

Rushmoor Borough Council

**Evidence for Proposed Article 4 Direction relating to
Permitted Development Rights for New Residential
Dwellings**

Town and District Centres

March 2022

1. Introduction

- 1.1 This report has been prepared to support the proposal for an Article 4 direction in Rushmoor Borough to remove three permitted development rights (PDR) that can result in residential development without the need to apply for planning permission.
- 1.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (known as the GPDO) grants planning permission for specified forms of development, known as permitted development.
- 1.3 Under Article 4 of the GPDO, a direction can be made that removes specified permitted development rights (PDRs) and requires anyone proposing that form of development to submit a planning application. This is known as an 'Article 4 direction'. The process for making such a direction is set out in Schedule 3 of the GPDO. The National Planning Policy Framework (NPPF, 2021), as well as Planning Practice Guidance (PPG), sets out expectations for when these directions can be used. Of particular note are recent changes to the NPPF that require any Article 4 direction that restricts changes of use to residential to be limited to situations where the direction is necessary to avoid 'wholly unacceptable adverse impacts'.
- 1.4 The government introduced some new use classes in September 2020, including Use Class E (commercial, services and business) which combines a wide range of uses into a single use class. Subsequently, on 1 August 2021 a new permitted development right came into effect, enabling the conversion of buildings in Class E use (which includes retail, restaurants, professional services and offices) to dwelling houses.
- 1.5 This report sets out the evidence and justification required by the GPDO, NPPF and PPG for introducing a new geographically limited Article 4 direction to remove the following permitted development rights which would otherwise enable the conversion of premises to residential use in parts of the Borough's town and district centres:
 - Change of use of commercial, business and service use (Use Class E) to residential (Class MA of Part 3 of Schedule 2 of the GPDO)
 - Change of use of hot food takeaway, betting office, payday loan shop or launderette to residential (Class M of Part 3 of Schedule 2 of the GPDO)
 - Change of use of casino or amusement arcade to residential (Class N of Part 3 of Schedule 2 of the GPDO)

2. Background

Permitted Development Rights

- 2.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (known as the GPDO) grants planning permission for a number of specified forms of development. The forms of development for which permission is granted are set out in Schedule 2 of the GPDO. These are known as permitted development rights (referred to here as PDRs).
- 2.2 The forms of development that benefit from these PDRs are extensive and wide ranging. They encompass various minor alterations to dwelling houses, minor operations, temporary uses and specified infrastructure development, as well as many other forms of development.
- 2.3 Permitted development has long been an important part of the planning system and allows minor development which would be unlikely to detrimentally affect the amenity of an area to proceed without the need for planning permission. It also facilitates development of essential infrastructure. Over recent years there has been an expansion of permitted development rights in England as part of a wider move towards deregulation.
- 2.4 The introduction of the new Use Class E in 2020 meant that there was a need for the government to amend and consolidate many of these PDRs. Use Class E covers many uses, including offices, light industrial, retail and financial and professional services, as well as a number of other uses such as restaurants and cafes, medical facilities, and indoor sport and recreation. A single PDR for changes of use from Use Class E to residential came into effect on 1 August 2021.
- 2.5 The new PDR is accompanied by a list of forms of development that are not permitted, for example, where the cumulative floor space of the existing building changing use exceeds 1,500 square metres. In addition, a prior approval process is required, which means that an applicant needs to apply to the local planning authority for a determination as to whether prior approval is required. The local planning authority may only consider this application against a set of specific conditions set out in the relevant part of Schedule 2 of the GPDO, meaning that only specific matters can be considered. Prior approval is more of an exercise of assessing technical compliance as opposed to an opportunity for considering the overall planning balance, as would be the case for a planning application.
- 2.6 Rushmoor lies within five kilometres of the Thames Basin Heaths Special Protection Area. Planning Practice Guidance (PPG) states that ‘special rules’ apply where permitted development is likely to have a significant impact upon a protected area.¹ In Rushmoor, any development that will lead to the creation of any net new residential development and which is therefore likely to have a significant impact upon the Special Protection Area, even if it falls within permitted development, cannot take place without the developer making

¹ PPG Paragraph: 019 Reference ID: 13-019-20190722.

satisfactory arrangements to address the requirements of the Conservation of Habitats and Species Regulations 2017.

- 2.7 As part of its [Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy](#), Rushmoor enables developers of residential schemes that involve the creation of new dwellings to make a financial contribution towards the provision of suitable alternative natural green space (SANG) (if available) and strategic access management and monitoring measures (SAMM) to negate the potential increase of visitors on the Special Protection Area.² Financial contributions to secure this are normally secured through planning applications and associated Section 106 obligations.

