

**Report to:** Planning Applications Committee

**Date:** 27<sup>th</sup> June 2018

**Title:** Confirmation of an Article 4 direction, withdrawing permitted development rights for changes of use from office to residential and light industrial to residential in key areas identified in Newhaven.

**Report of:** Ian Fitzpatrick, Director of Regeneration and Planning

**Ward(s):** Newhaven Valley and Newhaven Denton & Newhaven Meeching Wards

**Purpose of report:** To report the representations received during the consultation period and to seek approval to confirm the Article 4 direction to withdraw permitted development rights in the areas of Newhaven identified in Appendices 1 and 2.

**Officer recommendation(s):** (1) The Planning Applications Committee is asked to consider the representations received between 3<sup>rd</sup> November and 22<sup>nd</sup> December 2017 and agree to the following recommendations:

(2) That the Council proceeds to confirm the implementation of the Article 4 direction made on 3<sup>rd</sup> November 2017.

(3) To note the Article 4 direction will come into effect 5<sup>th</sup> November 2018, but that this remains subject to potential modification or cancellation by the Secretary of State.

**Reasons for recommendations:**

The withdrawal of permitted development rights will help to protect key existing and future employment space from being converted into residential development through the prior approval process, which will help the Council to retain greater control over the planning process. Any applicants seeking to convert light industrial or office space into residential would still be able to apply for a change of use through the regular planning applications process.

This is especially important for those sites located within Newhaven Enterprise Zone, as losing those areas to residential use through the prior approval process would undermine the principles of the Enterprise Zone, which is strongly focused on job creation and the provision of new commercial floorspace to support growth of the sub-regional economy.

A public consultation was held between 3<sup>rd</sup> November 2017 and 22<sup>nd</sup> December 2017. Eight responses were received, of which seven (87.5%) were in support of the proposed Article 4 direction.

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## **1 Background**

- 1.1 On 11<sup>th</sup> October 2017 Planning Applications Committee (See Appendix 5) approved the recommendation to make an Article 4 direction to withdraw permitted development rights for changes of use from light industrial and office to residential in key areas in Newhaven.
- 1.2 Following the Committee resolution, the Article 4 direction was made on 3<sup>rd</sup> November 2017. Notice of the impending coming into force date, subject to consultation and confirmation, was given as 5<sup>th</sup> November 2018.
- 1.3 Following the making of the Article 4 direction, affected property owners/occupiers and the Secretary of State were notified and representations were invited between 3<sup>rd</sup> November and 22<sup>nd</sup> December 2017.

The Committee are now asked to consider any representations received and to decide whether the Article 4 direction should be confirmed.

## **2 Introduction**

- 2.1 In May 2013, the Government introduced a new permitted development right to allow the change of use from office B1(a) to residential C3. These rights were made permanent in April 2016. This means that applicants must seek prior approval from the Council, but only for specified elements to ensure that the

development is acceptable. In determining a prior approval application, the Council only considers the impacts of the proposed development on:

- Transport and Highways
- Contamination
- Flood Risk
- Noise

2.2 In April 2016, the Government also introduced a new permitted development right to allow the change of use from light industrial B1(c) to residential C3 will come into force for a temporary period of 3 years starting from 1<sup>st</sup> October 2017. This will be restricted to buildings with an existing gross floorspace of less than 500m<sup>2</sup>.

### **3 Public Consultation**

3.1 A public consultation was held between 3<sup>rd</sup> November and 22<sup>nd</sup> December 2017 on the proposed implementation of the Article 4 direction for selected sites in Newhaven. The consultation was open to the public and was advertised in a variety of ways including leaflets, website updates and in the local newspaper.

3.2 We received eight representations either by letter or through the contact form on the Newhaven EZ website. Of the eight representations, seven (87.5%) were considered to be in support of the proposed Article 4 direction with one against.

3.3 The sole objection was submitted by the managing agent for the Bevan Funnell site as they believe the buildings are coming to the end of their economic life. The site is within the Newhaven EZ. As such, it is anticipated that the site will focus on employment uses. However, the implementation of an Article 4 direction does not prohibit a change of use to residential, it simply requires the change of use to be carried out through the full planning process. Moreover, it is likely that if the buildings are coming to the end of their economic life they are unlikely to be suitable for conversion.

3.4 One representation was supportive of the Article 4 direction but also outlined some concerns relating to the impact of light industrial development on air and noise pollutions as well as the need for a careful balance of housing and employment growth. This is in line with LDC's stated objectives for Newhaven.

3.5 Of the remaining six representations, five identified the importance of the Newhaven EZ as a strong reason for supporting the proposed Article 4 direction. This reflects the importance of the Bevan Funnell site highlighted earlier. Additionally four responses recognised the need for appropriate policy designations to enable business growth. Furthermore, the Article 4 direction was felt important to Newhaven's future for the following reasons:

- The high level of demand for office space in Newhaven.
- The importance of balancing housing need with protecting employment space to ensure that Newhaven does not become a dormitory commuter town.
- A need to assess applications for conversion of existing employment space into residential development through the full development

management process.

- 3.6 One representation was received after the consultation period had finished. The representation was not taken into account as the consultee failed to provide a valid reason for why the representation was submitted considerably late.
- 3.7 All eight representations can be found in the Appendices of the updated evidence base which was submitted to the Secretary of State in January. The updated evidence base can be found in Appendix 4.

## **4 Existing Evidence Base**

- 4.1 In April 2017, the Council commissioned Lichfield's Planning and Development Consultancy to undertake an update to the existing Employment Land Review. The update was focused on Newhaven, with a view to providing an evidence base to assess the need for the implementation of an Article 4 direction.
- 4.2 More than 3,500m<sup>2</sup> of office space has been lost to residential in Newhaven under permitted development rights since 2015. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by permitted development rights.
- 4.3 Approximately 40% of all B use class space in Lewes District is concentrated in Lewes. This includes just under 23% of all light industrial B1(c) space. The new permitted development rights introduced in 2016 to allow the change of use from light industrial to residential means that Newhaven's crucial light industrial space is at risk of being devastated.
- 4.4 Having reviewed the Lichfield's report, Officers consider that there is clear evidence to support the implementation of an Article 4 direction in Newhaven to protect office and light industrial use.

## **5 Implications**

- 5.1 Losing office and light industrial space to residential under permitted development rights could:
- Create problems for businesses forced to vacate premises, with no guarantee that they will be able to find alternative premises in Newhaven.
  - Mean residential units may be created in potentially unsustainable locations.
  - Mean residents may suffer unsatisfactory living conditions, which would result in residents then looking to the Council to remedy the harm. This may create added costs and bureaucracy for the Council, as well as an adverse impact on existing business activity.
  - Reinforce adverse commuting patterns, with a consequential impact on the local transport infrastructure.
  - Reduce the potential rateable income to the Council, albeit this would be offset through an increase in Council Tax.

## **6 Financial appraisal**

- 6.1 The cost of implementing and publicising the Article 4 direction was less than £5,000 and was met from the existing Regeneration budget.
- 6.2 Applications for planning permission which would have previously been permitted prior to an Article 4 direction coming into force, are entitled to apply for planning permission without paying the prior approval planning application fee.
- 6.3 From 2nd August 2017 to 2nd May 2018, the Council charged a total of £96 for prior notification fees from office to residential.
- 6.4 In 2020 business rates will be devolved to local government. This is intended to act as an incentive to attract businesses and bring forward business premises. If business premises are lost through change of use to residential, the Council's income from business rates will fall.
- 6.5 There could also be financial implications for the Council as a landowner with an interest in several of the sites proposed, as the making of an Article 4 direction could have implications on the value of the Council's property assets.
- 6.6 These implications have been assessed by Officers, and it has been agreed that the implementation of an Article 4 direction will provide long-term benefits for Newhaven and its economy; this outweighs the Council's role as a local landowner.
- 6.7 Fundamentally, removing permitted development rights will not affect the ability to develop alternative uses. The Article 4 direction will help the Council to retain greater planning control as the Local Planning Authority. This will help the Council to plan new development more effectively. As such, it is considered that the cost to retain this greater control is justifiable.

## **7 Legal implications**

- 7.1 The making of an Article 4 direction is required to be made pursuant to the Town & Country Planning Act 1990 (as amended) and the General Permitted Development Order (2015) ("GPDO").
- 7.2 An Article 4 direction cannot come into force on the date specified in the notice unless it has been confirmed by the Council (Paragraph 1(7), Schedule 3, GPDO 2015). The approval of the Secretary of State is not required.
- 7.3 When deciding whether or not to confirm the Article 4 direction, the Council must take into account any representations it receives during the representation period (paragraph 1(9), Schedule 3, GPDO 2015).
- 7.4 Following confirmation, the Council must:
- Give notice of the confirmation and the date the Article 4 direction comes into force to affected owners and occupiers in the same way as required for the notification of the making of the direction.
  - Send a copy of the Article 4 direction to the Secretary of State.
- 7.5 The Secretary of State can make a direction cancelling or modifying any non-

emergency Article 4 direction made by an LPA at any time before or after its confirmation.

7.6 The full legal description of the Article 4 direction:

To confirm the implementation of the Article direction to withdraw permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(c) (light industrial) or Class B1(a) (office) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to those sites identified in Appendices 1 and 2.

## 8 Risk management implications

- 8.1 A Risk Management Assessment was carried out in September 2017 in accordance with the Checklist for Decision Makers for the Planning Applications Committee Report dated 11th October 2017. This assessment can be found in the appendices of the previous Planning Applications Committee report in Appendix 5.

## 9 Equality analysis

- 9.1 On 28 April 2016, an Equality Screening was conducted as part of the proposal for the Newhaven Enterprise Zone, which was subsequently approved by Cabinet. This screening noted that:

*“Between 20 January and 2 February 2016, an Equality Analysis was undertaken on this proposal. Due regard was given to the general equalities duties and the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.*

*The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.”*

- 9.2 The proposed implementation of the Article 4 direction is primarily focused on sites within the Newhaven Enterprise Zone and there is little potential for additional discrimination or adverse outcomes to arise. A separate screening for this proposal has therefore not been undertaken. A copy of the original Equality Analysis for the Enterprise Zone is available from the report author on request.

