

Delegated Powers Report

Subject: Article 4 Direction to control changes of use from Class E (g) Offices, Research and Development and Industrial Processes to Class C3 residential

Date: 30 July 2021

Introduction

In the United Kingdom, planning permission is required for development, including building and engineering operations or changes of use. However, certain categories of development are allowed by statute without planning permission, described as “permitted development”.

Councils can use an article 4 direction to remove permitted development rights where they are satisfied that it is expedient that such development should not be carried out unless permission is granted for it on an application.

Manchester already has a citywide article 4 direction to manage the change of use of houses into small housing in multiple occupation, which came into force in October 2011.

In 2019, new directions were introduced to manage the change of use from office and light industry to residential, removing permitted development rights in eight broad areas within the district.

With recent planning reforms it has become necessary for the City Council to review the existing Article 4s (which is also good practice notwithstanding) particularly in the context of further relaxations of planning control.

This report sets out the rationale for again seeking to control certain changes of use, notably those within the new use Class E (g) offices, research and development and industrial processes to Class C3 residential.

Background

In 2013 the government changed planning legislation to allow change of use from offices to residential without a full planning application, requiring only consideration of

highway, contamination and flood-risk impacts by LPAs through the prior approval procedure. Recognising that there are some locations where offices play a vital economic role, a limited number of exemptions were allowed. These included two parts of Manchester City Centre. These expired on 31 May 2019.

Although the changes to permitted development rights were initially limited for a five-year period, the government decided that the arrangements should be made permanent. They have also extended these rights to allow change of use of light industrial building to residential, providing the change of use does not exceed 500m². At that time, the government have also expanded the impacts which may be considered by LPAs so as to include noise in respect of offices buildings; and the sustainability of light industrial provision in respect of light industrial buildings.

As a consequence, the City Council sought to introduce a number of Article 4s to allow such changes of use on a managed basis. This related to strategic employment locations within the city, recognising the role Manchester plays in the national economy and the importance of protecting key employment locations to satisfy demand.

The city also has a robust residential growth strategy which enables new homes to be delivered in the right place, of the right quality to meet all of Manchester's needs.

The presence of the existing Article 4s has not deterred or prevented the delivery of development, indeed a strong programme of development has continued.

Government Guidance

Para 53 of the revised National Planning Policy Framework (NPPF) (issued 20 July 2021) states that the use of Article 4 directions to remove national permitted development rights should:

- where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)

- in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
- in all cases, be based on robust evidence, and apply to the smallest geographical area possible.

It is considered the proposed Article 4 is in line with the NPPF and there is sufficient and overwhelming evidence to support the Direction.

Proposals

To ensure that the change of use of key employment floorspace across Manchester can be effectively managed, to avoid wholly unacceptable adverse impacts in specific locations, it is proposed that four article 4 directions are introduced. This will cover key locations in the city that have a clear role supporting local, regional and national economic wellbeing. It is proposed that the article 4 directions will cover:

1) The City Centre:

- Manchester City Centre
- Strangeways

2) North Manchester:

- Central Park (North and South)
- Riverpark Trading Estate
- Tulketh Street Industrial Estate, Harpurhey
- Ardwick, Bradford, Openshaw and Gorton North
- Hexagon Tower, Crumpsall

3) South Manchester:

- Parkway, Whalley Range
- Chorlton District Centre
- Mauldeth House and 550 Mauldeth Road West, Chorlton Park
- Towers Business Park, Didsbury East
- Christie Fields and Siemens, Chorlton Park
- Hathersage Road and Richmond Grove (including Octagon House)
- Jobcentreplus, Palatine Road, Didsbury West

4) Wythenshawe:

- Roundthorn and Oaks Business Parks
- Sharston Industrial Estate

- Wythenshawe Town Centre and Woodhouse Lane
- Airport City North
- Atlas and Concorde Business Parks and Styal Road

The evidence report, 'Permitted Development Rights for Change of Use to Class C3 Residential from: Class E (g) offices, Research and Development and Industrial Processes. The Case for an Article 4 Direction in Manchester: City Centre and Other Strategic Locations, July 2021 is attached at Annex A (accompanying document). It provides the detailed evidence and rationale for the introduction of the article 4 directions in Manchester. The boundaries for the proposed article 4 directions are also appended at Annex B.

Whilst the importance of maintaining valuable employment space is an essential aspect of the article 4 directions to the council, there is also the primary rationale for including these locations is to manage housing and neighbourhood quality.