Article 4 Directions

- 2.8 Under Article 4 of the GPDO, a planning authority or the Secretary of State can remove specified PDRs and require that a planning application be made. This is known as an 'Article 4 direction'. Schedule 3 of the GPDO provides more detailed legislation on the process to be followed in making such directions.
- 2.9 An Article 4 direction does not mean that development cannot take place. Its purpose is to bring consideration of the development within the remit of the local planning authority by way of a planning application. This must be determined in accordance with the development plan and other material considerations.
- 2.10 There are two types of Article 4 direction:
- Immediate: an immediate Article 4 direction, once served on an area, removes the specified PDR with immediate effect, albeit that it still requires confirmation within six months of coming into force. The process for an immediate Article 4 Direction is covered in Paragraph 2 of Schedule 3 of the GPDO.
 - A non-immediate Article 4 direction does not come into effect immediately, and instead specifies a later date when it takes effect, which is at least 28 days and at most 2 years after the last notice is served. In practice, this is usually at least 12 months after the last notice of making the direction is served to avoid liability for compensation, in line with Sections 107 and 108 of the Town and Country Planning Act 1990. The process for a non-immediate direction is dealt with in Paragraph 1 of Schedule 3 of the GPDO.

- 2.11 The National Planning Policy Framework (NPPF) sets out the circumstances in which an Article 4 direction can or should be considered in Paragraph 53. It states that:

'The use of Article 4 directions to remove national permitted development rights should:

² Available to view at www.rushmoor.gov.uk/spa.

- *where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)*
- *in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- *in all cases, be based on robust evidence, and apply to the smallest geographical area possible’.*

2.12 It is therefore clear that an Article 4 direction needs to be supported by evidence which clearly shows why it is necessary, and which justifies the extent of the area. This report provides that evidence. It is considered that the phrase ‘wholly unacceptable adverse impacts’ presents a high bar for controlling changes of use to residential.

2.13 Planning Practice Guidance (PPG) provides further guidance on the operation and scope of Article 4 directions. It states that:

‘Provided that there is justification for both its purpose and extent, an Article 4 direction can:

- *remove specified permitted development rights related to operational development or change of use*
- *remove permitted development rights with temporary or permanent effect’.*³

2.14 The PPG also provides additional guidance on the use of directions:

‘Where an Article 4 direction relates to a change from non-residential use to residential use, it should be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts. In other cases, Article 4 directions should be limited to situations where it is necessary to protect local amenity or the well-being of the area.

The potential harm that the Article 4 direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:

- *a wide area (e.g. those covering a large proportion of or the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)*

...

³ PPG Paragraph: 037 Reference ID: 13-037-20210820.

- *cases where prior approval powers are available to control permitted development ...*⁴

2.15 Local authorities are required to monitor on a regular basis whether their directions are still needed and whether the justifications for them remain sound.

2.16 To comply with national policy and guidance, there needs to be robust evidence to support an Article 4 direction which clearly identifies the potential harm and why it is necessary to protect local amenity or the well-being of the area and, in the case of changes of use to residential, what the wholly unacceptable adverse impacts would be.

⁴ PPG Paragraph: 038 Reference ID: 13-038-20210820.

3 Permitted Development Rights

a. Change of Use of Commercial, Business and Service Use (Use Class E) to Residential

- 3.1 Class MA of Part 3 of Schedule 2 of the GPDO grants planning permission to change use from commercial, business and service use (Use Class E) to residential. Use Class E covers a wide variety of uses, including most retail uses, cafes and restaurants, financial and professional services, indoor sport and recreation, medical and health services, creche/nursery or day centre, offices, research and development, and light industrial.
- 3.2 This PDR was introduced in 2021 and replaced several previous forms of PDR. This includes changes from office, retail, and financial and professional to residential.
- 3.3 Development not permitted by this PDR includes where the building has not been vacant for at least three months prior to the application, buildings exceeding 1,500 sq. m of floorspace, where the building is listed and where the building is in a variety of defined locations such as scheduled monuments or safety hazard areas, but not including conservation areas.
- 3.4 The matters that can be considered under prior approval are as follows:
- Transport and highways impacts,
 - Contamination,
 - Flooding,
 - Impacts from noise from commercial premises on occupiers,
 - For the change of use of a ground floor in a conservation area, the impact on the character or sustainability of the conservation area,
 - Natural light in all habitable rooms,
 - Impact on occupiers from introduction into an area important for industry, waste management and/or storage and distribution,
 - For the change of use of a nursery or health centre, the impact on the local provision of services, and
 - Fire safety impacts on the occupants of the building.
- 3.5 The matters that cannot be considered under prior approval include the following:
- Provision of affordable housing,
 - Noise impacts from sources other than commercial premises,
 - Loss of floorspace required to support the local economy,
 - Impacts on existing businesses of residential use in the area,
 - Size of proposed dwellings in terms of number of bedrooms, and
 - Impacts on infrastructure other than transport and highways.

