



**PERMITTED
DEVELOPMENT RIGHTS
FOR NON-HOUSEHOLDER
DEVELOPMENT
CONSULTATION PAPER
RESPONSE FORM**

Once you have completed this form please
return to

Policy and Legislation Branch
3rd Floor
Millennium House
Great Victoria STREET
Belfast
BT2 7BN

by fax (marked 'Planning Non-householder PD
Consultation Response') to:
028 9041 6960

Or by e-mail to:
Planning.nonhouseholderpd@doeni.gov.uk

All responses should be submitted to the
Department no later than 22nd January 2010



Department of the
Environment
www.doeni.gov.uk



INVESTORS IN PEOPLE

RESPONDENT INFORMATION

Please Note that this form **must** be returned with your response to ensure that we handle your response appropriately.

In keeping with our policy on openness, the Department will make responses to this consultation paper publically available. When publishing responses received on behalf of organisations the Department will also publish the organisation's name and address. When publishing responses received on behalf of individuals the Department will not publish details of the individual's name and address.

1. Name/Organisation


Organisation Name

Belfast City Council

Title

Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname




Forename



2. Postal Address




Postcode:



Phone:



Email:



3. Are you responding:

As an individual

On behalf of a group / organisation

4. Which of the following best describes the capacity in which you are responding:

Developer

Agent/Architect

Business

Member of Public

Environment Group

Council / Councillor

MLA, MP, MEP

Other Please state:

5. Acknowledgment

Individual responses will not be acknowledged unless specifically requested

Question 1

Do you have any views on how the GDO could be made easier to understand and interpret and, if so, what are they?

Yes, the Council agrees that the GDO should become more user-friendly, easy to use and understandable.

It is important that the content of the reviewed GDO is unambiguous throughout, especially if the Planning Reform suggestion of making development without permission an immediate criminal offence is implemented.
Supplementing a reviewed GDO with a user-guide will make the regulations easier to understand and will aid clarity.

Question 2

Do you agree that Prior Approval provisions should not be a feature of permitted development rights in the new GPDO?

Yes No

The Council agrees that provision for Prior Approval should not be introduced to the planning system.
The Council is of the opinion that the introduction of a new type of planning permission such as this would complicate the system rather than simplify and streamline in accordance with the objectives of Planning Reform.

Question 3

Should local planning authorities be enabled to extend permitted development rights in specific areas, perhaps through LDOs?

Yes No

The Council recognises the potential benefits of such a provision. However further information relating to the mechanics and central government involvement, amongst other aspects, would be required before an opinion on this proposal could be confirmed.
The lack of use in England and Wales of LDOs suggests the amount of resources that would be needed to introduce such a provision would not be justified through use by planning authorities. Perhaps this issue should be kept under review until planning functions have become established post-RPA

Question 4

Should the power for local planning authorities to use Article 4 directions to restrict PD rights be retained?

Yes No

The Council believes there are clear benefits of retaining the powers provided by Article 4.

Question 5

Should the provision for Article 4 directions be changed to enable them to be used to also extend PD rights?

Yes No

The Council recognises that this is an alternative to the LDO system but further information and research would be needed before the Council can provide an opinion. Detail on the requisite new primary legislation would be necessary also. Statutory consultees will be required if this type of power is introduced. Post-RPA this could mean consulting adjacent local authorities that may be impacted by extension of pd rights in other areas.

Question 6

Should the provisions relating to SPZs be retained as a further option for relaxing planning controls in specific areas?

Yes No

The Council does not see the benefit of withdrawing such a power, despite its minimal use, however, we would request clarification on the control of the designation of SPZs post-RPA.

Question 7

Should a new Class D as suggested to facilitate compliance with the Disability Discrimination Act be introduced into Part 2 of the GDO?

Yes No

The Council welcomes the proposal to make compliance with DDA permitted development, with restrictions. The Department should bear in mind that DDA regulations may change and the GDO will have to be able to change accordingly.

Question 8

Should the limitation of PD Rights be set differently in different areas depending on the nature of the designation?

Yes No

Question 9

Do you agree with the proposed definition of designated areas? Are there any other types of sensitive areas which should be considered? If so please list and explain why you think they should be considered.

