

UCO & GPDO Consultation

Planning Directorate

Welsh government

Cathays Park

Cardiff

CF10 3NQ

24 August 2018

Dear Sir/Madam

**Consultation on Subordinate Legislation Consolidation and Review**

**Introduction**

Accessible Retail (AR), is the trade body which represents the property interests of

the retail warehouse and retail park sector of the retail industry. We have over 1200

members comprising retailers, developers, owners/investors and advisers, including

most of the major companies active in the sector

Our sector plays a significant role in the economy and in the retail industry and many

of our members trade across Europe and beyond. The sector accounts for a third of total retail spend and comprises the largest part of investment grade retail commercial property. Our sector employs some 750,000-800,000 people in the UK.

**General Comments**

AR supports the intention of the Consolidation and Review Consultation to remove minor developments from the need for planning permission thereby allowing the planning system to concentrate on more complex development proposals. These proposals will assist in providing our members with a more efficient and cost effective planning service.

With only one or two exceptions, we support all the proposals relevant to our industry.

**Answers to Questions**

Q1 Do you agree beauty salons (and associated uses) should be included within use class A1 (shops)?

Yes

Q2 Do you agree betting offices should be removed from use class A2?

Yes

Q3 Do you agree hot food takeaways should be placed in their own use class? Drive-through facilities and operation of a delivery service

Yes

Q4 Do you agree restaurants and takeaways with drive-through facilities should be grouped with hot food takeaways?

Yes

Q5 Do you agree with the proposal to place drinking establishments and restaurants in the same use class?

Yes

Q6 If you answered no to Q5, how should the UCO be amended to protect public houses in Wales?

N/A

Q7 Do you agree with the principle of a new Café and Sandwich Bar Use Class?

Yes

Q8 Do you consider this new use class will help the flexible management of town centre uses and contribute to their vitality and viability? Please explain your view.

Yes.

Q9 Will the clarification of the A1 Use Class in relation to consumption on the premises help understanding of the order or cause additional confusion to users of the planning system?

Yes. it will help understanding and it will not cause confusion to users of the planning system.

Q10 Is a timescale appropriate to help define this use class? If yes, is 6am to 7pm suitable or are there more appropriate times?

Yes. 6am is an appropriate start time, but 7pm should be extended to 7.30pm. It’s a fine judgement, but this later time is more consistent with the operation of flexible working hours which often extend up to 7.30pm for a significant number of workers. The latter may well wish to ‘grab something quick’ after they leave their place of employment and head home.

Q11 We welcome your views about how a distinction can be made between a daytime café use and mixed takeaway and restaurant use.

Given the arguments deployed above, no further distinction beyond the hours of opening is needed. A daytime café offering both on premise consumption and a take away service (i.e. A3) can only operate within the specified hours and a mixed take-away/restaurant (A5) has no such restriction.

Q12 Should cafes solely catering for on premises consumption be included in this use class? If so, how can a clear distinction be made between restaurants and café uses?

No. Given the arguments deployed about the importance in defining use classes of giving primary consideration to patterns of usage, such premises should fall within the proposed A5 use class. That they operate different hours to restaurants is not material given that more and more restaurants are opening all day rather than just lunchtime to late evening.

Q13 Should a floorspace threshold be used to help define this use class? If yes, what threshold would be appropriate and why?

Yes. However, without a survey it is difficult to suggest a threshold other than it is likely to be a very small one. Other possibilities are to define uses by the ratio of patrons arriving as take away customers vis-à-vis those staying to eat in (most of those catering for late night drinking are predominantly selling to take-away customers).

Q14 Do you agree with the proposal to re-number B8 (Storage and Distribution) as B3 (Storage and Distribution)?

Yes.

Q15 Do you agree use as a nightclub should be specified within the UCO as a unique use?

Yes.

Q16 Do you agree use as a retail warehouse club should be specified within the UCO as a unique use?

No. Although it may have restricted patron access, all operating characteristics are the same as for other uses within A1 and there is no reason, therefore, to treat retail warehouse clubs differently.

Q17 Other than the changes discussed above, does the UCO remain fit for purpose as a deregulatory tool?

Yes.

Q18 Are there any other changes not referred to in this consultation which you wish to see made to the UCO? If yes, please specify and provide justification/evidence for the proposed change.

No.

Q19 Do you agree with the proposals for amending Article 4 directions? If not, how could the proposal be improved?

Yes.

Q20 Do you agree that developers and LPAs should be able to agree longer determination periods for the consideration whether prior approval is required?

No comment. Not relevant to the interests of AR members.

Q21-Q25

No comment. Residential proposals are outside the interests of AR members.

Q26 Do you agree with the permitted development proposals for electric vehicle charging infrastructure?

Yes.

Q27 Do you agree that there should be no permitted changes of use from the new use class A4 (drinking establishments and restaurants)?

No. Whilst, it may be desirable for the reasons given to protect public houses from change of use without the need for planning permission, no similar justification exists with regard to restaurants and for the latter this right should be retained. If this means looking again at the decision to amalgamate restaurants and public houses into one use class, then perhaps that decision should be revisited. Perhaps there is a case for a use class solely for public houses and suitable defining characteristics determined.