b. Change of Use of Hot Food Takeaway, Betting Office, Payday Loan Shop or Launderette to Residential

- 3.6 Class M of Part 3 of Schedule 2 of the GPDO grants planning permission to change the use of various 'sui generis' uses to residential, namely a hot food takeaway, betting office, payday loan shop or launderette.
- 3.7 Amendments to this PDR were made in August 2021 which changed some of the associated exclusions and permissions.
- 3.8 Development not permitted by this PDR includes where the cumulative floor space changing use would exceed 150 sq. m, where the external dimensions would be extended, where there would be any demolition, where the building is listed and where the building is in a variety of defined locations such as conservation areas, scheduled monuments or safety hazard areas.
- 3.9 The matters that can be considered under prior approval are as follows:
- Transport and highways impacts,
 - Contamination,
 - Flooding,
 - Design and external appearance of the building,
 - Natural light in all habitable rooms, and
 - For a launderette, the adequate provision of services, where there is a reasonable prospect of the building being used for this.
- 3.10 The matters that cannot be considered under prior approval include the following:
- Noise impacts,
 - Impacts on existing businesses of residential use in the area,
 - Impact on the sustainability of the shopping area in which it is located,
 - Size of proposed dwellings in terms of number of bedrooms,
 - The adequate provision of services for uses other than a launderette.

c. Change of Use of Casino or Amusement Arcade to Residential

- 3.11 Class N of Part 3 of Schedule 2 of the GPDO grants planning permission to change the use of a casino or amusement arcade to residential.
- 3.12 Development not permitted by this PDR includes where the cumulative floor space changing use would exceed 150 sq. m, where there would be building operations other than those specified, including the installation of doors, windows, roofs or walls, where the building is listed and where the building is in a variety of defined locations such as conservation areas, scheduled monuments or safety hazard areas.

3.13 The matters that can be considered under prior approval are as follows:

- Transport and highways impacts,
- Contamination,
- Flooding,
- Design and external appearance of the building, and
- Natural light in all habitable rooms

3.14 The matters that cannot be considered under prior approval include the following:

- Noise impacts,
- Impact on the sustainability of the shopping area in which it is located,
- Impacts on existing businesses of residential use in the area, and
- Size of proposed dwellings in terms of number of bedrooms.

4 Geographical Coverage

- 4.1 In line with Planning Practice Guidance (PPG), the extent of an Article 4 direction requires justification. It makes sense to look at this in broad terms and to understand first whether the PDRs covered in this report could cause forms of harm in different types of area.
- 4.2 The Rushmoor Local Plan (2019) Policies Map defines the extent of the Borough's town and district centres, and the Article 4 direction covers parts of these centres, with further detail provided below.

Aldershot Town Centre

- 4.3 Aldershot Town Centre is focused around the pedestrianised Union Street, Wellington Street and Wellington Centre (indoor shopping centre). There is significant secondary shopping on surrounding streets, with a cluster of specialist ethnic shops located along Station Road and with representation along Victoria Road.
- 4.4 The Article 4 direction does not cover two town centre regeneration sites allocated in the Local Plan, notably Union Yard (under construction) and the Galleries. In addition, the Article 4 direction does not cover the Wellington Centre, as this is effectively a 'private' space with restricted opening hours.
- 4.5 The Article 4 direction therefore focuses on the main shopping streets of Aldershot where the potential to convert to residential use is greatest and which would cause unacceptable impacts to the function and operation of the town centre. The locations are detailed below:

- **Union Street/Upper Union Street** acts as the main west-to-east route across the town and is a pedestrianised route, with town centre uses at ground-floor level and some residential at upper levels. The street connects the Westgate leisure complex to the Wellington Centre and Wellington Street. The street experiences relatively strong footfall levels, although there are some vacant premises. Whilst not included within the Article 4 direction, the Union Yard regeneration scheme, which is currently under construction, is located at the eastern end of Union Street.
- **Wellington Street** is a pedestrianised north-south route connecting Union Street, the High Street and Victoria Road, and has relatively high footfall and strong occupancy levels. The area contains a mix of uses, including cafes, discount food retailers and specialist clothing suppliers.
- **Victoria Road/Station Road** connects the pedestrianised town centre to the town's railway station. This area is not pedestrianised but supports a wide range of town centre uses, with clusters of specialist ethnic shops which attract a high level of footfall. The two streets experience low levels of vacant floorspace.

