



City of Westminster

# Cabinet Member Report

<b>Decision Maker:</b>	Cabinet Member for Planning and Public Realm
<b>Date:</b>	26 January 2018
<b>Classification:</b>	For General Release
<b>Title:</b>	Making of Westminster's Article 4 Direction for changes of use from B1(a) (offices) to C3 (dwellinghouses)
<b>Wards Affected:</b>	Bayswater, Bryanston and Dorset Square, Churchill, Church Street, Hyde Park, Knightsbridge and Belgravia, Little Venice, Marylebone High Street, Regent's Park, St. James's, Tachbrook, Vincent Square, Warwick, Westbourne, West End.
<b>City for All Summary</b>	The making of the Article 4 Direction will support delivery of a World Class Westminster by supporting achievement of the right kind of growth, ensuring adequate workspace to support the City's economic development.
<b>Key Decision:</b>	Yes
<b>Financial Summary:</b>	The costs of preparing and advertising the making of the Article 4 Direction for changes of use from B1(a) (offices) to C3 (dwellinghouses) will be met within existing budgets. Following a change to the regulations governing planning fees the Direction will not affect the Council's planning application fee income.
<b>Report of:</b>	Director of Policy, Performance and Communications

## **1.0 EXECUTIVE SUMMARY**

- 1.1 This report seeks approval to make a non-immediate direction under article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove permitted development rights for changes of use from B1(a) (offices) to C3 (dwellinghouses) in the Westminster Central Activities Zone shown in the map attached as Appendix 2 to this report.
- 1.2 The Direction is required because of a Government decision to make permanent what has been a temporary permitted development right allowing change of use from office to residential use without the need for full planning permission. The temporary arrangements included an exemption for offices in the Central Activities Zone (CAZ); this exemption will not be carried forward and this Direction is required to continue the protection it provided for office uses in the CAZ.
- 1.3 This is the first step in putting the Direction in place, a process that is set out in national legislation. Once made, the Direction will be subject to consultation and, subject to consideration of any representations made, it can be confirmed after a twelve-month period. From the date the Direction is formally confirmed, applications for planning permission will be required for these changes of use.

## **2.0 RECOMMENDATION**

- 2.1 That the Cabinet Member approves the making of a non-immediate direction under article 4 of the Town and Country Planning (General Permitted Development) Order 2015 to remove permitted development rights granted by Schedule 2 Part 3 Class O of the 2015 Order (as amended) for changes of use from B1(a) (offices) to C3 (dwellinghouses) in the Central Activities Zone (CAZ), to come into effect on 1 May 2019.

## **3.0 REASONS FOR DECISION**

- 3.1 The making of the proposed direction will help enable the Council to use its planning powers to secure an appropriate balance of uses in the Central Activities Zone, in particular to help ensure the availability of a range of workspaces to support the delivery of the right kind of growth in Westminster – which brings the maximum benefits for residents, workers, visitors and businesses while minimising detrimental effects City’s sustainable growth – and support delivery of the growth targets set out in the Westminster City Plan.

## **4.0 BACKGROUND**

### ***Article 4 Directions: legal and national policy background***

- 4.1 Under the Town and Country Planning (General Permitted Development) (England) Order 2015, some changes of use are “permitted development”. This means that planning applications are not required for such changes. In 2013, the Government amended the Order to provide for a temporary permitted development right for the change of use of buildings and any land in their curtilage from office use (which falls in use class B1(a) to use as a

dwellinghouse (class C3). This was intended to last for three years and was subject to an exemption negotiated with Government by the Mayor of London and the central London boroughs that excluded offices within the Central Activities Zone identified in the London Plan.