## 10 Appendices

- Appendix 1 – Article 4 direction table of sites
- Appendix 2 – Article 4 direction maps
- Appendix 3 – Procedure for making a non-immediate Article 4 direction

- Appendix 4 – Evidence base 23<sup>rd</sup> January 2018
- Appendix 5 – Planning Applications Committee Report 11<sup>th</sup> October 2017

## Appendix 1 - Article 4 direction table of sites

Article 4 Site	Enterprise Zone	Permitted Development Rights to be removed
Avis Way (Excluding Playing fields, but including Estate Road)	Partially included	Light Industrial
Beach Road Trading Estate	No	Light Industrial
Bevan Funnell (South Factory site only)	Partially included	Light Industrial
Denton Island	No	Light Industrial + Office
Eastside North	Yes	Light Industrial + Office
Eastside South	Yes	Light Industrial
Railway Road Industrial Estate (Excluding the Parker Pen site)	No	Light Industrial + Office
Town Centre	Yes	Office



## Appendix 2 – Article 4 direction site maps

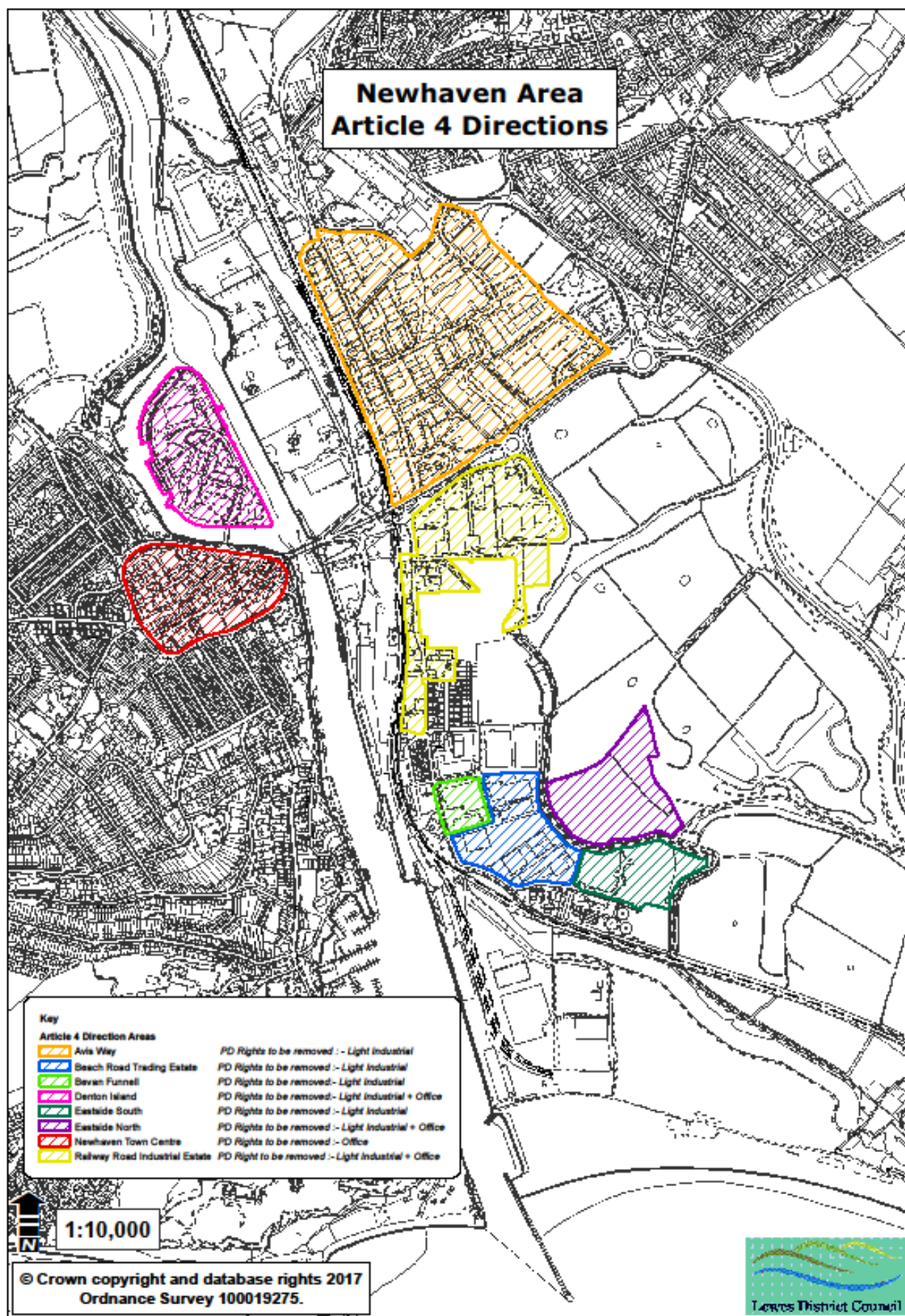


Figure 1 – Newhaven Article 4 directions



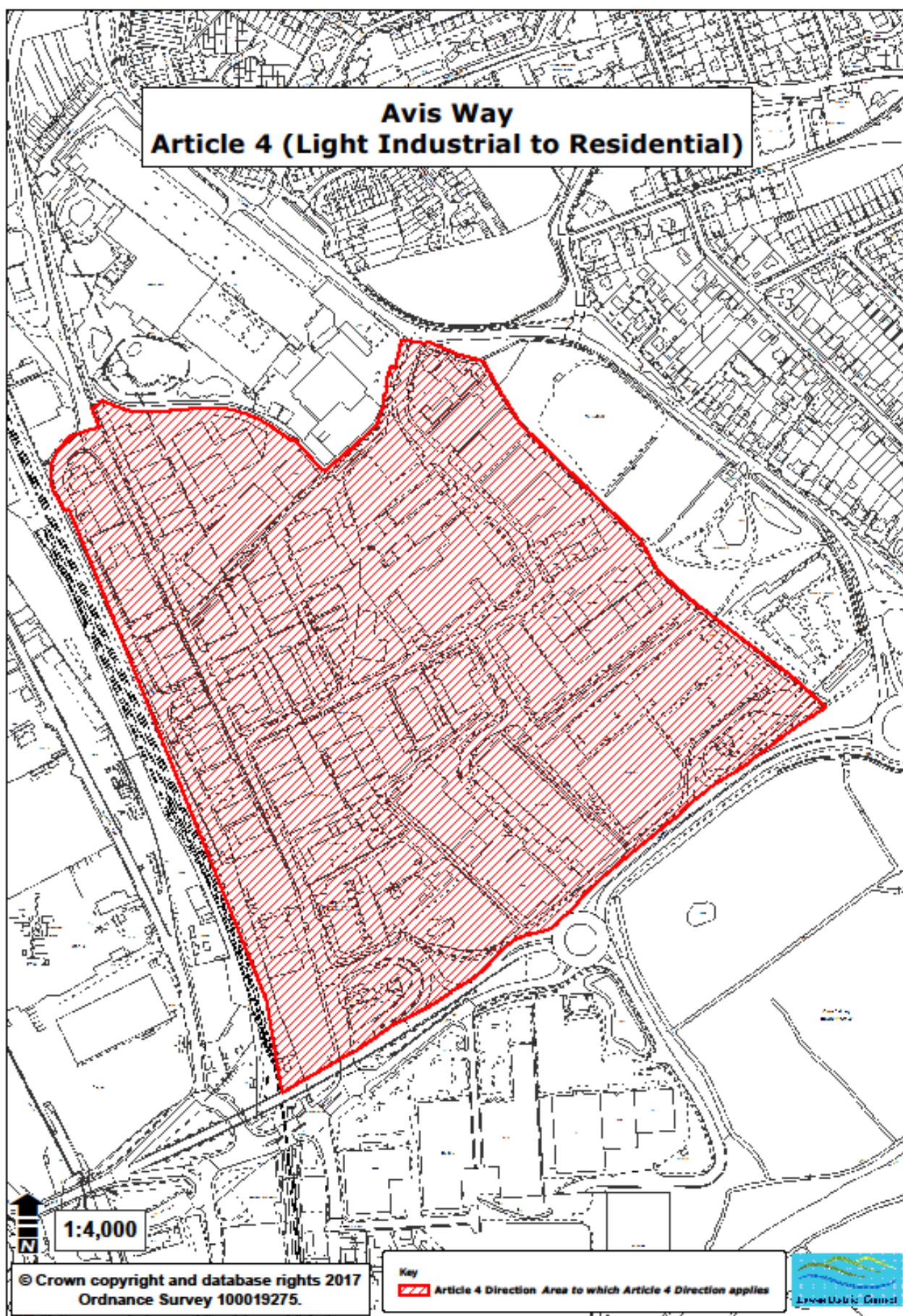


Figure 2 - Avis Way

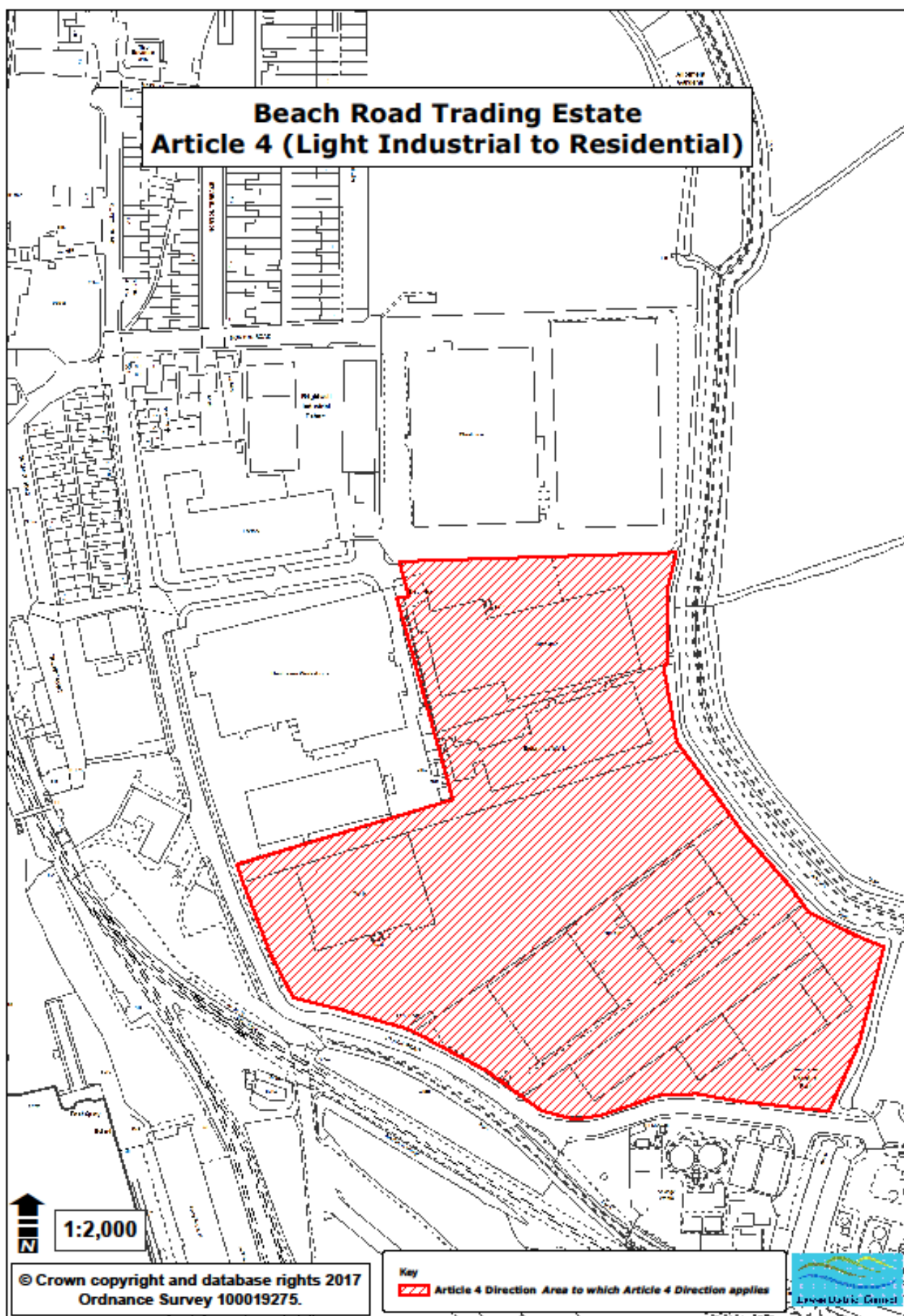


Figure 3 - Beach Road Trading Estate



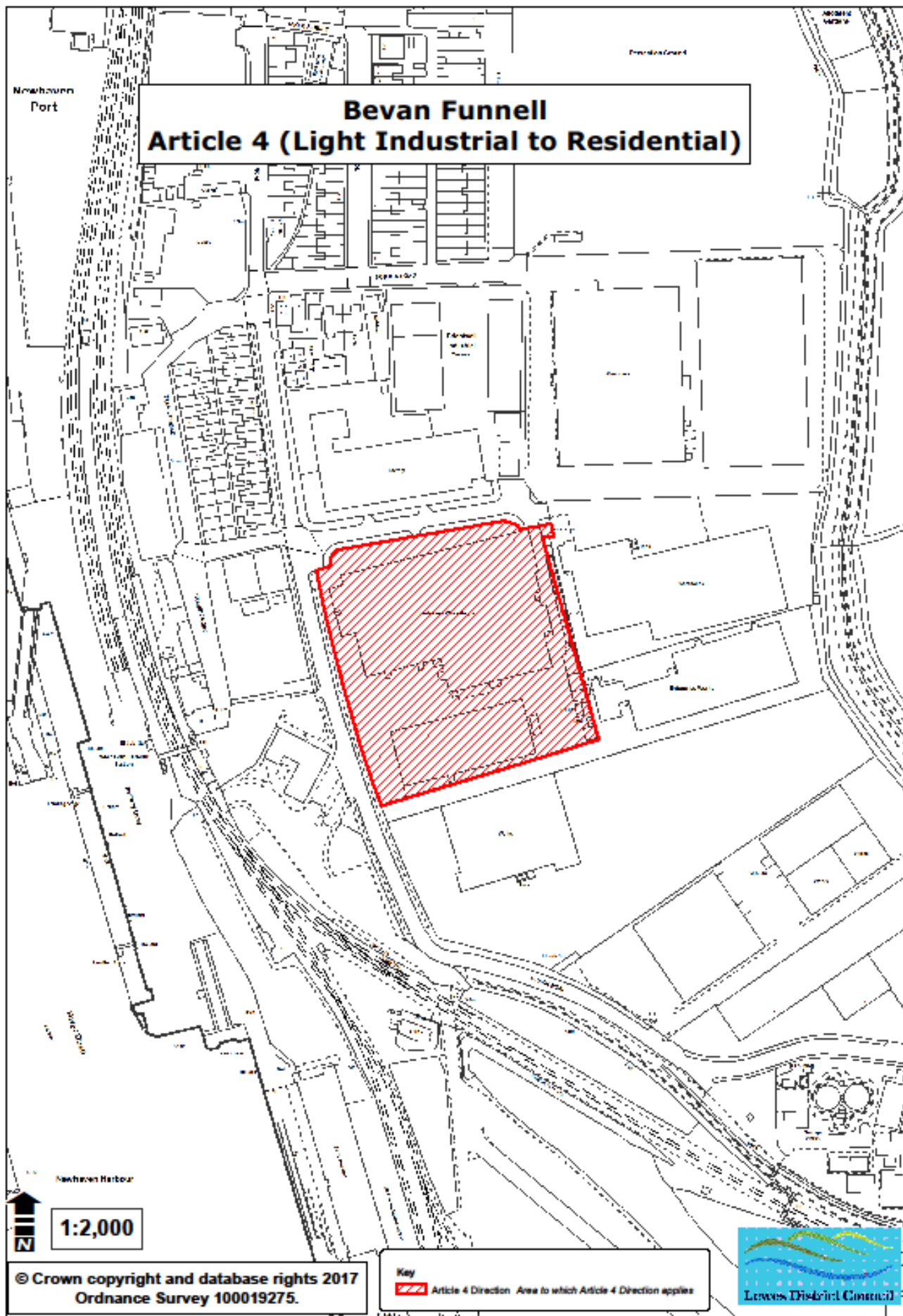


Figure 4 - Bevan Funnell

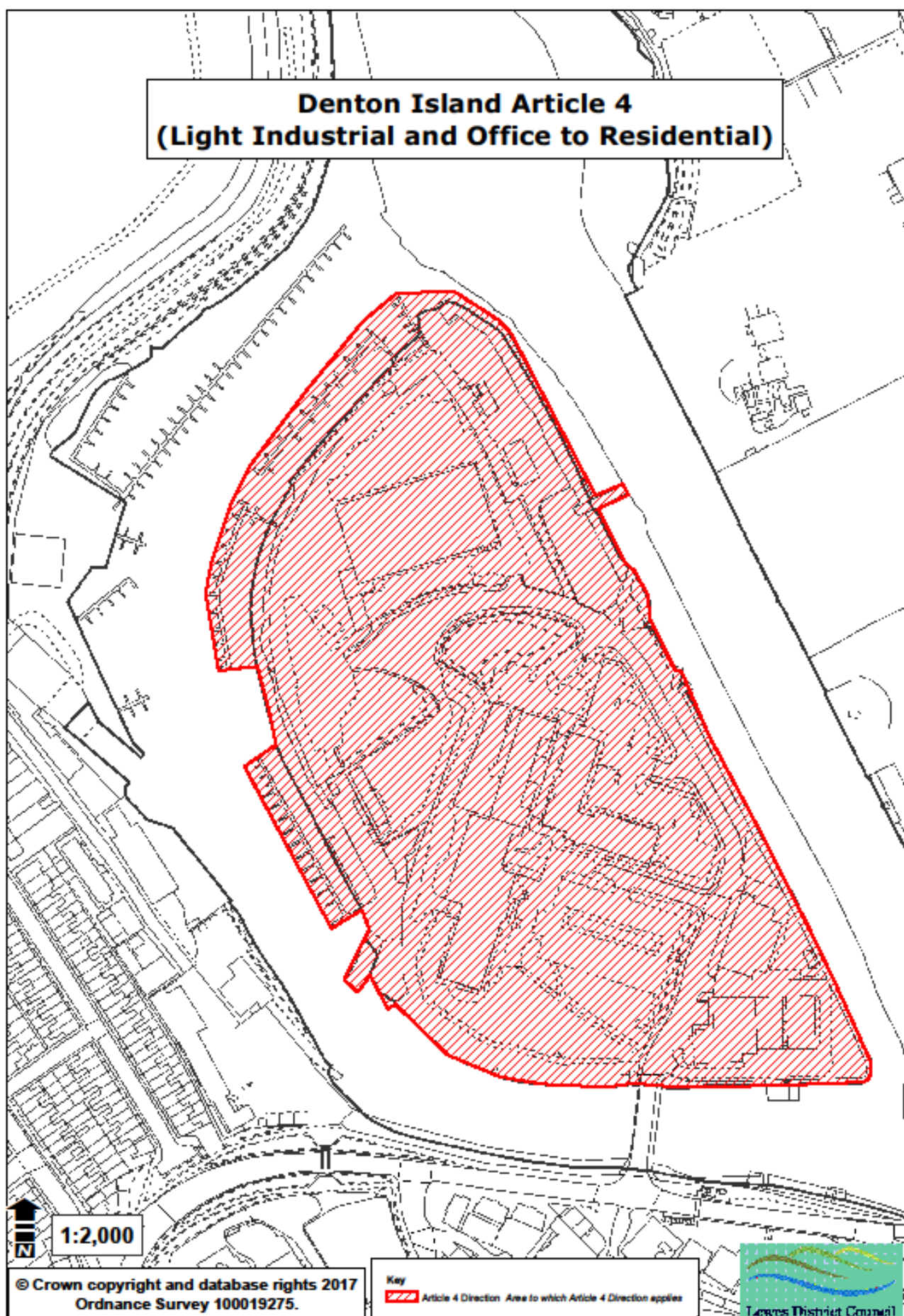


Figure 5 - Denton Island

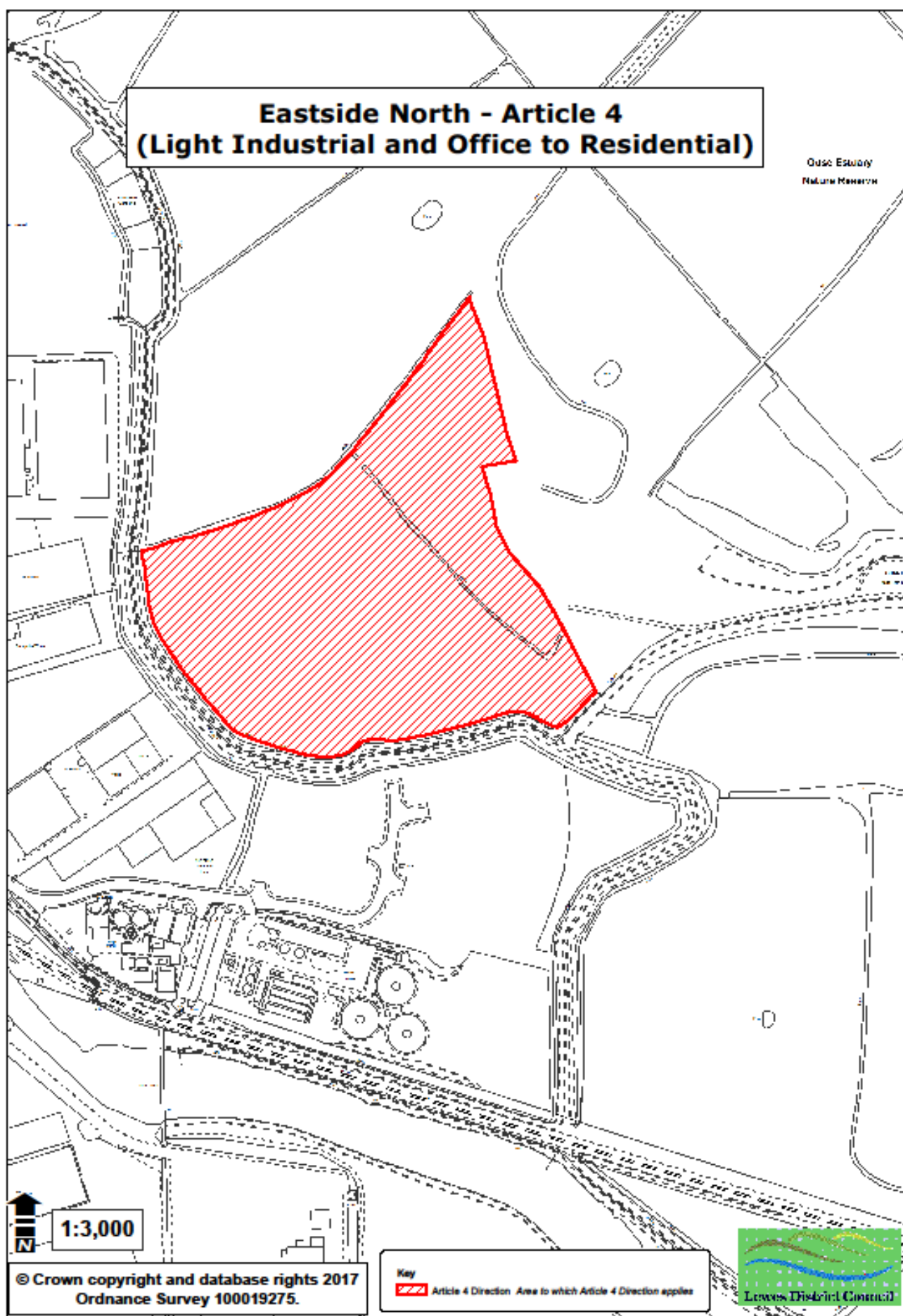


Figure 6 - Eastside North



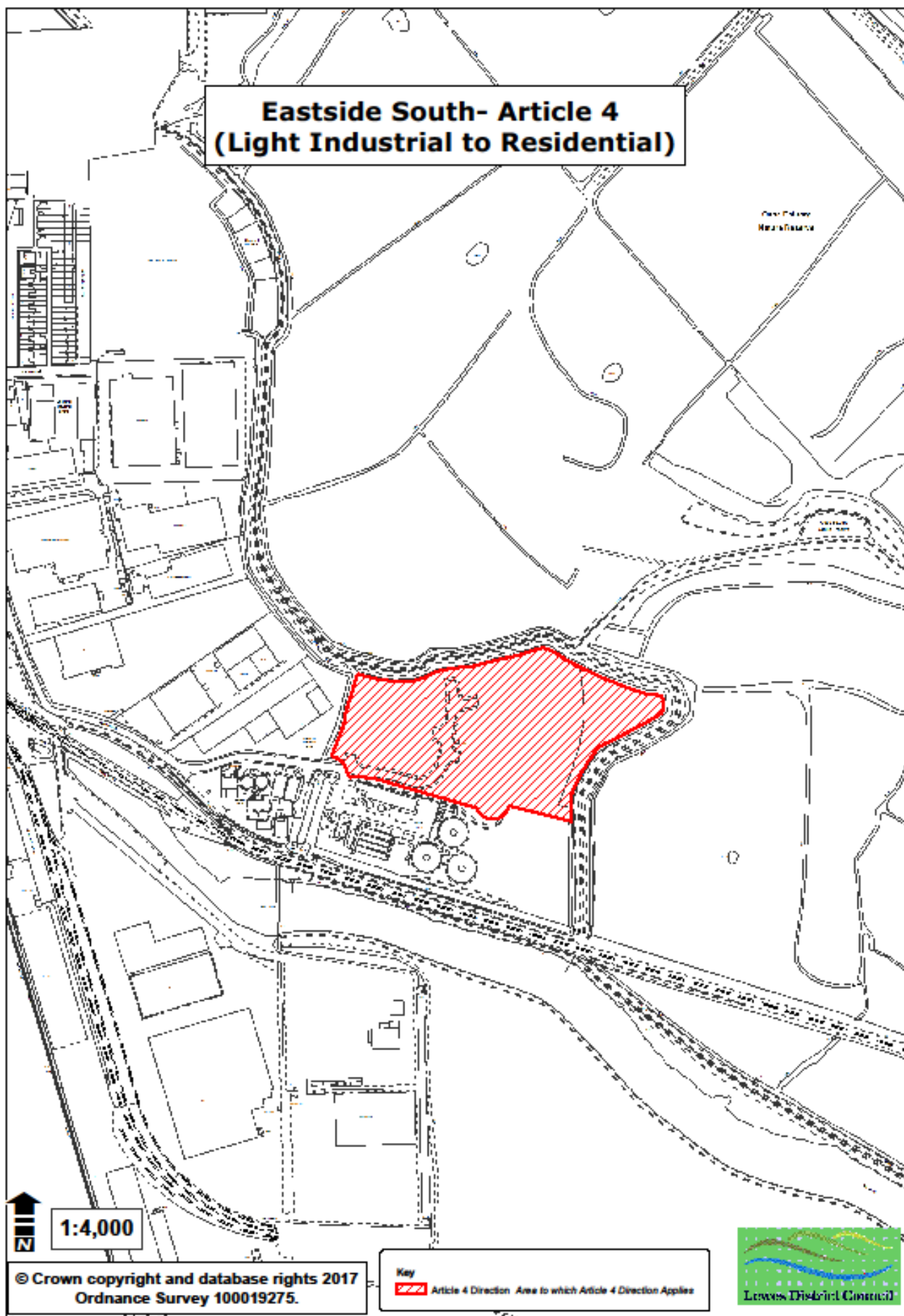


Figure 7 - Eastside South

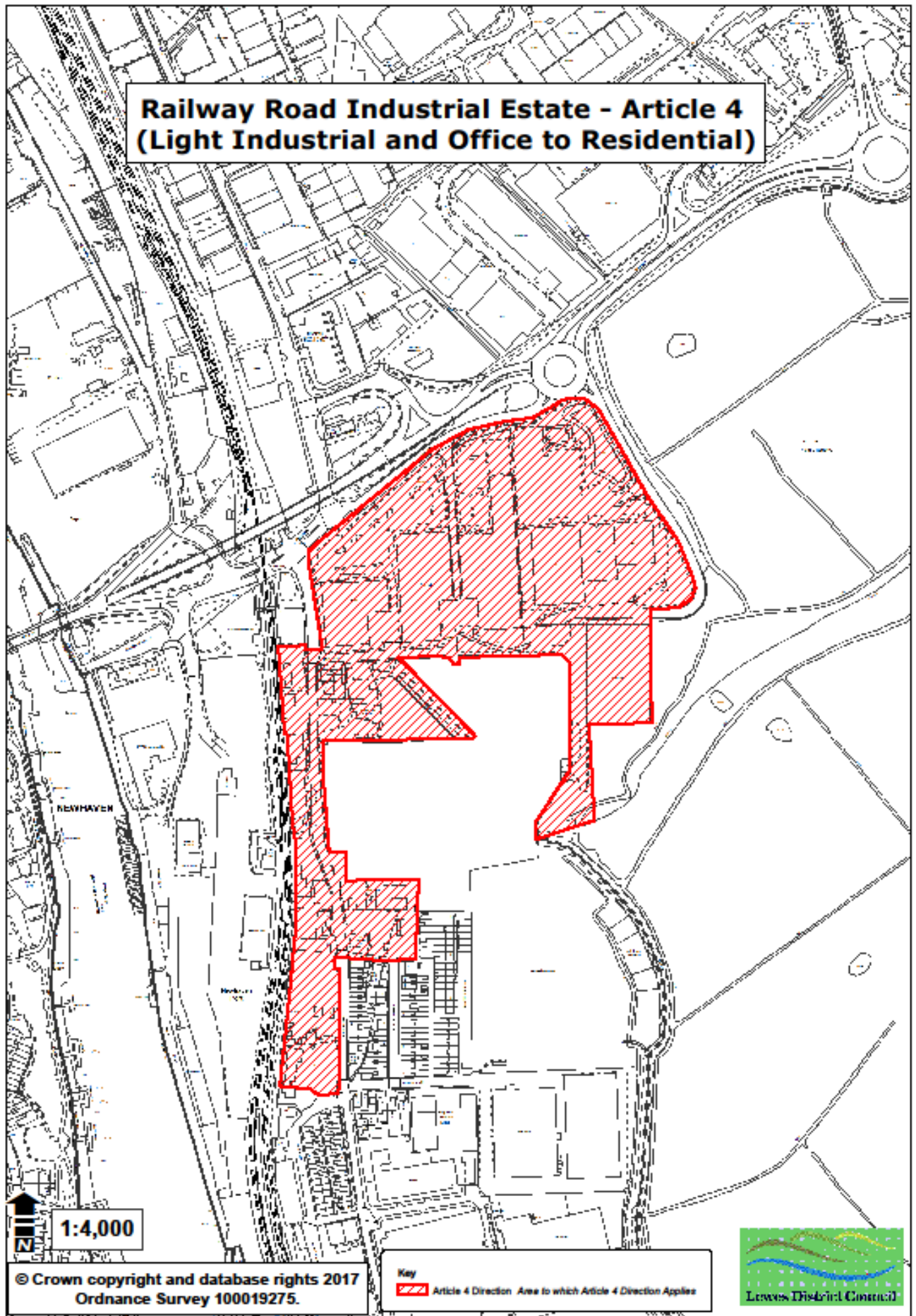


Figure 8 - Railway Road Industrial Estate



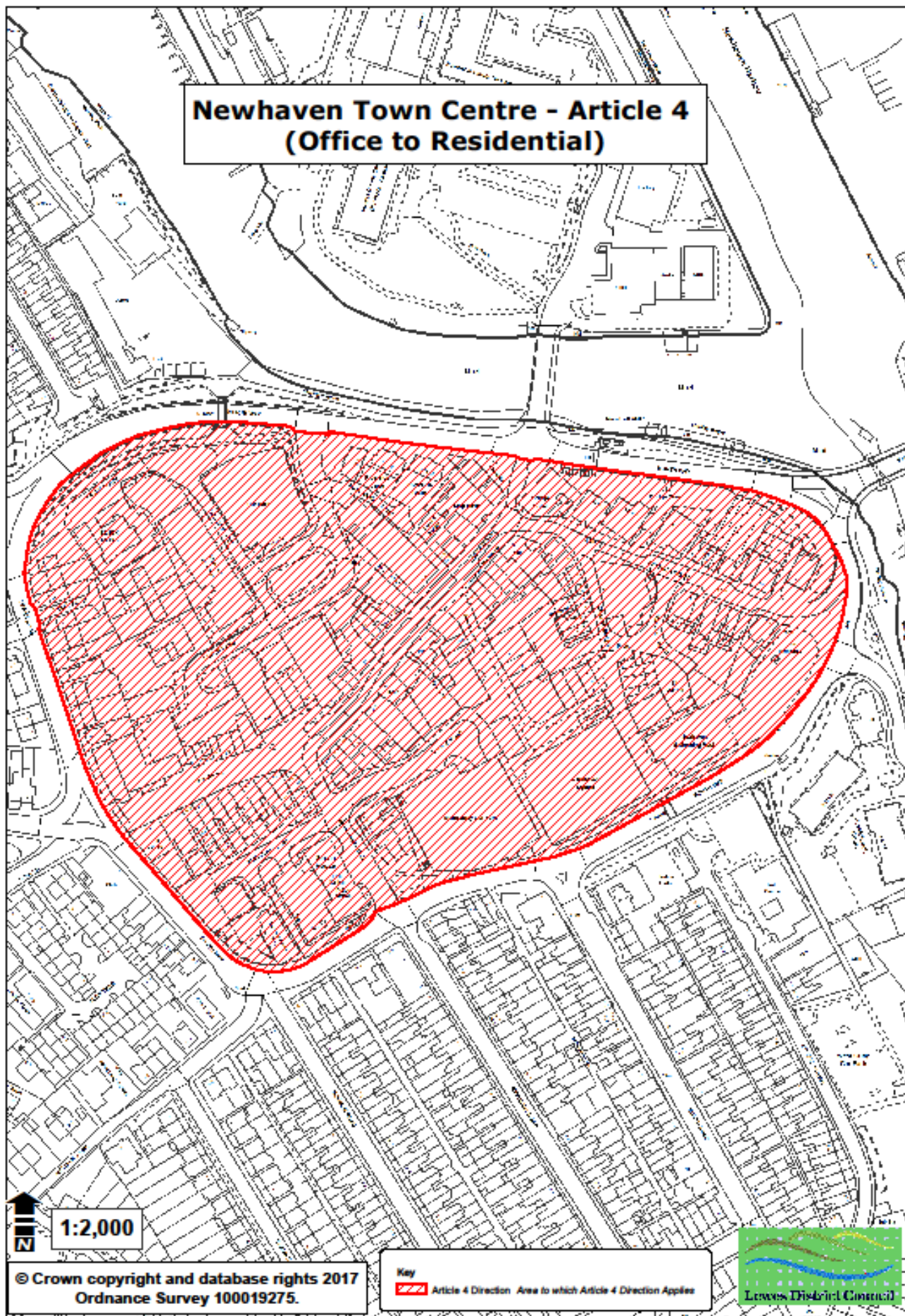


Figure 9 - Town Centre

## **Appendix 3 – Procedure for making a Non-Immediate Article 4 direction**

### *1.1.1.1 Notice*

1. Notice must be given as soon as possible after a direction has been made:
  - a. By local advertisement (e.g. local newspaper);
  - b. By site display for at least six weeks;
    - i. If the direction relates to an area, the notice must be displayed at no fewer than two locations within that area; or
    - ii. If the direction relates to a particular site, the notice must be displayed at that site.
  - c. By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