- 4.6 The Article 4 direction covers less than 17% of Aldershot Town Centre, as defined in the Local Plan. This demonstrates that the Council has had regard to Paragraph 53 of the National Planning Policy Framework (NPPF) in setting the geographical coverage of the direction to cover the smallest geographical area possible.

Farnborough Town Centre

- 4.7 The town centre core is the area with the greatest concentration of commercial activity in the centre of Farnborough. This commercial activity includes retail, restaurants and cafes, leisure uses and offices. Whilst other uses, including residential, are present, it is this concentration of commercial activities that defines the area. Farnborough Town Centre is focused around a purpose-built pedestrianised shopping environment and includes two indoor shopping centres: Princes Mead and Kingsmead. There are also two retail parks located within the defined town centre boundary: Solartron Retail Park and Horizon Retail Park.

- 4.8 Due to the nature of the buildings on the retail parks and the fact that the two indoor shopping centres are 'private' spaces with restricted opening hours, these units are not considered to be easily converted to residential use.

- 4.9 The Article 4 direction therefore focuses on the main shopping streets of Farnborough where the potential to convert to residential use is greatest and which would cause unacceptable impacts to the function and operation of the town centre. The locations are detailed below:

- **Queensmead** acts as the main north-to-south route through the town centre, attracts significant footfall and experiences strong occupancy levels.
- **The Mead** acts as the main route across the town centre connecting the Princes Mead shopping centre to Queensmead and the Kingsmead Shopping Centre. This route attracts significant footfall and experiences strong occupancy levels.
- **Victoria Road** is located on the fringe of the town centre boundary to the north, with the units occupied by predominantly independent retailers, including barbers, estate agents and solicitors, as well as national chain occupiers such as bookmakers and a public house.

- 4.10 The Article 4 direction covers less than 8% of Farnborough Town Centre, as defined in the Local Plan. This demonstrates that the Council has had regard to Paragraph 53 of the National Planning Policy Framework (NPPF) in setting the geographical coverage of the direction to cover the smallest geographical area possible.

North Camp District Centre

- 4.11 North Camp District Centre serves the needs of residents of south Farnborough by providing a range of small shops and services. Specialist shops attract visitors from a wider area. The

centre continues to perform well, with high occupancy levels and recent investment in the area, including the opening of a Budgens convenience store in a vacant unit.

- 4.12 The Article 4 direction focuses on the main shopping street of Camp Road, which supports a diverse range of retailers and services that meet local needs, where the potential to convert premises to residential use would cause unacceptable impacts to the function and operation of the district centre.
- 4.13 The Article 4 direction covers less than 29% of North Camp District Centre, as defined in the Local Plan. This demonstrates that the Council has had regard to Paragraph 53 of the National Planning Policy Framework (NPPF) in setting the geographical coverage of the direction to cover the smallest geographical area possible.

