

Article 4 Direction to remove Part 3, Class PA Permitted Development Rights – representations received during consultation (3 November 2016 to 16 December 2016)

Consultee ID	Name of organisation (if applicable)	Summary of comments	Islington Council response
A4D1	Transport for London	Support the proposed Article 4 Directions	Support noted
A4D2	Individual	Supports the withdrawal of permitted development rights as light industry uses have been eroded in recent years. Light industry space is important for learning skills and also to ensure that useful services such as antique restoration (which can have agglomeration benefits) are within an accessible distance and don't necessitate vehicular journeys to access. PD right would also lead to increased intensity of housing uses without corresponding increase in local infrastructure such as schools and transport. Housing should be focused on outside cities on sites like airfields.	Support noted. The issues raised in this representation are important considerations in the council's decision to make the Article 4 Directions. While housing at high density is suitable in principle, the council agrees that new housing should be permitted through planning application in order to secure appropriate obligations for local infrastructure and other priorities, to mitigate impacts of new development. The council are already significantly exceeding our housing targets and as such the removal of PD rights will not affect this.
A4D3	Individual	Representation misunderstood site notice and assumed that it related to planning application. Concerned about how it would impact on existing residents lives: an erosion of privacy due to gardens being overlooked; reduction of light due to being overshadowed by a higher build; increased traffic to the site (current users of the site generally walk to work) and extra competition for parking.	While not a comment on the proposed Directions themselves, the representation highlights important planning considerations that cannot be taken into account (at least to the same degree) in the assessment of prior approval applications. This could lead to significant local amenity issues.
A4D4	Individual	Agrees with proposed Directions. Asks for it to be extended.	Support noted. Area for proposed extension includes no discernible B1c premises, therefore expanded Direction is not necessary.
A4D5	Ashburton Trading Ltd	Objects to designation of Railway Arches at Hornsey Road within the 'Other B1(c) Locations' Article 4 Direction. Consider that conversion to residential is unlikely and that Direction is excessive; and that the Direction will in practice give the area a protected status which will inhibit wider redevelopment proposals.	Comments noted. The council considers that the area is justified for inclusion given the importance of B1(c) provision across the borough, especially in secondary and potentially more affordable locations. The respondent notes that residential use is unlikely, therefore removal of rights is not inhibiting potential development on the site. We also note that the representation does not dispute existing B1(c) use. With regard to the Direction giving a protected status, this is not correct. An Article 4 Direction only removes specific permitted development rights; it does not preclude development coming forward via a planning application. Such development is considered against Development Plan policies and any relevant material considerations.
A4D6	Re-creo	Representation on inclusion of Legard Works, N5 within the 'Other B1(c) locations' Article 4 Direction, which the respondent considers manifestly unreasonable. Site is not part of recognised employment location of either local or more strategic significance and sits within a residential area. It does not form part of any important economic centre. The majority of the floorspace was historically used as offices, falling within Use Class B1(a). The council considers that the ground floor floorspace within one building was used for light industrial purposes falling with Use Class B1(c), notwithstanding the fact that it was occupied only as part of the offices which it served. The quality of the buildings is poor and access to the site is via a single narrow, access road wide enough to accommodate one vehicle. The previous commercial usage of the site ceased in early 2015, and since that time the site has remained vacant in spite of continued marketing. The building has been marketed since September 2013 onwards and has failed to attract firm interest in either letting or sale for commercial purposes. Part of the site has been prior approval permission to convert to residential through office to residential permitted development rights. Having regard to both the locational context of the site and its recent planning history, including both extant and partially implemented permissions for the majority of the floorspace to be converted into residential use, no basis exists to justify the inclusion of this site within this Article 4 Direction. It is a small, residual element in a site that is no longer fit for employment use. Whilst the Council might argue that there is a shortage of employment land, and a need to protect and intensify remaining suitable land for business use, in light of both the location of	Comments noted. While the site is not within a specific employment designation, this does not preclude inclusion within an Article 4 Direction area. The council's justification for the 'Other B1(c) Locations' Direction is set out in the accompanying committee report. In summary, the Directions are considered necessary as the PD right could compromise the objectives of local and London-wide policy and mean that adverse cumulative impacts (through the loss of numerous individual sites) on amenity and wellbeing cannot be properly prevented or mitigated. The Direction will protect secondary space which is generally more affordable, hence protecting this space will maintain a supply of affordable business space for businesses in the borough; this type of space is particularly important for start-up companies and to allow expansion of existing companies. The site specific context set out in the representation does not raise any issues which warrant withdrawal or modification of the Direction. We note that the Direction does not preclude development of the site; rather, it ensures that any proposals must seek planning permission and be assessed against development plan policies. The representation notes that the site is not part of a recognised employment location but Islington's Local Plan has policies in place to protect all existing business floorspace. Article 4 Directions will naturally be at odds with the principles of a permitted development right, as they remove such rights. The question therefore is whether the removal is justified taking into account other factors. The fact that the process or removing Directions exists demonstrates that removal is appropriate were local circumstances suggest that the PD right will have/had had adverse impacts, which we consider is the case here.

