

**ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR
CONVERSION OF LIGHT INDUSTRIAL UNITS TO RESIDENTIAL**

**REPORT OF ASSISTANT DIRECTOR BUSINESS, DEVELOPMENT &
EMPLOYMENT**

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 Further to the Cabinets decision to consult on and introduce an Article 4 Direction to remove certain permitted development rights that allow the change of use to residential uses within the named industrial estates, the legislation has been amended to also allow the change of use of light industrial units (Use Class B1 (c)) to residential uses. Therefore the Council has reviewed these impacts prior to public consultation and are now seeking Cabinet approval to add this use class to this direction.
- 1.2 Officers consider that the inclusion of this additional uses class to permitted development rights will add further pressure to the prime employment areas, and the proposed Article 4 Direction as considered by Members is threatened by this amendment as a significant number of units within these areas could come forward as residential uses. This is not considered sustainable and would threaten the strategic long term growth and availability of prime employment land within the Borough. Consequently it is considered that the additional use class should be added to the Article 4 Direction to ensure the integrity of these employment areas, and ensure the residential amenity of any occupant is tested and protected through the requirement for submission of a planning application.
- 1.3 It should be noted that the Article 4 direction does not prevent such changes of use, but ensures a planning application is submitted, allowing the Council to appropriately consider the application through the planning process, rather than the alternative route of a prior notification, whereby the authority can consider only the impacts of the development in respect of a limited number of aspects - contaminated land, highway safety, flooding and noise.
- 1.4 The Council's constitution does not delegate the necessary powers under the the Town and Country Planning (General Permitted Development Order) 2015 at officer level to make and cancel of Article 4 Directions and Cabinet are requested to approve delegated powers to officer level to enable the Planning Department to manage this type of planning control.

2. RECOMMENDATIONS

- 2.1 That Cabinet delegate authority to the Assistant Director Business, Development and Employment to make a Direction without immediate effect under Article 4 (1) of the Town and Country Planning (General Permitted Development Order) 2015 relating to the employment areas of Central Park / Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale as identified on the attached plan to remove permitted development rights under:
- * Schedule 2 Part 3 Class (O) changes of use from offices to dwellinghouses and
 - * Schedule 2 Part 3 Class (P) changes of use from storage or distribution centre to dwellinghouses and
 - * Schedule 2 Part 3 Class (PA) changes of use from light industrial uses to dwellinghouses and;
 - * any other such Class of permitted development specified in Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 as amended as is deemed appropriate to preserve the integrity of the said employment areas (“the Employment area Article 4 Direction”)
- 2.2 That Cabinet authorise the Assistant Director Business Development and Employment (or any other officer authorised in writing by the Assistant Director Business Development and Employment) in consultation with the Lead Cabinet Member to exercise all powers under Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development Order) 2015 as amended to make or cancel article 4 directions with and without immediate for the removal of permitted development rights as deemed expedient

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	<i>'Business Winning, Business Supporting'</i>
	Will the proposals impact on specific groups of people?	
	No	<i>Existing businesses and proposed new residents.</i>
TARGET COMPLETION/DELIVERY DATE	<i>August 2017 for the Article 4 direction to come into force</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The recommended non-immediate Article 4 direction has recent legislation changes which removes permitted development rights of offices, storage or distribution units and light industrial uses to dwelling houses. This will require a public consultation exercise. Estimated costs of the consultation are c£2k, and these will be met from existing budgets. Compensation is not payable under a non-immediate Article 4 direction. AEM 24/06/2016
LEGAL ISSUES	Yes	The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) is effectively a national grant of planning permission. Schedule 2 to the GPDO 2015, grants planning permission for certain development described as "permitted development". The planning application process is dispensed with for permitted development and permission is deemed to have been granted.

		<p>The Local Planning Authority (“LPA”) can, in exceptional circumstances, make an Article 4 direction that will restrict permitted development rights within a limited area (Article 4(1), GPDO 2015). The withdrawal of permitted development rights under an Article 4 direction means that deemed planning permission is no longer granted automatically by the GPDO 2015 and that a planning application needs to be made to the LPA. An Article 4 direction does not prohibit development but enables the LPA to have some control over the proposed development. The powers and procedure for making and cancelling an Article 4 Direction is contained within Article 4 and Schedule 3 of GDPO 2015. Article 4 Directions can be made either without immediate effect or with immediate effect if such rights would be "prejudicial to the proper planning of the LPAs area or constitute a threat to the amenities of their area" or in a conservation area. There is a risk of compensation being payable where an Article with immediate effect is made. It will be Telford & Wrekin Council’s decision to make and confirm an Article 4 Direction. However the Secretary of State has residual power to intervene and prevent the proposed Article 4 Direction taking effect. At present Cabinet has the power to authorise the making of the Employment Area Article 4 Direction as described in 2.1. Given the size of some of the developments and the considerable difference between land values for commercial and residential uses, the compensation could be considerable. Therefore a Non-Immediate Article 4 Direction is recommended. A Non-Immediate direction will remove the permitted development rights after a consultation has taken place. Compensation is not payable.</p>
<p>OTHER IMPACTS, RISKS & OPPORTUNITIES</p>	<p>Yes</p>	<p>The risk to the Employment Area Article 4 Direction and any other article 4 Direction which is made is that the Secretary of State would not allow the Council to enact an Article 4 Direction. This risk is being mitigated by proposing to apply the Direction to strategic industrial areas. In the future if an article 4 direction with immediate effect is made compensation may be payable.</p>
<p>IMPACT ON SPECIFIC WARDS</p>	<p>Yes</p>	<p>The Employment Area Article 4 Direction will impact Central Park / Town centre: Ketley and Overdale, Oakengates and Ketley Bank Halesfield: Madeley & Sutton Hill Hortonwood: Wrockwardine Wood & Trench, Hadley & Leegomery, Donnington Stafford Park: The Nedge Tweedale: Madeley & Sutton Hill</p>

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 This report should be read in conjunction with the Report approved by Cabinet on 21 April 2016 titled : Article 4 Direction (non-immediate) to remove permitted development rights for the conversion of offices, storage and distribution centres to residential in the Boroughs primary Employment Areas, namely Central Park / Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale as identified on the plan and edged red. 4.2 Since this original report was approved by Cabinet legislation has been amended through The Town and Country Planning (General Permitted Development) (England) (amendment) Order 2016, which came into force on the 6 April 2016.
- 4.3 The Order amends a number of points within the legislation, including the change of use criteria for a number of uses. Pertinent to this report are the amendments to Class O and P which now allow the consideration of noise impacts from commercial premises on the intended occupiers of the development, which were previously not considered. Furthermore the addition of Class PA – premises in light industrial use to the list of uses that can be converted to dwelling houses under permitted development rights unless an article 4 direction is established. In line with the objectives set out in the original Cabinet Report – to protect the amenity of residential properties and integrity of the major employment areas – it is recommended that this use class be added to the Article 4 direction proposals. This will be subject to the forthcoming consultation and, if supported, would come into effect in 2017.

5. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 5.1 The assessment identifies the impact on specific wards, which would enable the respective Ward Members and Town /Parish Councils to consider the implications of the development, and ensure appropriate contributions and/ infrastructure is sought within the immediate areas to mitigate against any additional pressures.

6. PREVIOUS MINUTES

Cabinet - 21 April 2016 – CB99

7. BACKGROUND PAPERS

None

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