Summary of the Case for an Article 4 Directions in Manchester

Office to Residential

Manchester has the most significant concentration of economic activity across Greater Manchester. It provides more jobs than any other district, and more people commute into Manchester to work than to any other district in the city region. In the city centre and other key locations, there are concentrations of office-based employment that provide the economic foundation for the local community and for the wider city region. The impact of permitted development rights that enable buildings in these locations to change use to residential, thereby losing key employment, would be detrimental across a wide geography. Many of these office locations have emerged due to the city's geography, reflecting specific local circumstances. This could include the agglomeration witnessed in the city centre, or the presence of clusters close to the airport. This means that the lost employment is unlikely to relocate elsewhere in the region. It is, therefore, considered reasonable to introduce an article 4 direction to remove these permitted development rights in key locations.

A further issue for Manchester is the need to promote high quality new residential development so that the Council's urban regeneration aims can be achieved. New homes that are provided through the planning system will be properly designed to provide good accommodation, including taking account of local policies such as the Manchester Residential Quality Guidance. Residential conversions that come through the permitted development route are not subject to the same scrutiny nor required to achieve the same standards and will therefore be of a lower quality. Although the Council's Local Plan and Residential Growth Strategy recognise the need to accelerate the provision of new housing, its ambitions for the long-term enhancement of neighbourhoods across the City rely on high quality place-making. These aims will be undermined if new development does not make a positive contribution in this regard.

Previously this rationale has been accepted as a necessity evidenced by the initial two exemptions to the office-to-residential permitted development in the city centre and subsequently the Article 4s introduced in 2019

Research and Development and Industrial processes to Residential

Manchester's role as a centre for such uses is less substantial than its role as an office location. However, considering the growing demand for residential supply in some parts of the city, there remains particular concerns that the opportunity to convert such space to housing without full planning permission will become increasingly attractive. The council is particularly concerned that, in the absence of effective planning controls, this could result in the delivery of low quality housing and become a barrier to achieving high quality neighbourhoods. In Manchester, prior to the existing Article 4 there was clear evidence that many of the homes emerging through the permitted development conversion of former office buildings were falling short of the council's quality standards, which are clearly expressed in the Manchester Residential Quality Guidance.

Many R and D industrial locations in Manchester are in neighbourhoods where regeneration remains an important aim, and new development the primary route to securing this. Without the ability to manage new development in line with local planning policy standards, housing delivered as permitted development will fail to improve the quality of the local area. The objectives of the Local Plan rely on achieving significant regeneration. The council's strategy in many neighbourhoods is contingent upon development leading to environmental improvements, including in the quality of housing. Losing this control could, therefore, significantly undermine wider planning strategies across the city. Furthermore, there are key locations for these forms of employment, and these are particularly important sources of employment for local people that may not be able to access the opportunities in other parts of the city. Whilst the prior approval process does provide some protections against the loss of important employment, including the proposed locations within an article 4 direction provides additional security to the council in this regard.

This rationale, as with that for managing changes of use from office to residential has also previously been accepted with the introduction of the existing Article 4s.

Therefore, the new article 4 directions being proposed is also on the basis of securing important locations for R and D and industrial use, and, above all, supporting the provision of homes and places of the quality necessary to support the aims of the Local Plan and other associated local policy.

The attached report in appendix A provides an extensive evidence base that sets out a detailed rationale that identifies the key locations to be subject to an article 4 directions in Manchester, including maps that set out the boundaries of each of the proposed areas. It is considered that the evidence, along with the explanation provided in this report, clearly justifies the withdrawal of the permitted development rights in the locations identified. Maps of the areas proposed to be included within an article 4 directions are also attached.

Procedure for introducing the Article 4 Direction - Next Step

Summarising the main points, the process would be as follows:

If the recommendation of this report is approved and authority given to make the article 4 directions attached, the City Council will give notice of the directions, including the intended date of their coming into force, and will seek representations in accordance with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015/596, as amended (the Order). The notification requirements include publishing a notice in a local newspaper, serving notice on the owners and occupiers of the affected properties and land; and displaying site notices. The period during which representations can be made will be six weeks.

In accordance with paragraph 1(2)(b) of Schedule 3 to the Order, the City Council may dispense with serving individual notices, where it is considered that the number of owners and occupiers within the area to which the direction relates would make such individual service impracticable.

