

Committee(s)	Dated:
Planning & Transportation	08/05/2018
Subject: Confirmation of the non-immediate Article 4 Direction to remove permitted development rights for the change of use of offices (B1(a)) to dwellinghouses (C3) following consultation	Public
Report of: Carolyn Dwyer, Director of the Built Environment	For Decision
Report author: Peter Shadbolt, Department of the Built Environment	

Summary

On 29 January 2018, the Planning & Transportation Committee approved the making of a non-immediate Article 4 Direction to remove permitted development rights for the change of use of offices (B1(a)) to dwellinghouses (C3). The Article 4 Direction was sealed on 31 January 2018 and formal notice of the Direction was given, including to the Secretary of State, and consultation on the making of the Direction took place for a period of 6 weeks in February and March. Four responses were received, with no objections to the making of the Direction and 3 expressing support. No response has been received from the Secretary of State. In accordance with the requirements of the General Permitted Development (England) Order 2015, the Committee is now asked to approve the confirmation of the non-immediate Article 4 Direction, which will come into force on 31 May 2019.

Recommendation(s)

Members are recommended to:

- Approve the confirmation of the non-immediate Article 4 Direction made on 31 January 2018 and coming into force on 31 May 2019 for the whole of the City of London, removing permitted development rights granted by Class O, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of a building and any land within its curtilage from offices (Use Class B1(a)) to dwellinghouses (Use Class C3).
- Authorise officers to take all necessary steps to give effect to the decision including publicising confirmation of the Article 4 Direction in accordance with statutory requirements.

Main Report

Background

1. In May 2013, the Government introduced a temporary permitted development right to allow the change of use from offices (B1(a)) to dwellinghouses (C3) without the need for planning permission. The City Corporation applied for and

was granted by the Secretary of State a local exemption from this permitted development right. This exemption will cease on 30 May 2019. To ensure that the City Corporation can retain planning control over the change of use of buildings from offices to residential, the Planning & Transportation Committee on 29 January 2018 authorised the making of a non-immediate Article 4 Direction to remove the national permitted development right within the City. The Direction was made on 31 January 2018 and, subject to confirmation, will come into force on 31 May 2019, immediately following the removal of the City's current exemption. As a non-immediate Direction with 12 months' notice prior to it coming into force, there will be no entitlement for landowners or developers to seek compensation from the City Corporation for the loss of national permitted development rights.

Current Position

2. In accordance with the provisions of Schedule 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015, formal notice of the making of the Article 4 Direction, specifying the intended coming into force date as 31 May 2019, was given (including by local advertisement and display of notices) and comments sought through public consultation, which ran from 6 February 2018 until 20 March 2018. A copy of the Direction and notice was sent to the Secretary of State. Notice was also published on the City Corporation's website. Four responses were received during the public consultation and these are set out in Appendix 1 to this report. Three of the respondents supported the making of the Direction, with the Mayor of London expressing his strong support, highlighting that it accords with the provisions of the draft London Plan. The fourth response noted the consultation but made no specific comment. No response or comment has been received from the Secretary of State.

Next Steps

3. An Article 4 Direction cannot come into force on the date specified in the notice unless it has been confirmed by the local planning authority. Following consultation, the Planning & Transportation Committee is required to take into account any representations received when deciding whether or not to confirm the Direction. As no objections or requests for amendment to the Article 4 Direction have been received, and the strong justification for making the City-wide Direction set out in the report to Committee on 29 January 2018 remains valid, it is recommended that the Committee approves the confirmation of the Direction made on 31 January 2018. A copy of the Direction to be confirmed is attached as Appendix 2 to this report.
4. As soon as practicable after the Direction has been confirmed, the City Corporation is required to give notice of the confirmation and the date on which the Article 4 Direction will come into force. This will be done through:
 - Giving notice of the Direction by local advertisement in at least one newspaper in the area and displaying site notices at no fewer than 2 locations for a period of not less than 6 weeks.
 - Serving individual notices where the owner or occupier is a statutory undertaker or the Crown.

- Sending a copy of the Direction as confirmed to the Secretary of State.
- Notice will also be given on the City Corporation's website in accordance with best practice.

Individual notification to owners and occupiers of affected properties and land throughout the City is considered impracticable.

5. Members should note that, although no formal response has been received from the Secretary of State, under the provisions of the GPDO he can make a direction cancelling or modifying the Direction at any time before or after its confirmation by the City Corporation.

Corporate & Strategic Implications

6. The making of an Article 4 Direction is in line with the adopted London Plan 2016, the draft London Plan 2017 and the City of London Local Plan 2015, which seek to maintain the City's role as a strategically important, globally orientated financial and business centre. The Direction accords with the Vision and Strategic Aims of the Corporate Plan 2018-23, which seek to support and promote the City as the world's leading financial and professional services centre.
7. The confirmation of a non-immediate Article 4 Direction, as set out above, would mean that compensation for the removal of PD rights would not be payable. Retaining a requirement for planning permission would enable the City Corporation to continue to seek appropriate s106 planning obligations and CIL payments.

Health Implications

8. There are no health implications arising from this report.

Equality Impact Assessment

9. An Equality Analysis Test of Relevance screening has been undertaken which has concluded that no equality group will be negatively impacted by the Direction.

Conclusion

10. At its meeting on 29 January 2018, the Planning & Transportation Committee agreed to the making of a non-immediate Article 4 Direction to remove national permitted development rights for the change of use of offices (B1(a)) to dwellinghouses (C3). Formal notification of the Direction and consultation has been undertaken in accordance with legislative requirements. No objections or requests for amendment to the Direction have been received through the consultation and the Committee is now being asked to approve the confirmation of the Direction. As soon as practicable after confirmation of the Direction, notice of confirmation must be given as set out above and the Direction itself will come into force on 31 May 2019.

Appendices

- Appendix 1 – Responses to consultation on the making of the Article 4 Direction
- Appendix 2 – Article 4 Direction and map showing extent of the Direction

Peter Shadbolt

Assistant Director (Planning Policy)

T: 020 7332 1038

E: peter.shadbolt@cityoflondon.gov.uk