    - i. A LPA does not need to serve notice on owners and occupiers should it be considered impracticable owing to difficulties identifying and locating owners and occupiers within the area. This sub-paragraph does not apply if the owner or occupier is a statutory undertaker or the Crown.

Although it is not a statutory obligation to publish a notice of the Article 4 direction on the LPA's website it is considered good practice.

2. The notice must:
  - a. Include a description of the development, area or site to which the direction relates and a statement of the effect of the direction;
  - b. Specify that the direction is made under Article 4(1) of *The Town and Country Planning (General Permitted Development) (England) Order 2015*;
  - c. Name a place where a copy of the direction and a copy of the map defining the area or site to which the direction relates may be seen at all reasonable hours;
  - d. Specify a period of at least 21 days, stating the date on which the period begins, within which any representations concerning the direction may be made to the LPA;
  - e. Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days and no longer than two years after the start date from which representations to a local authority can be made.

3. A LPA must send a copy of the direction and the notice, including a copy of the map defining the area or site to which it relates, to the Secretary of State on the same day that notice of the direction is first published or displayed. This should be sent to the National Planning Casework Unit:

ncpu@communities.gsi.gov.uk

5 St Philip's Place  
Colmore Row  
Birmingham  
B3 2PW

Because it may not be possible to send a copy of the publicity notices on the same day as those affected by the direction are notified, it is acceptable to send a copy of the notices as will be published. It should be noted, however, that 'the Secretary of State does not have to approve Article 4 directions and will only intervene when there are clear reasons for doing so'.

4. On making a direction, a district planning authority must also give notice of it to the county planning authority, where this applies.
