

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> October 2014	<b>Decision Taker:</b> Director of Planning
<b>Report title:</b>		Article 4 Direction	
<b>Ward(s) or groups affected:</b>		Walworth	
<b>From:</b>		Planning Policy Manager	

## RECOMMENDATIONS

That the Director of Planning:

1. Authorises the arrangements for confirming the Article 4 Direction to remove permitted development rights granted by Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which allows a change of use from a dwellinghouse (use class C3) to a house in multiple occupation (use class C4) and vice versa on Henshaw Street, SE17 (Appendix A). This includes compliance with the notification requirements under the Town and Country Planning (General Permitted Development) Order 1995.

## BACKGROUND INFORMATION

2. On 8 October 2013 Planning Committee agreed to the making of an Article 4 Direction, withdrawing the permitted development rights for the change of use from use class C3 (dwellinghouse) to use class C4 (houses in multiple occupation), and vice versa, on Henshaw Street, SE17. An Article 4 Direction was made with non-immediate effect on 17 October 2013 providing 12 months notification of its confirmation.
3. The consultation undertaken following the making of the Article 4 Direction complied with provisions set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010. Notice of the Direction was made, specifying a period of six weeks (17 October – 28 November 2013) in which representations can be made:
  - Local advertisement;
  - Site notices placed along Henshaw Street;
  - Individual notice to the owner and any occupier of every part of the land on Henshaw Street to which the Direction relates.
4. The council notified the Secretary of State by forwarding a copy of the Direction (and the map defining the area to which the Direction relates) as well as a copy of the local consultation notices to the National Planning Casework Unit at the Department for Communities and Local Government (DCLG).
5. Two representations were received during the consultation period and DCLG responded on 6 February 2014 with no comment other than requesting notification of when the Direction is confirmed.
6. On Tuesday 2 September 2014 Planning Committee authorised the confirmation of the Direction. Arrangements to confirm the Direction on or after 17 October 2014, including compliance with the notification requirements under the regulations were delegated to the Director of Planning.

## **NOTIFICATION REQUIREMENTS FOR CONFIRMATION**

7. In accordance with the Town and Country Planning (General Permitted Development) Order 1995 (Article 6 (10)), notification that the Direction has been confirmed will need to include the following measures:
  - Local advertisement (Appendix A);
  - Site notices placed along Henshaw Street; (Appendix A).
  - Individual notice to the owner and any occupier of every part of the land on Henshaw Street to which the direction relates (Appendix B).
8. The council will also need to notify all the statutory consultees which include the Secretary of State, who under the regulations has the power to cancel or modify any direction either before or after its confirmation.
9. There is no further opportunity for representations on the Direction.

### **Community Impact Statement**

10. In taking the decision to confirm the Article 4 Direction the Council has had regard to the general equality duty imposed by the Equality Act 2010.
11. Planning Committee noted the Equalities Analysis which accompanied the report on 2 September 2014. Overall the equalities analysis resulted in a positive impact on the protected characteristic groups as a result of the implementation of the Article 4 Direction. The confirmation of the Direction itself does not have a direct impact on any groups with protected characteristics. Decisions on planning applications made as a result of the Direction may have a potential impact on people with a protected characteristic (age) in that the area and type of housing affected by the direction is typically occupied by young students. Overall the equalities analysis resulted in a positive impact on the protected characteristic groups as a result of the implementation of the Article 4 Direction.

### **Financial implications**

12. There are no immediate resource implications arising from this report as any additional work required to complete the work will be carried out by the relevant policy team staff and budgets without a call on additional funding.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services (10/14- SH)**

13. On the 2 September Planning Committee authorised the confirmation of a non-immediate Article 4 Direction to withdraw the permitted development rights granted by Schedule 2 Part 3, Class I of the GPDO 1995 (as amended). Planning Committee delegated to the Director of Planning the authority to confirm the Article 4 Direction including compliance with the notification arrangements and the Director of Planning is now authorising officers to fulfill the requirements of the recommendation and arrange for the confirmation and notification of the Article 4 Direction.

### **Strategic Director of Finance and Corporate Services (CED/MD/14/29)**

13. The financial implications in paragraph 12 above are noted and it is recognised that there are no immediate financial implications arising from arrangements to confirm

the Article 4 Direction and that any additional work necessary to complete the work will be contained within existing budgets. No further costs are expected at this stage: as this is a non-immediate direction, with a minimum of 12 months notification, no compensation will be payable to any party affected by this decision.

**FOR DELEGATED APPROVAL**

By virtue paragraph 1, Part 3P of the Constitution and in accordance with paragraph 3 of Part 3P, together with the delegation by Planning Committee dated 2 September 2014, having considered the contents of this Report and the accompanying document, I authorise action in accordance with the recommendation contained in the above report.

Signature Simon Swan

Date 27/10/14

Designation DIRECTOR OF PLANNING

**APPENDICES**

No.	Title
Appendix A	Local Advertisement/Site Notice
Appendix B	Individual notice to the owner/occupier

**AUDIT TRAIL**

<b>Lead Officer</b>	Juliet Seymour, Planning Policy Manager	
<b>Report Author</b>	Barbara-Ann Overwater, Senior Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	27 October 2014	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of legal services	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	No	No
<b>Date final report sent to Constitutional Support Services</b>		27 October 2014

