

# Introduction of an Article 4 Direction to control Office to Residential Conversions in Swindon Town Centre

Planning Committee

13<sup>th</sup> August 2019

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Author: Head of Planning, Regulatory Services and Heritage  
Wards: Central  
Parishes Affected: Central Swindon North and Central Swindon South

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## 1. Purpose and Reasons

- 1.1 To seek approval to introduce an Article 4 Direction that would remove “permitted development” rights with respect to office to residential conversions in the area around Swindon Railway Station.

## 2. Recommendations

### The Committee authorises:

- 2.1 the Head of Planning, Regulatory Services and Heritage in consultation with the Director of Law and Democratic Services to make arrangements to introduce an Article 4 Direction to remove permitted development rights with respect to office to residential conversions within the area shown in the map at Appendix 1; and
- 2.2 the Head of Planning, Regulatory Services and Heritage to make minor drafting changes to the content of the Direction and supporting documents if required prior to confirmation.

## 3. Detail

### Introduction

- 3.1 An Article 4 Direction under the General Permitted Development Order enables the Local Planning Authority to withdraw specified permitted development rights across a defined area.
- 3.2 Where an Article 4 Direction is in place, applicants must make a planning application to the Council and receive planning permission before carrying out the forms of development specified in the Direction.
- 3.3 It is proposed that an Article 4 Direction be put in place requiring planning permission to be sought for office to residential conversions in the area around Swindon Railway Station as shown on the map at Appendix 1.

### Justification

- 3.4 Government planning practice guidance states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address needs to be clearly

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identified, and there needs to be a particularly strong justification for the withdrawal of permitted development rights in cases where prior approval powers are available to control permitted development.

- 3.5 The adopted Swindon Borough Local Plan identifies much the proposed Article 4 area as being within the prime office quarter for Swindon. However, with the 'prior approval regime' in place the Council has limited powers to ensure that this office area is protected in line with adopted policy.
- 3.6 In recent years there have been several office to residential 'prior approval' submissions in Swindon Town Centre. Several buildings have secured prior approval for office to residential conversions in this area, including SN1, Holbrook House, UK Life, Alexander House and Signal Point.
- 3.7 Of these 'prior approvals', only Alexander House has been implemented in the proposed Article 4 area. Prior Approvals are time limited to 3 years, meaning that if the conversion to residential has not been commenced by the end of this 3 year period the applicant would need to re-apply.
- 3.8 A number of office buildings in the area around the station have not been the subject to a prior approval application for conversion to residential. These buildings include:
- Milford House
  - Tricentre
  - Network Rail Building (Signal Point)
  - Focal Point
  - 1 Gloucester Street
  - North Star House.
  - The Research Councils campus
- 3.9 Due to their built form and design (many of these buildings are bespoke 1980s built offices), they may not readily lend themselves to residential use. Nevertheless, this does not mean that they should not be protected.

## Policy Justification

- 3.10 The NPPF, (2018) highlights the importance of offices to successful town centres. Offices are identified as "Main town centre uses" in the NPPF.
- 3.11 The regeneration of Central Swindon forms a key element of the Development Strategy of the adopted Swindon Borough Local Plan 2026.
- 3.12 An objective of the Local Plan is to create a town centre that operates as a fully functioning centre which should be the first choice location for appropriate higher

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order activities, and which provides an attractive place in which to live, work and spend leisure time.

3.13 Policy SC1 of the Local Plan identifies the need for a Commercial Quarter, as part of a 'balanced town centre', which should be "the focus for a flagship new office area". The bulk of this office floorspace is expected to be provided in the Commercial Quarter.

3.14 The Commercial Quarter is intended to develop close to Swindon Railway Station, which is the most accessible place in the Borough by public transport. This is where the Borough's largest concentration of existing office space is available and where new offices are to be provided at Kimmerfields. It is important to retain these high density uses close to the point of highest accessibility.