Yes No

The Council agrees with the extended list but would ask that 'Local Sites and Designations' is either fully clarified or removed altogether.
The merits of including Areas of Townscape Character should be considered.

Question 10

Should certain types of permitted development be restricted in flood plains where they are vulnerable or most likely to be affected by flooding?

Yes No

The Council recognise that greater consideration should be given for areas within a floodplain. However, the restriction of PD rights in certain areas may complicate the system especially when it is considered that flood plain maps are not readily available.
Again, this proposal may need to be considered in the light of the suggestion in Planning Reform to make development without permission an immediate criminal offence.

Question 11

Should the restrictions proposed above be placed upon PD rights in flood plains for development as defined?

Yes No

Question 12

Should PD rights for basements located within flood plains be removed?

Yes No

Question 13

Should PD rights for hardstandings over 5m² be required to be constructed of permeable (or porous) materials or require that provision is made to direct run-off water from the hardstanding to a permeable or porous area or surface?

Yes No

Question 14

Should PD rights be restricted where there are likely to be significant impacts on nearby water bodies?

Yes No

Question 15

Do you agree with the proposed extension of PD Rights in this sector? If you do not agree please set out what alternative PD rights you would wish to see and explain why.

Yes No

The Council has a number of concerns regarding the extension of PD rights in this sector. One of the main issues is the impact the proposed permitted development allowances could have on the environment and local amenity.

In relation to the 1000sq m floorspace for extensions and alterations there is potential to impact on the amenity of local businesses and nearby residential properties. The same issue applies to the 100sq m allowance for new buildings.

The installation of additional or replacement plant, machinery, or structures of that nature can have air quality, odour and noise issues that need to be assessed.

The condition 'not within 10m of a boundary of a residential property' may have implications for noise, odour and air quality controls.

Increased permitted development in this sector could impact on existing safeguards and result in noisier operations being brought closer to sensitive receptors such as residential uses.

Question 16

Should Part 8 PD rights be restricted as indicated in AONBs, conservation areas, National Parks, and floodplains and be withdrawn in ASSIs and SAIs?

Yes No

Question 17

Should a new class be provided in Part 2 allowing the erection of waste storage containers subject to the limitations indicated above? If you do not agree, please set out what alternative PD rights you would wish to see and explain why.

Yes No

The Council agrees with these proposals but would suggest that the Department ensures that the provision of PD rights does not provide legitimacy to those operating unauthorised collection sites. The resale value of clothing has led to an increasing number of illegal clothing banks, for example. Consideration should also be given to providing conditions on the covering of waste and duration of storage.

Question 18

Should a new part be provided for 'Landfill Sites' allowing works on existing landfill sites subject to the limitations indicated above? If you do not agree, please set out what alternative PD rights you would wish to see and explain why.

Yes No

Question 19

Should a new part be provided for 'Waste Processing Facilities' allowing works on existing facilities subject to the limitations indicated above? If you do not agree, please set out what alternative PD rights you would wish to see and explain why.

Yes No

The Council broadly agrees with the proposed new PD rights with regard to Waste Management Facilities, but request that consideration is given to the following:

- i) As technologies, methods and markets develop for recycled and reusable materials, the Council's Waste Management Service has been able to segregate additional single streams of waste from the general household waste (eg tetrapak). However, segregation of each additional stream requires specific planning permission, this seems unnecessarily cumbersome and counter-productive. Consideration should be given to allowing existing Waste Management Facilities to segregate out any wastes that would reasonably be expected to be included in the general household waste stream.
- ii) We request the right to move existing structures, plant, equipment and containers in order to facilitate operational needs and improvements.
- iii) We request the right to install additional structures, plant, equipment and containers, as necessary, in order to receive and manage the amount of waste permitted under the relevant waste management licence (for example items such as compactors and balers, for example).
- iii) We request the right to accept commercial waste as well as household waste, so long as the nature and amount of waste is within the terms of the relevant waste management licence. However, careful consideration must be given to the impact these proposals can have on local amenity.

Question 20

Do you agree with approach set out in paragraph 5.2.3 to Waste Management PD in sensitive areas? If not please explain what differences you propose and explain why.

