

**Meeting:** EXECUTIVE

**Agenda Item:**

**7**

**Portfolio Area:** Environment and Regeneration

**Date:** 24 May 2017

**CONSULTATION ON ARTICLE 4 DIRECTIONS TO REQUIRE CHANGES OF USE FROM B1A (OFFICE) TO C3 (RESIDENTIAL) TO GAIN PLANNING PERMISSION**

**KEY DECISION**

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**1. PURPOSE**

- 1.1 To seek agreement to consult on, and approval of, the making of Article 4 Directions to remove the permitted development rights in relation to changes of use from office uses to residential dwellings.

**2. RECOMMENDATIONS**

- 2.1 That consultation be agreed on the making of two Article 4 Directions, under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), to remove permitted development rights in relation to changes of use from Use Class B1(a) to Use Class C3 (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).
- 2.2 That the proposed Article 4 Directions, and the areas they will cover (as detailed in Appendix 1), be approved.
- 2.3 That advance notice of the Directions taking effect shall be given and that the Executive receive a further report, following the consultation period, in order to decide whether or not to confirm the Article 4 Directions.

**3. BACKGROUND**

- 3.1 Permitted development rights allow some forms of development, and changes of use, to be undertaken without the need for planning permission. These rights were originally set out in the Town and Country Planning (General Permitted Development) Order 1995.

- 3.2 In 2013, temporary Permitted Development rights were introduced for changes of use from B1a (office) to C3 (residential). This allows for existing offices to be changed into residential use without the need for planning permission.
- 3.3 The Borough applied for, and was successful in achieving an exemption to these Permitted Development rights for offices within Gunnels Wood. This means that it has not resulted in a significant loss of valuable, useable employment uses, as it has in other areas. Instead, the Borough has benefitted from these rights, seeing many redundant offices within the town centre being redeveloped into residential use, providing much-needed housing for the Borough, and kick-starting the housing market within the town centre.
- 3.4 The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, which came into force on 6 April 2016, makes permanent these Permitted Development rights. It also provides notice that all exemptions previously granted will be revoked in May 2019, leaving offices in Gunnels Wood open to conversion without the control of local planning policies.
- 3.5 This has the potential to lead to a significant loss of employment land for the Borough.
- 3.6 In response to this, the Borough Council is proposing to implement Article 4 Directions to remove these permitted development rights, and allow for local policies, which seek to protect exiting employment uses, to be taken into account.
- 3.7 Implementing an Article 4 Direction is a three stage process; first the Direction is made, then consultation is undertaken and then the Direction is confirmed.
- 3.8 This Executive Report seeks approval to consult on the making of two Article 4 Directions to remove the Permitted Development rights relating to B1a (office) to C3 (residential) use.
- The first would cover those areas that are not included in the Council's exemption – particularly Pin Green, but also the remainder of Gunnels Wood.
  - The second would be to cover those areas that are currently exempt, in Gunnels Wood. This could not come into force until the exemption was revoked in May 2019.

**4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

**Recommendation 2.1:**

That consultation be agreed on the making of two Article 4 Directions, under Article 4 (I) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), to remove permitted development rights in relation to changes of use from Use Class B1(a) to Use Class C3 (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)).

**Recommendation 2.2:**

That the proposed Article 4 Directions, and the areas they will cover (as detailed in Appendix 1), be approved.

- 4.1 The principle aim of these Article 4 Directions is to ensure local planning policies can be applied to proposals for changes of use from industrial to residential dwellings, to ensure employment uses are protected across the town. Not implementing the Directions would mean valuable employment uses could be lost to residential use without the Borough Council having any control over this.
- 4.2 Two separate Article 4 Directions are necessary because of the exemption that is already in place to cover some parts of Gunnels Wood. This means that an Article 4 Direction relating to these exempt areas cannot come into force (if confirmed) until the exemption expires in May 2019. Whereas, an Article 4 to cover all remaining areas of Gunnels Wood and Pin Green could come into effect sooner.
- 4.3 Maps identifying the areas these two Directions would cover are provided in Appendix 1.
- 4.4 As demonstrated through the emerging Local Plan, there is already a shortage of employment land being provided within the town. Our evidence identifies a need for 20-30ha of employment land to be provided over the plan period. The Plan allocates seven new employment sites within the Borough, providing just under 20ha of employment land (including intensification of existing uses and committed sites) to meet these needs. However, with the lack of land available, we are relying on North Hertfordshire District Council to meet the shortfall (allocating just over 10ha employment land in their Local Plan to meet our needs). This makes it crucial that we protect all existing employment uses in order not to exacerbate this situation.
- 4.5 Communications with commercial property agents locally support this approach. Many have raised concerns about the lack of available sites for new businesses to take up, with many enquiries having to be passed on to neighbouring authority areas that do have the ability to accommodate them.

