
Meeting: EXECUTIVE **Agenda Item:**

Portfolio Area: Environment and Regeneration

Date: 12 DECEMBER 2017

CONFIRMATION OF 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 inform Members of the outcome of the public consultation on the making of Article 4 Directions removing permitted development rights for office to residential conversions.
- 1.2 To seek approval to confirm the Article 4 Directions.

2. RECOMMENDATIONS

- 2.1 That the results of the public consultation as shown at Appendix 1 to this report be noted.
- 2.2 That the Article 4 Directions as shown at Appendix 2 to this report be confirmed.

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 new Permitted Development rights for offices within Gunnels Wood.

- 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, a report was approved by the Executive in May 2017, which authorised public consultation on the making of two Article 4 Directions relating to changes of use from B1(a) (Offices) to C3 (Residential) within Gunnels Wood and Pin Green Employment Areas.
- 3.7 The Directions would remove permitted development rights and require planning permission to be sought for changes of use from offices to residential use within both Gunnels Wood and Pin Green Employment Areas. This would allow for local policies, which seek to protect exiting employment uses, to be taken into account.
- The first Direction applies to those areas that are not included in the Council's exemption currently – particularly Pin Green, but also the remainder of Gunnels Wood.
 - The second Direction applies to those areas that are currently exempt, in Gunnels Wood.
- 3.8 Consultation has been undertaken on the making of these Directions. The next stage is for the Council to decide whether or not to confirm the Article 4 Directions, taking into account the consultation responses received.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

Recommendation 2.1:

That Members note the results of the public consultation (attached at Appendix 1).

- 4.1 Consultation began on the proposed Article 4 Direction on 15 June 2017. It ran for 4 weeks, until 13 July 2017.
- 4.2 Adverts were placed in the local media, the draft Directions and maps were placed on the Council website, and hard copies were made available at the Council offices and the town's libraries. Site notices were also displayed at two locations within the Employment Areas. Copies of the Directions, maps and notices were also sent to the Secretary of State and Hertfordshire County Council, as required by the statutory regulations.

- 4.3 In addition to this, letters were sent to the owners and occupiers of all businesses within the Gunnels Wood and Pin Green Employment Areas to notify them of the Directions.
- 4.4 A total of 23 responses were received during the consultation period. Of these, around 77% supported the introduction of an Article 4 Direction for this purpose and around 23% people objected. A summary of all consultation responses received is available in Appendix 1.
- 4.5 The main objections raised to the Article 4 Directions were as follows:

Objection raised	Officer response to objection
Justification/evidence has not been provided	The Report taken to 24 May Executive, to approve consultation on the making of these Article 4 Directions, contained clear and comprehensive justification for the implementation of Article 4 Directions for Gunnels Wood and Pin Green, for B1a to C3 changes of use. The Directions apply to the employment areas of Gunnels Wood and Pin Green. These areas have been specifically selected, as they are the designated Employment Areas protected within the emerging Local Plan.
No careful or reasoned site selection process, just a blanket area	
No evidence that any shortage in employment land in Stevenage is or will be caused by these PD rights	Up-to-date evidence used to inform the Local Plan sets out the requirements for employment land over the plan period (to 2031). The Local Plan cannot identify sufficient sites to meet these needs. As such, the Borough Council is relying on neighbouring authorities to provide additional employment land to meet the needs of Stevenage. Any further loss of employment land within the Borough will exacerbate this shortfall. Changes of use from B1a to C3 residential will create a loss of employment land if allowed to go ahead.
Council may be liable for compensation	A 12 month advance notice period has been provided to ensure that the impact of any financial challenge is mitigated.

<p>The Directions could result in vacant and redundant buildings/areas, which cannot be a preferable solution when there is a housing crisis and Green Belt is being developed.</p>	<p>There is up-to-date evidence to demonstrate that Stevenage has a shortage of employment land. Many local commercial property agents have raised concerns about the lack of available sites for new businesses to take up. Housing must be supported by job opportunities in order to create a sustainable and economically successful town.</p>
<p>The Directions should not be introduced where small units have limited commercial appeal.</p>	
<p>Residential development would be limited to areas that are unable to meet business requirements</p>	<p>Without the Article 4 Directions, the Council would have no control over where residential development was permitted. It would not be limited to small or unsuccessful units; the right to change properties from office to residential use would be open to all businesses, including the most successful within the town.</p>
<p>Unfair to impose restriction on the few remaining small businesses at Pin Green</p>	<p>Whilst some permitted development rights have been implemented resulting in residential uses on the edge of Pin Green. It remains to be a thriving Employment Area.</p>
<p>Widely accepted there is an undersupply of housing in Stevenage. These Directions will exacerbate the situation</p>	<p>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.</p>
<p>Anything that breaks down the post-war grid of zoning should be encouraged</p>	<p>Gunnels Wood and Pin Green are successful employment areas, separated from other uses as part of the original masterplan for Stevenage. Allowing residential uses into these areas is something many businesses have strongly objected to in the past. The amenity of residents of any new homes would likely be affected by issues of noise, lighting, HGV access and adverse visual impacts arising from employment uses. Complaints could lead to tighter environmental or operational controls for businesses, thus making the Employment Areas less attractive for existing and new occupiers, potentially resulting in businesses vacating the area.</p>

- 4.6 Generally there was a high level of support amongst the business community for the Directions. A letter of support was also received from the Hertfordshire LEP, attached as Appendix 3.

Recommendation 2.2:

That the Article 4 Directions (attached at Appendix 2) be confirmed

- 4.7 If confirmed, the Article 4 Direction relating to sites not currently covered by the exemption, 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).
- 4.8 This would be a minimum of 12 months after the initial notification of the Directions was publicised and would avoid any potential for compensation claims against the council, as it allows sufficient time for landowners and occupiers to become aware of the changes and implement any plans to change the use of properties in advance of the Direction coming into effect.
- 4.9 If the Article 4 Directions are confirmed, a local press advert and notices in at least two locations in the Employment Areas and on the Council's website (for a period of at least 6 weeks) will be required. Confirmation of the Direction will also be passed to both the Secretary of State and Hertfordshire County Council, and letters will be sent to the owners and occupiers of all properties within Gunnels Wood and Pin Green.
- 4.10 Taking into account the positive consultation responses received, Members are recommended to confirm the Article 4 Directions.

5 IMPLICATIONS

5.1 Financial Implications

- 5.1.1 The principle cost will be staff time processing the planning applications, 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 Equality Impact Assessment was completed prior to consultation on the Article 4 Direction. An update has been carried out following the consultation process (Background document to this report – BD3). This identified an overall neutral impact.

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. The 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 – Equalities Impact Assessment

APPENDICES

Appendix 1: Summary of consultation responses received

Appendix 2: Article 4 Directions

Appendix 3: Letter of support from Hertfordshire LEP