5. LPA must take 'reasonable steps' to protect notice on display. Where a notice given by site display is, without any fault or intention of the LPA, removed, obscured or defaced before the period [specified in 2(iv) above] has elapsed, the authority is treated as having complied with the requirements of [2(iv)] if it has taken reasonable steps to protect the notice, including, if required, its replacement.
6. The direction comes into force in the date specified in 2(v), but only if it is confirmed by the LPA in accordance to below.

#### *1.1.1.2 Confirmation*

7. To confirm a direction, a local authority must take into account any representations received during the period specified in 2(iv).
8. A local authority must not confirm a direction until after the expiration of:
  - a. A period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or
  - b. Such longer period as may be specified by the Secretary of State following the notification by the LPA to the Secretary of State of the direction.
9. After confirming a direction, a local authority must, as soon as possible:

- a. Give notice of the confirmation and the date on which the direction will come into force; and
- b. Send a copy of the confirmed direction to the Secretary of State.

#### *1.1.1.3 Cancelling a Direction*

*National Planning Practice Guidance* states that an Article 4 direction 'can remain in place permanently once it has been confirmed'. However, as noted above, it stresses that planning authorities should regularly monitor directions to ensure that the reasons for their implementation remain valid and that directions should be cancelled if they are no longer necessary.

#### *1.1.1.4 Modifying a Direction*

To modify an Article 4 direction, a local authority must cancel the current direction and prepare a replacement. A LPA cannot modify or cancel a direction made by the Secretary of State<sup>1</sup>.

#### *1.1.1.5 Role of the Secretary of State*

Subject to certain exceptions, the Secretary of State has the power to make a direction modifying or cancelling a direction made by a LPA at any time before or after its confirmation. The Secretary of State must notify a LPA as soon as is practicable after making a direction, and the local authority is responsible for notifying those affected by the direction.