5 Unacceptable Impacts of the PDRs

a. Impacts on Town and District Centres

- 5.1 The Borough's town and district centres are essential to providing services and facilities to residents. Centres containing shops, leisure, community uses and other services in close proximity to where local residents live reduce the need to travel by ensuring that one visit, often by foot or public transport, can fulfil a number of purposes, and ensures that facilities are available to those who have no access to a private vehicle.
- 5.2 The Council has, as required by national policy, identified a network and hierarchy of centres in the Rushmoor Local Plan (2019). It aims to ensure that these centres continue to thrive and form the focus for new planned development for retail, leisure and related uses. The centres are as follows:
- Town Centres – Aldershot and Farnborough
 - District Centre – North Camp
- 5.3 Maintaining successful town and district centres is a core component of the Local Plan. It sets out a vision of how Rushmoor might look in 2032, and its vision for the town centres is for 'investment and regeneration [to] provide for a vibrant mix of uses that create attractive and successful town centres'. A key strategic objective of the Local Plan is 'to enhance the vitality and viability of Aldershot and Farnborough town centres as retail and leisure destinations to meet the needs of residents, and to support the vibrancy of North Camp District Centre'.⁵
- 5.4 The Local Plan's Spatial Strategy (Policy SS2) states that Rushmoor's hierarchy of town centres, district centre, local neighbourhood centres and local neighbourhood facilities will be maintained and enhanced by encouraging a range of uses, consistent with the scale and function of the centres. In particular:
- '1. Town centre uses will be located within Aldershot and Farnborough town centres to support their vitality, viability, and regeneration*
- ...
- 4. North Camp will be protected and enhanced as a district centre, providing for local needs and specialist retail uses.'*
- 5.5 PDRs that could result in the loss of shops and services threaten the health and vitality of centres, which are only as strong as the facilities contained within them.
- 5.6 In terms of impact on the town and district centres, changes of use from commercial uses, in particular retail, leisure and related uses, with active frontages represents a serious threat to the health of the centres, as it is these uses that attract visitors. Changes of use of upper

⁵ The Local Plan is available to view at www.rushmoor.gov.uk/rushmoorlocalplan.

storeys are less likely to directly threaten the health of centres, although there is potential for a loss of footfall if office accommodation were to be converted.

- 5.7 The table below highlights that the Class MA PDR enables the conversion of much larger retail premises to residential when compared to previous PDRs and does not allow the local planning authority to consider the sustainability of the shopping area.

Previous Retail to Residential PDR	Current Class E to Residential PDR
Limited to developments of less than 150 sq. m	Limited to developments of less than 1,500 sq. m
Consideration of the adequate provision of services and the sustainability of the shopping area	Consideration of the adequate provision of health centres, launderettes, and nurseries

- 5.8 The table below demonstrates that, as of July 2021, a significant number of premises located on primary or secondary shopping frontages in the town centres and district centre fall within uses that could be affected by the three PDRs. In addition, the vacancy clause within the Class E to residential PDR (Class MA), as outlined in Paragraph 3.3 above, is likely to offer only limited protection, as three months is a very short period of time to market a property and to allow an occupied premises to become vacant with a view to a future conversion.

Centre	No. of Units	No. of Class E Units	No. of Hot Food Takeaways ⁶ , Betting Offices, Payday Loan Shops or Launderettes	No. of Casino/Amusement Arcades	% of Units that Could Be Impacted by the PDRs
Aldershot	163	132	14	4	92%
Farnborough	123	109	5	2	94%
North Camp	76	59	5	1	86%

- 5.9 The impact on existing centres of the loss of shops and services is not merely in terms of the visitors that those facilities generate but also in terms of the dilution of continuous frontages of shops and services. Centres rely on a large number and range of facilities being present within a compact geographical area. Allowing residential uses to break up these continuous frontages can undermine the vitality and viability of centres.

⁶ Only includes premises in sole use as a takeaway. Does not include mixed-use takeaway/café/restaurant premises.

Impact of the loss of ground-floor uses

- 5.10 The Aldershot Town Centre uses study, which is currently in progress, estimates that new convenience goods floorspace will achieve a sales density of circa £10,000 per sq. m. This average turnover level for new floorspace is informed by the Mintel Retail Rankings report, which sets out the published company turnovers for all the main food and non-food retailers in the UK. In this case, the average turnover figure of £10,000 per sq. m broadly represents the midway point between the higher company average turnovers achieved by the main grocers and the limited assortment discounters, compared with the lower benchmark turnovers recorded by smaller format supermarket operators.
- 5.11 The Aldershot Town Centre uses study also estimates that new comparison goods floorspace will achieve an average sales density of circa £5,500 per sq. m in 2020. This turnover level is informed by the Mintel Retail Rankings report and reflects the published company averages and reported performance of a range of multiple and independent retailers. The average sales levels will vary between different locations, different retail formats and different operators.
- 5.12 A single theoretical development in any of the centres up to the limit of 1,500 sq. m could result in the loss to a centre's turnover of £15m (convenience goods) or £8.25m (comparison goods). Although it is acknowledged that new residents of residential units created through the PDRs would create some additional spend in the centres, this would not be enough to offset these losses.