- 4.6 The emerging Local Plan already identifies sufficient sites to meet the Borough's housing needs within the plan period, in sites it considers are suitable and sustainable for residential. As such, allowing these unrestricted changes of use to take place could upset the balance between homes and jobs.
- 4.7 Providing an appropriate balance between homes and jobs is a key part of the planning process in order to maintain a sustainable community. It is in line with the Council's Community Strategy, which seeks to maximise opportunities for economic growth, alongside the provision of new homes. It is also a core focus of the LEP, with their Strategic Economic Plan identifying Stevenage as a major economic growth area. A loss of employment sites to residential use could severely limit economic growth within the town and work against sustainability objectives by forcing residents to commute longer distances to work.
- 4.8 As well as protecting the level of employment provision within the town, the location of the sites also need to be considered. The original masterplan for Stevenage specifically separated employment uses from other (potentially conflicting) uses, such as housing. Gunnels Wood and Pin Green are now successful designated employment areas, with Gunnels Wood being the largest in Hertfordshire and accommodating a number of international businesses and corporate headquarters. Allowing residential uses into these areas is something many businesses have strongly objected to in the past. The amenity of residents of these new homes would likely be affected by the issues that arise from employment uses such as noise, lighting, HGV access and adverse visual impacts. Complaints could lead to businesses being subject to tighter environmental or operational, thus making the Employment Areas a less attractive option for existing and new occupiers, potentially resulting in a domino effect of businesses vacated the area.
- 4.9 In general terms, the Employment Areas are less sustainable for residential use. They do not have good access to local amenities (such as shops, schools, healthcare services, infrastructure, open spaces, etc...), and would be severed from other residential communities. They are also likely to be issues around the provision of private amenity space, over-looking, parking provision and wider issues over the quality of development provided. Conversions are unlikely to provide the high quality homes that we would want for our residents.
- 4.10 Residential land values are generally significantly above those for employment uses. Allowing these changes of use to remain unrestricted, therefore, offers a significant financial incentive to property owners to convert what might otherwise be perfectly acceptable employment premises into residential use.
- 4.11 The emerging Local Plan sets out detailed policies relating to Gunnels Wood and Pin Green, protecting them as designated Employment Areas by only allowing employment (and ancillary) uses in these locations. It is essential that these local policies are not undermined by a change in legislation nationally that does not take into account local circumstances and would not be in the best interests of the local economy and the community. There are industrial

buildings that would benefit from regeneration, and potentially intensification, but it is crucial that they remain in employment use.

4.12 The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out the statutory requirements for introducing an Article 4 Direction. In line with this, notice of the Direction will be;

- Published in the local newspaper;
- Displayed by two site notices, one within Gunnels Wood and one within Pin Green;
- Sent to the occupiers of all businesses within Gunnels Wood and Pin Green;
- Made available to view at the Customer Service Centre, the town's two libraries and the Council's website (along with a copy of the Direction);
- Sent to both the Secretary of State and Hertfordshire County Council (along with a copy of the Direction).

4.13 It is intended that public consultation will begin on Thursday 15 June (in line with publication dates for the local press) and will run for 28 days until Thursday 13 July.

4.14 Draft notices of both Article 4 Directions are available in Appendix 2. Copies of the Directions are contained within Appendix 3. Members are requested to approve these documents for public consultation.

**Recommendation 2.3:**

That advance notice of the Directions taking effect shall be given and that the Executive receive a further report, following the consultation period, in order to decide whether or not to confirm the Article 4 Directions.

4.15 A minimum twelve month advance notice period is strongly recommended when implementing Article 4 Directions. The twelve month notification is designed to ensure that the impact of any financial challenge is mitigated.