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<sup>1</sup> Department for Communities and Local Government (2012) *Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995*, 5.

**The Town and Country Planning (General Permitted  
Development) (England) Order 2015**

**Newhaven Town**

**Ref: PCU/A4D/P1425/78184**



**Lewes District Council**



**Newhaven**  
Enterprise Zone

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**Appendix C – Letter from Team East Sussex (South East LEP) (13 December 2017)**

**Appendix D – Letter from Locate East Sussex (14 December 2017)**

Appendix E – Letter from Coast to Capital LEP (21 December 2017)

Appendix F – Representation from Lewes District Council (7 November 2017)

Appendix G – Representation from Harold Warren (17 December 2017)

Appendix H – Representation from Graham Bell (22 December 2017)

# **1. Introduction**

## **1.1 Overview**

This short document sets out the core evidence base supporting the proposed implementation of an Article 4 Direction to withdraw permitted development rights for selected sites in the town of Newhaven in East Sussex.

National planning policy guidance notes that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.

This document seeks to place this proposal within the local and regional policy context, as well as strategic objectives and Enterprise Zone designation to identify the strength of evidence to demonstrate that permitted development rights pose a serious threat to the wellbeing of Newhaven.

This evidence is further supported by the correspondence attached as Appendices from key local and sub-regional stakeholders.

## **1.2 Background**

Newhaven is a small, but significant, port town on the East Sussex coast and has a population of just over 12,000 people.

Newhaven is identified for the highest level of housing growth to 2030 within the Lewes District Local Plan Part 1 (Core Strategy). It is essential to support growth in both housing and employment space to ensure sustainable communities, assisting in changing commuting patterns and relieving pressure on existing transport infrastructure.