The Council will endeavour to directly notify all owners and occupiers in the locations identified for article 4 directions, unless the extent of these areas (in terms of the numbers of owners and occupiers) is of a scale that makes direct notification unreasonable. The Council considers it is not reasonable to notify all owners and occupiers in some of the areas notably in the City Centre.

For these locations, the Council will display site notices to ensure that people are aware of its proposals. The Council will also make use of its social media accounts to highlight the making of the direction. Notification of the Article 4 directions will also be sent to all consultees on the Strategic Planning consultation database.

Following the close of the period for receipt of representations, a further report will be prepared to consider any comments received and seek a determination as to whether or not the direction(s) should be confirmed. If the direction(s) are confirmed, notification will be given in the same manner as for the making.

If confirmed, the article 4 direction(s) would automatically come into force on the date specified in the notice of making, which should be at least a year after such notice. In so doing, the Council will ensure that it will have no liability for compensation claims in respect of the loss of permitted development rights.

The attached table sets out, in more detail, the various stages and requirements relating to bringing the article 4 direction(s) into effect.

Recommendation

It is recommended that the Director of Planning, Licensing and Building Control approves the making of the article 4 direction(s) for the reasons given in this report and authorises the publication of the requisite notifications.

I Julie Roscoe, Director of Planning, Licensing and Building Control, hereby approve the making of the article 4 directions attached for the reasons given in this report and authorise the publication of the requisite notifications.