4.16 As such, the Article 4 Direction relating to sites not currently covered by the exemption (if confirmed), would come into effect on 15 June 2018. The second Article 4 Direction, covering those areas that are currently exempt, would come into effect on 30 May 2019 (once the exemption is removed).

4.17 To confirm these Directions, authority will be sought from Executive. A report is scheduled to come back to Executive around November 2017 to feedback the results of the public consultation and for Members to decide whether or not to confirm the Directions, taking into account the representations made.

## **5 IMPLICATIONS**

### **5.1 Financial Implications**

- 5.1.1 Assuming there is at least twelve months notification of the Directions, there should be little opportunity for challenge resulting in any financial compensation.
- 5.1.2 Other than staff costs in terms on both consulting upon and reporting the Directions, the principle cost will be staff time processing the any planning applications for these changes of use, which will be un-chargeable. The expected number can be met within existing resources within Planning.

### **5.2 Legal Implications**

- 5.2.1 Once adopted the Article 4 Directions will remove the permitted development rights in relation to changes of use from Use Class B1(a) to Use Class C3 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended).

### **5.3 Equalities and Diversity Implications**

- 5.3.1 An EqIA has been completed to assess the consultation process and the proposal to implement the Article 4 Direction (Background document to this report – BD3).

### **5.4 Risk Implications**

- 5.4.1 A risk log will be managed by Planning Officers, but the inherent risk is not doing anything and allowing employment uses to be lost. Planning Officers will ensure that risks are identified, mitigated and where possible managed appropriately in line with the Council's Risk management processes.

### **5.5 Planning Implications**

- 5.5.1 Once adopted the Article 4 Directions will remove the permitted development rights in relation to changes of use from Use Class B1(a) to Use Class C3 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended). Instead, planning permission will be required for these changes of use. Local Planning policies will be used to assess any resulting planning applications.

## **BACKGROUND PAPERS**

[BD1 – Stevenage Borough Local Plan 2011-2031: Publication draft](#)

[BD2 – Stevenage Employment Technical Paper: Update, December 2016](#)

BD3 – Equality Impact Assessment

**APPENDICES**

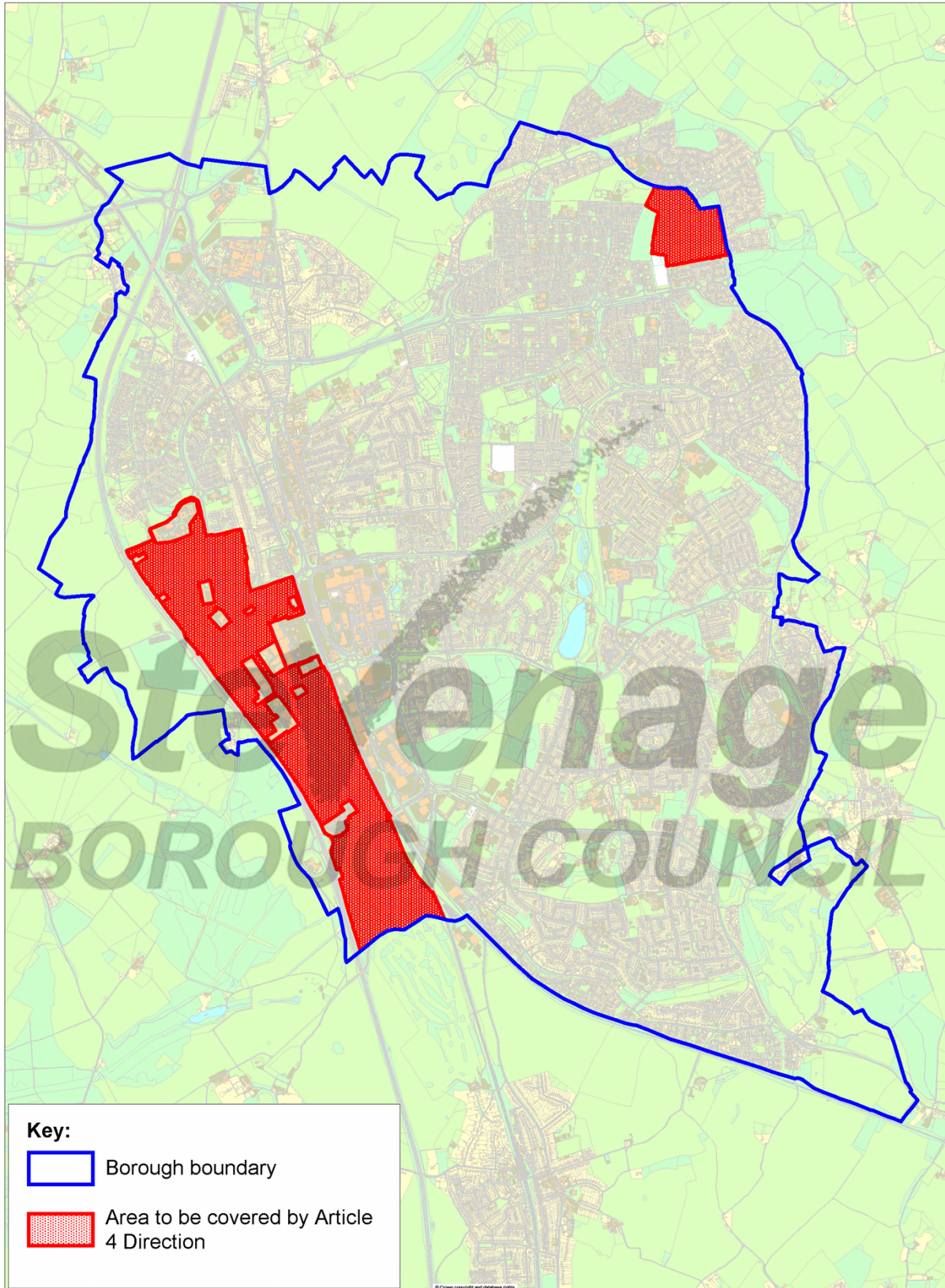
**Appendix 1:** Maps showing the areas to be covered by the Article 4 Directions