The latest data<sup>2</sup> indicates that Newhaven accommodates around 5,450 jobs, representing 14.6% of all jobs in Lewes District. The number of jobs in the town increased by 270 between 2009 and 2015, although the proportion of jobs in the town fell slightly from 15.5%. This highlights that other areas within the Lewes District have experienced proportionally greater job growth over this period.

Newhaven, however, plays a particularly significant role in accommodating the employment space required by growing businesses across the district. Newhaven is the location for approximately 40% of all B use class space in the Lewes District which, when compared against the proportion of district jobs locally, emphasises the importance of retaining significant employment space within the town.

## **1.3 Newhaven Enterprise Zone**

Enterprise Zones (EZ's) are a central pillar of the Government's long-term plan to rebalance the economy. In total, the Government is investing £330 million to support EZ's drive growth of local economies.

In November 2015, eight key strategic sites (covering 79ha) in Newhaven were designated as an EZ. The EZ is a collaboration led by Lewes District Council and Coast to Capital Local Enterprise Partnership and formally came into being on 1 April 2017.

Over the next 25 years, it is anticipated that the EZ will create around 55,000m<sup>2</sup> of new commercial floorspace, refurbish a further 15,000m<sup>2</sup> of existing commercial floorspace and create / sustain up to 2,000 full-time equivalent (FTE) jobs.

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<sup>2</sup> Lewes District Employment Land Review Update, July 2017

## 2. Evidence Base

### 2.1 Introduction

In this chapter we seek to outline how the proposed implementation of an Article 4 Direction accords with the local and sub-regional policy and strategic context, as well as the evidence that has underpinned this proposed implementation.

### 2.2 Local Strategic & Policy Context

The Lewes District Local Plan Part 1 was adopted by Lewes District Council in May 2016. This strategic policy document acknowledges the importance of Newhaven's economic role and potential to drive growth across the district to 2030. In particular, Section 4 outlines a vision for Lewes District and specifically covers Newhaven:

*"By 2030, Newhaven will have undergone significant regeneration and developed and strengthened its economic base. The town will have become the focus for enterprise and training within the district, with links to the two universities in Brighton... The regeneration of Newhaven will have resulted in a revitalised and more accessible town centre, with an improved public realm and a greater range of uses and activity, including those to meet local needs."*

This is reflected in the plans for the EZ and the recently announced plans<sup>3</sup> for the regeneration of Council-owned land within Newhaven Town Centre that incorporates both commercial floorspace and new residential development, reflecting a wider strategy to create more sustainable communities within coastal areas of the Lewes District in particular.

#### Housing Growth

As referred to earlier, Newhaven is identified for the highest level of housing growth over the Plan period. Between 2010 and 2030, Newhaven is forecast to deliver almost 28% of all planned housing across the Lewes District<sup>4</sup>. This is significantly higher than the other key urban areas, including Lewes Town (19%), Seaford (9%) and Peacehaven & Telscombe (20%).

Alongside this housing growth, there is a need to intensify existing economic uses and support diversification to maximise growth opportunities in Newhaven. This is critical to prevent Newhaven from becoming a commuter / dormitory town with even higher commuting outflows to larger destinations nearby (eg. Brighton and Eastbourne) than is already currently occurring. To this end, the proposed implementation of an Article 4 Direction is vital in ensuring space for growth in both housing and employment space to create a truly sustainable community, meeting the overall aims of the NPPF and alleviating the serious threat posed by permitted development rights in the town.

#### Employment Land Review

In 2010, an Employment Land Review was published for Lewes District. This was subsequently updated in 2012 and informed the production of the Local Plan Part 1.

Subsequently, in early 2017, Lewes District Council commissioned Lichfield's to prepare an updated Employment Land Review for Newhaven. This was with a view to informing the Council's approach to employment land in the town and to review the evidence in respect of the potential to implement an Article 4 Direction across selected sites.

This review provided additional evidence on Newhaven's employment land supply, an assessment of its fitness for purpose, a quantitative assessment of future employment land needs for Newhaven

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<sup>3</sup> <http://www.theargus.co.uk/news/15649160.> Vibrant transformation plans for rundown port/

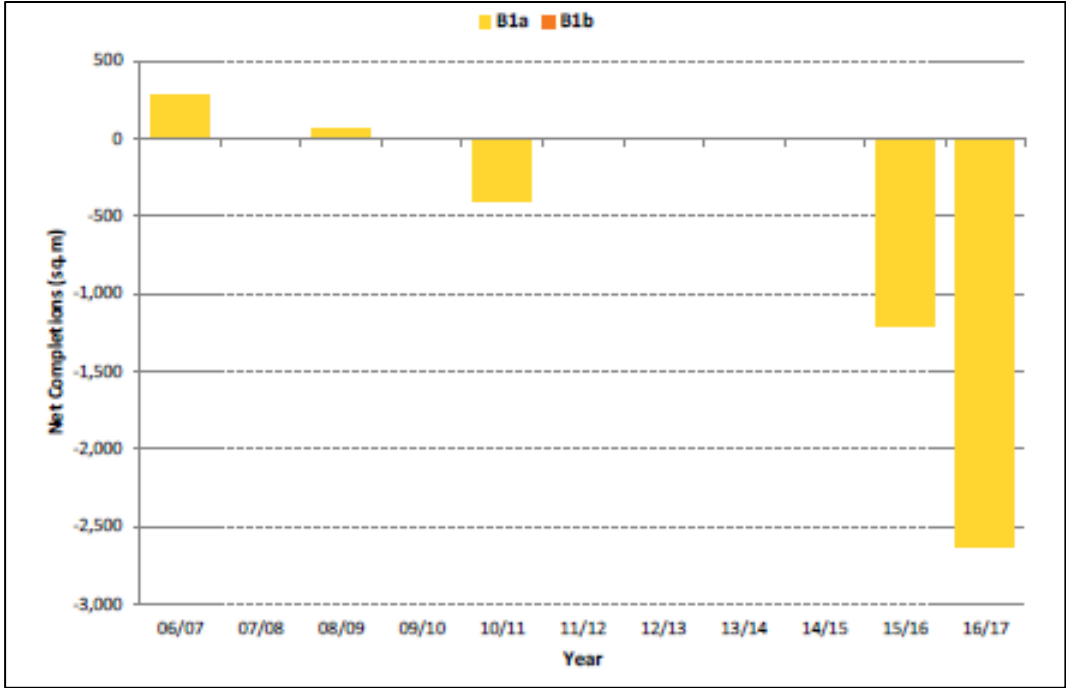
<sup>4</sup> Lewes District Local Plan Part 1, May 2016 (Table 5, Page 53)



and the identification of a portfolio of sites that meet local and strategic planning objectives, serving the needs of businesses and the local economy.

Between 2006 and 2017, just under 550m<sup>2</sup> of gross office space was developed per annum across Lewes District. This growth has not kept pace with demand, nor the overall reduction in the amount of office space in Newhaven. The graph below shows the net amount of office floorspace developed in Newhaven over the same period. There has been an overall reduction in the amount of office space in Newhaven, mirroring the picture across the wider District.

**Figure 1: Net Completions of Office Space in Newhaven 2006-2017**

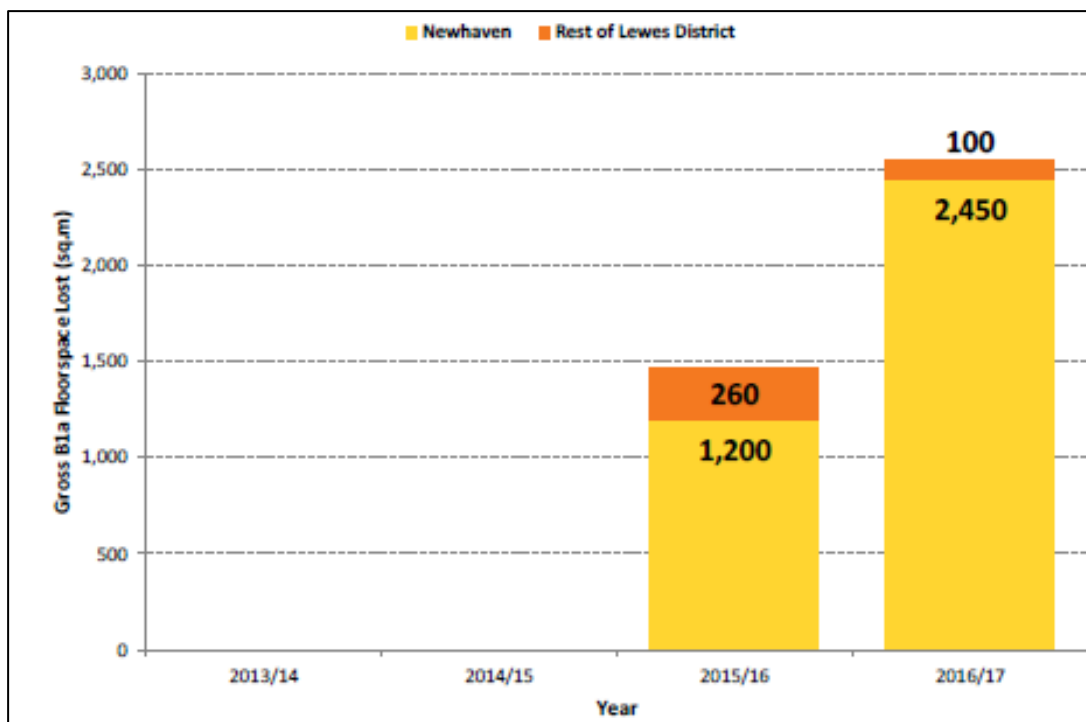


Source: Lewes District Council monitoring data / Lichfield's analysis

As shown, since the expansion of permitted development rights, Newhaven has seen a significant fall in the provision of office space. On this basis, it is critical to ensure that the limited remaining provision of office space in Newhaven benefits from appropriate safeguarding via the implementation of the proposed Article 4 Direction.

Moreover, since the introduction of the (originally temporary) permitted development rights to allow change of use from office to residential, Newhaven has suffered disproportionately when compared to the wider Lewes District. The graph below shows the level of office to residential floorspace conversions that have occurred since 2013.