- 4.2 Any developer taking advantage of this permitted development right must give notice to the local planning authority, which can then decide whether its “prior approval” is required on limited grounds – transport and highways impacts, contamination risks on the site, flooding risks and the impact of noise from commercial premises on the intended occupiers of the development. This highly restrictive process removes our ability to seek affordable housing or other planning contributions in relation to such changes of use.
- 4.3 In November 2015, the then Secretary of State for Communities and Local Government announced that the temporary permitted development right would be made permanent. Instead of a blanket exemption for the CAZ, the Minister decided that any borough wanting to exclude offices from the permitted development rights would have to do so by using its powers to withdraw them by making a direction under article 4 of the General Permitted Development Order. The permanent permitted development rights will come into force from May 2019, allowing enough time for boroughs wanting to make a direction to do so.
- 4.4 Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) enables local planning authorities to make a direction (an “article 4 direction”) to withdraw specified permitted development rights across a defined area. Directions can cover an area of any geographical size, remove specified permitted development rights related to operational development or changes of use and can remove permitted development rights with temporary or permanent effect. To make an article 4 direction the legal requirement is that the local planning authority is “satisfied that it is expedient that development should not be carried out unless permission is granted for it on an application.”
- 4.5 It is possible to make Article 4 directions that have immediate effect or which take effect after a period of a year (known as “non-immediate directions”). Immediate directions can render liable councils to the requirement to pay developers compensation. This compensation can include the costs incurred in abortive works or expenses such as the planning application fee, professional fees (for architects etc) and, in cases where planning permission is refused “any loss or damage directly attributable to the removal of the permitted development rights”, including any loss of value to the property. Given the fact that the existing exemption will apply in the intervening period, a non-immediate direction is recommended here.
- 4.6 The only financial consequence of a non-immediate direction is that planning application fees are not payable for developments that would have been permitted development. As the Council’s planning policies do not support office to residential development of the kind that would be permitted it is unlikely this will have a significant financial impact. The loss of the £80 fee for

the “prior approval” procedure for the permitted development right is also considered proportionate in the context of the wider impact it could have on the development of the City.

- 4.7 The National Planning Policy Framework (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. It gives guidance to which local planning authorities should have regard in taking planning decisions. Paragraph 200 of the NPPF deals with Article 4 Directions:

*“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.”*

This is expanded on in the Government’s National Planning Practice Guidance (NPPG). Paragraph 038 reference ID13-038-20140306 repeats the guidance in the NPPF and adds that the potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights which, inter alia, relate to a wide area (such as those covering the entire area of a local planning authority) or where prior approval powers are available to control permitted development.

- 4.8 The General Permitted Development Order gives the Secretary of State powers to make a direction cancelling or modifying any Article 4 Direction made by a local planning authority at any time before or after its confirmation. The NPPG indicates (paragraph 051 reference ID13-051-20140306) that ministers “will not use their powers unless there are clear reasons why intervention at this level is necessary”.
- 4.9 The other London boroughs who have parts of the Central Activities Zone within their boundaries are each preparing Article 4 Directions with an effect similar to this one. Officers are working with their counterparts in other boroughs to help ensure a coordinated approach.

#### ***Office to residential conversion: background***

- 4.10 The Central Activities Zone (CAZ) is an area of central London identified in the London Plan as the capital’s geographic, economic and administrative core, bringing together the largest concentration of London’s globally-oriented business services sectors. The part of the CAZ that falls within Westminster covers many of the most strategically important office markets in central London, including the West End, Victoria and Paddington. These markets are a key part of London’s global business offer and make a substantial contribution to the economic success of Westminster, London and the United Kingdom – Westminster contributes £54 billion in gross value added to the national economy.
- 4.11 Westminster has been experiencing a loss of office floorspace since 2005 (and so pre-dating the temporary permitted development right). This was

partly due to the Council's approach to mixed use policy which made residential the preferred use across the City and encouraged delivery of residential space alongside commercial development and a change in relative value of commercial and residential uses. The extent of this loss is such that, as the most recent London Office Policy Review published by the Mayor points out "only Westminster stands out for suffering large scale, residential driven loss of floorspace".

4.12 In 2015 the Council announced a change in policy towards one limiting office to residential conversions. This was backed by a revision to Westminster's City Plan that made changes to mixed use policies which were formally adopted in July 2016.

