



The Royal Borough of Windsor & Maidenhead

Statement of Consultation on Article 4 Direction

**for removal of permitted development rights to change from Class
E (commercial class) to C3 (residential) on key employment sites
made on 18th January 2024**

September 2024

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1. Introduction

- 1.1 The Royal Borough of Windsor and Maidenhead made a non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) on 18th January 2024 which removed permitted development rights to change of use from Class E (Commercial, Business and Service) to C3 (residential), known as Class MA, across a number of locations in the Royal Borough.
- 1.2 The Article 4 Direction applies to all protected employment sites as defined in the Borough Local Plan (BLP) Policy ED2.
- 1.3 This Statement of Consultation summarises the consultation and notification measures undertaken, and reports on the results of consultation. It also includes a Council response to the representations received.

2. Summary of Consultation and Notification Measures

- 2.1 The requirements for notification of making of a non-immediate Article 4 direction is set out in paragraph 1 of Schedule 3 of the GPDO. Notice must be served as follows:
 - By local advertisement (1(1)(a))
 - By site notice in at least two locations within the area (1(1)(b))
 - By serving notice on every owner and occupier (1(1)(c)) unless individual service is impracticable because it is difficult to identify or locate that person or the number of owners or occupiers makes individual service impracticable (other than for statutory undertakers)
 - By notifying the Secretary of State (1(6)).
- 2.2 The GPDO further states (1(4)(d)) that the notice must specify a period of at least 21 days within which any representation may be made to the local planning authority.
- 2.3 Formal consultation on the Article 4 Direction took place for 6 weeks from Tuesday 30 January 2024 until 11.59pm Tuesday 12th March 2024. This was three weeks longer than required by the Regulations to allow as many representations to be submitted as possible. The approach taken to consultation was consistent with the Council's Statement of Community Involvement.
- 2.4 The following steps were taken to publicise the consultation and show that these steps have been complied with.

Local Advertisement

- A press release was issued by the Communications team on 30th January 2024 on the council's website and social media platforms.
- Local Advertisement was placed in the Maidenhead Advertiser and Windsor Express (2nd February 2024).

Site notices

- The statutory requirement is that site notices should be placed in at least two locations within the area. Given the geographical extent of this direction, it was considered that far more than two site notices would be required. A copy of the site notice is included in Appendix 1. The notice included a web link to the Article 4 webpage.
- Site notices were placed at all 31 of the protected Employment Sites on 25 January 2024. Several had 2 or 3 placed at the locations. In all, 44 site notices were placed at the sites. Appendix 1 shows a table and number of site notices per site.

Owners and Occupiers

- 2.5 Paragraph 1(2) of Schedule 3 of the GPDO makes clear that local planning authorities are not required to serve notice on every owner and occupier of every part of land within the area under 1(1)(c) if:
- (a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person; or
- (b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable
- 2.6 The Council is of the view that the number of owners of occupiers within the area made individual service impracticable. There are over 648 landowners within the proposed Article 4 area, based on title checks. Many of these, being commercial properties, will have a separate owner and occupier, which means the number of organisations and individuals to contact would likely be significantly higher. Almost all properties would have required an individual Land Registry search. Land Registry ownership data generally identifies address details only meaning contact by letter would have been required. The Council does not have the resources to individually identify the owner or occupier of each property and to send out a letter to each.
- 2.7 This approach was indicated by Reading Borough Council in November 2021, where they cited Broxbourne's Article 4 direction Secretary of State's modification letter:
- 2.8 "Please let us know when and where the notices are to be published – we assume, given the numbers involved, it may be impracticable to serve the owners and occupiers of the buildings / land affected and accordingly only local advertisement and site display is required pursuant to Article 5(1)(a) and (b) and 5(2)."
- 2.9 The council considers that this approach is in line with this requirement and is consistent with what has been applied elsewhere in similar circumstances.

Email Notifications

- 2.10 The council sent an email on 30th January 2024, to approximately five thousand contacts on the planning policy consultation database and some by letter. These included developers, planning agents, residents, statutory consultees, utilities etc.

- 2.11 In addition, emails were sent to applicants of recent planning applications made on a number of protected employment sites.

Secretary of State

- 2.12 Paragraph 1(6) of Schedule 3 of the GPDO specifies that the Secretary of State must be notified of the direction on the first date that notification was given under sub-paragraph (1). The first date was 25th January 2024, the date that the first site notices were put up. Therefore, the notification was sent to the Secretary of State via the National Planning Casework Unit on the morning of Thursday 25th January 2024, including the notice, the direction itself and the evidence document. An acknowledgement was received on 12th February 2024. A subsequent email followed on 14th March 2024 (Appendix 4) stating that although they consider that the evidence submitted presents a good, strategic case for the need to protect the key employment sites, “Ministers want to see that an assessment has been made of each area, so that the inclusion of each individual location / site / area has been justified, by setting out the risk of conversion and what the wholly unacceptable adverse impact of conversion for that particular site would be.”
- 2.13 A meeting was held on 9th April 2024 with officials at the Ministry. It was agreed that RBWM officers would undertake further evidence work, including a site by site assessment of the 31 key employment sites to ensure that the evidence supports the Article 4 covering all of these areas. Discussions will continue with the aim of reaching informal agreement over the geographical scope of the Article 4 direction and so if a modification were made by the Secretary of State, this should broadly reflect the evidence work undertaken and not be a complete surprise.

Website

- 2.14 A web page on [Emerging Article 4 Directions](#) was set up on 30th January 2024, describing the purpose of the consultation. This included consultation material available online and how to make representations. Furthermore, hard copies of documents, including representation forms, were placed in Maidenhead Library, Windsor Library and Ascot Library for the full six week period.
- 2.15 During the consultation period people were able to send in their comments in several different ways:
- Via the Council’s planning policy consultation portal
 - By completing a form available on-line and returning it by emailing or post, or by emailing comments
 - By completing a hard copy response form available at Maidenhead Library, Windsor Library and Ascot Library.
- 2.16 If the direction is confirmed, the notices of confirmation of the direction would need to be served in the same way as notices of making the direction, including by site notice, local advertisement, notification of statutory consultees, planning policy consultation database and the Secretary of State. The direction would come into

force on 30th January 2025, and from that date any proposal for development specified in the direction, within the specified area, would require planning permission.

3. Summary of Representations

3.1 The Representation form asked the following questions:

- Do you support the principle of an Article 4 Direction to remove the rights that currently exist for some buildings to be converted to residential use without the need for planning permission? Yes/No
- If no, please explain your reasons for not supporting the principle of an Article 4 Direction?
- Do you consider that the geographical areas that are proposed to be covered by the Article 4 Direction (protected employment sites) are appropriate? Yes/No
- If no, what alternative or additional geographical areas should be covered by the Article 4 Direction?
- Do you consider that the uses that are proposed to be restricted by the Article 4 Direction, namely conversion of Class E (Commercial, business or service) to Class C3 (Residential) are appropriate? Yes/No
- If no, what alternative or additional uses should be restricted by the Article 4 Direction?
- Do you have any other comments? If yes, please set these out below.

3.2 A total of 60 representations were received from 58 individuals and organisations of which 43 were received on the planning policy consultation portal and 17 responses by email. In summary,

- Almost two thirds of respondents supported the principle of an Article 4 Direction to remove the rights that currently exist for some buildings to be converted to residential use without the need for planning permission.
- About 60% of the respondents considered that the geographical areas proposed to be covered by the Article 4 Direction (protected employment sites) are appropriate.
- Over two thirds of respondents considered that the uses that are proposed to be restricted by the Article 4 Direction, namely conversion of Class E (Commercial, business or service) to Class C3 (Residential) are appropriate.