**Figure 2: Office Space Converted under PD 2013-2017**



Source: Lewes District Council monitoring data / Lichfield's analysis

As shown, around 91% of all converted floorspace has been within Newhaven. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by the permitted development rights and associated loss of office space. This highlights the need to protect the wellbeing of the area through the removal of national permitted development rights.

#### Newhaven Enterprise Centre

The Newhaven Enterprise Centre opened in 2007 on Denton Island – one of the eight sites covered by the proposed Article 4 Direction – and offers a range of flexible office and workshop space for business start-ups, micro and small businesses.

Since opening, the Centre has seen extremely high levels of demand, indicating that there is significant latent demand for small-scale modern office space in the town. This demand led to a successful bid to the Coastal Communities Fund in 2013, which included a substantial extension to the existing Centre. This has, again, far exceeded expectations of demand.

Appendix A contains a letter from the Manager of the Newhaven Enterprise Centre highlighting the strength of demand for office space and the waiting list for such flexible workspace in Newhaven at the current time, as well as emphasising the opportunity to capture growing businesses seeking to move on and create additional employment – in line with the overall aim for the Newhaven EZ.

#### Newhaven Enterprise Zone

As highlighted in Section 1.3, Newhaven is the focus of ambitious regeneration and economic growth plans being led by Lewes District Council in collaboration with Coast to Capital Local Enterprise Partnership.

Five of the sites proposed for the Article 4 Direction lie within the Enterprise Zone – Avis Way, Eastside North, Eastside South, Town Centre and Bevan Funnell (South). The focus of the EZ is on employment growth, economic intensification and the creation of sustainable job opportunities for local residents.

Without sufficient control of employment space through the full development management process, the identified outcomes will be more challenging to achieve and represents a serious threat to the area's economic wellbeing as well as a missed opportunity. This is highlighted by use of permitted development rights on the Bevan Funnell (North) site which has substantial knock-on implications for surrounding industrial sites, further eroding the available employment space in Newhaven and impacting on the aims of the EZ.

### **2.3 Sub-Regional Strategic & Policy Context**

Newhaven (and the wider Lewes District) lies within two Local Enterprise Partnerships (LEP's), South East LEP (SELEP) and Coast to Capital LEP (C2C).

#### South East LEP

SELEP's existing Strategic Economic Plan identifies that Newhaven has substantial capacity for growth, with a 'Clean Tech and Maritime Growth Corridor' linked to delivery of more than 5,000 jobs and almost 1,900 homes.

This emphasis on 'clean, green and marine' accords directly with the implementation of EZ status in Newhaven, with a focus on developing a higher-value economic role for the town linked to the new University Technical College (UTC@harbourside) that opened in September 2015, as well as the Operations and Maintenance Base for the Rampion Offshore Wind Farm (currently under construction at East Quay).

Within this focus, it is clear that there is a drive to create more sustainable communities through appropriate provision of both housing and employment space. Without careful planning through the development management process, there is a significant risk that economic growth is stymied due to higher land and property values associated with residential development.

#### Coast to Capital LEP

The EZ is a collaboration led by Lewes District Council and C2C. Both parties, together with the partner organisations represented on the EZ Programme Board (including East Sussex County Council, Newhaven Town Council and BEIS), recognise the importance of planning effectively for new development.

This is reflected in C2C's current Strategic Economic Plan which identifies Newhaven as a 'Key Opportunity Area' linked to the establishment of an Enterprise Zone.

Indeed, Appendix 9 to C2C's SEP notes that the EZ *"seeks to accelerate Newhaven's transition from an economy based on low-value manufacturing and processing linked to the Port, to a new and higher-value economic role, based on the town's recognised potential to support technology-led business growth."*

Furthermore, *"Newhaven has been identified as a key economic growth point in Coast to Capital... there is an urgent need to update Newhaven's current stock of business accommodation to re-orientate the property offer away from traditional manufacturing space to higher quality, more flexible workspace, capable of attracting higher value productive and office-based businesses."*

This gradual shift towards increasing demand for higher quality and more flexible workspace is reflected by demand at the Newhaven Enterprise Centre on Denton Island (one of the eight sites affected by the proposed Article 4 Direction). A letter from the Centre management is attached as Appendix A to this report, which reflects the increasing demand for modern commercial premises in Newhaven and the surrounding areas.

#### Greater Brighton City Region

One of the key premises behind Enterprise Zone designation is that the additionality generated by this intervention is supporting greater economic growth across the Greater Brighton City Region through positive displacement, thereby creating additional employment and GVA throughout Greater Brighton. Newhaven is therefore a critical part of the growth potential of the City Region, offering space for both housing and employment space to support the over-heating Brighton & Hove city economy.

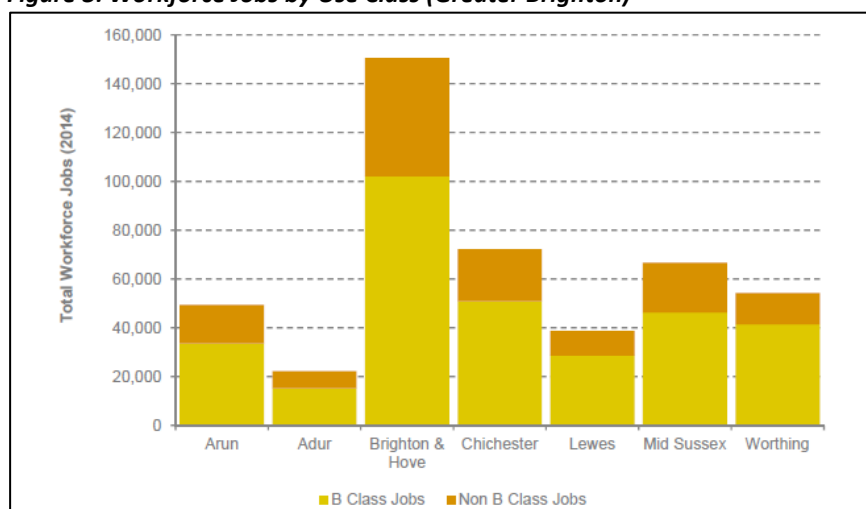
This is supported by published evidence<sup>5</sup>. Paragraph 6.10 notes that Greater Brighton must meet the space needs of key sectors and growing businesses. Paragraph 6.12 goes further noting that:

*“This presents an immediate opportunity for locations such as Adur, Worthing and Lewes (particularly Newhaven) which have close functional relationships with Brighton & Hove and are an obvious next ‘stepping stone’ for any businesses needing to expand outwards.”*

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<sup>5</sup> [Greater Brighton & Coastal West Sussex Background Paper 1: Economy, May 2015](#)

**Figure 3: Workforce Jobs by Use Class (Greater Brighton)**



Source: NLP May 2015

Furthermore, in proportionate terms, Lewes District has the 2<sup>nd</sup> highest share of total jobs (74%) in B Class sector activities across the seven authorities within Greater Brighton and Coastal West Sussex. This reflects a strong tendency towards office and industrial-based employment in the local economy.

## 2.4 Commuting Patterns

Lewes District sees a daily outflow of commuters for work purposes. Overall, a net outflow of 5,514 commuters is seen due to the limited employment opportunities available within the area. Newhaven is currently the key employment area of the district and the limited availability of suitable office and industrial premises is exacerbated by the use of permitted development rights to convert suitable employment sites to residential without recourse to the full development management process.

The table below shows the distance travelled to work by location. As this demonstrates, almost ¾ of Newhaven's residents of working age commute up to 30km to their place of work, with a high proportion commuting at least 10km (compared to regional and national averages). This is unsustainable and a key part of the EZ is around ensuring sufficient employment opportunities for local residents.

Distance Travelled to Work	% of Residents by Location				
	England & Wales	South East Region	East Sussex County	Lewes District	Newhaven
Work mainly at or from home	10.4	11.9	14.1	14.1	8.5
Less than 10km	52.1	46.9	43.9	37.5	44.4
10 – 30km	21.1	20.7	19.8	27.3	29.9
30km +	8.0	11.6	11.8	11.2	8.1
Other	8.4	8.9	10.4	9.9	9.2

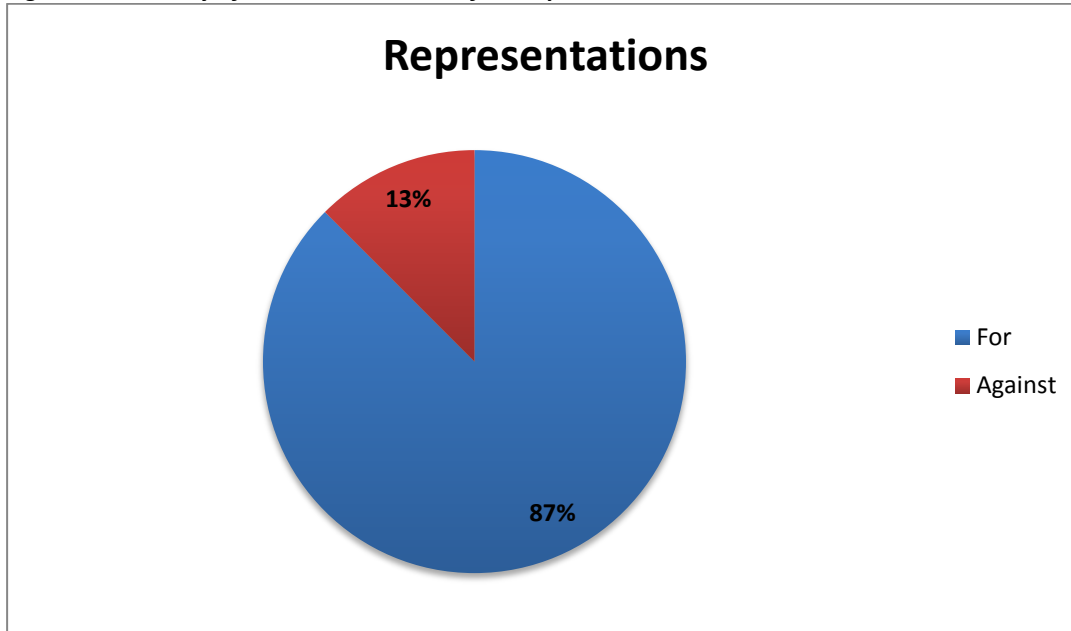
Source: 2011 Census / East Sussex in Figures

On this basis, the proposed implementation of an Article 4 Direction is vital to local economic wellbeing and to alleviate further capacity issues on local and regional transport infrastructure which would otherwise pose a serious threat to effective regeneration.

