ELMBRIDGE BOROUGH COUNCIL
PLANNING COMMITTEE
REPORT of a meeting held on 8 July 2014

Members of Committee:
* B.J.F. Cheyne (Chairman)
* S. Hawkins (Vice-Chairman)

* D.J. Archer
* Mrs. C.J. Cross
* V.G. Eldridge
δ Mrs. J. Fuller
δ T.J.C. Grey
δ A.J. Hopkins
δ A. Kopitko
* Mrs. D.M. Mitchell
* Mrs. K. Randolph
* Mrs. J.R. Turner

* Mrs. R.M. Bruce
* A. Davis
* C.J. Elmer
* R. Green
* P.M. Harman
* Mrs. S.R. Kapadia
* N.J. Luxton
* J. O’Reilly
* Mrs. M.C. Sheldon
* S.J. Waugh

* Denotes attendance
δ Denotes substitution

(δ Mrs. C. Elmer, A. Kelly and T.G. Oliver were present as temporary substitutes for T.J.C. Grey, A.H. Kopitko and Mrs. J. Fuller respectively.)

(Tricia W. Bland, N. Haig-Brown and Mrs. R.J.M. Lyon were also present.)

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

RECOMMENDATION TO CABINET ON 9 JULY 2014

2. ARTICLE 4 DIRECTIONS

In 2012 the Government proposed a number of amendments to the General Permitted Development Order (GPDO) which included new categories of permitted development. One of these new categories allowed the change of use from offices to residential without the need for planning permission. These amendments came into force on 30 May 2013.

At its meeting on 15 October 2013 the Planning Committee asked officers to examine the potential impacts of the new Permitted Development (PD) right and whether there was sufficient evidence to support the use of Article 4 Directions. Officers commissioned a review of the commercial property market in Elmbridge to assess the strength of the market for office development, and future demand. Officers also undertook a review of all past applications for change of use, and undertook site assessments of all offices over 100sqm to assess the likelihood of these offices being redeveloped to residential uses, and the potential impact of their redevelopment. In order to assess the impact on smaller offices, a review of office provision in town centres was also undertaken, considering the potential impact in each area.
The results of that assessment were reported to the Planning Committee on 25 March 2014 and the Committee recommended to Cabinet that Article 4 Directions be applied to Walton Town Centre, Weybridge District Centre, Molesey Industrial Estate, Hershams Trading Estate (including North Weylands Trading Estate), Riverdene Industrial Estate and Brooklands Industrial Estate. The areas of Thames Ditton and Hinchley Wood were further identified by the Planning Committee for officers to consider in more detail. It was also agreed by the Committee that Members would be invited to put forward any other areas where they considered Article 4 Directions may be appropriate. Members were given a two week period from 25 April to 12 May 2014 in which to put their proposals forward. Within the two week period, no additional areas were put forward by Ward Councillors.

No additional evidence was provided during the further consultation period to support the use of Article 4 Directions in Thames Ditton and Hinchley Wood, although more information was subsequently provided to officers. At its meeting in June the Committee decided to defer consideration of the matter in relation to Thames Ditton and Hinchley Wood until July, so that this supplementary information could be circulated to all members of the Committee for consideration.

The Planning Policy Manager highlighted to the Committee that before implementing Article 4 Directions, the Council needed to ensure there was sufficient evidence to justify their use against criteria set out in Government guidance. The two criteria that could apply in this situation were if the new PD right would:

- Undermine the visual amenity of the area or damage the historic environment; or
- Undermine local objectives to create or maintain mixed communities.

As outlined in the officer’s report, there was evidence to suggest that within the context of the Thames Ditton local centre there could be an impact on the Council’s objective to maintain mixed communities. However, against the context of the Borough as a whole, the impact of a loss of offices in the Thames Ditton local centre on the overall mix of uses was limited, as it formed just 1.5% of total office floorspace.

During his introduction, the Planning Policy Manager clarified to the Committee that for the sake of consistency and clarity that the wording of the second recommendation should Read:

“2. That a consultation be undertaken and the appropriate notifications made for the making of non-immediate Article 4 Directions under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove the Permitted Development right to change the use from offices (B1A) to a dwelling house (Class C3) in respect of Thames Ditton local centre as indicated in appendix 1.”
One Member took the opportunity to raise a concern regarding the potential impact on the existence of the mixed community in the Thames Ditton local centre if an Article 4 Direction were not applied. The Member highlighted that the Secretary of State had so far only called in two decisions where a Local Authority had applied Article 4 Directions, and both cases were where there had been an attempt to apply a blanket Article 4 Direction across the Borough.