3.3 The following points were among those raised by respondents.

Respondents not supporting the Article 4 Direction

Some respondents stated that more housing was needed particularly affordable housing and that many offices were empty and outdated and could be converted to delivering housing. They would like to see brownfield sites used instead of the green belt. Some felt that Article 4 would add more bureaucracy to the planning process and is not based on robust evidence saying that 'Justification' document is out of date and does not take into account recent and significant economic and societal changes. A few of the site owners suggested their sites be removed from

the Direction, including Whitebrook Park, Lower Cookham Road, Silwood Park, Land at Alma Road', Grove Park and Tectonic Place.

Respondents supporting the Article 4 Direction

Some respondents said that planning applications should be submitted, and the normal planning process followed. Others added that planning applications should be scrutinised in order to protect the character of towns, villages and employment sites. Some respondents stated that employment sites provide job opportunities allowing people to work locally. Respondents also said that office buildings are often not suitable to being changed to residential use without major change. There were also suggestions to extend the Article 4 Direction Area to the following sites and areas: The Riding Court Business Centre, Maidenhead Town Centre, Eton High Street, Berkshire House, Hermitage Parade and The Clockhouse in Ascot High Street, and any brown field site. There were also suggestions to extend the Article 4 Direction protection use to include Class B8 (storage & distribution), sui generis and conversion of agricultural buildings to other uses within the Green Belt.

3.4 A detailed summary of the of the key issues raised in these comments is contained in the Summary of Representations document (Appendix 3 to this document). Appendix 3 also sets out the Council's response to the issues.

3.5 The list of all the individuals and organisations who commented are set out below:

Peter Hough	John Holdstock	Lorraine Hughes
Andrew Cormie	Leah Newland	Cookham Parish Council
Alison Crampin	Lars Swann	Cox Green Parish Council
Jane Abey	Sylvia Ellis	DP9-Elysian Residences
Alec Stevens	Gary Kemp	Gerald J. Tinson
Valerie Shanks-Pepper	Colnbrook with Poyle Parish Council	Hurley Parish Council
Mario Lisle	David McMahon	Ian Rose
Michael Tideswell	David Bulbeck	Maidenhead Civic Society
David Holmes	CleanConscience (Ms Gwen Powell)	Martin Baker
Jane Harris	Nina Smith	National Highways
Jane Brett	Owen Mc Quaide	Natural England
Simon Bond	Angela Clark	Neil Richardson
Trevor Perry	Caroline Lyall	Pauline Checkley
Richard Thorogood	John Wall	Richard Scarf - Cookham Society
David Burfitt	Edward Clarke	Rosemary Clarke
Christopher Sale	Richard Jenkins	Savills for NSS IV Real Estate
Robert Williams	Robin Wood	Solve Planning - Shanly Homes
Andrew Sprules	Usha Lad	Solve Planning – Sorbon Estates
Graham King	Desmond Warren	
Joanne Stickland	Christine Sanders	

3.6 Having reviewed the representations made, the Council has concluded that these do not raise any grounds that would justify not proceeding to confirmation.

Appendix 1: Local Press Notices and Public Notice

THE ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) ("THE ORDER")
NOTICE OF THE MAKING OF A NON-IMMEDIATE DIRECTION UNDER ARTICLE 4

NOTICE IS GIVEN that the ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD made a non-immediate Direction ("the Direction") on 18 January 2024 under Article 4(1) of the Order.

Description of Development: The Direction applies to development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Part A of Schedule 2 to the Town and Country (Use Classes) Order 1987 (as amended) to a use falling within C3 (dwellinghouses, used as sole or main residence) of Part 3 of Schedule 1 to the Town and Country (Use Classes) Order 1987 (as amended) being development comprised within Class MA of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and not being development comprised within any other Class. The Direction will affect the Relevant Areas as shown in the Second Schedule of the Direction.

Relevant Areas: Protected Employment Sites as defined in RBWM Borough Local Plan (BLP).

Effect of the Direction: Permission granted by the Order shall not apply to Development carried out within the Relevant Areas described above, unless express planning permission is granted by the Royal Borough of Windsor and Maidenhead on an application made to them.

Representations on the Direction: These can be made between **Tuesday 30 January 2024 until 11.59pm Tuesday 12 March 2024 (inclusive)**. **Any representations received before or after these dates will not be considered by the Council.**

Representations can be made in the following ways:

- Online via our consultation portal <https://consult.rbwm.gov.uk/kse>
- Email a completed representation form to planning.consultation@rbwm.gov.uk
- Posting a completed representation form to: Planning Policy, The Royal Borough of Windsor & Maidenhead, Town Hall, St Ives Road, Maidenhead, Berkshire, SL6 1RF

Proposed date Direction will be in force: 30 January 2025

A copy of the Direction, including the map defining the Relevant Areas, can be viewed at the following locations:

- On the Council's website at: www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/planning-guidance/emerging-article-4-directions
- Maidenhead Library, St. Ives Road, Maidenhead SL6 1QU
- Windsor Library, Bachelors Acre, Windsor, SL4 1ER
- Ascot Library, High Street, Ascot, SL5 7JF

Please refer to website www.rbwm.gov.uk/home/leisure-and-culture/libraries for library opening times.

For further information, please email planning.consultation@rbwm.gov.uk

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Article 4



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The Direction will affect the Relevant Areas as shown in the Second Schedule of the Direction.

Relevant Areas: Protected Employment Sites as defined in RBWM Borough Local Plan (BLP).

Effect of the Direction: Permission granted by the Order shall not apply to Development carried out within the Relevant Areas described above, unless express planning permission is granted by the Royal Borough of Windsor and Maidenhead on an application made to them.

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For further information, please email planning.consultation@rbwm.gov.uk

Appendix 2: Representation Form



www.rbwm.gov.uk

Royal Borough of Windsor & Maidenhead

Royal Borough of Windsor & Maidenhead

Article 4 Direction Representation Form
(removal of permitted development rights to change of use from Class E (commercial class) to C3 (residential))

Please use a separate sheet for each representation

Ref:

(For official use only)

Public Consultation period from 30th January to 12th March 2024 - Completed forms must be received by 11.59pm on Tuesday 12th March 2024

We would encourage you to respond online at: <https://consult.rbwm.gov.uk/kse/>

Further information about the consultation can be found at: <https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/planning-guidance/emerging-article-4-directions>

Alternatively, you may email completed forms to planning.consultation@rbwm.gov.uk or send them by post to: Planning Policy, Royal Borough of Windsor & Maidenhead, Town Hall, St Ives Road, Maidenhead, SL6 1RF.

PART A – CONTACT DETAILS

Please also note that all representations received will be available for the public to view and cannot be treated as confidential. Data will be processed and held in accordance with the Data Protection Act 2018 and the General Data Protection Regulations 2018. The Council's data protection policy can be found at: [Data protection | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](#)

	1. Personal Details	2. Agent Details (if applicable)
Title		
First Name		
Last Name		
Job title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Address Line 2		
Address Line 3		

1

Address Line 4		
Post Code		
Telephone number		
Email address (where relevant)		

PART B – YOUR REPRESENTATION
 Note: If you wish to comment on more than one paragraph or section of the document please use another form.

Name or Organisation			
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3a.	Do you support the principle of an Article 4 Direction to remove the rights that currently exist for some buildings to be converted to residential use without the need for planning permission?		
	Yes	No	

3b.	If no, please explain your reasons for not supporting the principle of an Article 4 Direction?

4a.	Do you consider that the geographical areas that are proposed to be covered by the Article 4 Direction (protected employment sites) are appropriate?		
	Yes	No	

4b.	If no, what alternative or additional geographical areas should be covered by the Article 4 Direction?

2

5a.	Do you consider that the uses that are proposed to be restricted by the Article 4 Direction, namely conversion of Class E (Commercial, business or service) to Class C3 (Residential) are appropriate?		
	Yes	No	

5b.	If no, what alternative or additional uses should be restricted by the Article 4 Direction?

