

Subject:	Confirmation Article 4 Direction – Office to Residential		
Date of Meeting:	12 June 2014		
Report of:	Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Helen Gregory	Tel: 29-2293
	Email:	Helen.gregory@brighton-hove.gov.uk	
Ward(s) affected:	St Peters & North Laine, Regency, Queens Park, Preston Park and Hove Park		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report seeks confirmation of the article 4 direction to remove the permitted development rights for change of use from office use to residential use in the following areas of the city: Central Brighton, New England Quarter and London Road area and two key office sites Edward Street Quarter and City Park. This is the last stage in the process of making an article 4 direction as confirmation is required before an article 4 direction can come into effect.
- 1.2 This report follows on from the 30 March Policy & Resources Committee meeting where authorisation was given to amend the boundary to remove a stretch of Western Road and the Brighton Conference Centre area in response to consultation responses received during consultation held from September to November 2013. This report informs the Committee of the outcome of the consultation on the amended boundary in addition to confirmation of the Article 4 Direction.

2. RECOMMENDATIONS:

That the Policy and Resources Committee:

- 2.1 Notes consultation responses to the proposed amended boundary;
- 2.2 Confirms the direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) made on 25 July 2013 to remove the permitted development rights for the conversion of offices (B1a Use Class) to residential use (C3 Use Class) in Central Brighton, New England Quarter and London Road area and two key office sites Edward Street Quarter and City Park and authorises officers to undertake formal notification of the confirmation.
- 2.3 Notes that the Article 4 Direction, once confirmed, will come into force on 25 July 2014.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 In May 2013 the government amended permitted development rights, for a period of 3 years to allow offices to be converted to residential use without the need for planning permission. Following the resolution of the 11 July 2013 Policy & Resources Committee, Brighton & Hove City Council made a non-immediate article 4 direction that, if confirmed, would remove this permitted development right and require planning application for changes of uses of offices to residential in defined areas of the city: Central Brighton, New England Quarter and London Road area and two key office sites Edward Street Quarter and City Park.
- 3.2 Public consultation on the proposed article 4 direction was undertaken between September and November 2013 and the responses were reported at the 20 March 2014 Policy & Resources Committee. Following consideration of the responses, the Committee authorised an amendment to the direction to amend the article 4 direction area to remove the stretch of Western Road from west of Regent Hill to Holland Road along with the Brighton Conference Centre area. In accordance with the government guidance for making an article 4 direction, this material change to the direction, resulting from consultation responses, was subject to further consultation carried out between 27 March and 8 May 2014.

Consultation Comments

- 3.3 A total of 2 consultation responses were received, 1 in support and 1 objecting to the boundary of the article 4 direction and their comments are summarised below.
- 3.4 Both responses related to the retention of the Preston Road offices within the article 4 direction. The Brighton Society and the Preston & Patcham Society felt that Preston Road was unsuitable for office development and ideal for residential schemes. A resident supporting the amended article 4 direction boundary felt it was important that the area is kept as offices.
- 3.5 The inclusion of the Preston Road offices reflects the policy designation in the Submission City Plan of SA2 Central Brighton and DA4 New England Quarter and London Road Area. Within the City Plan the Preston Road offices have been identified under DA4.C.3 as a strategic allocation. The aspiration of the policy is the redevelopment of the offices for a mix of residential and office space in recognition that the area has become a secondary office location. The strategic allocation positively recognises the potential of the area towards meeting the city's housing needs and ensuring a supply of modern office floorspace. For these reasons it was considered appropriate to retain the Preston Road offices within the Article 4 Direction boundary.
- 3.6 Though only 2 responses were received, it should be noted that there was an earlier 3 month period of consultation on the article 4 direction where the views of commercial/ planning agents, members of the public, developers and businesses organisations were sought and 14 formal comments were received alongside comments made at a bespoke workshop for commercial/ planning agents, business organisations and developers. Having fully considered the

representation received during the first round of consultation and those received on the further consultation it is recommended that the article 4 direction is confirmed.

- 3.7 The aim of the article 4 direction is to effectively manage change of use applications within the selected areas of the city through the planning process in a consistent manner. This will help to protect the existing office supply that is considered of the most importance to the economic role of the city both now and in the future.
- 3.8 For existing offices in the article 4 direction area, this means that:
- planning permission will need to be sought to convert existing offices to residential use. In making a decision, the local planning authority will be able to apply the tests of redundancy for offices set out in Local Plan/ City Plan policies and consider issues such as the impact on neighbours, size of new residential accommodation, the design of the building and provision of affordable housing
 - where prior approval has already been granted or is not required to convert offices into residential, applicants must have redeveloped the office to establish residential use by 30 May 2016.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option not to confirm the article 4 direction was rejected. An article 4 direction is considered justified on the basis that the blanket introduction of permitted development rights will have a significantly harmful impact on the highest growth, highest value sectors of the city economy that are key drivers of private sector job creation. This is not considered to be offset by the positive benefits the new rights would bring in terms of delivering new housing. Whilst, currently, the permitted development right is for three years only, there is no certainty that the permitted development right will be revoked after three years.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The further consultation was carried out in accordance with the relevant legislative framework and the aims of the Community Engagement Framework and Standards to ensure the effective representations of communities in planning and decision-making.
- 5.2 As well as the statutory local advertisement and site notices, letters of notification were sent to over 350 business organisations, commercial and planning agents, architect firms and developer/ landowners from the LDF consultee database and the Local Strategic Partnership was informed. Those who had responded to the previous consultation or had attended a bespoke consultation workshop held in September 2013 were also notified. Consultation details were also published on the council's website and on the consultation portal and made available at Jubilee and Hove Libraries and Brighton and Hove Customer Service Centres. The further consultation ran from 27 March to 8 May 2014.
- 5.3 If confirmation of the Article 4 Direction is approved, the Council will undertake the necessary notification procedure.

