

Wards affected:

Abbey North, Abbey
South, Barby & Kilsby,
Brixworth, Drayton, Hill,
Woodford cum
Membris

Strategy Group – 12th November 2020

Confirmation of Article 4 Direction to remove Permitted Development Rights for change of use from Offices to Dwellings

Strategic Planning Issues

1. Purpose of Report

To consider the responses to the consultation exercises on the draft Article 4 direction to remove permitted development rights for change of use from Offices to Dwellings at Daventry Town Centre and specific Strategic Employment Areas.

2. Advice

That it be RECOMMENDED:	That the Article 4 direction to remove permitted development rights for changes of use from Class B1(a) offices to Class C3 (Dwelling houses) be confirmed.
--------------------------------	---

3. Introduction

Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 makes provision for Local Planning Authorities to issue Directions to remove specific permitted development rights. These are known as Article 4 Directions.

An Article 4 Direction had been proposed to remove the permitted development right allowing for the change of use of buildings in B1(a) (office) use class to C3 (residential) in a number of Strategic Employment Areas across the District. This was in order to help to protect the wellbeing of the area and the economy.

Article 4 Directions can be made with immediate or non-immediate effect. The Direction proposed was non-immediate, and as such required a consultation process which was agreed by the Council's Strategy Group at its meeting on Thursday 14th November 2019. The consultation is now complete and a decision on whether or not to confirm the directions is needed.

4. Information

4.1 Consultation

The Article 4 Direction covered the following areas;

- Daventry Town Centre
- Daventry Drayton Fields (incorporating Apex Park and Heartlands)
- Daventry Royal Oak Industrial Estate
- Daventry Marches
- Brixworth
- Crick
- Woodford

A formal six week consultation commenced at 9am 25th February 2020 until 5pm 7th April 2020. This followed the consultation regulations, as set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This constituted:

- Local advertisement.
- Site displays in no fewer than two locations within the area to which the direction relates.
- A notice being sent to each property within the affected areas (owing to the impracticality of serving notice on the owner and occupier of every part of the land in the affected areas).
- Notifying the County Council.
- Notifying the Secretary of State.

The Council also informed the relevant parish councils, and deposited hard copies at libraries as well as having copies available to view at the Council offices during normal opening hours.

However owing to the national lockdown as a result of the Covid-19 which restricted public access to inspect a hard copy of the direction, a further consultation period was undertaken. This covered the period 9am on 7th September 2020 until 5pm on Monday 19th October 2020. This followed the same process as the earlier consultation but included a copy of the direction at Daventry Library to be viewed on an appointment only basis. Hard copies were also offered to be provided by post.

4.2 Responses

The Council received a total of five responses to the two consultations. These are set out in Appendix A. Four parish councils including Daventry Town Council welcomed the introduction of the Article 4 direction. One resident responded to the consultation; he did not oppose confirmation. As the only responses to the consultation were supportive or neutral there is no reason to propose changes.

Whilst MHCLG did not formally responded to the consultation, the Ministry did request further justification for the introduction of the Article 4 direction and this was provided in a letter dated 28th February 2020. Despite MHCLG being made aware of the second round of consultation at the time of writing no further

response had been received. This suggests the Ministry either does not oppose confirmation or regards the matter as insufficiently strategic to justify it considering the matter further.

4.3 Wider context

Since the Council made the Article 4 direction the Government had created a number of additional permitted development rights. Of these, the new Part 20 on Construction of New Dwellinghouses is particularly relevant. Within this, Class ZA allows a range of buildings including offices to be demolished and replaced by a block of flats or a single detached house.

However, these rights are subject to such extensive limitations and prior approval considerations as to make them of no real concern. In particular, prior approval is required in relation to:

“(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;

...

(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area...”

Therefore it is not considered that confirming this Article 4 direction would be ineffective due to the new permitted development rights. Indeed, in many ways the direction would bring office to residential conversions more into line with the requirements of the new permitted development right.

4.4 Confirmation of Article 4 directions

If confirmed by Council, notice of the date of confirmation must be sent to affected properties, and a copy of the direction sent to the Secretary of State. The direction would then come into force on 26th February 2021, as stated in the direction.

5. Implications

5.1 Financial – The cost of public notification can be met from within the existing budget.

5.2 Personnel – Requirements for public notification and the potential additional workload from increased planning applications can be met by existing staff.

5.3 Legal/Constitutional – The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 3 sets out the process for confirming the direction.

5.4 Environmental – Confirming the Article 4 direction would help the Council deliver the strategy for balancing housing and employment needs, sustainable economic development and by protecting businesses and jobs in the District. The Article 4 direction would also allow issues of sustainability to be addressed through planning applications.