## Additional Justification

3.15 A number of office to residential conversion units delivered under the prior approval regime in the Town Centre are providing cramped living accommodation.

3.16 There is evidence that the spate of low quality and low specification office to residential conversions in the Town Centre has suppressed residential values in the area, making higher quality bespoke-designed new build residential schemes, such as Kimmerfields, less viable.

3.17 Requiring the submission of a planning application would enable the Local Planning Authority to secure financial contributions from these developments to deliver infrastructure improvements necessary to mitigate their impact. Contributions may be secured, for example, towards public realm, open space and transport improvements in the vicinity of the development.

## Implications of an Article 4 Direction

3.18 An Article 4 Direction does not mean that offices in the area cannot be converted to residential uses. It just means that a planning application would need to be submitted to the Planning Authority to do so.

3.19 The submission of a planning application would enable the Council to consider the principle of the change of use and to retain control over design. It would also allow the Council to secure S106 contributions to deliver the infrastructure necessary to mitigate the impacts of development on local services and infrastructure.

## Next Steps

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- 3.20 If agreed by Planning Committee, the Local Planning Authority would give notice to affected parties of the Council's intention to introduce an Article 4 Direction to control office conversions in the area shown at Appendix 1. A one year notice period will be given. The Direction would be confirmed after the one year period has passed.
- 3.21 In deciding whether to confirm the Direction the local planning authority must take into account any representations received. Any representations received would be reported back to Planning Committee.

## **4. Alternative Options**

- 4.1 All development proposals for office to residential conversions in the area could continue to be managed through the prior approval regime. However this would continue to prevent the Council from managing the principle and detailed design of these conversions, and would continue to prevent the Council from seeking S106 developer contributions to help mitigate the impact of these proposals.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 If a local planning authority makes an article 4 direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently:
- I. refuses planning permission for development which would otherwise have been permitted development; or
  - II. grants planning permission subject to more limiting conditions than the General Permitted Development Order
- 5.2 The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 5.3 The compensation risk has been mitigated by applying a one-year notice period prior to confirmation of the Direction.
- 5.4 Requiring that a planning application is submitted would allow the LPA to seek S106 developer contributions to help mitigate the impact of these schemes.

### Legal and Human Rights Implications

- 5.5 Article 4 Directions allow Local Authorities to withdraw the 'permitted development' rights that would otherwise apply by virtue of the Town and Country

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Planning (General Permitted Development) Order 2015. Schedule 3 of the GDPO sets out the procedures for introducing Article 4 Directions.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 There are no staffing implications from this report.

Diversity Impact Assessment

- 5.7 The proposal seeks to implement policy SC1 of the Local Plan, which has been subject to a diversity impact assessment.

- 5.8 Swindon Town Centre is accessible by a wide range of transport modes. The Town Centre is the most accessible and inclusive place in the Borough to site office accommodation.

Risk Management

- 5.9 Several of the office buildings around the station already have 'prior approval' in place to convert to residential. An Article 4 may have less impact as a result. However Prior Approvals are time limited, and in all but one case, conversions have not been commenced in this area.
- 5.10 There is a view that Swindon town centre is no longer an attractive office location and that the Council should not stand in the way of the market recycling outdated or underlet office accommodation into active use. It is considered that electrification and wider Town Centre regeneration will make the Centre more attractive to new office occupiers. Where an office building is genuinely no longer viable for office accommodation, and this can be proven, the principle of a change of use planning application would be supported.

## 6. Consultees

- 6.1 The Head of Finance - Section 151 Officer and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Ward Members have been notified.

## 7. Background Papers

None

## 8. Appendices

- 8.1 Appendix 1: Map showing extent of the Article 4 Direction Area to control Office to Residential conversions in Swindon Town Centre

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- 8.2 Appendix 2: Notice of Article 4 Direction to control Office to Residential conversions in Swindon Town Centre
- 8.3 Appendix 3: Justification for an Article 4 Direction to control Office to Residential conversions in Swindon Town Centre