6. CONCLUSION

- 6.1 Having considered the consultation responses received during the further consultation period, the council is of the opinion that the article 4 direction should be confirmed.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs of making the article 4 direction will be met from the existing Planning Strategy and Projects and Development Control revenue budgets. If the article 4 direction is confirmed there is likely to be a financial impact on the planning service. This is because no fee would be payable for planning applications for a change of use arising as a result of the removal of permitted development rights. A nationally set fee would be payable for the prior approval process which the DCLG estimate would cover the cost of work involved but it is not known if this would actually be the case.
- 7.2 For every new residential property created the Council will receive new Homes Bonus Grant for six years. This is based on the national average council tax for the band of property created. As an indication, this is currently £1,305 per year for Band C properties. If properties move from office to residential use there will be a switch of funding to the Council from business rates to council tax. It is not possible to quantify the overall impact of this as there are many variable factors.

Finance Officer Consulted: Jeff Coates

Date: 07/05/2014

Legal Implications:

- 7.3 Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 provides (inter alia) that where the local planning authority considers it expedient to do so a direction may be made requiring that a planning application must be submitted for development which would otherwise be "permitted development" under that Order. A direction made under article 4 is subject to consultation and, under Article 5 (9) of the Order, any representations received during consultation must be taken into account by the local planning authority in determining whether to confirm the direction. Material changes to the direction resulting from consultation will require that the direction undergoes re-consultation.

Lawyer Consulted:

Hilary Woodward

Date: 9/5/14

Equalities Implications:

- 7.4 The article 4 direction will help to address the need to retain affordable office space within the identified areas, it will help businesses and protect jobs; and where loss of offices is considered acceptable will allow for an element of affordable housing to be secured.

Sustainability Implications:

- 7.5 Confirming an article 4 direction will help the local planning authority to manage the conversion of offices to residential in the city's primary office area and thereby help deliver the City Plan strategy for balancing housing and employment needs and ensuring sustainable economic development. By protecting businesses and jobs in the city in accessible locations it will also reduce the need to travel by car. The article 4 direction will allow issues of sustainability to be addressed through planning applications.

Corporate / Citywide Implications:

- 7.6 An unmanaged loss of office could have a substantial adverse economic consequence to the city economy in terms of business competitiveness, jobs growth, undermining investment in business space and in particular a harmful impact on burgeoning growth sectors. This is not considered to be offset by the positive benefits the new rights would bring in terms of delivering new housing.

SUPPORTING DOCUMENTATION

Appendices:

2. Article 4 direction including maps

Documents in Members' Rooms.

none

Background Documents

1. 20 March 2014 Policy & Resources Committee – Article 4 Direction – Office to Residential
([http://present.brightonhove.gov.uk/Published/C00000689/M00004690/AI00038397/\\$20140310160801_005399_0022696_CommitteeReportTemplate040913.doc.pdf](http://present.brightonhove.gov.uk/Published/C00000689/M00004690/AI00038397/$20140310160801_005399_0022696_CommitteeReportTemplate040913.doc.pdf))
2. 11 July 2013 Policy & Resources Committee – Removal of Permitted Development Rights Offices to Residential
([http://present.brightonhove.gov.uk/Published/C00000689/M00004685/AI00034519/\\$20130702150021_004171_0017372_PolicyandResourcesReportforArticle4directionOfficetoResidential.docA.ps.pdf](http://present.brightonhove.gov.uk/Published/C00000689/M00004685/AI00034519/$20130702150021_004171_0017372_PolicyandResourcesReportforArticle4directionOfficetoResidential.docA.ps.pdf))
3. 7 March 2013 Economic Development & Regeneration Committee Report – Application for Exemption from Office to Residential Permitted Development Rights
([http://present.brightonhove.gov.uk/Published/C00000705/M00004042/AI00032529/\\$20130221102002_003545_0013975_ReportTemplateCommittee.docA.ps.pdf](http://present.brightonhove.gov.uk/Published/C00000705/M00004042/AI00032529/$20130221102002_003545_0013975_ReportTemplateCommittee.docA.ps.pdf))
4. Request for Office to Residential Permitted Development Rights Exemption – Supporting Evidence Report for Brighton & Hove February 2013
([http://present.brightonhove.gov.uk/Published/C00000705/M00004042/AI00032529/\\$Enc.%20%20for%20Exemption%20Application%20from%20Office%20to%20Residential%20Permitted%20Development%20Rights_v1.pdfA.ps.pdf](http://present.brightonhove.gov.uk/Published/C00000705/M00004042/AI00032529/$Enc.%20%20for%20Exemption%20Application%20from%20Office%20to%20Residential%20Permitted%20Development%20Rights_v1.pdfA.ps.pdf))
5. Employment Land Study Review 2012
(http://www.brightonhove.gov.uk/sites/brightonhove.gov.uk/files/downloads/ldf/BH_Employment_Land_Study_Review_Final_Report.pdf)