**Appendix 2:** Draft Notices of Direction

**Appendix 3:** Draft Article 4 Directions

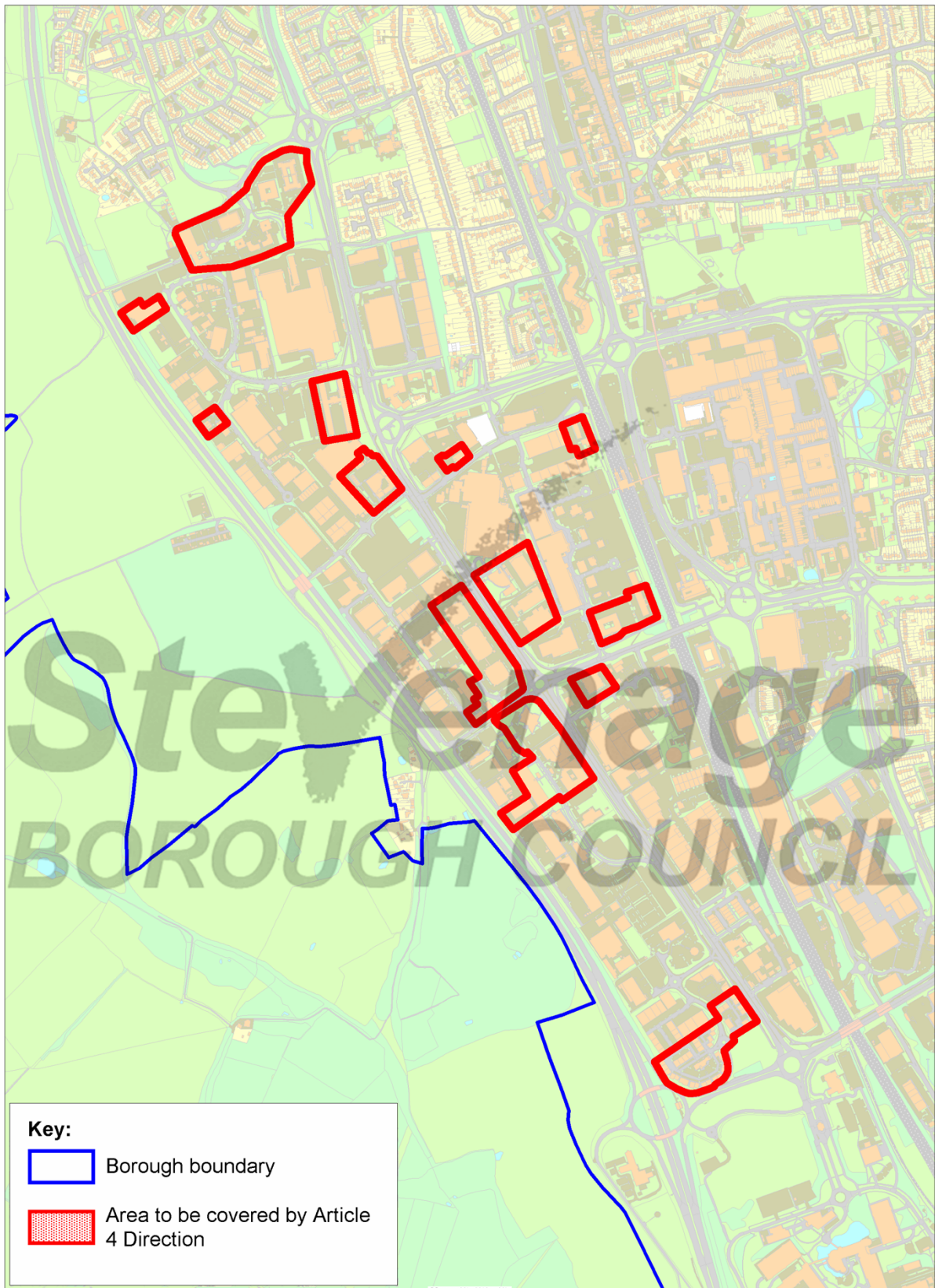
**Appendix 1: Maps showing the areas to be covered by the Article 4 Directions**