4.13 Table 1 gives an overview of how changes from office to residential use have been experienced in the Westminster part of CAZ since 2010. It shows the situation before and after the Council's change in policy in 2015:

Year	No of permissions	Net B1 loss	Net C3 sqm gain	Net C3 Units	Ave C3 floorspace/unit (sq m)	Net Affordable Units
<b>Pre-PD rights</b>						
2010/11 Completion	45	-64689	30050	103		0
2011/12 Completion	85	-37577	35853	241		5
2012/13 Completion	54	-22210	23580	153		7
Total	184	-124476	89483	497	180	12
Annual Ave	61	-41492	29828	166		
<b>PD rights – WCC policy change</b>						
2013/14 Completion	73	-31238	31805	216		0
2014/15 Completion	84	-64673	66008	358		1
Total	157	-95911	69813	574	122	
Annual Ave	79	-47956	34907	287		
<b>WCC policy change -</b>						
2015/16 Completion	55	-26660	27080	216		15
2016/17 Completion	65	-54495	58219	320		15
Total	120	-81155	85299	536	159	
Annual Ave	60	-40578	42650	268		
<b>Grand Total</b>	<b>461</b>	<b>-301542</b>	<b>272595</b>	<b>1607</b>	<b>170</b>	<b>43</b>

Permitted not started	128	-127280	139396	863	162	54
Under Construction	97	-109188	107544	535	201	0
Grand Total	225	-236468	246940	1398	177	54

This shows that while there has been a reduction in the loss of office floorspace since the change in policy, losses have continued (it should be borne in mind that these figures are for completions rather than permissions, so the full effect of policy changes will take some time to show up). It also shows that the units of housing being delivered tend to be large (an average home in Westminster might be around 100 sq m in area; under the space standards in the current London Plan 170 sq m would be 41 sq m more than the minimum for a three storey dwelling with six bedrooms) and it is questionable whether this represents optimisation of the number of residential units on development sites as required by policy S14 of the Westminster City Plan.

- 4.14 The loss of office floorspace and its replacement by residential uses raises the risk that over time the strategic function of the CAZ might be undermined. Over the next two decades, employment in Westminster is projected to grow by over 80,000 (with the draft replacement London Plan identifying capacity for 13,000 more jobs in the Paddington opportunity area alone). It will be essential to ensure there is sufficient office space of the right kind, in the right location and available on the right terms (including rent levels) to meet the additional demand.
- 4.15 The effect of the loss of office floorspace to residential use has been to restrict office supply, which in turn has increased rents. As the Mayor's 2017 London Office Policy Review (LOPR) states, commenting on changes since the previous LOPR published in 2012 (paras. 5.2.8 – 5.2.9):

The impact of competition from residential development in restricting supply in the West End was noted in LOPR 2012. It observed that of the pressure from residential investors intensified it *"would constrain supply even further, and this would in turn inflate rents"* and this has turned out to be the case... This outcome has taken place. At end-2015 rents were much higher than in 2011, and availability lower, at 2% nearly as low as ever recorded. Availability of new supply became quite short, at around 45,000 sq m, leading to strong competition for space. While the downturn in the market has corrected this position in 2016 (availability has risen to around 3.5%), the West End remains the market, alongside Midtown, where demand most strongly outstrips supply in market upturns, because the development response is weaker and second hand supply is limited by diversion toward residential."

In considering these levels of availability, it should be borne in mind that the Mayor has set a benchmark of 8% as the level at which occupiers should

have a wider choice of accommodation and at which rents will tend to reduce. The LOPR suggests that in the West End a lower benchmark might be set to reflect the fact that supply is even more constrained than in the past and that pace and direction of rental growth is likely to react at a level lower than 8%.

- 4.16 The LOPR identifies a strategic need to ameliorate trends towards a rise in the general level of rents across central London. This means both ensuring sufficient schemes are brought forward to populate the development pipeline and “resisting the loss of office space to other uses in areas of high demand (eg the West End and Midtown)”.
- 4.17 The main driver for these changes has been the difference in values between office and residential uses. This differential applies across central London; research commissioned by the Mayor from Jones Lang Lasalle in 2011 concluded that in what it called “the particularly vibrant West End residential market” the differential against the office average was even greater – even allowing for the fact that office rents are higher here than in the City<sup>1</sup>. They concluded that this price differential means that “if the potential to convert exists then such conversion to residential use will inevitably be a viable option for any property”. Although office rents have increased more recently the disparity continues – the viability evidence produced by the Mayor to support the draft revised London Plan suggests that in the commercial areas of Westminster residential uses have an average capital value of £20,000 per square metre and commercial ones an average value of £13,700 psm. The Land Development Index published by Savills shows that since 2008 the price of residential land in central London has grown more rapidly than that for offices and hotel development – it now exceeds its pre-financial crisis peak by more than 30%. This trend confirms the LOPR finding that “office rental growth has not, generally, kept pace with inflation. Its performance has been very different from the rise in residential values, which have consistently exceeded rising prices over the last 25 years”.

