

## **Appendix 3**

### **Justification for an Article 4 Direction to control Office to Residential conversions in Swindon Town Centre**

#### **Introduction**

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 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.

#### **The purpose of Article 4 Direction**

The purpose of the article 4 direction is to manage office to residential changes of use within a designated area of the Swindon town centre through the planning process. This will help to protect the existing office supply, which is considered of high importance to the economic role of Swindon town centre.

The Article 4 direction would provide a tool to enable the protection of important and accessible office space, and supporting the delivery of the Development Plan, including balancing housing, cultural and employment needs. In so doing the Article 4 Direction would support sustainable economic growth and protect businesses and jobs in the town centre.

The Local Plan identifies the designated area as being the prime office quarter for Swindon. However, the Council currently has limited powers to ensure that this office area is protected.

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.

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.

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

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**

The NPPF, (2018) highlights the importance of offices to successful town centres. Offices are identified as “Main town centre uses” in the NPPF.

The regeneration of Central Swindon forms a key element of the Development Strategy of the adopted Swindon Borough Local Plan 2026.

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

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.

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**

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

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.

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**

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.

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.