6.	Do you have any other comments? If yes, please set these out below.

Please note that your representation should cover precisely all the information necessary to support your representations, as there will not normally be a subsequent opportunity to make further representations. All representations will be held by the Council in accordance with the Data Protection Act. Your name, organisation (if relevant) and representations may be made available to the public, in council committee papers and as otherwise considered appropriate by us. Your personal data i.e. postal addresses, emails and telephone numbers will not be shared with the public.

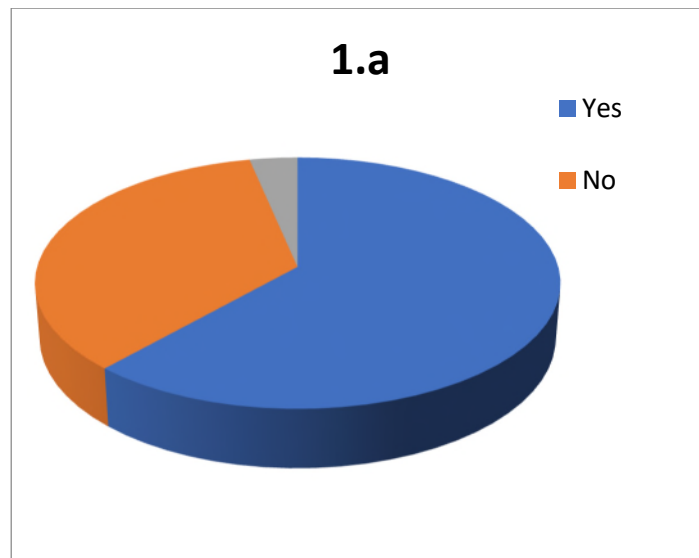
Date	
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Appendix 3: Summary of Representations and Council Responses

1.a - Do you support the principle of an Article 4 Direction to remove the rights that currently exist for some buildings to be converted to residential use without the need for planning permission?

	% Answer	Count
Number of Responses	-	58
Yes	62%	37
No	35%	21
No Response	3%	2
Total	100%	60



1.b - If no, please explain your reasons for not supporting the principle of an Article 4 Direction?

Summary of Representation	Council Response
More housing needed	Noted. The Article 4 Direction does not prevent the change of use or development in the protected employment sites, it ensures that it requires full planning permission and therefore can be more robustly scrutinised by the local authority in relation to their planning policies.
Balance between providing / maintaining employment opportunities and delivering housing. Removing PD rights could stifle the housing market and remove much needed supply from pipeline.	The Council agrees that a balance needs to be struck but the evidence for the BLP suggested that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained. The Article 4 Direction seeks to protect the best quality employment sites so that any proposals for development on the sites would need to be subject to the planning application process. Permitted development rights to change of use from Class E (commercial class) to C3 (residential) will still apply outside the Article 4 Direction areas, for example in town centres.
There are many premises with outdated office space and would be better used for housing. Office space empty for more than a year should be converted to affordable housing	Noted. Under permitted development rights, there is no requirement for the provision of affordable housing. Affordable housing contributions or units are secured through a S106 agreement. The prior approval process does not require developers to contribute any affordable housing. However, with an Article 4 Direction in force, there would be a requirement for the submission of a full planning application on the employment sites and these matters can be taken into account.
All changes of use should require planning permission, to protect, the residents.	Noted. Not all changes of use require planning permission. Generally, changes within the same use class do not require planning permission. Also, some changes from one Use Class to another are covered by 'permitted development' rights.
Lack of infrastructure in Windsor and Maidenhead to accommodate additional housing. Pressure on traffic, medical services	Noted. The Article 4 Direction does not prevent the change of use or development in the protected employment sites, it ensures that it requires full planning permission and therefore can be more robustly scrutinised by the local authority in relation to their planning policies. Infrastructure contributions and highway mitigation measures can only be sought when planning applications are submitted.

<p>Lack of housing in Windsor. Vansittart Industrial estate could be developed to provide housing and businesses could be relocated to Slough or Colnbrook. This could provide council tax income and boost business rate income in a more sustainable retail in Windsor town centre.</p>	<p>Noted. The Article 4 Direction does not prevent the change of use or development in the protected employment sites, it ensures that it requires full planning permission and therefore can be more robustly scrutinised by the local authority in relation to their planning policies.</p>
<p>We need brown field sites to avoid destroying the green belt</p>	<p>The Council is supportive of using brownfield land wherever possible in order to protect the Green Belt. However, the evidence for the BLP suggested that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained. The Article 4 Direction seeks to protect the best quality employment sites so that any proposals for development on the sites would need to be subject to the planning application process. Permitted development rights to change of use from Class E (commercial class) to C3 (residential) will still apply outside the Article 4 Direction areas, for example in town centres.</p>
<p>Too many office buildings standing empty for years on end, when we need social housing urgently. Support permitted development to convert some buildings to residential use.</p>	<p>Noted. Under permitted development rights, there is no requirement for the provision of affordable housing. Affordable housing contributions or units are secured through a S106 agreement. The prior approval process does not require developers to contribute any affordable housing. However, with an Article 4 Direction in force, there would be a requirement for the submission of a full planning application on the employment sites and these matters can be taken into account.</p>
<p>Article 4 will simply add more bureaucracy to the planning process. The market should be allowed to decide whether some buildings would be better used as housing. Removing pd rights limits housing availability.</p>	<p>Noted. The Article 4 Direction seeks to protect the best quality employment sites. Any proposals for development on the sites should go through the planning application process. Permitted development rights to change of use from Class E (commercial class) to C3 (residential) will still apply outside the Article 4 Direction area. Permitted development rights to change of use from Class E (commercial class) to C3 (residential) will still apply outside the Article 4 Direction areas, for example in town centres.</p>
<p>The local authority and residents should be allowed intervention to unsuitable conversions. Developers take advantage of PD rights and planning process should be overseen.</p>	<p>The Council agrees with this comment. The Article 4 Direction will ensure the requirement of full planning permission on the best quality employment sites and therefore proposals for residential development can be more robustly</p>