### ***Policy background***

- 4.18 This was the background to the change to the council’s approach to office to residential conversion in 2015. That March the then Cabinet Member for Built Environment issued a statement that expressed the Council’s view that the balance of commercial to residential floorspace had tipped too far in favour of the latter across Westminster’s CAZ and that this was causing severe damaging impacts which, if nothing was done to assuage the current trends, had the potential to worsen:
- Damage to the global competitiveness of the most significant business centre in the UK and, indeed, the world. The trend of losses was undermining the strategic function of the CAZ in favour of housing, which could be delivered in more appropriate locations across London and the UK.

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<sup>1</sup> Jones Lang Lasalle, Permitted Development Rights for Change of Use from Commercial to Residential (GLA, 2013)

- Severe under-supply of office floorspace in the West End, pushing up rents which was in turn harming business activity and the economy.
- Increasing 'residentialisation' of commercial areas, eroding their character by reducing employment densities and increasing expectations of residential amenity, impacting on legitimate business activities.

The statement indicated that from 1 September 2015, office losses would not be acceptable other than in the rare cases where a developer could demonstrate the benefits would outweigh the loss of the office space.

- 4.19 This approach was given effect in changes to the City Plan formally adopted in 2016 (and applied in practice from 1 September 2015 in line with a further policy statement by the Cabinet Member in July 2015). Policy S20, which deals with offices and other B1 floorspace states that within what the Plan designates as the core Central Activities Zone; the Paddington, Tottenham Court Road and Victoria opportunity areas; the named streets in Marylebone and Fitzrovia that are outside the Core CAZ but inside the CAZ area designated in the London Plan; and the North Westminster Economic Development Area:

“..changes of use from office to residential will only be acceptable where the council considers that the benefits of the proposal will only be acceptable where the council considers that the benefits of the proposal outweigh the contribution made by the office floorspace including:

1. The degree to which the employment and housing targets set out above, and as referred to in Policies S18 and S4 are being achieved;
2. The extent to which the office floorspace contributes to meeting Westminster's business and employment needs; and
3. The extent to which the mix of type, size and tenure of housing proposed meets or exceeds Westminster's need. Where this is not met due to site constraints and/or viability, the floorspace will be retained as B1 office floorspace.

Other relevant benefits may relate to significant benefits to the value of heritage assets and/or significant townscape improvements, but these and any other benefits will be considered in the context of the priority to retain office floorspace”.

- 4.20 The City Plan currently sets a policy intention to work to exceed the target of additional B1 office floorspace to accommodate at least 58,000 new jobs (774,000 sq m B1 office floorspace) between 2016/17 and 2036/37. Making up for the office space lost to housing since 2005 increases the additional requirement for all commercial space to two million sq m.

- 4.21 At the time the change in policy was made it was shown that it would be likely to have only a limited effect on housing delivery – in the previous five years permissions for change of use had covered 555 net units, making up only 6%



of the total permissions over the period (for almost 18000 additional units of housing).

- 4.22 The London Plan sets out the strategic priorities for the CAZ. Policy 2.10 states that the Mayor will and boroughs should:

“(a) enhance and promote the unique international, national and Londonwide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world’s most attractive and competitive business locations

...

(e) in appropriate parts of the CAZ...ensure that development of office provision is not strategically constrained and that provision is made for a range of occupiers especially the strategically important financial and business services.”

- 4.23 London Plan Policy 4.2 deals with offices. It states that the Mayor will and boroughs should support the management and mixed use development and redevelopment of office provision to improve London’s competitiveness and to address the wider objectives of the Plan, including enhancing its varied attractions for businesses of different types and sizes. It goes on to say that boroughs should recognise and address strategic as well as local differences in implementing the policy to meet the distinctive needs of the central London office market, sustaining and developing its unique and dynamic clusters of ‘world city’ and other specialist functions and business environments.