Reintroducing residential to the town centres

- 5.13 One of the arguments advanced in favour of PDRs which enable the conversion of buildings to residential use is that they can bring people back to live in town centres and therefore contribute to securing their future. A Written Ministerial Statement made on 1 July 2021 places great emphasis on the importance of residential use within high streets, and clearly sees this as one of the key roles of the PDRs:

*'Councils should recognise the value to housing supply and increasing resident town centre footfall from supporting "flats above shops".'*⁷

- 5.14 The Council recognises that residential accommodation in town centres can bring activity after usual trading hours, create surveillance of streets and generate additional footfall that supports businesses. These aims are in line with the Local Plan town centre policies:
- Policy SP1 (Aldershot Town Centre) supports the provision of good-quality urban homes.
 - Policy SP2 (Farnborough Town Centre) supports the development of good-quality housing that contributes to the vitality of the Town Centre, including residential uses

⁷ Available at <https://questions-statements.parliament.uk/written-statements/detail/2021-07-01/hcws145>.

above ground-floor level in the Primary Shopping Area and on development sites within and around the Town Centre.

- 5.15 The Local Plan allocates several sites within the defined town centres for residential-led mixed-use regeneration. Further information on some of these allocations is provided below:

Policy SP1.4: The Galleries, Aldershot

- 5.16 The Galleries site allocation comprises The Galleries shopping centre, a purpose-built retail development which has experienced high levels of vacancy in recent years and is currently closed, the High Street Multi-Storey Car Park to the north and The Arcade to the south. The site presents an excellent opportunity to provide a residential-led mixed-use regeneration scheme in a key town centre location.
- 5.17 The Council received a planning application in July 2020 (ref. 20/00508/FULPP) for the redevelopment of The Galleries, the High Street Multi-Storey Car Park and The Arcade site to provide a phased development of 596 flats, flexible commercial uses within Use Class E (commercial, business and service uses) and/or Use Class F.1 (learning and non-residential institutions, excluding schools and places of worship). The Council's Development Management Committee resolved to grant planning permission in November 2020, subject to the completion of a satisfactory s106 legal agreement.

Policy SP1.5: Union Street East, Aldershot

- 5.18 The Union Street East site (Union Yard) is located within the heart of Aldershot Town Centre and has a footprint of approximately 5,000 sq. m. It represents one of the largest regeneration opportunities within the Town Centre, with active frontages on to Union Street, Wellington Street and High Street.
- 5.19 The Council received a planning application in March 2020 (ref. 20/00171/FULPP) for the redevelopment of the site, comprising the demolition of existing buildings and the construction of 100 residential units and 128 student units (sui generis), together with 2,237 sq. m (GEA) of flexible floorspace (retail/commercial/business/community).
- 5.20 The Council's Development Management Committee resolved to grant planning permission in June 2020, subject to the completion of a satisfactory s106 legal agreement. Planning permission was subsequently granted in January 2021. Demolition of the existing buildings on the site is now complete and construction has commenced.

Policy SP2.3: Farnborough Civic Quarter, Farnborough

- 5.21 Located to the south of Farnborough Town Centre, the Civic Quarter site presents a significant opportunity for development that integrates with the Town Centre and brings wider strategic benefits, whilst improving the existing green space.

- 5.22 A planning application for the comprehensive redevelopment of the site has yet to be received. However, early public consultation was undertaken by the developer (Rushmoor Development Partnership) in September 2021, and detailed pre-application discussions are underway.
- 5.23 The site allocations detailed above demonstrate that the Council recognises the value of additional residential development within its town centres and has been planning for the appropriate reduction and revitalisation of vacant space. However, the Council is concerned about the lack of control over the change of use of ground-floor units within the town and district centres. This could impact the vitality and viability of the centres and undermine the ambitious regeneration proposals that the Council is seeking to deliver with its partners.

Residential development within the centres

- 5.24 As noted above, the Council recognises that residential accommodation in town and district centres can have benefits. Accordingly, it has granted planning consent for a number of residential schemes within the defined centres. This is reflected within the table below, which demonstrates that 93 net new dwellings have been completed between April 2016 and March 2021 within the three centres following the grant of planning permission.

Centre	Net Dwelling Completions (2016-21)
Aldershot	31
Farnborough	17
North Camp	45

- 5.25 In summary, the Borough’s town and district centres are of great significance in providing services and facilities close to where people live and where they reduce the need to travel, resulting in a hub for local communities. Conversion of ground-floor premises to residential use could result in the health of the centres being undermined through the fragmentation of frontages.
- 5.26 The Council is concerned that the unmanaged conversion of ground-floor premises to residential use in the areas identified could impact on its ambitious regeneration plans for the town centres. It recognises the value of peripheral retail on the edge of the centres having the ability to convert and has facilitated such conversions. This can help to create a denser and more cohesive centre. The Aldershot Town Centre Strategy, which is currently under development, is planned to encourage this explicitly.