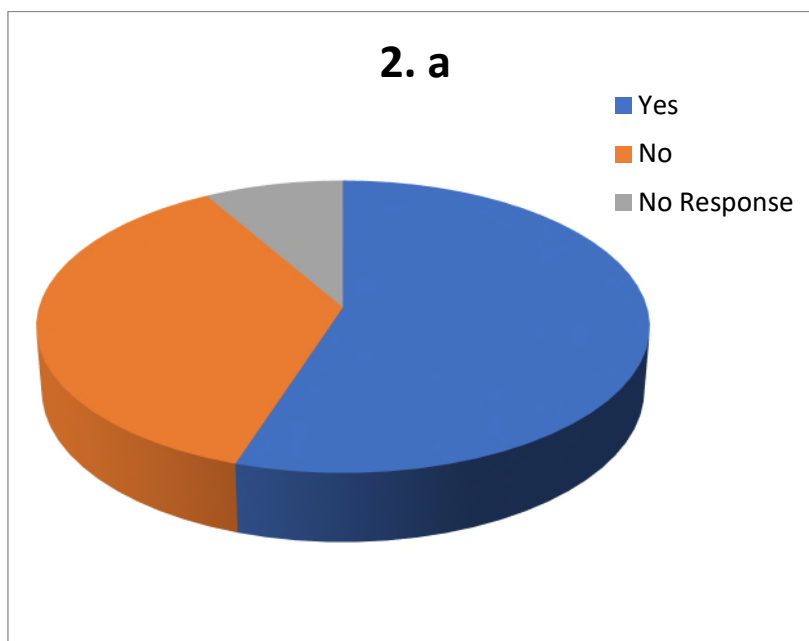
	scrutinised by the local authority in relation to their planning policies.
Some buildings are wholly unsuitable for conversion due either to their construction and/or their location.	Noted. See response above.
Investment in the office sector is in danger of collapse due to 'working from home' and would seriously jeopardise the UK economy. Converting unwanted office space delivers urgently needed homes and provides a capital boost to the office finance sector. The policy should approve the conversion of offices, with appropriate control regulation.	Noted. However, the evidence for the BLP suggested that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained. The Article 4 Direction will ensure the requirement of full planning permission on the best quality employment sites only. Any proposals for development on these sites would still be able to go through the planning application process, where there would be appropriate control regulation.
Planning permission should always be applied for and the approval process completed.	Not all changes of use require planning permission. Generally, changes within the same use class do not require planning permission. Also, some changes from one Use Class to another are covered by 'permitted development' rights. The Council is seeking to restrict permitted development rights on key employment sites but cannot completely remove these rights in all cases as this would not be proportionate or reasonable.
In short, the proposed Article 4 Direction would prevent the use of permitted development right Class MA to convert buildings in Use Class E to residential use to apply to all "Protected Employment Sites" in RBWM The evidence base on which the 'Justification' document relies is out of date and does not take into account recent and significant economic and societal change. The Justification document sets out that provision for 7,000 net additional jobs is needed, of which 4,000 are expected to be within the E(g) and B use classes. It is not clear what proportion of these jobs fall within Use Class E. In reality these are the only jobs that the Article 4 Direction could theoretically protect (as the Article 4 Direction will not affect the provision of B2 or B8n buildings).	The Borough Local Plan was adopted in February 2022, only two years ago. The BLP acknowledges the need for industrial and warehousing space and allocates sites accordingly. The evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained. The Council considers that this evidence is still robust and that the approach of removing permitted development rights from the best quality employment sites only is measured and targeted. Notwithstanding this, following discussions with Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.

<p>In our experience, much of the demand for employment uses in areas such as Windsor and Maidenhead (in the M4 corridor and close to Heathrow airport) will be in the logistics (B8) sector. So there is no evidence to suggest that the Article 4 Direction would have any effect on the appropriate type of employment floorspace in the current economic climate. For these reasons the Article 4 Direction is not based on robust evidence and is not being applied in a measured and targeted way.</p>	
<p>The site at Grove Park Industrial Estate benefits from an allocation within the Hurley and The Waltham's Neighbourhood Plan 2015-2030 supporting the redevelopment of the site for the provision of housing. Following this allocation, Outline Planning Permission (ref: 18/03348) was granted in February 2021 for the redevelopment of the site for the erection of up to 79 dwellings and erection of a nursery building (D1) following demolition of a number of existing buildings. This permission provides an approved baseline for residential development across the site and the supporting assessments in relation to transport, contamination, flood risk and drainage were all considered to demonstrate that there would be an acceptable environment for residential development on the site. The reserved matters application associated with the original outline planning permission was granted in 2023 and pre-commencement conditions have also since been discharged in accordance with the permission. As referenced above, a notice has been served to confirm commencement of the approved development and work onsite is due to commence shortly. These applications were all granted by the Council and residential use of the site is therefore established under the original outline permission and the permitted development process which could also be renewed. We also note that the 70 dwellings</p>	<p>Noted.</p> <p>The issue of whether Grove Park should be a key employment site was debated through the BLP examination and it was decided that it would be retained as an Established Employment site in the Green Belt (under Policy ED2). Therefore, for consistency, Grove Park has been included within the Article 4 Direction currently proposed.</p> <p>Notwithstanding this, following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.</p>

<p>permitted and units in the Class O consents beyond the 70 dwellings are included in the Council's evidence in the Spencer's Farm Inquiry currently underway.</p> <p>It is therefore unclear what the Article 4 Direction would protect as virtually all of the office space on site is either being converted to residential use or benefits from consent to convert or be redeveloped to residential use.</p>	
<p>Tectonic Place benefitted from an allocation within the draft Local Plan (Regulation 19) which supported the provision of approximately 25 residential units on the site given it is previously developed land. This allocation was however removed from future stages of the BLP despite not being supported by the evidence provided to the Council at the time that there is no justification for the retention of office space on this site.</p> <p>Upon adoption of the BLP, the site was included within Policy ED2 and listed as a 'Protected Employment Site' which the Council are now reliant on for the Article 4 Direction despite the evidence provided by Sorbon Estates. There was also a Prior Approval application submitted in July 2021, (ref:21/02282/CLASSO) for the change of use of the offices to residential use under the Town and Country Planning General Permitted Development (England) Order (as amended), Schedule 2, Part 3, Class O. This application was granted and provided for 28 flats with associated on site car parking and soft landscape to create an attractive residential environment. The proposed residential use would be more appropriate than the existing commercial use, given the area immediately surrounding the site is residential and as such there would be no associated impacts on noise or disturbance as a result.</p>	<p>The evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained.</p> <p>The issue of whether Tectonic Place should be retained in employment use was debated at the BLP examination and the Council concluded that the evidence, including its level of occupation at the time, justified its retention rather than release for housing. However, the extant Class O approval is noted.</p> <p>Following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.</p>

2. a - Do you consider that the geographical areas that are proposed to be covered by the Article 4 Direction (protected employment sites) are appropriate?

	% Answer	Count
Number of Responses	-	56
Yes	57%	34
No	36%	22
No Response	7%	4
Total	100%	60



2.b - If no, what alternative or additional geographical areas should be covered by the Article 4 Direction?

Summary of Representation	Council Response
No restrictions	Noted.
I support the areas proposed. I would like to see High Streets (ie main shopping areas) and Conservation Areas included. Also, in Datchet, The Riding Court Business Centre which is adjacent to the Cemex site on Riding Court Road but separate from Ditton Park, which is already included.	Noted. The Article 4 Direction covers the protected employment sites set out in BLP Policy ED2. There are no plans to extend it outside these areas, for example other, non-protected employment sites. Bringing residential development into town centres can bring some additional footfall and vitality into

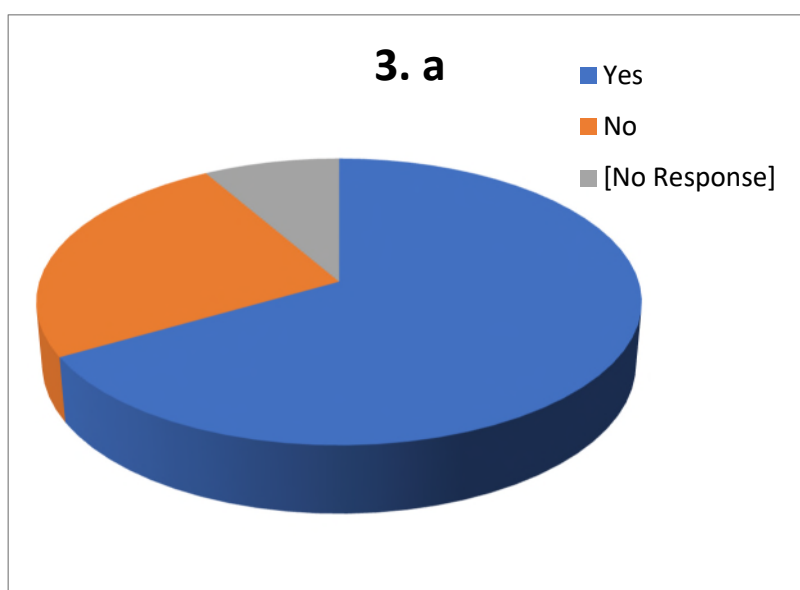
	these centres, particularly the upper storeys of retail units.
No areas should be considered.	Noted.
Maidenhead town centre (High Street, Bridge Avenue, King Street, Queen Street, etc)	Noted. The Article 4 Direction covers the protected employment sites set out in BLP Policy ED2. There are no plans to extend it outside these areas. Bringing residential development into town centres can bring some additional footfall and vitality into these centres, particularly the upper storeys of retail units.
I would suggest that all geographical areas should be covered by Article 4.	Noted. The Council is seeking to restrict permitted development rights on key employment sites but cannot completely remove these rights in all areas as this would not be proportionate or reasonable.
Eton High Street is missing. This should be included to protect the shops from being converted into residential units as this has been a problem in Eton. This is to preserve the nature of this high street which should be preserved as it is in the conservation area and is of historical value. To allow conversion of these shop front into residential area will kill of retail in this area and also reduce footfall from tourists. The conservation protections are inadequate to protect the shop fronts on the high street.	Noted. The Article 4 Direction covers the protected employment sites set out in BLP Policy ED2. There are no plans to extend it outside these areas. Bringing residential development into town centres can bring some additional footfall and vitality into these centres, particularly the upper storeys of retail units. There are, it should be noted, additional protections within conservation areas.
Should include Eton High Street	As above.
Any brown field site	Noted. The Council is seeking to restrict permitted development rights on key employment sites but cannot completely remove these rights in all areas as this would not be proportionate or reasonable.
Any and all additional areas, especially where an office building or buildings have been standing vacant for long periods of time.	Noted. The Article 4 Direction covers the protected employment sites set out in BLP Policy ED2. There are no plans to extend it outside these areas. Removing permitted development rights in all areas would not be proportionate or reasonable.
As I disagree with the Article 4 proposal this is not relevant.	Noted.
Once you have sorted out the road infrastructure THEN think about what sites are appropriate!	Noted.