- 4.24 This support for the strategic importance of office provision in the CAZ is carried forward by the Mayor in his draft replacement London Plan, which was issued for consultation in November. This states (paragraph 2.114) that:

“The Mayor supports a coordinated approach to the introduction of Article 4 Directions by the CAZ boroughs before the exemptions expire in May 2019 to ensure that London’s nationally significant offices in and around the CAZ...should be developed and promoted”

- 4.25 Implementing these policies requires proper consideration of the nature and impact of proposals to convert office to residential use. This is not possible within the very limited “prior approval” system set out in paragraph 4.1 of this report (which limits the things that can be taken into account very significantly) and requires the submission and consideration of full applications for planning permission. An Article 4 Direction is the only means of ensuring this.

### ***The draft Direction***

- 4.26 The draft Direction recommended to be made is attached at Appendix 1 to this report.

4.27 As with the current statutory exemption, it is intended that the draft Direction will cover the entire Central Activities Zone. The boundaries of the CAZ are currently under review as part of the revision of the London and Westminster City plans and the boundary shown in the map in Appendix 2 is that shown in the “Central Activities Zone and the Northern Isle of Dogs” map issued with the draft replacement London Plan in November 2017 with some minor changes to the boundary in the Baker Street/Marylebone areas, in Paddington, at Marble Arch and around Belgrave Square.

### **Conclusion**

4.28 National Planning Practice Guidance suggests a number of issues that should be taken into account in deciding whether making an article 4 direction is appropriate:

- **Their use should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.** This report sets out the reasons why making the proposed direction is necessary to ensure Westminster’s economic and social well-being by helping ensure availability of workspace to ensure its continued economic success and of opportunities for what is projected to be a growing workforce in Westminster in coming decades.
- **The potential harm that the direction is intended to address should be clearly identified.** The potential harm that the permitted development right for office to residential use in terms of undermining the national, regional and local strategic importance of the CAZ is set out in this report.
- **There should be a particularly strong justification for withdrawal of permitted development rights relating to a wide area (such as those covering the entire area of a local planning authority).** Authorities who have sought borough-wide Directions for office to residential conversions have had their draft Directions rejected by the Secretary of State. The Direction proposed by this report is targeted on the Central Activities Zone where offices have particular strategic importance, described in this report.
- **There should be a particularly strong justification for withdrawal of permitted development rights relating to cases where prior approval powers are available to control permitted development.** This is a case where the General Permitted Development Order does allow for prior approval powers, but this is only on very tightly constrained grounds – transport impacts, site contamination and flooding. It does not allow for consideration of the wider strategic policy issues set out in this report.

It should also be borne in mind that Government considered there was a sufficiently compelling case for exclusion of offices in the Westminster CAZ to make the original exemption. For all of these reasons it is suggested that the making of a Direction in this case is fully consistent with national guidance.

## **5. CONSULTATION**

- 5.1 If this report is approved notice will be given in accordance with the requirements of Schedule 3 of the GPDO by newspaper advertisement and site notices. The Secretary of State will also be notified. A six week period will be allowed for comments. The formal notice is attached as Appendix 3 to this report.
- 5.2 It is proposed to publicise the Article 4 Direction through:
- Local Advertisement in the local Gazette newspaper
  - Notices displayed in two locations within each ward in the CAZ for a period of at least six weeks.
  - Email notification to all Members
  - Email notification to the specific consultees, including those subject to the statutory duty to cooperate (Section 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012) and the 'specific consultation bodies' as defined in Section 2 of those Regulations
  - Email notification to the Mayor of London and the GLA Group
  - Email notification to all consultees registered on the City Plan database (which currently includes 500 consultees including members of the public, businesses (including developers) and residents' groups)
  - Consultation with the Westminster Property Association
  - Internal consultees within the city council, including EMT and senior managers.
- 5.3 In accordance with government guidance and legislation, the notification documents for the Article 4 Direction will include:
- A description of the development and areas to which the direction relates: for changes of use from B1(a) (offices) to C3 (dwellinghouses) in the Central Activities Zone (CAZ).
  - A statement of the effect of the direction: removing permitted development rights.
  - Specifying that the direction is made under Article 4(1) of the GPDO.
  - Specifying a period within which any representations concerning the direction may be made to the LPA.
  - Specifying the date on which it is proposed the direction will come into force: 1 May 2019.
  - Giving details as to how the direction and accompanying maps can be viewed i.e. at the council's offices at 5 The Strand, and on the Council's website at: [www.westminster.gov.uk](http://www.westminster.gov.uk)