Map 1: Areas to be covered by the first Article 4 Direction (those currently not included in the exemption)





Map 2: Areas to be covered by the second Article 4 Direction (those currently exempt)



## Appendix 2: Draft Notices of Direction

Notice of Direction for non-exempt areas:



### **Town and Country Planning (General Permitted Development) Order 1995**

### **Town and County Planning (General Permitted Development) (Amendment) (England) Order 2015**

### **Notice of Direction made under Article 4 (1) of the Order**

Stevenage Borough Council ("the Borough Council") has made a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

The Direction relates to development comprising the change of use of a building from a use falling within Class B1a (office) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, to a use falling within Class C3 (dwellinghouse) of that Order and removes permitted developments right for this type of development from the date when the Direction comes into force.

The Article 4 Direction applies to those parts of the Gunnels Wood and Pin Green Employment Areas that were not granted an exemption from the office to residential permitted development rights in 2013. A copy of the Direction, including a map defining the areas covered, can be viewed at the Stevenage Borough Council Offices in Danestrete, Stevenage Central Library at Southgate and the Old Town Library at 38 High Street or on the Council's website at [www.stevenage.gov.uk/](http://www.stevenage.gov.uk/).

Representations concerning the Article 4 Direction may be made from Thursday 15 June 2017 until Midday on Thursday 13 July 2017, via our consultation portal at | <http://stevenage-consult.limehouse.co.uk/portal>, by email to [planningpolicy@stevenage.gov.uk](mailto:planningpolicy@stevenage.gov.uk) or by post to Planning Policy Team, Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, Hertfordshire, SG1 1HN.

The Article 4 Direction will come into force, subject to confirmation by the Borough Council, on the 15 June 2018.

Scott Crudgington  
Chief Executive

Dated 15 June 2017

Notice of Direction for currently exempt areas:



**Town and Country Planning (General Permitted Development) Order 1995**

**Town and County Planning (General Permitted Development) (Amendment) (England) Order 2015**

**Notice of Direction made under Article 4 (1) of the Order**

Stevenage Borough Council ("the Borough Council") has made a Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 2015, as amended.

The Direction relates to development comprising the change of use of a building from a use falling within Class B1a (office) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended, to a use falling within Class C3 (dwellinghouse) of that Order and removes permitted developments right for this type of development from the date when the Direction comes into force.

The Article 4 Direction applies to the 13 sites within Gunnels Wood Employment Area that were previously granted an exemption from the office to residential permitted development rights in 2013. A copy of the Direction, including a map defining the areas covered, can be viewed at the Stevenage Borough Council Offices in Danestrete, Stevenage Central Library at Southgate and the Old Town Library at 38 High Street or on the Council's website at [www.stevenage.gov.uk/](http://www.stevenage.gov.uk/).

