EXECUTIVE SUMMARY:

In 2012 the Government proposed a number of amendments to the General Permitted Development Order (GDPO). These amendments included new categories of permitted development. One of these new categories allowed offices to change to a residential use without planning permission. The amendments achieved Royal Assent and came into force on 30 May 2013. The Government is currently looking to extend these permitted rights to 2019.

As a result of these changes the Council made the decision to implement non immediate Article 4 Directions removing the office to residential permitted development right in Molesey Industrial Estate, Hersham Trading Estate (including North Weylands Trading Estate), Riverdene Industrial Estate and Brooklands Industrial Estate. Letters advising occupiers and owners of properties that would be affected by the Directions were sent out on 21 November 2014 advising of a consultation period from 21 November 2014 until 2 January 2015 during which representations could be made in relation to the Directions that had been made (but not yet confirmed) and that they would come into force on 20 November 2015. During the statutory consultation on the introduction of these Article 4 Directions only two comments were made.

RECOMMENDATION: THAT THE CABINET MEMBER FOR PLANNING SERVICES RESOLVES:

(A) THAT THE DIRECTIONS ARE CONFIRMED UNDER ARTICLE 4 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED) AS MADE ON 21 NOVEMBER 2014 TO REMOVE THE PERMITTED DEVELOPMENT RIGHTS FOR THE CONVERSION OF OFFICES (B1A USE CLASS) TO RESIDENTIAL USE (C3 USE CLASS) IN BROOKLANDS INDUSTRIAL ESTATE, HERSHAM TRADING ESTATE, MOLESEY INDUSTRIAL ESTATE AND RIVERDENE INDUSTRIAL ESTATE AND AUTHORISES OFFICERS TO UNDERTAKE FORMAL NOTIFICATION OF THE CONFIRMATION; AND

(B) THAT THE COUNCIL NOTES THAT THE ARTICLE 4 DIRECTION, ONCE CONFIRMED, WILL COME INTO FORCE ON 20 NOVEMBER 2015 AS PER THE ORIGINAL DATE SET OUT IN THE CONSULTATION LETTERS DATED 21 NOVEMBER 2014.
REPORT:

1. Background

1.1 In May 2013 the government amended permitted development rights to allow offices to be converted to residential use without the need for planning permission. Following the resolution of the 8 July 2014 Planning Committee, Elmbridge Borough Council made a series of non-immediate Article 4 Directions that, if confirmed, would remove this permitted development right and require a planning application for changes of use from offices to residential in Molesey Industrial Estate, Hersham Trading Estate (including North Weylands Trading Estate), Riverdene Industrial Estate and Brooklands Industrial Estate. These would be due to come into force on 20 November 2015.

2. Public consultation

2.1 Public consultation was undertaken between 21 November 2014 and 2 January 2015, with letters being sent to 355 properties, a notice being placed on the Council’s website and in the Surry Advertiser as well as site notices being placed in at least two locations in each area that the Directions would affect. During the course of the consultation period two responses were received. One in support and one objecting to the proposed Directions.

2.2 The first was a response objected to the Directions on the grounds that it would restrict much needed residential development and that many units are long term derelict and attract crime and anti-social behaviour. The second response was in favour of the Directions on the grounds that Hersham Trading Estate was suffering due to the ingress of retail units into a business estate with negative impacts upon parking and traffic in the area.

2.3 In light of the objecting response being against the entire designation, it is recommended that this response is noted, but due to the need to protect the important selected locations from conversions to residential use, that the Directions be brought forward unaltered.

3. Riverdene Industrial Estate

3.1 The Portfolio Holder is advised that due to the granting of planning application 2014/5061 on 10 September 2015 (for the ‘Redevelopment of the site comprising a four storey building with a new food store (Use Class A1) (2,280sqm) on the ground floor and 38 residential units over three floors above with associated parking and new access following demolition of existing buildings (5,884sqm)’) may mean the Article 4 Direction for Riverdene Industrial Estate will not be required. However, as the permission has not yet been implemented it is recommended the Directions for this area is still confirmed alongside the others consulted upon. The reason for this is twofold; not only will it avoid the potential of an undesired development of the site, it will also avoid the need to re-consult upon the made Directions as removing an area from the Directions, in the opinion of officers, would constitute a material change which would require re-consultation as per the regulations (see Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995).
4. Conclusion

4.1 Having considered the consultation responses received during the further consultation period, officers are of the opinion that the Article 4 Directions should be confirmed and notifications of this should be sent out to the relevant parties.

Financial implications:
As the Council made the decision to use non-immediate directions the Council is not liable to pay compensation under the statutory provisions for the removal of these permitted development rights. Any costs incurred as part of the final notification process will be minimal and met from existing resources.

Environmental implications:
There are no environmental implications arising from this report.

Legal implications:
Article 4 Directions do not prevent the development to which they apply but instead require that planning permission is first obtained from the planning authority. The legal requirement is that the planning authority is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission from it is granted on application. If confirmed, the non-immediate Article 4 Directions will come into force on the date specified in the notice that was originally served on those that would be affected (20 November 2015).

Equality Implications:
There are no equality issues arising from this report.

Risk Management Implications:
The different risks associated with the approaches available to the Council were outlined in the report to the Planning Committee on the 15 October 2013.

Community Safety Implications:
There are no community safety issues arising from this report.

Background papers:
None

Enclosures/Appendices:
Appendix 1: maps of the areas to which the Article 4 Directions apply.

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