## **6 FINANCIAL IMPLICATIONS**

- 6.1 Until the coming into force of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visit) (England) Regulations 2017, planning fees were not payable for applications for planning permission required only because of an Article 4 Direction. The 2017 Regulations have removed this restriction, meaning that there will be no financial impact on the Council as a result of the recommendation in this report.

- 6.2 The costs of making, advertising, consultation and confirmation of the proposed direction will be met from existing budgets. Public consultation will as far as possible be carried out electronically, minimising print and other costs.

## **7. LEGAL IMPLICATIONS**

- 7.1 The rules for making and confirming of an Article 4 direction are set out in the Town and Country Planning (General Permitted Development) (England) Order, 2015. This legislation defines the classes of permitted development, exceptions to permitted development and outlines the process for making an article 4 Direction. The compensation arrangements are at sections 107-109 of the Town and Country Planning Act 1990.

## **8. BUSINESS PLAN IMPLICATIONS**

- 8.1 The making of the Article 4 Direction will support the City Council's ability to use its planning powers to ensure development provides the right kind of growth – that which works for all residents and businesses, now and into the future – delivering opportunities and an improving quality of life for Westminster's people while minimising any negative impacts

## **9. IMPACT ON THE ENVIRONMENT**

- 9.1 The making of the Article 4 Direction will support the City Council's ability to use its planning powers to ensure that all new development embodies the most up-to-date standards for environmental sustainability and efficiency in use of resources.

## **10. HEALTH, WELLBEING IMPACT ASSESSMENT INCLUDING HEALTH AND SAFETY IMPLICATIONS**

- 10.1 The making of the Article 4 Direction will support the City Council's ability to use its planning powers to ensure that all new development fully addresses health and safety implications. It will also enable decisions to be taken to support the economic wellbeing of the City.

## **11. EQUALITIES IMPLICATIONS**

- 11.1 Under the Equalities Act 2010 the council has a "public sector equality duty". This means that in taking decisions and carrying out its functions it must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act; to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it; and to foster good relations between persons who share a relevant protected characteristic and those who do not share it. The council is also required to have due regard to the need to take steps to take account of disabled persons' disabilities even where that involves more favourable treatment; to promote more positive attitudes toward disabled persons; and to encourage participation by disabled persons in public life. The 2010 Act states that "having due regard" to the need to promote equality of opportunity involves in particular having regard to: the need to remove or

minimise disadvantages suffered by persons sharing a protected characteristic; take steps to meet the needs of persons sharing a protected characteristic that are connected with it; take steps to meet the needs of persons who share a protected characteristic that are different from those who do not; and encourage persons with a protected characteristic to participate in public life or any other activity in which participation by such persons is disproportionately low.

- 11.2 The courts have held that “due regard” in this context requires an analysis of the issue under consideration with the specific requirements set out above in mind. It does not require that considerations raised in the analysis should be decisive; it is for the decision-maker to decide what weight should be given to the equalities implications of the decision.
- 11.3 Officers have considered the need for a formal equalities impact assessment of the proposed confirmation of the proposed Article 4. Their conclusion is that as the Direction will enable the council to ensure a wide range of workspaces for Westminster’s diverse enterprises it will help make it easier for residents to access a range of job and other opportunities. This may in turn help reduce the need to travel, and can promote walking and cycling, which is positive for health and wellbeing. The proposed article 4 Direction also ensures protection of Westminster’s strategic office stock, helping to maintain the vitality of the CAZ. This is vital to the economy and competitiveness of Westminster, London and the UK as a whole. Finally, by requiring submission of full planning applications the Direction will enable the City Council to ensure compliance with its policies regarding health and wellbeing and accessibility, which will benefit many of the groups with protected characteristics under the 2010 Act.
- 11.4 No negative impacts have been identified, and it has therefore been concluded that a full EIA is not necessary.