The Article 4 Direction in its current form should not apply to any areas. The Article needs to be redrafted to approve conversion with conditions that deliver sensible outcomes.	Noted. However, the evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained.
None it should remain as business use or at least partially remain for business use eg 50% resident of Windsor need business, work opportunities to meet the needs of residents.	Noted.
We agree that the areas proposed in Maidenhead are appropriate, with one exception – Whitebrook Park, Lower Cookham Road.	<p>Noted.</p> <p>The issue of whether Whitebrook Park should be retained as a protected employment site was debated at the BLP examination and the Council concluded that it should be, as it was not suitable as a housing allocation. However, in the event that flood risk concerns were successfully addressed and marketing evidence is provided in accordance with Policy ED3, then the redevelopment of the site for residential purposes could be considered through the Development Management process.</p> <p>Following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.</p>
<p>The geographic scope is too restrictive. Both the Borough Local Plan and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan emphasise the importance of protecting and expanding office stock in the centre of Ascot.</p> <p>The proposal makes no mention of any office stock in the centre of Ascot.</p> <p>This surprising since Berkshire House has already been subject to an unsuccessful application to convert it to office space. The retention of office space is essential to ensuring a mixed economy and vibrant High Street in Ascot.</p> <p>Berkshire House, Hermitage Parade and The Clockhouse in Ascot High Street should all be included in the Article 4 Direction.</p>	<p>Noted.</p> <p>There are some protected employment sites in Ascot, including the Business Park. However, none of the small sites referenced are classed as key protected employment sites under Policy ED2.</p> <p>The Article 4 Direction covers the protected employment sites set out in BLP Policy ED2. There are no plans to extend it outside these areas. Bringing residential development into town centres can bring some additional footfall and vitality into these centres, particularly the upper storeys of retail units. Removing permitted development</p>

	rights in town centres would not be proportionate or reasonable.
<p>The proposed Article 4 designation has been arbitrarily applied to all Protected Employment Sites. There has been no consideration as to whether this is an appropriate approach to each site. The Article 4 Direction is not being applied in a measured and targeted way. The sites are vastly different in nature, ranging from urban industrial estates to relatively remote sites outside the urban areas. There is no robust evidence that the sites have been chosen where an Article 4 Direction would be necessary to avoid wholly unacceptable adverse impacts or that the proposed Direction applies to the smallest geographical area possible.</p> <p>The site the subject of this letter (Silwood Park) would fall within the “Rest of the Borough” area. It is a unique environment closer to Sunningdale and Ascot than the towns of Windsor and Maidenhead. None of the evidence cited in the Justification document suggests why Silwood Park should be the subject of an Article 4 Direction. It has simply been arbitrarily identified alongside the other Protected Employment Sites. Again, there is no evidence in the Justification document to suggest that the Article 4 Direction is based on robust evidence or that it is being applied in a measured and targeted way.</p>	<p>The evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained. The Council considers that this evidence is still robust and that the approach of removing permitted development rights from the best quality employment sites only is measured and targeted. Any proposals for development on the sites would go through the planning application process.</p> <p>The Article 4 Direction is aimed at protecting the Policy ED2 employment sites. As Silwood Park is identified as a protected employment site, for consistency it has been included within the Article 4 Direction.</p> <p>Notwithstanding this, following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.</p>

3. a - Do you consider that the uses that are proposed to be restricted by the Article 4 Direction, namely conversion of Class E (Commercial, business or service) to Class C3 (Residential) are appropriate?

	% Answer	Count
Number of Responses	-	55
Yes	67%	40
No	25%	15
No Response	8%	5
Total	100%	60



3.b - If no, what alternative or additional uses should be restricted by the Article 4 Direction?

Summary of Representation	Council Response
No restrictions	Noted.
I support the areas proposed. I would like to see High Streets (ie main shopping areas) and Conservation Areas included. Also, in Datchet, The Riding Court Business Centre which is adjacent to the Cemex site on Riding Court Road but separate from Ditton Park, which is already included.	Noted. The Article 4 Direction covers the protected employment sites set out in BLP Policy ED2. There are no plans to extend it outside these areas, for example other, non-protected employment sites. Bringing residential development into town centres can bring some additional footfall and vitality into these centres, particularly the upper storeys of retail units.
No areas should be considered.	Noted.
As I disagree with the Article 4 proposal this is not relevant	Noted.

<p>The Article 4 Direction in its current form should not apply to any areas. The Article needs to be redrafted to approve conversion with conditions that deliver sensible outcomes.</p>	<p>Noted. However, the evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained. The Article 4 Direction will ensure the requirement of full planning permission and any approvals would be subject to conditions.</p>
<p>If the area is changed to residential use, the same limitation, restrictions and rules should be a minimum standard for and residential use. As where approved for business use.</p>	<p>Noted. The Article 4 Direction will ensure the requirement of full planning permission on protected employment sites and any approvals would be subject to conditions.</p>
<p>Consideration should be given to broadening the scope beyond Class E to include other activities such as change of use of storage and distribution centres within Class B8 to a dwelling house as well as those sui generis uses that would otherwise be able to change use to residential. This is relevant to a number of the locations listed in the proposed Direction, including Ascot Business Park and Ascot High Street.</p>	<p>Noted. There are no permitted development rights to change use from Class B8 to any other use class. This would require planning permission. This would also apply to sui generis uses. As such, there would be no benefit in including B8 uses within the Article 4 Direction.</p>

4. - Do you have any other comments? If yes, please set these out below.

