

## Appendix 1 Article 4 Direction (offices to residential) Consultation Responses

### Summary of submitted Article 4 Consultation Responses

**Total responses:** 14

Support: 3

Object: 11

Supporters	Summary of comments	Suggested changes sought
Brighton & Hove Economic Partnership	<p>Local Planning Authority should retain control over employment space in the city centre.</p> <p>The creative, digital and IT sector (CDIT) has burgeoned in the last 5 years and is growing at well above average rates. These businesses need office space in the city centre.</p>	
Brighton & Hove Friends of the Earth	<p>Article 4 provides an essential control to ensure balanced communities with sufficient space for homes and jobs.</p> <p>The area should be extended to include industrial estates or business parks, such as at Hollingbury or Woodingdean.</p>	Extend Article 4 to include industrial estates or business parks.
Dave Allen	<p>Article 4 provides an essential control to ensure balanced communities with sufficient space for homes and jobs.</p> <p>The area should be extended to include industrial estates or business parks, such as at Hollingbury or Woodingdean.</p>	Extend Article 4 to include industrial estates or business parks.

Objectors	Summary of Comments	Suggested changes sought
Harbour View Developments	<p>Direction goes against government policies to free up development and promote additional housing in areas of shortfall.</p> <p>Surplus office space in the city, with low rents that are insufficient to cover the development of new offices.</p> <p>BHCC cannot demonstrate a five year housing land supply and there is a significant shortfall between the proposed housing supply in the emerging City Plan and objectively assessed need. Office to residential conversions would assist in meeting this shortfall. Suggest that from an estimate of potential number of prior approval applications over the 3 year period would see 750 residential units come forward which would address the council's lack of 5 year housing supply.</p> <p>Boundary too widely drawn. Western Road and Preston Road cannot be considered central areas.</p>	<p>Exclude Preston Road and Western Road area.</p> <p>Exclude properties built before 1 July 1948.</p>

Objectors	Summary of Comments	Suggested changes sought
	<p>Offices along Preston Road are not suitable for modern business requirements.</p> <p>Offices above shops are rarely suitable for continued office use and should be excluded from the Article 4.</p>	
Cross Stone Properties	<p>Direction goes against government policies to free up development and promote additional housing in areas of shortfall.</p> <p>Surplus office space in the city, with low rents that are insufficient to cover the development of new offices.</p> <p>BHCC cannot demonstrate a five year housing land supply and there is a significant shortfall between the proposed housing supply in the emerging City Plan and objectively assessed need. Office to residential conversions would assist in meeting this shortfall. Suggest that from an estimate of potential number of prior approval applications over the 3 year period would see 750 residential units come forward which would address the council's lack of 5 year housing supply.</p> <p>Boundary too widely drawn. Western Road and Preston Road cannot be considered central areas. Offices along Preston Road are not suitable for modern business requirements.</p> <p>Offices above shops are rarely suitable for continued office use and should be excluded from the Article 4.</p>	<p>Exclude Preston Road and Western Road area.</p> <p>Exclude properties built before 1 July 1948.</p>
T and L Holdings	<p>Direction goes against government policies to free up development and promote additional housing in areas of shortfall.</p> <p>Surplus office space in the city, with low rents that are insufficient to cover the development of new offices.</p> <p>BHCC cannot demonstrate a five year housing land supply and there is a significant shortfall between the proposed housing supply in the emerging City Plan and objectively assessed need. Office to residential conversions would assist in meeting this shortfall. Suggest that from an estimate of potential number of prior approval applications over the 3 year period would see 750 residential units come forward which would address the council's lack of 5 year housing supply.</p> <p>Boundary too widely drawn. Western Road and</p>	<p>Exclude Preston Road and Western Road area.</p> <p>Exclude properties built before 1 July 1948.</p>

Objectors	Summary of Comments	Suggested changes sought
	<p>Preston Road cannot be considered central areas. Offices along Preston Road are not suitable for modern business requirements.</p> <p>Offices above shops are rarely suitable for continued office use and should be excluded from the Article 4.</p>	
Peter Field	<p>Surplus of small low grade offices, often above shops, which depress the market for higher grade units and make the provision of new and high grade refurbished offices uneconomic.</p> <p>Direction would exacerbate situation.</p>	
John Davey	<p>Surplus of small low grade offices in the city, often located above shops, which depress the market for higher grade units. This makes provision of new and high grade refurbished offices uneconomic.</p> <p>Direction would exacerbate situation.</p>	
RBG Group Ltd	<p>Office to residential makes sense.</p> <p>Reduction of unwanted office stock would free up the market for new high grade office stock.</p>	
London Gate Brighton Ltd	<p>Need for housing in the area.</p> <p>Surplus of low grade offices in the city, which make higher grade offices uneconomic.</p>	
Clifford Dann	<p>General understanding of the rationale of the direction but a more specific approach is required.</p> <p>A blanket approach is inappropriate; should define protected offices by minimum floor area and/or age. This would protect purpose-built offices and provide flexibility for space above shops.</p> <p>Large offices along Preston Road are not suitable for modern business needs, but are very suitable for residential uses.</p>	<p>Exclude offices below a certain floor area or age.</p> <p>Exclude Preston Road area.</p>
Home Builders' Federation	<p>No justification for article 4 direction given that BHCC is not meeting its objectively assessed need for housing. Significant shortfall in housing land supply and no agreement to accommodate shortfall through duty to cooperate. Conversion of commercial premises would assist in increasing housing supply.</p>	
Hargreaves	<p>Article 4 should exclude properties originally constructed as houses, particularly 169 Preston Road.</p>	<p>Exclude properties originally constructed as houses.</p>
Elliott Gibson	<p>Agree with government plans to make it easier to convert offices to residential. Lots of empty offices across the city.</p> <p>Need houses and flats in the city.</p>	