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Andrew Barry-Purssell on 0207 641 5662 or email [abarrypurssell@westminster.gov.uk](mailto:abarrypurssell@westminster.gov.uk)**

## **APPENDICES**

1. Draft Article 4 Direction for changes of use from B1(a) (offices) to C3 (dwellinghouses) in the Central Activities Zone
2. Map of area covered
3. Draft notice of the making of Direction.

## **BACKGROUND PAPERS**

1. London Office Policy Review 2017, Ramidus Consulting for Mayor of London
2. Westminster’s City Plan consolidated with alterations since November 2013 (2016)

3. London Plan, consolidated with alterations since 2011, Mayor of London (2016)
4. Draft replacement London Plan, Mayor of London (2017)
5. Cabinet Member statements on City Council approach to office to residential conversion dated 18<sup>th</sup> March and 22<sup>nd</sup> July 2015

For completion by the **Cabinet Member for Planning and Public Realm**

**Declaration of Interest**

I have <no interest to declare / to declare an interest> in respect of this report

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

NAME: \_\_\_\_\_

State nature of interest if any

.....  
.....

*(N.B: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter)*

For the reasons set out above, I agree the recommendation(s) in the report entitled Making of Westminster’s Article 4 Direction for changes of use from B1(a) (offices) to C3 (dwellinghouses)

Signed .....

**Councillor Daniel Astaire, Cabinet Member for Planning and Public Realm**

Date .....

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and this pro-forma is returned to the Secretariat for processing.

Additional comment:

.....  
.....

If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, the Director of Law, City Treasurer and, if there are staffing implications, the Director of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Cabinet Member: Your decision will now be published and copied to the Members of the relevant Policy & Scrutiny Committee. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication to allow the Policy and Scrutiny Committee to decide whether it wishes to call the matter in.

## Appendix 1 – Draft article 4 direction

### THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED) (the “order”)

#### DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SCHEDULE 3 APPLIES

**WHEREAS** the Council of the City of Westminster, being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), is satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land described in the Second Schedule and shown edged red (for identification purposes only) on the Plan annexed hereto unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

**NOW THEREFORE** the said Council in pursuance of the power conferred on it by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) hereby directs that the permission granted by Article 3 of the said Order shall not apply to the development specified in the First Schedule hereof in respect of the land described in the Second Schedule and shown edged red (for identification purposes only) on the Plan annexed hereto.

#### FIRST SCHEDULE

##### In respect of land described in the Second Schedule

Being development comprised within Class O in Part 3 of Schedule 2 to the said Order, namely:-

**Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.**

And not being development comprised within any other Class.

