green infrastructure, tranquillity, drainage, highways etc be considered?

With regard to camp/caravan sites, it may lead to pressure to change from grass pitches to hardstanding's, the installation of electric hook-ups, more formal layouts etc. of fields. Cumulatively this may lead to significant landscape changes and disruption of ecological and GI corridors – how will this be controlled/monitored?

We are aware of the need to restrict PD rights in protected landscapes and already have a variety of Article 4 Directions within the Gower AONB. There is a need to balance the positive impact of tourism with any detrimental landscape impacts. There may also be impacts on locally designated ecological sites (such as SINCS) and there may be a need to limit PD rights in those protected areas (this could be done via Article 4 Directions but may be too late if harm already done), Better to address through PDR.

Q7. Q4. 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?

No

Comments:

Markets can be beneficial in adding to the vitality of an area and providing economic benefits as part of the pandemic recovery. However, consideration has to be given to the impact of 'longer term' markets within town or city centres on the viability of existing retail units.

If the PD right is introduced, maybe the time of operation could be limited, for example for a total of 56 days per year and no more than 21 consecutive days within that 56 days. That could provide opportunities for a market one day per week, or for separate consecutive days throughout the year, to take advantage of holiday periods.

Consider controls over highway infrastructure, public realm and pedestrian mobility, amenity and noise impacts.

Q8. Q5. Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?

No

Q9. Q6. Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.

Other

Comments:

The aim of this change is recognised, but there are concerns. 'Town centres' requires a clear definition. We do not have defined 'town centres', but have city centre, local and district centres. The impact of amending PD rights within a district centre could enable the loss of a valued community shop, for example.

The role of city and town centres is changing and our concern stems not from trying to retain a primary retail function, but to ensure that centres retain their future viability and vitality. Many people still visit centres for the primary function of retail. The proliferation of a single use (such as A3) could undermine this goal and provide large areas of non-active frontages, making areas which are already suffering from a lack of footfall less attractive.

Will there be a size threshold restriction for units that come under these regulations? Is there a danger that large retail units could change their use with little or no controls?

'The developer must, as soon as reasonably practicable, notify the LPA of the Development': How long is 'reasonably practicable' and what is the purpose of a developer having to do this?

Many units have residential properties above them. A change of use of those units may negatively impact on the residential amenities of occupiers (such as noise/odour issues). Greater restrictions may be required if a unit has an existing residential property above it.

If this proposal does include local and district centres, could this be a way to obtain planning consent for a dwelling in the long term, which would not be permitted otherwise? For example, the change of use of a shop/public house etc which is considered to provide an important community facility, to another use and eventually a dwelling?

Are there to be greater restrictions in change of uses within designated areas, such as conservation areas?

Highway officers have also expressed concerns that within local and district centres, changes of use could have a different on highway conditions and consider that these impacts need to be considered through an application.

Q10. Q7. 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

Q11. Q8. If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?

Maintain the control over the hours of use to restrict impacts near residential properties.

Controls on obstruction of the highway and style of furniture can be controlled through the need to obtain consent from the Highway Authority.

Potential visual impacts on listed building settings/conservation areas need to be considered.
Increase in outdoor heaters – how does this reconcile with climate change agenda?
Potential impacts on health – public sitting very close to roads and causes of air pollution, maybe in AQMA's? No assessment through planning process.

Q12. Q9. 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

Comments:

Ensure definition of an 'awning' is clear and unambiguous.

Q13. Q10. Do you have any comments regarding Part 3A?

No

Q14. Q11. Do you have any comments regarding Part 12A?

No

Q15. Q12. 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

Q16. Q13. Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.

Yes

Comments:

Yes, agree with principle but not sure how practical it is to monitor and ensure such development complies with the proposed PDR. When applications are submitted it is easier to ensure permeability of hard surfaces where necessary. It is impossible to tell how many hard surfaces have been provided under PDR on areas forward of the principal elevation and between the principal elevation and the highway, and whether they comply with the permeability condition. There have been very few complaints received alleging breaches of planning control.

Will there be a minimum size threshold before an area has to be permeable/porous or will it apply to all hard surfacing?

Q17. Q14. 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

Comments:

Agree and pleased to see some controls over advertising. The controls should address issues such as visual clutter. Will there be greater controls in conservation areas, for example?

If different utility providers are to install ELV charging structures, will there be a considered design approach between all providers, to ensure that there will not be visual clutter and ensure appropriate design solutions in designated areas?

Highway legislation controls will need to ensure charging infrastructure does not obstruct public highways or pavements, nor cause a visually impediment to highway users or pedestrians.

Q18. Q15. Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?

Yes

Q19. Q16. Do you agree with the proposals for amending Article 4 directions?

Yes

Comments:

Agree in making the process faster and less onerous. However further clarity is required as to the process (for example the advertising and consultation process outlined seems out of date (e.g. a local advert). Should be allowed to use website/social media instead.

If Welsh Ministers cancel an immediate Article 4 Direction prior to confirmation, are there any means for individuals who may have been affected by the removal of their PD rights whilst the Direction was in place, to seek compensation from the LPA?

LPAs must have significant evidence to support proposals to introduce an Article 4 Direction. What evidence do the Welsh Ministers require to modify, cancel or make their own Article 4 Direction?

If the Welsh Ministers wish to cancel or modify an Article 4 Direction, can the LPA appeal that decision, or a decision by the Welsh Ministers to introduce an Article 4 direction on land within a LPA boundary?

Should planning applications required as a result of an Article 4 Direction still be free? The purpose of an Article 4 direction is to ensure the planning merits of a particular scheme can be considered within specified areas. They are only made in exceptional circumstances and LPA's should not have to suffer financial penalty for seeking to protect specified areas.

Q20. Q17. 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?

Potentially positive impacts – aiding economic recovery thus aiding Welsh language communities.

Q21. 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.

Unique uses - Changes to the permitted development rights could consider buildings and units of multiple use that could fall into more than one category.

Submit your response

Q22. If you want to receive a receipt of your response, please provide an email address.

Email address

[REDACTED]