Summary of Representation	Council Response
<p>I support the proposal to remove permitted development rights. I would like to see planning applications submitted for the conversion of businesses, etc, to dwellings so that there is an opportunity, through planning law, to scrutinise the proposals and, where necessary, protect the character of our towns and villages, and employment sites.</p>	<p>Noted. The council agrees that, in principle, proposals to change commercial into residential on protected employment sites should go through the planning application process.</p>
<p>Do not restrict office and shop conversions as these will provide much needed housing</p>	<p>Noted. The Article 4 Direction is aimed at protecting the most important and high quality employment sites. Proposals to change commercial into residential on protected employment sites would go through the planning application process. Bringing residential development into town centres can bring some additional footfall and vitality into these centres, particularly the upper storeys of retail units.</p>

<p>High number of enormous blocks of flats flooding the market in Maidenhead, not particularly affordable homes, all of which have very little, if any, provision for parking. distinct lack of shops for the community decreasing infrastructure for those dwelling in the town. Change of current office space seems financial on the part of the land/office owners rather than a benevolence towards those needing homes. Families with young children would be far better served with houses in suitable areas instead of transforming current office blocks/areas for the purposes of necessary business investment and jobs to homes. Have people in offices instead of working from home, therefore we need to have office space to offer for local investment. Putting the brakes on change of use seems to take some control back for the council as long as the needs of the current community are served.</p>	<p>Noted. The BLP allocated sites for housing provision to meet housing need and identifies Maidenhead as strategic growth location in the Spatial Strategy including affordable housing and family housing. The Council agrees that prior approval schemes often deliver poor-quality dwellings as these tend to be very small, lack outdoor space and do not make any contributions towards affordable housing or improvements to local infrastructure. The purpose of this Article 4 Direction enables the withdrawal of permitted development rights for office to residential conversions and to protect employment sites under policy ED2 of the BLP.</p>
<p>Concerned about the conversion of shops into residential accommodation than the conversion of offices. Limited offering of shops encourages shoppers to go to other nearby towns instead of coming to or staying in Maidenhead.</p>	<p>Noted. The Article 4 Direction area covers the Policy ED2 protected employment sites and not town centres. Bringing residential development into town centres can bring some additional footfall and vitality into these centres, particularly the upper storeys of retail units. Removing permitted development rights in town centres would not be proportionate or reasonable.</p>
<p>There needs to be a balance between residential use and hollowing out local employment by allowing the conversion of employment sites to residential use.</p>	<p>Noted. The approach being taken seeks to achieve this balance by protecting the most important employment sites from being able to change their use to residential without the benefit of planning permission.</p>
<p>It is a pity that it has taken until now for this step to be taken. For example the floor of Berkshire House in Ascot is already lost and the employment will either be lost completely or move away from Ascot.</p>	<p>Noted. The Article 4 Direction area applies to the protected employment sites under BLP Policy ED2. There are some protected employment sites in Ascot, including the Business Park. However, Berkshire House, in Ascot High Street, is not classed as a protected employment site under Policy ED2. Removing permitted development rights in town centres would not be proportionate or reasonable.</p>

<p>We do not need more accommodation in an overly populated area. This is making life difficult for those that already live here as school places, doctor surgeries are in great demand as it is. Overcrowding in these areas is increasing the dissatisfaction and patience of those that already live there.</p>	<p>Noted. Infrastructure is secured via a number of mechanisms, include Planning Obligations and Community Infrastructure Levy (CIL). However, dwellings delivered through prior approvals do not have to provide any CIL contributions. The Article 4 Direction will ensure the requirement of full planning permission on protected employment sites. This will ensure that infrastructure issues can be taken account of in the decision.</p>
<p>I would urge the council to expand the Article 4 Direction to Eton High Street for its historical impact on the community.</p>	<p>Noted. There are no plans to extend the Article 4 Direction area. Residential development can bring some additional footfall and vitality into town centres, particularly the upper storeys of retail units. There are, it should be noted, additional protections within conservation areas.</p>
<p>This proposal is nonsense and a waste of public money.</p>	<p>Noted.</p>
<p>We need good purpose-built commercial buildings that are in the right location such as these. Class E buildings are often not suitable to being changed to buildings that are satisfactory for class C3 without major change, and major changes result in unsustainable building work.</p>	<p>Noted. The Article 4 Direction will ensure the requirement of full planning permission on the most important employment sites.</p>
<p>The risk of financial collapse due to the failure of the office sector economy is described below in the article from the US Federal Reserve Bank and another from the New York Times https://www.richmondfed.org/publications/research/con_focus/2023/q2_feature1 ; https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwi9mfn_6euEAXUWW0EAHaP6AfYQFnoECA0QAQ&url=https%3A%2F%2Fwww.nytimes.com%2F2024%2F02%2F08%2Fbusiness%2Feconomy%2Fcommercial-real-estate-banking-industry.html&usg=AOvVaw26xRHhOCdhO9Va8WfvIkNf&opi=89978449</p>	<p>Noted.</p>

<p>There seems to be a lack of frequency and reliability of buses, at key employment start and finish times, connecting trading/business estates to resident's roads/estates. If more buses and routes were implemented then more local employees could be enticed out of their cars, leaving the roads clearer and reducing pollution levels. The bus service timetables don't seem to correlate very well with popular train services from Maidenhead, Furze Platt, Cookham, or with connecting other services at bus stops at the Tea Pot or outside Greggs.</p>	<p>Noted. For feedback and suggestions on improvements to the bus network, please visit https://www.rbwm.gov.uk/transport-and-streets/public-transport/how-use-our-buses-borough.</p>
<p>Cookham Parish Council is in favour of withdrawing permitted development rights to change the use of Class E (commercial class) to C3 (residential). It enables tighter control over what happens at applicable sites, by requiring changes/intensification to have planning permission rather than be possible via permitted development. This should enable both RBWM and Cookham Parish Council to protect the Parish from the downsides of such change/intensification (whether by refusing it or imposing conditions on it) more effectively</p>	<p>Noted. The council also agrees that, in principle, proposals to change commercial into residential on protected employment sites should go through the planning application process.</p>
<p>I can confirm that Cox Green Parish Council supports the inclusion of Foundation Park and Woodlands Business Park in the Article 4 Direction. As employment sites, both provide a valuable resource to the local community.</p>	<p>Support is noted and welcomed.</p>

<p>The current draft Document includes reference to 'Land at Alma Road' which when reviewing the associated map, this confirms that it relates to 67 Alma Road. However, the plan that has been included to identify the site is historic, showing the former buildings but this is disingenuous and deliberately misleading given the site has been cleared for many years. The specific legislation in case - GPDO as amended in March 2021 – refers to Class MA which allows for the 'change of use of a building and any land within its curtilage'. It is therefore very clear that the legislation and the change of use must relate to existing buildings and land within its curtilage. By the very nature of what was intended by the legislation and the specifics of what it relates to i.e. to improve housing stock by converting vacant, old office buildings to residential, this simply cannot apply to the Alma Road site where there are no existing buildings through which conversion could occur. Any residential development for the site would therefore have to be the subject of a formal planning application and therefore any reference or control through Article 4 is both erroneous and irrelevant.</p> <p>In the event that the Council progress with this draft Article 4 Direction (which needs to be considered in light of the more recent Government guidance), we would request that the Alma Road site be removed given it is not relevant or statutorily correct to apply such restrictions on a site that does not contain any buildings that could be converted under Class MA. We trust that these comments will be considered as part of the ongoing review and we would welcome the opportunity to discuss these matters further with officers.</p>	<p>Noted. The council is aware that the site known as 'Land at Alma Road' no longer contains buildings. However, the map was produced using QGIS with Ordnance Survey data.</p> <p>Following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document. This will ensure that the evidence supports the Article 4 covering all of these areas.</p>
<p>Firstly, I feel that the notification process was not appropriate - one notice letter was attached to the fence of Connaught Court on Alma Road. This is approx. 200m from the area concerned. It was moved to a post outside Connaught Court entrance still over 100m from the area. No other notification was posted on the boundary or any other site around the concerned area. How are people being notified? The development of the site for residential use will have a massive and different affect on the local area environment, usage and demand on this infrastructure amenities and service systems, A full investigation on these effects should be carried before the Direction is granted. The business development of the site had two road access/exit points. It is vital to continue with that access with the increase in road traffic.</p>	<p>Noted. The public notice was moved closer to the Alma Road site as soon as we were notified that it was attached to the fence of Connaught Court. The proposals were publicised in a number of other ways. A public notice was placed in the local press, a public consultation was undertaken between 30 January and 12 March 2024 and social media notifications were released.</p> <p>The Article 4 Direction is not applying for residential development of the site. The purpose of this Article 4 Direction is to remove permitted development rights for office to residential conversions in protected employment sites. Proposals to</p>