One Member commented on the potential risk that landowners and developers could be alerted to the existence of the new PD rights and take the opportunity to change use where they might not have previously. Furthermore, given that there would be a 12 month notification period before the Article 4 Direction would be in place, and that there were only two years of the new PD rights remaining, the Member queried whether it was necessary to apply for Article 4 Directions which would only be in place for a limited period.

In response, a number of Members noted that they considered the risk of alerting developers to the new PD rights was minimal, as the change in the legislation had been well publicised.

A Thames Ditton Ward Member noted that there was a possibility that the Government could decide to extend the new PD rights over the three year period, in which case the Council would not have acted in a timely manner to ensure Thames Ditton local centre had been sufficiently protected. In Thames Ditton local centre there was a delicate balance between residential use, retail and office use, which would be severely disrupted if office space was converted to residential use. The Member further commented that it was integral to the role of the Local Planning Authority to retain control over the planning process, even if it were only for a limited period. The Government had made provision for Local Planning Authorities to apply for Article 4 Directions to retain such control in appropriate cases.

Arising from the discussion, one Member indicated that there was no guarantee that the PD rights would end after the three year period. If the PD rights were extended and the Council had not made a decision on Article 4 Directions, it was felt that there would be a missed opportunity to react appropriately.

One Member noted that the Government wanted to encourage development and increase the provision of housing across the country. If there was the potential to increase housing in the Borough, then this was something that needed to be given serious consideration.

On consideration of the recommendations, the Planning Committee accordingly RECOMMENDED THAT NO FURTHER ARTICLE 4 DIRECTIONS ARE MADE.

MATTERS OF REPORT

3. PLANNING APPLICATIONS

The Committee considered the reports of the meeting of the East, North & West Area Planning Sub-Committees held on 30 June 2014.
RESOLVED that the reports of the East, North & West Area Planning Sub-Committees held on 30 June 2014, be received [to be circulated as TP2 with the Council Agenda for 23 July 2014].

4. GAMBLING – LOCAL CONCERNS

The Committee considered an update report on the legislative background and developments regarding betting premises following the Licensing Committee Chairman’s statement to Council on 2 April 2014. The report had previously been considered by the Licensing Committee at its meeting on 23 June 2014.

Officers had been requested to provide an assessment of the powers and actions available to the Council to strengthen its controls on the potential proliferation of such premises and also to support the Local Government Association (LGA) action to seek a change in the law so that local authorities could secure the necessary powers to exercise the necessary controls.

Betting premises were classified as financial and professional services under Class A2 of the Town and Country General Permitted Development Order (GDPO) 1995. Further amendments to the GPDO, which applied from May 2013 meant that change of use between Class A (retail), Class A2 and Class A3, as well as Class B1 (offices), could be carried out without requiring planning permission, for a temporary two year period.

In early 2014, the LGA launched ‘Rewiring Licensing’ which called for a comprehensive review of the licensing system. The LGA had advised that following the policy changes announced at the end of April, it was unlikely there would be any substantial changes to Council powers under the 2005 Gambling Act.

The Head of Planning Services commented that the Licensing Committee at its meeting on 23 June 2014 had requested that a scoping exercise be carried out by officers to identify possible ways of strengthening the Council’s Gambling Statement of Principles in consultation with the Chairman and Vice-Chairman of the Licensing Committee.

RESOLVED that

(a) the Strategic Director be authorised to write to relevant Ministers setting out the Council’s concerns and proposals for change and for this to be copied to the LGA, the local Members of Parliament and other interested parties and respond to any subsequent consultation; and

(b) the Planning Committee support the LGA’s approach of engaging with the gambling industry to bring about improvements to address local concerns over gambling.

The meeting commenced at 7.45 p.m. and concluded at 8.51 p.m.

B.J.F CHEYNE
Chairman
Committee and Member Services Officer

Ms. J. Bolton - Committee and Member Services Officer

Other Officers in attendance

Mrs. K. Fossett - Head of Planning Services
M. Behrendt - Planning Policy Manager
Mrs. C. Herbert - Law Practice Manager