Yes No

Question 21

Should PD rights allowing minor extensions and alterations to existing telecommunication masts, be added to Part 17 (Development by telecommunications code system operators) of the GDO as outlined above?

Yes No

This proposal poses some difficulties. If the height of the original mast was the maximum that was acceptable through a planning application, therefore to allow a 10% extension should also be given further consideration.
The Council would like consideration given to adjoining uses the Council does not to support tele masts nears schools

The Council would request consideration given to the following:

- the Installation of Air Quality monitoring stations by a DC under the need to review and assess AQ in line with Environment Order NI 2002 is also included as PD
- CCTV operations conducted by local council and installation of these be PD

Question 22

Should the new Part 17 PD rights as outlined above be permitted in AONBs, National Parks, conservation areas, SAls and ASSIs?

Yes No

Question 23

Should:

- A new part be provided for retail and town centre uses permitting extensions/alterations on existing buildings as outlined above?

Yes No

The Council believes further consideration should be given to the impact proposals within this proposed class of PD could have on adjacent properties, particularly where residential uses are near-by.

The Council would like further clarification on what conditions will be attached for erection of CCTV cameras.

The Council suggests a limit of 50% of existing curtilage to be used by the proposed development should be considered in the interests of amenity for both office and retail uses.

The Council is of the opinion that a maximum floorspace should be considered as a restriction for retail development eg up to 25% extra floorspace.

The Council would ask that it is made clear that these new parts of the GDO only apply to Town Centre uses.

Further consideration needs to be given where residential uses are in close proximity eg Living Over the Shop. In instances of mixed-uses issues surrounding amenity may be contentious.

- A new part be provided for office premises permitting extensions/alterations on existing buildings as outlined above?

Yes No

See Above

Question 24

Do you agree with the proposed approach in relation to PD Rights for Commercial and Retail uses in sensitive areas?

Yes No

Question 25

Should new classes be added to Part 3 of the GDO allowing:

- The change of use of agricultural buildings to production, storage and distribution uses as outlined above;

Yes No

Any adverse impacts of storage and production must be fully assessed.

- Change of use of agricultural land to recreational equestrian uses as outlined above?

Yes No

Yes No

- A new part be provided for Schools, Leisure and Community Facilities and other institutions permitting new build, extensions and alterations subject to the limitations/ conditions outlined?

Yes No

The Council agrees in general with the proposed new part of the GDO, however, we would request clarification as to why there are no proposals to extend Part 12 of the GDO. Consideration should be given to providing local councils with the same PD allowances as those proposed for schools and universities.

The Council has some concerns regarding PD proposals within 'community facilities' in particular Bingo halls, concert halls, dance halls, theatres, and hotels all of which present noise outbreak issues that need assessment and consideration at the planning permission stage. It is important to note that day nurseries and crèches can, and often do, generate noise complaints when close to local residents.

The Council requests clarification on how the move from volume based criteria to dimension based criteria will have on part 12 of the current GDO.

Question 30

Should the proposed PD rights for Universities, Hospitals, Schools, Leisure and Community Facilities and other institutions be permitted in AONBs and National Parks but removed in Conservation Areas, ASSIs and SAIs?

Yes No

Further consideration should be given in sensitive areas

Question 31

Should PD rights for classes A, B, C, G and H be extended as outlined above? If not please set out what alternative PD rights you would wish to see and explain why.

Yes No

Question 32

Do you agree with the approach to Part 13 reform in sensitive areas?

Yes No

Question 33

Should a new Part be provided for 'Development ancillary to mining operations'?

Yes No

Question 34

Do you agree with the proposed exclusions and conditions for 'Development ancillary to mining operations'? If not please comment and explain why not.

Yes No

Question 35

Do you believe a new Class B should be introduced in Northern Ireland (similar to the equivalent Class C in England and Wales) but without prior approval? If not please comment.

Yes No

Question 36

Do you agree that PD rights for 'Development ancillary to mineral operations' should be permitted in National Parks and AONBs but removed in ASSIs, SAIs and Conservation Areas? If not please comment

Yes No

Question 37

Of the options outlined above which would be your preferred approach?

Option A: "Do nothing" scenario

Option B: "All recommendations" scenario

Option C: "Phased all recommendations" scenario