	change commercial into residential on protected employment sites would go through the planning application process.
<p>Thank you for contacting Hurley Parish Council with details of this consultation.</p> <p>The matter was considered at our 15th of February meeting.</p> <p>Parish councillors welcomed the proposal as the maintenance of employment sites was important to parishioners and any steps to protect employment should be supported.</p>	Support is welcomed. The council also agrees that, in principle, proposals to change commercial into residential on protected employment sites should go through the planning application process.
<p>I am concerned about the loss of employment sites to residential, as employment is equally important to planning as residential and is a necessary part of a successful economy. Having multiple employment sites distributed around the Borough provides many employment opportunities and makes it more likely that people can work locally, reducing travel and allowing more travel by sustainable and active methods.</p> <p>Development of residential accommodation by conversion of office space can lead to poor quality accommodation, and almost always means that no financial contribution is made to necessary infrastructure. This results either in inadequate infrastructure or an unfair burden on public finance.</p>	Noted. The council agrees that the protected employment sites under Policy ED2 provide a number of benefits to Borough residents such as access to a sustainable choice of local employment opportunities and useful services. The sites also provide the availability of suitable business premises for residents who wish to set up their own business. The council also agrees that conversions under prior approval often result in poor quality dwellings, and these make no financial contributions towards infrastructure.
<p>Whitebrook Park is an anomaly. The Hitachi building which stood there has been demolished and, although the site is designated for employment, it should more appropriately be considered for residential use as it is in a predominantly residential setting. This especially applies because the adjacent Stiefel Laboratory site to the east has historically been granted permission for residential. Ideally the Hitachi and Stiefel sites would be jointly developed for family houses.</p>	<p>The issue of whether Whitebrook Park should be retained as a protected employment site was debated at the BLP examination and the Council concluded that it should be, as it was not suitable as a housing allocation. However, in the event that flood risk concerns were successfully addressed and marketing evidence is provided in accordance with Policy ED3, then the redevelopment of the site for residential purposes could be considered through the Development Management process.</p>
<p>Natural England have no comments to make on the Article 4 Direction – restricting change of use on protected employment sites.</p>	Noted.

<p>Central Government recognises the need to boost significantly the supply of housing to help meet these needs and in this respect all avenues need to be explored including the change of use from class E to class C. Whilst it is appreciated that RBWM and other Councils have concerns over what they see as this permitted development leading to unsatisfactory housing there is a prior notification procedure to guard against such outcomes. Some of the criticisms of the preset PD from class E to class C3 can be overcome if it is submitted by fine tuning of the prior notification procedure. Given this PD has been in place since 04/2021 it is surprising that should it have been generally regarded as unsatisfactory it was not withdrawn soon after its inception. In contrast it has survived with article 4 providing a robust back up, where essential. There are several examples throughout the Borough where this PD right has been successfully used and in the interests of sustainable use of resources to help meet the social economic and environmental needs of the area a blanket Article 4 direction should not be brought into force.</p>	<p>Noted. Whilst the Council accepts that prior notifications from class E to class C fast tracks the approval process and increases the housing supply, the council has concerns with the delivery of poor-quality dwellings, lack of outdoor space and failure to provide affordable housing and vital infrastructure.</p> <p>The evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained.</p> <p>National policy sets a high bar in terms of justifying inclusion of areas within a direction and this Article 4 would only apply to the most important employment sites. Proposals to change commercial into residential on such sites can still come forward through the planning application process.</p>
<p>The BLP was only finalised in 2022 after exhaustive consultation and consideration. Necessary existing employment sites were identified and protected. We fully support the proposed Article 4 Direction as it will help retain existing employment sites and reduce attempts for change of use to dwellings of often unsuitable buildings in inappropriate locations. In addition, significant loss of existing employment sites is likely to produce pressure for new employment sites on Green Field/Green Belt land. In Cookham, there is only one site (Lower Mount Farm) on your list. This site was a former farmyard and the buildings on it are predominately utilitarian agricultural sheds which have been adapted for industrial use. Neither the structure or layout of these buildings would render them suitable for reasonable conversion to dwellings and therefore the Article 4 Direction would be particularly appropriate for this site. We would also suggest that RBWM consider removing PD rights for conversion of agricultural buildings to other uses within the Green Belt. These conversions frequently result in dwellings or commercial/industrial use being established in inappropriate locations and then further applications for new replacement agricultural buildings elsewhere.</p>	<p>Support is welcomed. The council also agrees that, in principle, proposals to change commercial into residential on protected employment sites should go through the planning application process.</p> <p>Lower Mount Farm is identified in Policy ED2 of the BLP as a protected employment site (Established Employment Site in the Green Belt) and so is included within this Article 4.</p> <p>The council has no plans for removing PD rights for conversion of agricultural buildings to other uses within the Green Belt.</p>

<p>I believe there has been too much largely unregulated conversion of office to residential use already. This has resulted in poorer quality housing without regard to local need e.g. for houses for families not shoebox flats. I further object strongly to the lack of social or affordable housing required to be provided in such schemes, just a gift to builders/developers at the expense of the community. Such units as are provided rarely have external amenity space or environmental provision. Without the need for full planning permission no conditions covering such matters are possible so are simply not provided to the detriment of both occupiers and neighbouring communities where any such public space becomes insufficient for the increased populations. Maidenhead used to have a good mix of office, commercial and housing. That balance is under threat. Where are small commercial/industrial businesses supposed to go? We are losing local suppliers who will never recover space converted to flats.</p>	<p>Support is noted and welcomed. The council also agrees that, in principle, proposals to change commercial into residential on protected employment sites should go through the planning application process, for all of the reasons given, and as explained in the evidence document published as part of the consultation.</p>
<p>RBWM is not delivering the required level of housing. The Government has recently reaffirmed its promotion of the development of brownfield land to deliver housing. The proposed Article 4 Designation is entirely contradictory to recent Government guidance to be less bureaucratic and more flexible in applying policies that halt housebuilding on brownfield land. The evidence for the proposed Article 4 Direction is out of date. The proposed Direction is arbitrarily imposed on a number of sites without any evidence to suggest why those sites are appropriate, based on the smallest geographical area possible or what wholly unacceptable adverse impacts would arise if they were not designated. The justification relating to the type of housing being delivered through permitted development schemes is wholly inappropriate to justify an Article 4 Direction. Our instructions only relate to the land at Silwood Park. Accordingly we request that for the above reasons, the land owned by NSS IV (Real Estate) LLP (shown on the plan below) is removed from the proposed Article 4 Direction.</p>	<p>Noted. The evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained.. The Article 4 Direction is aimed at protecting the most important and high quality employment sites. Any proposals for development on the sites would need to go through the planning application process.</p> <p>The Council disagrees that the justification provided for the Article 4 is inappropriate. ~Notwithstanding that, following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.</p>

Grove Park, White Waltham

The site's history demonstrates a clear progression towards its change from an employment site / business park to a residential site that reflects the area surrounding the site and village of Waltham more appropriately.

Its retention as a 'protected site' within the BLP is therefore highly questionable as it no longer meets the requirements for this type of protection nor could it be considered as part of the long term pipeline of employment floorspace, land or job creation over the BLP period. Its allocation should therefore be changed to that of a housing site and it should be removed from the proposed Article 4 Direction list as there is virtually no office space to protect.

