

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: [REDACTED]

Organisation (if applicable): **Lichfields on behalf of** [REDACTED]
[REDACTED]

email / telephone number: [REDACTED]

Your address: **Helmont House, Churchill Way, Cardiff CF10 2HE**

Introduction

We write on behalf of [REDACTED] in Central Cardiff. We are grateful for the opportunity to submit representations on the proposed amendments to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Town Centres throughout Wales have experienced a significant decline due to shifting retail trends, which the COVID-19 pandemic has exacerbated.

Shoppers are now favouring experience, which has resulted in occupiers opting for prime street-facing units and leaving large proportions of town and city centres vacant.

[REDACTED] vision is to ensure that Cardiff City Centre and St David's Shopping Centre recover and grow whilst maintaining St. David's retail, sustainability, health, and well-being credentials. Indeed, [REDACTED] welcomed the temporary amendments to the GPDO (the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021) earlier this year, as the amendments provided greater flexibility at a necessary time.

However, [REDACTED] believes that there is a long way to go to ensure town centres return to their once viable and vibrant selves. We, therefore, agree in principle that the temporary permitted development rights afforded to town centre retail uses should become permanent.

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: <p>██████ welcomes flexibility that seeks to improve the vitality and viability of town centres. While we see no material impact from increasing the permitted duration of temporary uses (markets in particular), we stress the importance of mitigating any potential adverse impacts (noise and litter) arising from such uses.</p>		

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: <p>Additional footfall generated by temporary markets is likely to result in linked trips contributing to the success of the wider town centre.</p>		

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 type="checkbox"/>	No <input checked="" type="checkbox"/>	Other <input type="checkbox"/>
	Comments: <p>N/A</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 checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: <p>We consider that the number of days a market can be held should be extended from 14 to 28 days – as is the case under the current temporary permitted development rights.</p> <p>We believe the temporary markets present a low-cost opportunity that supports small traders and start-ups to sell their goods and fundraising potential for the third sector and community groups.</p> <p>The additional footfall generated from the temporary markets presents consequential economic benefits to the host location and positively contributes</p>		

to the vitality and viability of town centres. In our opinion, these benefits significantly outweigh the (potential) temporary impacts.

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 ☒

No ☐

Other ☐

Comments:

Yes – please see above comments. Any potential extension to temporary markets should not exceed 28 days.

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 ☒

No ☐

Other ☐

Comments:

We believe increased flexibility within the planning system is crucial for town centres as a whole and for individual operators within the town centre, to be able to combat the current retail climate. As such, [REDACTED] welcomes this initial step by Welsh Government to make the temporary changes within the Permitted Development Order permanent.

The proposed amendments provide confidence to operators within the town centre at a time when it is needed most. We consider that the proposed amendments will allow potential occupiers to approach opportunities with confidence, increasing potential investment and in turn enhancing the vitality and viability of the centre and supporting its revival.

We welcome the continued inclusion of Use Classes B1, D1, and D2 within the proposed permanent changes. [REDACTED] is to create a prime mixed-use centre that blends appropriate levels of world-class shopping with places to work, live and play. [REDACTED] believes flexible office space and leisure uses will play a crucial part in revitalising town centres and consider that it is vitally important for these uses to remain within the proposed changes.

Whilst Landsec supports the proposed amendments, it is important to highlight that the proposed restrictions associated with the proposed amendments are also supported and are viewed as integral to the success of the changes. These include:

- The necessity for the whole building to be located within a town centre;
- A3 use excluding hot food for consumption off the premises (takeaway);
- B1[c] being excluded from Permitted Development Rights.

Town centres must remain compact and prevent urban sprawl. We agree that the requirement for the whole building to fall within a town centre is necessary and should remain as part of the permanent permitted development rights.

We believe hot food takeaways do not add to the retail offer, nor do they align with Cardiff Council's retail aspirations of maintaining and enhancing the city centre's vitality, attractiveness, and viability as a major retail and cultural destination and as a place to work, visit and live. We, therefore, agree that changes of use to hot food takeaway should be prevented from benefiting from permanent permitted development rights.

Whilst B1[c] comprises industrial processes that can occur in a residential environment owing to limited effects on amenity, it is not considered to present an ideal use within the town centre. The role and function of town centres are changing, and it is important for Policy and Regulations to respond to this effectively and appropriately to support revival and growth. We support the exclusion of B1[c] from permitted changes as it is considered unnecessary to support the revival and growth of town centres.

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:

██████████ welcomes flexibility that seeks to rejuvenate city and town centres. We consider making the current temporary permitted development rights permanent aligns with the aim of revitalising town centres and should be implemented.

As set out under our response to question 6, ██████████ is to create a prime mixed-use centre that blends appropriate levels of world-class shopping with places to work, live and play.

Therefore, it is considered important that the flexibility afforded through the proposed changes specifically regarding food and drink uses do not negatively impact residential amenity. We, therefore, support the restriction of the use of highways adjacent to hospitality uses from 10 PM to 8 AM.

However, we recognise that many hospitality uses, particularly on Friday and Saturday nights, enjoy extended opening hours that we support. This is considered appropriate where necessary mitigation (i.e., sound insulation) has been put in place to protect residential amenities.

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

Comments:

N/A

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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
Comments: We consider it acceptable to remove the sunset clause, granting planning permission for awnings on the frontage of hospitality uses, subject to the existing limitations/conditions prescribed in Class D, Part 42. We believe this amendment to the Permitted Development Rights provides the necessary flexibility to A3 uses.		

Q.10	Do you have any comments regarding Part 3A?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No Comment		

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

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

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

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

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

Q.16	Do you agree with the proposals for amending Article 4 Directions?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>	
Comments: No Comment			

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: No Comment			

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: No Comment			

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: ☐