5.5 Policy – The conformation of the Article 4 direction would ensure that the relevant policies in the Settlements & Countryside Local Plan and West Northants Joint Core Strategy are able to be applied. Likewise relevant policies in the West Northamptonshire Strategic Plan, when prepared, would be capable of being applied.

The making of the direction should also support Corporate Strategic Plan Objective 1 (Improve our Business Economy, Learning and Skills), Priority B1 (Develop Daventry Town), Measure B1.1 (Increase in commercial floor space with planning permission excluding town centre retail and leisure), Measure B1.3 (Development of new Daventry Town Centre vision), Priority B2 (Maximise economic opportunities in the rural area), Priority B3 (Facilitate and develop opportunities for employment and learning), Priority B4 (The District is recognised as being open for business), Measure B4.2 (Number of major planning applications determined by the Council within statutory or agreed time (percentage)), Objective 2 (Protect and Enhance our Environment), Priority E1 (Reduce adverse environmental impact), Objective 3 (Promote Healthy, Safe and Strong Communities and Individuals), Priority H2 (Encourage a safe and healthy lifestyle), Priority H3 (People have the housing they need), Measure H3.2 (Number of new homes delivered to meet population growth)

5.6 ICT – No new or modified Council ICT would be required to confirm the Article 4 direction and notify occupiers.

5.7 Crime and Disorder – The introduction of the Article 4 direction should not have an impact on crime or disorder.

5.8 Human Rights – Confirming the Article 4 Direction would not contravene any Convention right. The First protocol, Article 1 right to protection of property would be touched on by the proposed actions, but only in ways which are permissible.

5.9 Equalities – The making of the Article 4 direction should not differentially impact on people with any of the protected characteristics under the Equality Act 2010. As it merely requires planning permission to be obtained for conversion from offices to residential use, conversion can still be permitted where in the planning balance it should be. This allows for any equalities issues to be addressed.

5.10 Health and wellbeing – Ensuring that office to residential conversions are considered in the planning system should help ensure that the well-being of occupiers are considered. By helping to protect employment space access to jobs should also be supported. This is important for many people's well-being.

6. Conclusions

An extensive period of consultation has been undertaken on the draft Article 4 Direction that covers Daventry Town Centre and specific Strategic Employment Areas comprising Daventry Drayton Fields (incorporating Apex Park and Heartlands), Daventry Royal Oak Industrial Estate, Daventry Marches, Brixworth, Crick and Woodford. The responses have been collected and set out in Appendix A. There were no objections to confirming the direction. It is recommended that the Article 4 direction be confirmed by Council.

Simon Bowers
Executive Director (Business)

Background papers:

Article 4 Directions. Report to Strategy Group, November 2019

Previous minutes:

SG.141119/9

Contact Officer: Tom James

Extension: 2290

File reference: L115

Appendix A- Written responses to the consultation			
Respondent	Comments	Suggested Response	Suggested Action
Phillip R Jones (Woodford)	<p>Too many town centers have been almost destroyed by the reduction of shops and offices at the center. Many businesses complain about the high cost of business rates. I do not know the legal position but it seems logical to offer reduced rates to businesses that are considered important to the town's overall prosperity. I realize that this may be a complicated issue for the council to manage, but it is important that the town does not allow its resistance to such flexibility, ruin the town's future.</p>	The article 4 direction should help to protect existing shops and offices in the town centre.	No change
Maidwell with Draughton Parish Council	<p>At the meeting of Maidwell with Draughton Parish Council last night (Wednesday, 11 March 2020) the Council considered the suggestions regarding the nearest site to us (Brixworth) and agreed that they approve of the proposal to prevent the conversion of unused office space into residential units in these important economic areas, through the introduction of Article 4 direction.</p>	Comments noted	No change

Brixworth Parish Council	The Parish Council supports the proposal to introduce an Article 4 Direction which is required to protect the key economic sites within Daventry	Comments noted	No change
Crick Parish Council	At its meeting on 21 September 2020, Crick Parish Council voted unanimously to support the Article 4(1) Direction to remove the Permitted Development Rights from the Offices in Crick as outlined in red on the accompanying document.	Comments noted	No change
Daventry Town Council	Members of Daventry Town Council considered the direction to be made under Article 4(1) to remove permitted development rights which currently allow for the conversion of Offices (class B1(a)) to Residential use (Class 3) without the need to apply for planning permission, members concurred that they were supportive of this change for the four areas identified within the order for Daventry; Daventry Town Centre, Daventry Drayton Fields, Daventry Royal Oak and Daventry Marches.	Comments noted	No change