Wholly unacceptable adverse impacts

- 5.27 Development that undermines the health or regeneration aspirations for any of the defined centres would be a wholly unacceptable adverse impact. The importance of these centres is underlined by their definition within the Local Plan, in accordance with national policy. The National Planning Policy Framework (NPPF) states that ‘planning policies and decisions should support the role that town centres play at the heart of local communities’ (Paragraph 86), and it is considered that the unconstrained use of PDRs at ground-floor level would undermine this objective.
- 5.28 The NPPF further recognises that wholly unacceptable adverse impacts ‘could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability’ but notes that this ‘would be very unlikely to extend to the whole of a town centre’ (Paragraph 53).
- 5.29 As noted in Section 4, the Article 4 direction only covers parts of the Borough’s town and district centres, as designated in the Local Plan.

b. Impact on Existing Businesses

- 5.30 Impacts on businesses and economic growth are not necessarily limited to those who would occupy the premises that are to be converted to residential use. The impacts are also likely to be felt by established businesses in the surrounding area if a residential use were to be introduced close to their premises. For example, the reduction in the range and number of retail/leisure/service businesses is likely to lead to a reduction in footfall and spending. A dispersed offer is unattractive, and the Council has been seeking to concentrate such businesses in the core of its centres.
- 5.31 The impacts on existing businesses in established town and district centres is unlikely to have been anticipated when the businesses began operating, and such established businesses may generate noise and disturbance as part of their operations (for example, public houses, restaurants, and other licensed premises). The introduction of residents could result in noise and environmental nuisance complaints or objections and planning concerns if existing businesses make planning or licensing applications.

Wholly unacceptable adverse impacts

- 5.32 The introduction of residential properties into the identified areas of the town and district centres could have a direct impact on the operation of established businesses, potentially resulting in them being unable to continue trading from their current premises. This would undermine the Council’s aspirations to support the vitality and viability of its town and district centres. This would therefore represent a wholly unacceptable adverse impact.

c. Housing Needs

- 5.33 The government considers that one of the main benefits of PDRs which enable the conversion of buildings from a non-residential to residential use is that they boost housing delivery and therefore contribute towards meeting housing needs. With a policy target of a minimum of 436 net new homes per annum in Policy SS2 (Spatial Strategy) of the Local Plan, the delivery of new homes is clearly of great importance to the Council. It is important to note that the Local Plan allocates sufficient sites to meet the housing needs over the Plan period, including several sites that are located within the defined town centres. The Council has also exceeded the government's Housing Delivery Test requirements since they were introduced.
- 5.34 As noted above, 93 new residential dwellings were completed within the defined centres between April 2016 and March 2021.

Size and type of dwellings

- 5.35 Conversions of buildings to residential use through PDRs in Rushmoor have predominantly resulted in small dwellings. There is no reason to believe that this concentration on smaller dwellings is likely to change, as without the influence of local planning policy geared towards a mix of units, there are few incentives for developers to deliver larger units that could potentially house families. This is exacerbated by other aspects of PDRs, for instance, the lack of a requirement to provide outdoor amenity space which makes PDR developments particularly unsuitable for families (see Dwelling Standards section below).

Wholly unacceptable adverse impacts

- 5.36 The Local Plan (Chapter 10) identifies that a mixed community requires a variety of housing to provide homes for different households. The Council recognises that a mix of types of homes is required to promote sustainable communities. The jointly commissioned Strategic Housing Market Assessment (SHMA, 2016) with Hart, Rushmoor and Surrey Heath councils indicates that the majority requirement across the Housing Market Area (HMA) is for two- and three-bedroomed homes. The Local Plan acknowledges that not all sites will be able to provide a full mix of dwelling types, and Rushmoor already has the highest proportion of one- and two-bedroom units out of the three HMA authorities.⁸
- 5.37 The NPPF is clear that 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (Paragraph 62). This objective could be undermined by the delivery of residential units through the PDRs, as there is no ability to control size in terms of number of bedrooms.