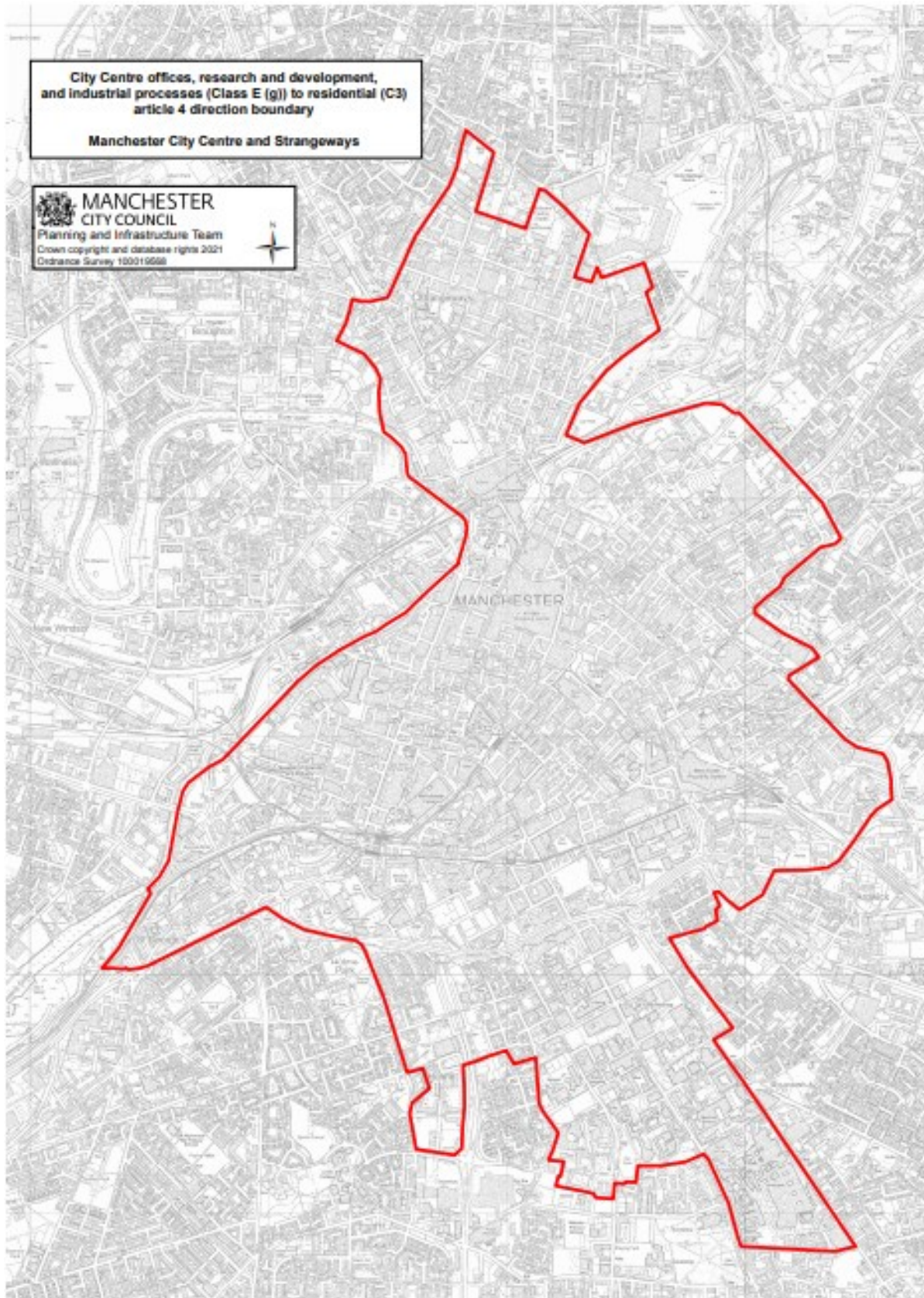


Signed.....

Date...30 July 2021.....

Annex B

City Centre and Strangeways



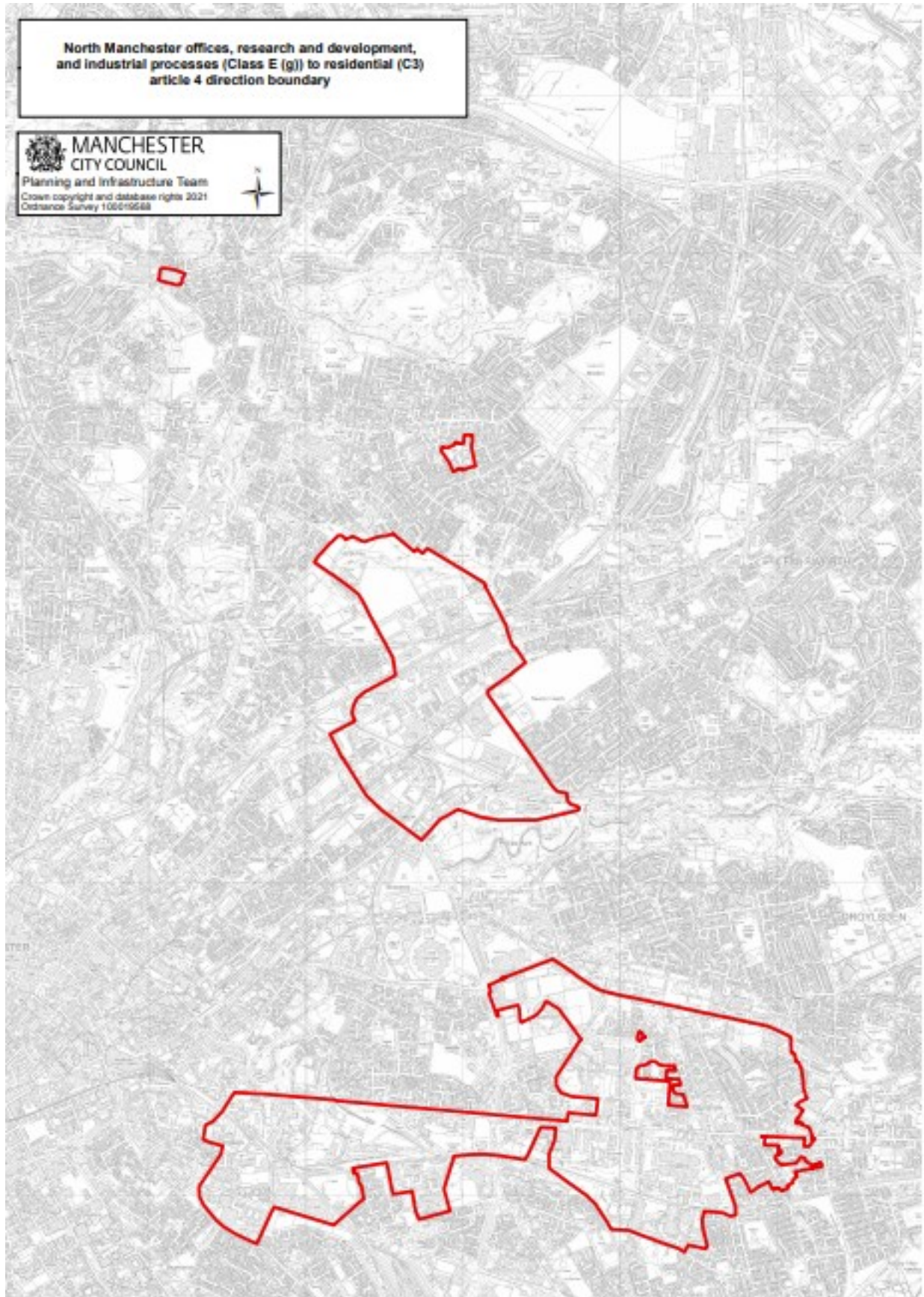
North Manchester

North Manchester offices, research and development,
and industrial processes (Class E (g)) to residential (C3)
article 4 direction boundary