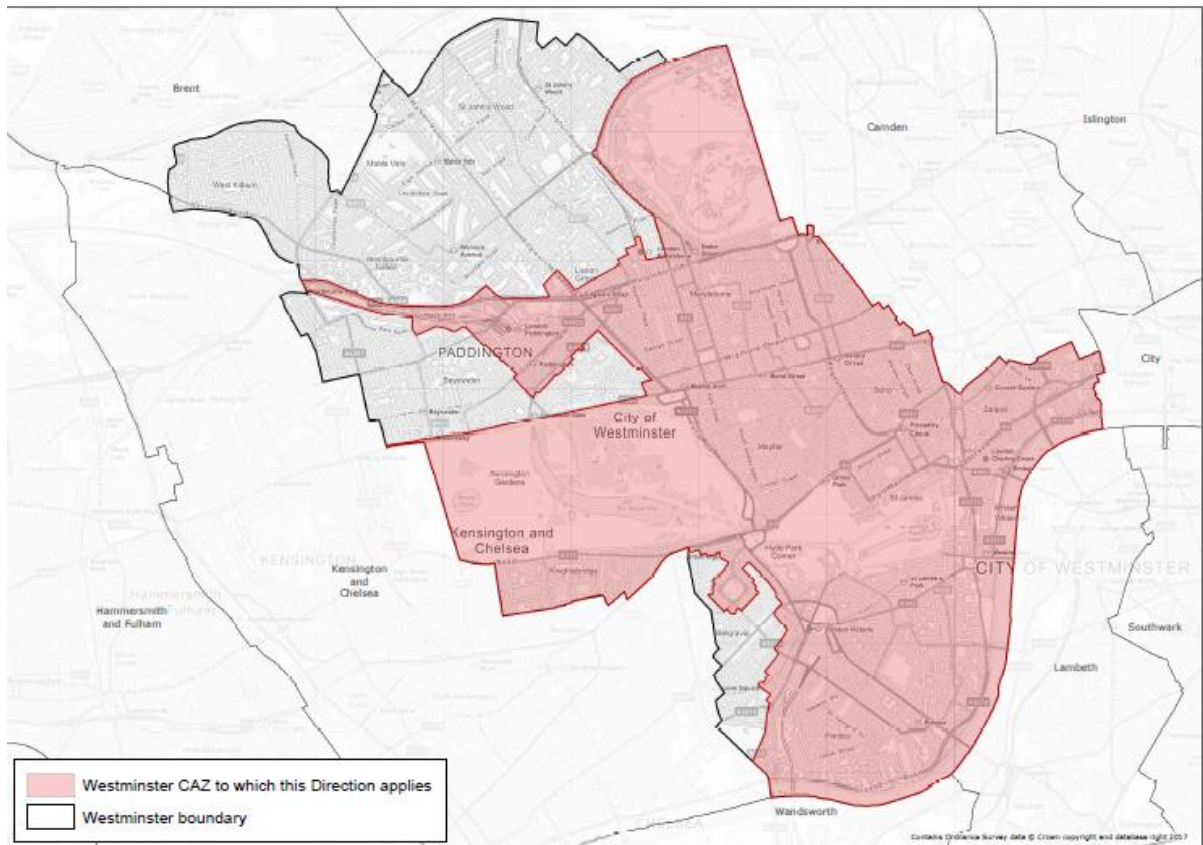
#### SECOND SCHEDULE

Land comprising Westminster’s central activities zone as shown shaded pink on Map A.

THE COMMON SEAL                    )  
Of THE LORD MAYOR AND            )  
CITIZENS OF THE CITY OF         )  
WESTMINSTER was                    )  
hereunto affixed by order         )



## Appendix 2 – Map A



## Appendix 3 – Article 4 Notice

### TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

#### CITY OF WESTMINSTER

#### NOTICE OF MAKING OF A DIRECTION UNDER ARTICLE 4(1) RELATING TO THE CENTRAL ACTIVITIES ZONE

**NOTICE IS GIVEN** by the City of Westminster, being the appropriate local planning authority, that it has made a Direction under Article 4 (1) of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) (“GPDO”).

**The Direction was made** on XX January 2018 and applies to Westminster’s Central Activities Zone (“the CAZ”).

**The Direction applies** to the development described in the following class of the GPDO:

Class O in Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as it relates to development consisting of a change of use to a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

**The effect of this Direction** is that the permission granted by article 3 of the GPDO will not apply to this kind of development within the Westminster Central Activities Zone. This kind of development cannot then be carried out in that area unless Westminster City Council (“the Council”) grants planning permission.

**A copy of the Direction and of the Plan defining the Westminster CAZ** to which it relates may be seen at the offices of the Council at 5 The Strand, London WC2N 5HR during normal office hours. It can also be seen on the Council’s website at [www.westminster.gov.uk](http://www.westminster.gov.uk).

**Representations on the Direction can be made to the Council between xx January 2018 and xx February 2018.** If you want to make representations the Council would prefer these to be made by email, sent to [planningpolicy@westminster.gov.uk](mailto:planningpolicy@westminster.gov.uk). If you would like to send representations by post the address is Planning Policy, 6<sup>th</sup> Floor, 5 The Strand, London WC2N 5HR. All representations should be marked with the subject line **Article 4 Direction: office to residential development.**

**Representations must be received by 5pm on xx February 2018** and should include your name, postal and email address.

**It is proposed that the Direction will come into force on 1 May 2019** subject to consideration of any representations received during the consultation period and the Direction being confirmed by the Council.

Signed

Dated