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**Meeting:** EXECUTIVE **Agenda Item:**

Portfolio Area: Environment & Regeneration

**Date:** 12 DECEMBER 2017

**CONFIRMATION OF ARTICLE 4 DIRECTION TO REQUIRE CHANGES OF USE FROM B1C (LIGHT INDUSTRIAL) 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 an Article 4 Direction removing permitted development rights for light industrial to residential conversions.
- 1.2 To seek approval to confirm the Article 4 Direction.

**2. RECOMMENDATIONS**

- 2.1 That the results of the public consultation as shown at Appendix 1 be noted.
- 2.2 That the Article 4 Direction as shown at Appendix 2 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 Updated legislation relating to permitted development rights came into force on 6 April 2016 in the form of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016. Amongst other things, this introduces new permitted development rights for the change of use from light industrial (B1c) to residential use (C3). This particular right came into force on 1 October 2017.
- 3.3 This allows for light industrial uses to be changed into residential use without the need for planning permission. It has the potential to lead to a significant loss of employment land for the Borough.

- 3.4 In response to this, a report was approved by the Executive in May 2017, which authorised public consultation on the making of an Article 4 Direction relating to changes of use from B1(c) (light industrial) to C3 (Residential) within Gunnels Wood and Pin Green Employment Areas.
- 3.5 The Direction would remove permitted development rights and require planning permission to be sought for changes of use from light industrial 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.
- 3.6 Consultation has been undertaken on the making of this Direction. 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 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 20 responses were received during the consultation period. Of these, around 85% supported the introduction of an Article 4 Direction for this purpose and around 15% 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:

<b>Objection raised</b>	<b>Officer response to objection</b>
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 B1c to C3 changes of use.
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 B1c 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.
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.	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.
The Directions should not be introduced where small units have limited commercial appeal.	
Residential development would be limited to areas that are unable to meet business requirements	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 light industrial to residential use would be open to all businesses, including the most successful within the town.
Unfair to impose restriction	Whilst some permitted development rights

on the few remaining small businesses at Pin Green	have been implemented resulting in residential uses on the edge of Pin Green. It remains to be a thriving Employment Area.
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- 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 would come into effect on 15 June 2018.
- 4.8 This would be 12 months after the initial notification of the Direction 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 Direction is 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 Direction.

## **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 Direction will remove the permitted development rights in relation to changes of use from Use Class B1(c) 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(c) 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 Direction

**Appendix 3:** Letter of support from Hertfordshire LEP