Q28 Do you agree with the proposed permitted changes from hot food takeaways (A5)?

Yes.

Q29 Should the permitted development rights be extended to permit two flats with a betting office or part of a mixed A1 or A2 use?

Yes. Presumably, in the case of larger premises, any proposal to create more than two flats would require a full planning application.

Q30 Do you agree with the proposed permitted changes from a betting office?

Yes.

Q31 Do you agree that permitted development rights for the change of use of car showrooms should not be restated in the consolidation GPDO?

No. Where car showrooms are located within existing retail frontages, there should be no objection to the changes in the characteristics of operational activity advanced to justify removing the permitted development right. That means the concerns expressed can only be valid in respect of car showrooms not so located. Change to retail use in these locations would bring the considerable benefit of a local shop to communities possibly not well served in this respect and it is suggested that this benefit outweighs any operational issues (which in any case, are likely to be limited as most showrooms would be replaced by only one or two shops).

Q32 and Q33

No comment. These proposals are outside the direct interests of AR members.

Q34 Do you agree with the proposed increases in height for the installation, alteration or replacement of a mast on protected and unprotected land?

Yes.

Q35 Do you agree with the change to mast width described in relation to the alteration or replacement of a mast?

Yes.

Q36 Do you agree with the definition of ‘small antenna’ and ‘small cell system’?

Yes.

Q37 Do you agree with the proposed changes to small antennas and small cell systems allowed on buildings and structures (other than dwellinghouses and within their curtilages) in unprotected areas, and protected areas?

Yes.

Q38 Do you agree with the changes to permitted development rights for small antenna and small cell systems on dwelling houses and within their curtilages in unprotected areas; and dwelling houses in protected areas and conservation areas?

Yes.

Q39 Do you agree these changes are sufficient to accommodate the likely needs of future network requirements?

Yes.

Q40 Do you agree with the changes to other antenna

Yes.

Q41 Do you agree to an increase in the time from 6 months to 18 months, where land may be used in an emergency to station and operate moveable electronic communications apparatus required to replace unserviceable equipment?

No. The benefits of consistency are not spelt out and are considered unlikely to outweigh the planning impacts. An extension to 12 months would not be opposed, but it is considered this period is ample time to replace/repair existing installations.

Q42 Do you agree the clause inserted by The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014 relating to broadband services should be made permanent, removing the requirement to submit a prior approval?

Yes.

Q43 If you answered yes to Q42, should the notification requirement be retained?

Yes.

Q44 Do you agree Cadw should be granted permitted development rights to reflect their role in the management, maintenance and restoration of historic buildings and monuments in Wales?

No comment. The proposal is outside the direct interests of AR members.

Q45 Do you agree that the demolition direction should be cancelled and the categories of demolition currently in the direction prescribed in the permitted development order?

Yes

Q46 Do you agree that the demolition of a public house should require planning permission in order for the LPA to consider the impacts resulting from the loss of the use?

Yes.

Q47 Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?

No comment. The proposal is outside the direct interests of AR members.

Q48 Do you agree with the principle of establishing permitted development rights for non-domestic Solar PV and Thermal without applying a specific energy threshold?

Yes.

Q49 Do you agree that ‘development not permitted’ listed, (a) to (j), is sufficient to control the potential impacts of solar PV or solar thermal permitted development?

Yes.

Q50 Do you agree that the existing conditions are sufficient to control the potential impacts of solar PV or solar thermal permitted development?

Yes.

Q52 Do you agree ‘development not permitted’ listed above, (a) to (c), is sufficient to control the potential impacts of ground based solar PV or solar thermal permitted development within the curtilage of a nondomestic building?

Yes.

Q53 Do you agree no change is required to the conditions for non-domestic ground based solar PV or thermal developments?

Yes.

Q54 Do you agree with our approach of not including limitations on nondomestic ground based solar PV or thermal developments on listed buildings, scheduled monuments or other landscape areas? If not, what limitations would you like to see which would still maximise opportunities for deployment on these buildings / sites?

No comment. The proposal is outside the direct interests of AR members.

Q55 Do you agree with the principle of establishing permitted development rights for small scale, low risk hydropower developments in Wales?

Yes.

Q56 Do you agree that new permitted development rights should be accompanied by practice guidance? If yes, what aspects should the guidance cover?

No comment.

Q57 Do you agree with the concept to allow permitted development rights for small scale, low risk Hydropower schemes in National Parks and AONBs?

Yes.

Q58 Do you agree with those areas where permitted development rights for hydropower schemes would not apply?

Yes.

Q59 Do you agree with the proposed non-spatial limitations where permitted development rights for hydropower schemes would not apply?

Yes.

Q60 Do you agree with these conditions relating to minimising the visual / environmental impact of the intake structures and the header tank elements?

No comment.

Q61 Do you agree with these conditions to minimise the visual impact of the pipelines?

No comment.

Q62 Do you agree with these conditions to minimise visual / amenity / environmental impacts of the powerhouse and outfall?

No comment.

Q63 Do you agree with these miscellaneous conditions relating to tree felling, water course crossings, construction practices and decommissioning?

No comment.

Accessible Retail would be very pleased to discuss our comments with you if you would find this helpful.

Yours Sincerely



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