⁸ Available to view at www.rushmoor.gov.uk/article/11513/Evidence-on-housing-need.

d. Affordable Housing Provision

- 5.38 There is no mechanism to secure much-needed affordable housing through PDRs. Affordable housing contributions are secured through a Section 106 agreement, which cannot be a requirement of the prior approval process.
- 5.39 The need for affordable housing in Rushmoor was assessed in the Strategic Housing Market Assessment (SHMA). An annual need of 160 affordable subsidised rented homes (social or affordable rent) and 220 intermediate homes (subsidised home ownership) was identified, although a proportion of this need was identified as being met through households living in the private rented sector. This compares to an overall housing requirement in the Borough of at least 436 net new homes per annum.
- 5.40 There is a high level of need for affordable housing in Rushmoor, with the Council's Housing Allocation Pool (December 2021) identifying that 1,529 households are waiting for affordable housing.

Wholly unacceptable adverse impacts

- 5.41 Provision of adequate affordable housing is a key issue within Rushmoor. The importance of providing sufficient affordable housing is one of the key objectives of the Local Plan, and Policy LN2 (Affordable Housing) seeks to ensure that new developments make an appropriate contribution.
- 5.42 Due to the floorspace limits in place (150 sq. m), the Class M and Class N PDRs will not impact the delivery of affordable homes in the Borough. However, whilst the Class MA PDR does not apply if the cumulative floorspace to be converted exceeds 1,500 sq. m, the PDR reduces opportunities for securing affordable housing in sustainable town centre locations, making it more difficult for the Council to meet local needs and deliver sustainable communities.

e. Dwelling Standards

- 5.43 There are a significant number of concerns around the quality of dwellings that result from PDRs. The recent amendments to PDR requirements to ensure that natural light is provided to habitable rooms and that developments comply with the Nationally Described Space Standards are welcomed.⁹
- 5.44 However, there remain concerns around quality. Whilst some dwellings provided through PDRs may of course be high quality, examples from across England demonstrate that many PDR conversions have produced unacceptable and sub-standard living environments. Local planning authorities cannot address this quality without an Article 4 direction in place. Government-commissioned research on the quality of schemes delivered through permitted

⁹ Available to view at www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard.

development concludes that such developments ‘seem to create worse quality environments than planning permission conversions in relation to a number of factors widely linked to health, well-being and quality of life of future occupiers’.¹⁰

- 5.45 For example, access to private or communal outdoor space can make a vital contribution to a high quality of life. In addition to providing opportunities for outdoor living and enjoyment, outdoor amenity space serves functional requirements, such as refuse storage and clothes-drying.
- 5.46 The Local Plan emphasises the importance of new dwellings being provided with private or communal outdoor amenity space. Policy DE3 (Residential Amenity Space Standards) sets out a minimum requirement for private outdoor space of a 5 sq. m balcony within flatted development which is accessible from the main habitable room or a garden space of a minimum of 30 sq. m for family housing (two-bedroom residential units and above).
- 5.47 However, there is no scope within the prior approval process to require PDR developments to provide outdoor amenity space for residents, and whether such space is provided is left entirely up to the developer.
- 5.48 Development provided through PDRs generally fails to provide outdoor space for children to play, and without a trigger for seeking infrastructure contributions, there is no mechanism for funding open space infrastructure off site that can compensate for this deficiency.
- 5.49 The planned regeneration of the town centres will provide a high quality of housing that both meets housing needs and provides the level and type of amenity and space that enhances the viability of the town centres. Permitting ad hoc conversions through permitted development could undermine the attractiveness and vitality of the town centres and district centre.

Wholly unacceptable adverse impacts

- 5.50 It is considered that the lack of private and communal outdoor amenity space associated with PDR developments is clearly prejudicial to the proper planning of the area and achieving increased vitality and viability of the town centres and district centre.

¹⁰ Clifford et al (2020) ‘Research into the Quality Standard of Homes Delivered through Change of Use Permitted Development Rights’, p. 10; available at www.gov.uk/government/publications/quality-standard-of-homes-delivered-through-change-of-use-permitted-development-rights.

6 Conclusion

- 6.1 The aim of the Article 4 direction is not to prevent changes of use. The direction will enable the Council to consider relevant planning issues relating to change of use applications and to protect floorspace in commercial use within parts of the Borough's defined town and district centres to ensure that they retain an attractive and viable core.
- 6.2 The Council is actively promoting residential development in its town centres. The direction is an additional tool to support the regeneration and revitalisation of the centres alongside the current regeneration programme and existing planning policy.
- 6.3 The direction will allow other planning matters to be considered, for example, affordable housing and amenity space provision, which would otherwise not be possible with change of use applications considered under the specified PDRs. These other planning matters are of paramount importance in a constrained urban environment like Rushmoor.