

PUBLIC QUESTION RECEIVED for Place Scrutiny Committee – 9 June 2016 by Ms Nuala O'Farrell

Question: In light of CP2 - Employment - and the loss of '000s msq City Centre office space to Permitted Development Rights, why does the Council not use the delegated powers from the Secretary of State to initiate an Article 4 Direction to protect Employment Use in Southernhay? (*Government has issued guidance on when and how to make an Article 4 direction. It says that local authorities should consider making article 4 directions only in those exceptional circumstances where the exercise of permitted development rights would harm local amenity, the historic environment or the proper planning of the area.*)

Councillor Sutton as Portfolio Holder for City Development responded to the question. She referred to Policy CP2 of the Council's Core Strategy which does seek to encourage further office development in the city centre and to retain the Southernhay area in employment use, except where there would be no harm to businesses or employment. There have been five office buildings in the Southernhay area (Trinity, Pembroke, Lanwith and Darwin Houses and Southernhay Court), lost to residential use through permitted development rights since the right was introduced in 2013, and those buildings were mainly in one ownership. About 5,700 sq m of gross office floorspace had been lost and 85 flats created. It was important to put this in context, as figures from 2012 for Exeter showed there were about 7,600 jobs in the Southernhay office area postcode and about 1,300 office premises with 360,000 sq. m of office floor space.

The permitted development right was originally introduced for a temporary three year period to 30 May 2016, and the Government allowed local planning authorities to apply for an exemption if they could demonstrate substantial adverse economic consequences at the local authority level that would not be offset by the positive benefits. Following consideration by Planning Member Working Group, Exeter City Council was one of 165 authorities that applied for an exemption, for Southernhay, Exeter Business Park, Pynes Hill and Woodwater Park, but were unsuccessful. Early in 2016, the Government decided to make the temporary permitted development right permanent but without exemptions, so those authorities previously granted exemption status were encouraged to make Article 4 Directions removing the right. The process for making an Article 4 Direction removing this right normally involved provision of a 12 month notice period to reduce any compensation liability and submission to the Secretary of State who has powers to intervene. National Planning Practice Guidance states that a particularly strong justification was necessary for this form of Article 4 Direction.

It was important to protect Southernhay as the City's primary office quarter and the following facts should be considered as to whether it may be appropriate to seek an Article 4 Direction. Some element of mixed use in Southernhay such as ancillary facilities and residential may create a more vibrant area, particularly in the evenings and at weekends. A 12 month notice period before a new restriction may create new demand. A Direction would merely bring conversion to residential use within planning control. If permission was then refused, the appeal inspector would be likely to have regard to the fact that the Secretary of State previously considered a restriction on residential use unnecessary.

Ms O'Farrell advised that she had wanted to raise the topic because a number of planning applications had come through in the Southernhay locality. She appreciated the office targets, but hoped that businesses would not just be seeking office

accommodation in the outlying districts of the city. The opportunity for employees to contribute to the local economy outside of the office day was important. She hoped that the City Council as planning authority would continue to monitor the situation.

The Chair of Place Scrutiny Committee agreed that this was an important issue and advised that this would continue to be discussed through the Committee process including at Planning Member Working Group.

Councillor Sutton thanked Ms O'Farrell for bring this matter to her attention, and she confirmed that she would continue to closely monitor this issue in consultation with the Portfolio Holder for Economy and Culture.