Article 4 Direction to remove Part 3, Class D Permitted Development Rights – consultation statement

Consultee ID	Name of organisation (if applicable)	Summary of comments	Islington Council response
		<p>the site and the fact that the majority of the existing floorspace benefits from prior approval for residential use, the remaining floorspace is no longer suitable or appropriate for continued commercial usage.</p> <p>Respondent considers that the Article 4 Direction is at odds with the principles of the introduction of this Part of the GPDO, the aim of which was to increase the delivery of new homes by removing unnecessary planning obstacles. It is clear that there is no strong justification, exceptional or sound reason for the withdrawal of such rights in this case and the Article 4 Direction should, therefore, not be confirmed and should be withdrawn.</p> <p>The areas proposed to be covered by the Direction are not unique, exceptional or designated in any way and no harm to the amenity or environment of the area would arise in the absence of the Direction. Its purpose is simply to frustrate the use of permitted development rights on the affected sites to change to residential use.</p> <p>There are clear reasons at a local and site specific level why the Direction is not appropriate or soundly justified in this specific case. There is no rationale to this other than to exclude large parts of the Borough from the changes permitted by this part of the GPDO. Many of these sites such as our client's land are in residential areas and not within a recognised CAZ or strategic employment site. In light of both the emphasis placed within relevant national guidance upon the need to clearly identify the potential harm that the direction is intended to address, and the fact that this direction would override prior approval permitted development rights, the lack of any such explanation is both surprising and alarming.</p> <p>Respondent considers that the council has only included this particular site within the Article 4 Direction to hinder our client's aspirations to secure a comprehensive residential redevelopment of the site, despite it being within an entirely residential area.</p> <p>Respondent requests that the Secretary of State intervenes to modify the Direction if it is not withdrawn by the council.</p>	<p>It should be noted that the National Planning Casework Unit has responded to the representation, on behalf of the Secretary of State/Department for Communities and Local Government. The response notes that the Department does not consider that the clear reasons for intervention at Government level are presented by this case; and that it is now for the London Borough of Islington to proceed with the matter as it sees fit, taking into consideration the representations made in your letter and any other comments it has received on this matter.</p> <p>The council has considered all representations and does not consider that they highlight any issues which necessitate cancelling any of the Directions, nor is there any justification for the Secretary of State to modify Directions.</p>
A4D7	Stadium Blenheim Court Limited	Objects to the 'Vale Royal/Brewery Road' Article 4 Direction, as this area is in need of regeneration and this is more likely to occur if there is flexibility in the way in which buildings are used.	Comments noted. The area is designated as a Locally Significant Industrial Site in the Local Plan; residential use in this area is restricted. The council's up-to-date employment evidence suggests the area is functioning well with very low vacancy rates, therefore we dispute the assertion that the area is in need of regeneration.
A4D8	Stadium Capital Investments	Objects to designation of commercial space on Hornsey Street within the 'Other B1(c) Locations' Article 4 Direction. The Direction will tend to inhibit flexibility to secure good mix of uses and tenants, and so is inherently undesirable. The commercial space is currently used for various purposes, not necessarily B1(c), therefore it is perverse to treat it as B1(c).	Comments noted. The council considers that the area is justified for inclusion given the importance of B1(c) provision across the borough, especially in secondary and potentially more affordable locations. The Direction does not preclude any use as applications can still come forward via planning application. We also note that the representation does not dispute potential B1(c) use at the site.
A4D9	Greater London Authority	Notes the Mayor's commitment to preventing business space through excessive conversion of commercial space under PD rights, and supports the three Directions.	Support noted.
A4D10	Historic England	<p>Notes no specific concerns regarding the removal of PD rights. Recognises the contribution made by many historic industrial buildings and areas to Islington's rich historic character; and notes that the retention of such buildings can rely on recognition that they provide and support important city fringe and central activity zone employment functions.</p> <p>Consider that the Directions will be potentially beneficial to sustain and enhance local character and heritage assets, as it will enable proper assessment of proposed changes and any likely harm, not only to local economic activity but also to the character of the historic environment.</p>	Comments and support noted. The Directions will enable the council to assess all applications against Local Plan, in terms of their potential impact on character and heritage.