The elements of harm outlined within the evidence to support the imposition of an Article 4 Direction that are considered to arise from the permitted development rights process are also not applicable to this site given the site benefits from permission for residential use both via the prior approval and planning permission routes. The planning permission route also allowed the Council to consider the proposals for residential use more comprehensively including matters relating to form of development, housing mix which was considered to appropriately address a shortfall in housing size within the borough as well as providing a contribution towards affordable housing provision. The approved development also complied with the nationally described space standards, provide for accessible homes in accordance with relevant BLP policies and would provide appropriate contributions to infrastructure.

Given the planning permissions and prior approvals in place for the use of the site at Grove Park for housing do not result in any harm as identified within the evidence provided by the Council to justify the Article 4 Direction, we cannot understand the rationale for including this site within the proposed Article 4 Direction.

The purpose of the Article 4 Direction is to control the loss of viable employment stock and prevent the conversion of this stock to residential uses and accommodation that does not meet with other BLP policy or result in any public benefits. This is patently not the case for Grove Park as it already benefits from both prior approval to convert existing buildings to residential use and planning permission to redevelop the site for high quality housing meeting the requirements of BLP policies and creating appropriate benefits in the form of addressing local housing need, providing affordable housing and improving the environment of the site.

It is therefore unclear what the proposed Article 4

The issue of whether Grove Park should be a key employment site was debated through the BLP examination and it was decided that it would be retained as an Established Employment site in the Green Belt (under Policy ED2). Therefore, for consistency, Grove Park has been included within the Article 4 Direction currently proposed.

The Council is aware of the recent planning history of Grove Park. Following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.

<p>Direction would protect given virtually all of the office space on site at Grove Park is either being converted or has consent to be converted or redeveloped to a residential use. The imposition of an Article 4 Direction is subsequently not considered appropriate or necessary on this site as it would be at odds with the purpose of introducing this direction and the requirements of paragraph 53 of the NPPF.</p>	
<p>Tectonic Place</p> <p>The sites history demonstrates a clear progression towards its change from an employment site to a residential site that reflects the residential area surrounding the site more appropriately. Its retention as a 'protected site' within the BLP is therefore highly questionable as it no longer meets the requirements for this type of protection nor should it be considered as part of the long term pipeline of employment floorspace, land or job creation over the BLP period. The imposition of an Article 4 Direction specifically to prevent any change of use under the permitted development route to residential use is surely no longer relevant / appropriate, particularly as this has already been achieved for the site.</p> <p>The existing buildings are also very outdated and coming to the end of their usable life as offices and another prior approval could be submitted for residential use.</p> <p>The elements of harm outlined within the evidence to support the Article 4 Direction that are considered to arise from the permitted development rights process are also not applicable to this site given the site already benefits from a prior approval securing residential use of the building. The prior approval application allowed consideration of the quality of accommodation, demonstrating a compliance with the nationally described space standards, noise and disturbance associated with nearby uses, transport and highways and other environmental impacts. The proposals under the prior approval route for the site at Tectonic Place did not raise any concerns over harm from the conversion to residential use and as such would therefore not reflect any of the perceived causes of harm cited in evidence provided by the Council to justify the Article 4 Direction. There is therefore a question over why this direction is being considered in relation to this site.</p> <p>To reinforce this further, there are comments on other planning applications for this site by key stakeholders including the Holyport Residents Association who emphasise the fact that the site lies within a predominantly residential area and by Bray Parish Council who confirm that Councillors "consider the site to be more suitable for housing</p>	<p>The evidence for the BLP found that the long term, unconstrained loss of highly accessible sites suitable for office use could not be sustained.</p> <p>The issue of whether Tectonic Place should be retained in employment use was debated at the BLP examination and the Council concluded that the evidence, including its level of occupation at the time, justified its retention rather than release for housing. However, the extant Class O approval is noted.</p> <p>The Article 4 Direction is aimed at protecting the most important and high-quality employment sites. Any proposals for development on the sites can still go through the planning application process.</p> <p>Notwithstanding this, following discussions with the Ministry of Housing, Communities and Local Government (MHCLG), the council is reviewing each protected employment site and producing a further evidence document to support the Article 4 Direction.</p>

than continued commercial use due to its location in a residential area”.

The purpose of the Article 4 Direction is to control the loss of viable employment stock and prevent the conversion of this stock to residential uses and accommodation that does not meet with other BLP policy or result in any public benefits. This is not relevant for Tectonic Place as it already benefits from an extant prior approval to convert existing buildings to residential use. It is also in an out of town location and a sensitive back land site surrounded on all sides by residential gardens and properties.

The imposition of an Article 4 Direction is more appropriate for substantially large employment parks and town centre locations that are sustainable and have the ability to diversify and intensify according to market changes to provide the necessary employment floorspace, land and jobs needed for the plan period. It should therefore be removed from the proposed Article 4 Direction.

We also note that the units permitted in the Class O consents are included in the Council's evidence in the Spencer's Farm Inquiry currently underway.

This makes the imposition of an Article 4 Direction for this site wholly inappropriate and unnecessary, at odds with the purpose of introducing this direction and the requirements of paragraph 53 of the NPPF.

Appendix 4: Email from Department for Levelling Up, Housing and Communities


Royal Borough of Windsor and Maidenhead - Article 4 Direction – Class MA for key employment sites

 Reply  Reply All  Forward 

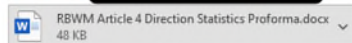
Thu 14/03/2024 15:33



Bethan MacDonald

To:  Planning Consultation

Cc: 



Thank you for notifying the Department of your Article 4 direction in relation to Class MA, which removes the permitted development right allowing conversion from Class E use to residential use from key employment sites within the Royal Borough of Windsor and Maidenhead. Thank you too for the evidence containing the justification for the Article 4 direction.

As you are aware national policy in relation to Article 4 directions where they relate to the change from non-residential to residential states that they should be limited to situations only where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts and must apply to the smallest geographical area possible. We have reviewed your Article 4 direction in accordance to this policy and I am sorry to have to inform you that we do not consider that, on the evidence submitted, it complies with the policy.

Local authorities should only propose Article 4 directions where there is clear evidence that the permitted development right would have wholly unacceptable adverse impacts. For example, this might be to undermine the vitality and viability of a shopping area or the loss of essential jobs and services in industrial and employment sites. The degree to which there is likely to be a long-term adverse impact should be carefully considered alongside the scale of that impact on the wider area.

We note that some of your reasons for introducing the Article 4 direction are because conversions under PDRs do not provide the right housing mix, they can lack quality, they do not require amenity / outdoor space and they do not provide affordable housing or s106 contributions. Unfortunately, these reasons have not been accepted by Ministers as justification when considering other Article 4 directions.

Although we consider that the evidence you have submitted presents a good, strategic case for the need to protect the key employment sites within your Borough, Ministers want to see that an assessment has been made of each area, so that the inclusion of each individual location / site / area has been justified, by setting out the risk of conversion and what the wholly unacceptable adverse impact of conversion for that particular site would be.

To take this forward, please could you review each individual area and consider whether that area, in part or whole, should be included in the Article 4 direction. To justify the inclusion of any area in the Article 4 direction, it would be helpful to have a brief description of the area, the risk of conversion, and what the wholly unacceptable adverse impact of the PDR would be. If there are any sites where you consider the boundary should be changed, it would be helpful to have a map of the revised area, which should be the smallest geographical area possible.

Please could you also complete the attached pro-forma, which we have asked local authorities to complete, to help demonstrate the relative amount of Class E use which is covered by the Article 4 direction and what amount of Class E use elsewhere in the borough the Class MA PDR can continue to apply to.

If it would be helpful, we would be happy to meet with you to discuss. Please let me know if you would like to arrange a meeting.

Thank you

Bethan

Bethan MacDonald

Policy adviser

Planning – Development Management


Department for Levelling Up, Housing and Communities | NE Quadrant | 3rd Floor | Fry Building | 2 Marsham Street | London | SW1P 4DF