Representations concerning the Article 4 Direction may be made from Thursday 15 June 2017 until Midday on Thursday 13 July 2017, via our consultation portal at <http://stevenage-consult.limehouse.co.uk/portal>, by email to [planningpolicy@stevenage.gov.uk](mailto:planningpolicy@stevenage.gov.uk) or by post to Planning Policy Team, Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, Hertfordshire, SG1 1HN.

The Article 4 Direction will come into force, subject to confirmation by the Borough Council, on the 30 May 2019, once the exemption is removed.

Scott Crudginton  
Chief Executive

Dated 15 June 2017

## Appendix 3: Draft Article 4 Directions

Draft Direction for non-exempt areas:

**Stevenage Borough Council**

**Town and Country Planning (General Permitted Development) (England) Order 2016**

**Direction made under Article 4(1) to which Schedule 3 applies**

**WHEREAS** Stevenage Borough Council (“the Council”) being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) is satisfied that it is expedient that development of the description set out in the First Schedule of this Direction should not be carried out on land described in the Second Schedule of this Direction unless planning permission is granted by the local planning authority on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

**NOW THEREFORE** the Council in pursuance of the power conferred on it by Article 4(1) of the Order hereby directs that permitted development granted by Article 3 of the Order shall not apply to development specified in the First Schedule of this Direction on the land described in the Second Schedule of this Direction.

**FIRST SCHEDULE**

Development comprising the change of use of a building from a use falling within Class B1a (offices) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), to a use falling within Class C3 (dwellinghouses) of that Schedule, being development comprised within Class O of Part 3 (Changes of Use) of Schedule 2 of the Order and not being development comprised within any other Class.

**SECOND SCHEDULE**

This Direction shall apply only to the land shaded in red, as defined by the attached map.

The Article 4 Direction will come into effect on 15 June 2018.

Made under the Common seal of Stevenage Borough Council on the ..... Day of .....  
2017. The Common Seal of the Council was affixed to this Direction in the presence of:

.....

Confirmed under the Common seal of Stevenage Borough Council on the ..... Day of .....  
..... 20.... The Common Seal of the Council was affixed to this Direction in the presence of:

.....

Draft Direction for currently exempt areas:

<p style="text-align: center;"><b>Stevenage Borough Council</b></p> <p style="text-align: center;"><b>Town and Country Planning (General Permitted Development) (England) Order 2016</b></p> <p style="text-align: center;"><b>Direction made under Article 4(1) to which Schedule 3 applies</b></p> <p><b>WHEREAS</b> Stevenage Borough Council ("the Council") being the appropriate local planning authority within the meaning of article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") is satisfied that it is expedient that development of the description set out in the First Schedule of this Direction should not be carried out on land described in the Second Schedule of this Direction unless planning permission is granted by the local planning authority on an application made under Part III of the Town and Country Planning Act 1990 (as amended).</p> <p><b>NOW THEREFORE</b> the Council in pursuance of the power conferred on it by Article 4(1) of the Order hereby directs that permitted development granted by Article 3 of the Order shall not apply to development specified in the First Schedule of this Direction on the land described in the Second Schedule of this Direction.</p> <p><b><u>FIRST SCHEDULE</u></b></p> <p>Development comprising the change of use of a building from a use falling within Class B1a (offices) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), to a use falling within Class C3 (dwellinghouses) of that Schedule, being development comprised within Class O of Part 3 (Changes of Use) of Schedule 2 of the Order and not being development comprised within any other Class.</p> <p><b><u>SECOND SCHEDULE</u></b></p> <p>This Direction shall apply only to the land shaded in red, as defined by the attached map.</p> <p>The Article 4 Direction will come into effect on 30 May 2019</p> <p>Made under the Common seal of Stevenage Borough Council on the ..... Day of ..... <u>2017</u>. The Common Seal of the Council was affixed to this Direction in the presence of:</p> <p>.....</p> <p>Confirmed under the Common seal of Stevenage Borough Council on the ..... Day of ..... 20.... The Common Seal of the Council was affixed to this Direction in the presence of:</p> <p>.....</p>
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