## **Consultation Workshop - Managing the Change from Office to Residential - 19 September 2013**

### **Attendees**

**Ed Allison-Wright – Centurion Group**  
**Colin Brace - BoHo Green/ Newtown Road Adventures**  
**Chris Broome - Cluttons**  
**Paul Brown - American Express, Director, Real Estate Services**  
**Simon Bareham – Lewis & Co Planning**  
**Simon Caplin – Cherrywood Investment Ltd**  
**John Davey - Brighton Marina Company**  
**Pierre Dowsett – Dowsett Mayhew Planning Partners**  
**Trevor Freeman – Federation of Small Businesses**  
**Phil Graves – Graves Jenkins**  
**Barry Hough – Parsons Sons & Basley Commercial**  
**Huw James – DMH Stallard**  
**Tony Mernagh – Brighton & Hove Economic Partnership**  
**Chris Oakley – Oakley Commercial**  
**Cath Prenton – Clifford Dann LLP**

**Andy Glover – BHCC**  
**Helen Gregory – BHCC**  
**Liz Hobden – BHCC**  
**Rob Fraser – BHCC**  
  
**Jane Goodall – BHCC**  
**Ciaran Gunne-Jones – NLP**

### **Table 1 Summary Notes**

- Some attendees thought that an Article 4 Direction meant there was a blanket restriction on a change of use [this had to be explained that within the boundary of the Direction then the local planning policies apply];
- One attendee thought that the market should drive the change which would result in lower grade space going and the market demand will drive up rents on the higher grade speculative offices;
- A lot of debate around if this is politically driven and if so it shouldn't be;
- One attendee said there is little developer confidence in the current planning process however another attendee supported the planning process as it is a form of control which is needed and if the relevant information is provided then change of use can come forward;
- By losing poorer quality office stock outside the Article 4 Direction areas could and should enhance the rental value of the 'protected' stock by increasing demand with less supply thus strengthening the economic base of the city centre
- Refurbishment rather than new build is what is taking place now especially in the city centre and a bit of concern about where the 96,000m<sup>2</sup> of new space needed will come from [workshop table were reminded that this forecast requirement in the City Plan is up to 2030 so not a short term objective];
- Queried the need for an Article 4 Direction on City Park if L&G have a long lease of tenure on the buildings – could be worth investigating and taking out, similar for Edward Street Quarter – is one really needed there...could by putting 3 areas forward dilute the case to government rather than just focussing on the city centre
- Table did not really discuss other boundary issues.

### **Table 2 Summary Notes**

- Blanket direction within the Central Brighton, London Road and NEQ area was questioned as it does not address the quality of office accommodation – even along somewhere like Queens Road – some upper floor office accommodation not really suitable or viable – example of office space on market for 2 years. More suitable for residential.
- Small office suites above shops
- Article 4 Direction should be amended to take into account size requirements – up to a certain size A4 direction does not apply. Also age of property such as pre-1945 stock and originally residential, Article 4 does not apply. Upper floor offices along Western Road and North Street underused with potential for housing gains.

- Not to be distracted by the funding issues – the market will improve.
- Local Plan/City Plan policies do not sufficiently acknowledge the benefits of redundant office space going to non-B1 uses such as education/ health.
- Preston Road offices should be outside Article 4 boundary [workshop table were reminded that Preston Road allocation in the City Plan is for mixed use development – residential and some replacement office floorspace]; considered more appropriate for employment space to be for medical or education use.
- Rental values are currently less than the cost of building offices – rising rents will stimulate development.
- Western Road should be outside Article 4 direction boundary – example of Hanningtons – upper floor residential.
- Application of Local Plan/City Plan redundancy test – discretion/ pragmatic/ flexibility not shown by development management.
- Employment generating uses – need to be more positive towards education and health uses. The example of the change of use of Montifiore Road offices to hospital was not straightforward.
- Query as to the instance of prior approval for change of use within a proposed Article 4 Direction if not commenced before Article 4 Direction comes into force.

### **Table 3 Summary Notes**

- The Article 4 boundaries should be re-defined:
  - No strong case for Hove Park
  - Remove Western Road and Preston Road from A4 boundary
- Test of redundancy requirements in Local Plan/ City Plan policies – shorter periods of marketing should be sufficient for lower quality space.
- Support Article 4 direction for Brighton Centre but more nuance required: such as releasing old space above shops or older stock
- One attendee contributor wanted market forces to determine change of use.
- Usefulness of another meeting with commercial agents and the importance of building relationships between the commercial community and the council

### **Discussion Feedback – Summary points from table discussions**

- Speak to lenders (Banks)
- Refine boundaries:
  - No strong case for Hove Park
  - Office development zones within Boundaries (Queens Road?)
  - Remove Western Road and Preston Road from A4 boundary
- Test of redundancy requirements in Local Plan/ City Plan policies – shorter periods of marketing should be sufficient for lower quality space.
- Support A4 for Brighton Centre – more nuance required – upper floor offices/ age of offices:
  - Redundancy test - apply flexibly
  - Release old space above shops
  - Release older stocker

**Straw poll** - the council's Article 4 direction as currently made was only supported by 1 workshop attendees. An amended, nuanced Central Brighton (only) Article 4 direction would more be supported workshop attendees.

### **Other Comments**

**Department for Communities and Local Government** – requested in September 2013 further information as the Secretary of State was considering whether to use powers of intervention. Recent Ministerial Statement (6<sup>th</sup> February 2014) appears to indicate that the Secretary of State does not consider the council has applied the direction disproportionately.