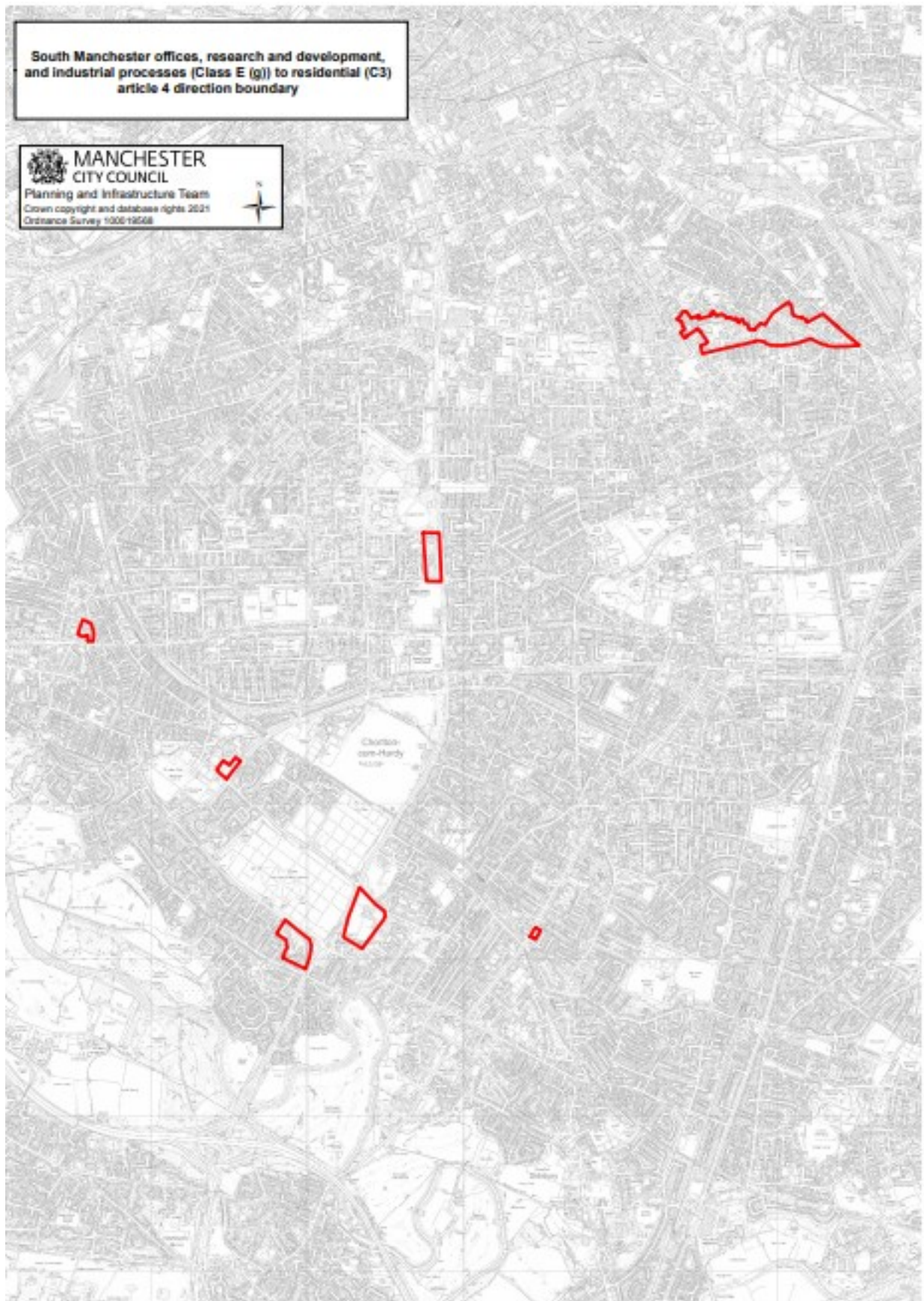


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CITY COUNCIL

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South Manchester



Wythenshawe