## 2.5 Consultation

A public consultation was held between 3<sup>rd</sup> November and 22<sup>nd</sup> December. During this time we received eight representations either by letter or through the contact form on the Newhaven EZ website.

**Figure 4: Summary of Consultation Period for Proposed Article 4 Direction**



The sole objection was submitted by the managing agent for the Bevan Funnell site as they believe that the buildings are coming to the end of their economic life and that the site is suitable for low cost housing. It should be noted that this site is within the Newhaven EZ. As such, it is expected that the site will focus on employment uses, which reflect the site's location in a primarily commercial locality, as well as the principles of the EZ.

One representation was received from a resident of Newhaven supporting the proposed Article 4 direction as well as outlining some concerns. The response outlines the need for Newhaven to remain a place for growth as the reason for supporting the proposal. The response also highlighted some areas of concern including the impact of light industrial development on air and noise pollution and the need for a careful balance of housing and employment growth. This is in line with Lewes District Council's stated objectives for Newhaven as a sustainable location to live, work and visit.

Of the remaining six representations, five identified the importance of the Newhaven EZ as a strong reason for supporting the proposed Article 4 directions. This reflects the importance of the Bevan Funnell site highlighted earlier. Additionally four responses recognised the need for appropriate policy designations to enable business growth. Furthermore, Article 4 Directions were felt important to Newhaven's future for the following reasons:

- The high level of demand for office space in Newhaven.
- The importance of balancing housing need with protecting employment space to ensure that Newhaven does not become a dormitory commuter town.
- A need to assess applications for conversion of existing employment space into residential development through the full development management process.

All representations can be found in the Appendices.

### **3. Summary**

In conclusion, this document sets out the robust evidence base that has been assembled in determining the need for the proposed Article 4 Direction for selected sites in Newhaven.

It is clear from the foregoing that there is a real opportunity – through Newhaven Enterprise Zone – to grow the local economy, creating employment opportunities and fostering innovation and an entrepreneurial culture. This is in line with the recently published Industrial Strategy White Paper.

It is recognised that there is a pressing need for more affordable housing – not just in Newhaven but across the wider Lewes District. This is acknowledged and is reflected by Newhaven having almost one-third of all planned housing growth within the lifespan of the Local Plan Part 1. Without sufficient employment space, however, this is likely to lead to greater levels of out-commuting and will not lead to inclusive and sustainable growth.

It is on this basis that Lewes District Council has proposed the implementation of an Article 4 Direction to remove permitted development rights for conversion from office to residential on selected sites in Newhaven. It is considered that the removal of national permitted development rights is necessary to protect the wellbeing of the area, with evidence supporting the serious threat that permitted development rights pose to local economic growth in Newhaven.

The public consultation ended on 22<sup>nd</sup> December 2017 with 87% of responses supporting the proposal for an Article 4 Direction in Newhaven. Given the overwhelmingly positive nature of the responses, Lewes District Council considers that this demonstrates the strength of our evidence base and further justifies the proposed implementation of an Article 4 Direction as set out in our original submission.

**Appendix A – Letter from Newhaven Enterprise Centre (8 December 2017)**

**Letter for support for Article 4**



Denton Island, Newhaven  
East Sussex, BN9 9BA  
Tel: 01273 615250  
Fax: 01273 615251  
Email: newhaven@basepoint.co.uk  
www.basepoint.co.uk

8<sup>th</sup> December 2017

Dear sirs,

I am writing this letter in support of Lewes District Council's application for Article 4 direction in the Newhaven area.

I believe there is a strong demand for office's and workshop units in Newhaven. I manage the Newhaven Enterprise Centre, a business centre based on Denton Island with 19,000 sq. ft. of office and light industrial workshop units equating to 60 self-contained units in total. Due to demand the centre was extended in April 2016 from 13,000 sq. ft. equalling 46 individual units, prior to the extension the centre was consistently at capacity. As of today, the centre is almost at capacity again with 98% occupancy and a contract due to be signed for our last remaining unit by 18<sup>th</sup> December. On top of our high occupancy levels we have a healthy waiting list for both office and workshop units, which we are currently unable to house within the centre.

With our largest unit totalling 850 sq. ft., we often find that when businesses outgrow the centre there is no move-on facility or space within Newhaven, thus meaning businesses are relocating out of the area to find suitable office or workshop space. From speaking with licensees within the centre, move-on space would be a welcome addition to Newhaven. We currently have at least three units who are rapidly growing and soon to outgrow the centre, businesses which would like to continue to operate from Newhaven. We could potentially lose these businesses from the area as their current search for suitable space has been unsuccessful.

Based on the level of enquiries we receive, the centres consistently high occupancy levels and the lack of suitable move-on space from the centre, I believe there is a demand for both office and workshop units within Newhaven.

Kind regards,

A handwritten signature in black ink, appearing to be "AB", written over a faint circular stamp.

Abigail Burgess  
Centre Manager





## Appendix B – Letter from East Sussex County Council (24 November 2017)

Communities, Economy & Transport

James Harris  
Assistant Director, Economy

County Hall  
St Anne's Crescent  
Lewes  
East Sussex  
BN7 1UE

Tel: 0345 60 80 190  
Fax: 01273 479536  
[www.eastsussex.gov.uk](http://www.eastsussex.gov.uk)



### Sent by email

Alec Fuggle  
Regeneration Project Manager  
Lewes District Council

24 November 2017

Dear Alec,

Thank you for consulting East Sussex County Council on the proposed Article 4 Directions for the Enterprise Zone sites in Newhaven. The County Council, in its remit as the relevant Highways Authority, Lead Local Flood Authority, Waste and Minerals Planning Authority and as a member of the Enterprise Zone Board, wish to support the proposed Article 4 Directions in Newhaven.

The proposals are clearly supported by the evidence presented within the Employment Land Review Update, prepared by Lichfields, and are considered to complement the ambitions of the Enterprise Zone. We are of the view that the removal of the relevant permitted development rights, and the making of planning decisions based on up-to-date development plan policies, will allow for a thorough and holistic approach to be taken on the matters of employment land/premises provision, and housing land supply in the town.

In addition, the requirement for planning permission to be sought for a change of use from light industrial/office to residential enables matters such as the highway impacts and local flood risk implications to be given full consideration, and be appropriately planned for, when considering proposals that would have previously benefited from the permitted development rights.

Yours sincerely



James Harris  
Assistant Director - Economy

Tel: 01273 482158  
[james.harris@eastsussex.gov.uk](mailto:james.harris@eastsussex.gov.uk)



recycled paper

## Appendix C – Letter from Team East Sussex (13 December 2017)

Team East Sussex  
Local Growth Board  
to the South East LEP



Team East Sussex Secretariat  
c/o Economic Development (West-B)  
East Sussex County Council  
St. Anne's Crescent  
Lewes  
BN7 1UE

Mr Peter Sharp  
Head of Regeneration  
Lewes District & Eastbourne Borough Councils  
Southover House  
Southover Road  
Lewes  
BN7 1AB

13 December 2017

Dear Peter,

### **Article 4 Directions for the Enterprise Zone sites in Newhaven**

Thank you for your recent letter on the proposed Article 4 Directions for the Enterprise Zone sites in Newhaven. I appreciate the opportunity to respond on behalf of Team East Sussex.

As you're aware, Team East Sussex (TES) is the business-led federated sub-board for East Sussex of the South East LEP, with representatives covering Chambers of Commerce and FSB, plus the third sector, higher and further education, arts and culture, skills and employment, construction, and each of the District, Borough and County Councils. You're also aware of the remit and significance of Local Enterprise Partnerships, tasked by the government to increase economic prosperity and growth within their areas.

Having considered your proposals and discussed this with the TES Board, we share your concerns over the change in rules governing permitted development to allow offices to change to residential without planning permission, now extended to light industrial premises of over 500m<sup>2</sup>. This is pertinent to Newhaven in particular, which is of enormous economic importance to the businesses of East Sussex with its recently acquired Enterprise Zone status. The requirement for housing is of course clear, but to do so at the expense of accessible cost-effective business space will in our view have a negative economic effect in the long term.

We agree with your recommendation that these permitted development rights should be withdrawn. This would enable Lewes District Council to control residential development far more effectively through the full development management process to ensure there is both sufficient housing and adequate business employment space across the area.

***On behalf of Team East Sussex, and as agreed by the TES Board at our meeting on 11 Dec 2017, I'd like to offer my support to Lewes District Council's proposal to implement an Article 4 Direction in Newhaven.***

Yours faithfully

Graham Peters DL  
Chairman, Team East Sussex

Appendix D – Letter from Locate East Sussex (14 December 2017)

Peter Sharp  
Head of Regeneration  
Lewes District Council  
Southover House  
Southover Road  
Lewes  
BN7 1AB

14 December 2017



Ocean House  
87-89 London Road  
St Leonards-on-Sea  
East Sussex  
TN37 6LW

t. 0300 3435749  
e. [philip.johnson@locateeastsex.org.uk](mailto:philip.johnson@locateeastsex.org.uk)



Dear Peter

As you are aware, over the past year we have been receiving an increasing number of significant enquiries from individuals and companies that are considering Newhaven as a business location. The announcement of the Enterprise Zone has added to this interest and following recent conversations with Lewes District Council, we will be devoting further time and resource to promoting the town and Enterprise Zone to companies within East Sussex and beyond in particular into Brighton, Hove, Shoreham on Sea, East Grinstead, Haywards Heath and Burgess Hill.

This is a critical time for Newhaven. The granting of Enterprise Zone status and support that is being given to business is sending out a very positive signal and will be attracting companies to the town, as well as creating much-needed employment opportunities. This focus is also helping with our wider remit of promoting East Sussex as a place for growing companies to consider as a location. Locate East Sussex is already involved with two companies looking to move to new premises at Eastside South, one of which is new to the town.

Locate East Sussex is fully supportive of Lewes District Council's plans to secure an Article 4 direction to enable the local planning authority to withdraw PDRs including changes of use from an area or a particular property. The sites identified for removal of Permitted Development Rights are certainly amongst those with potential for encouraging business growth. Removal of PDRs would allow the current levels of interest the time necessary to result in the full utilisation of the existing commercial space.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Johnson'.

Philip Johnson  
Director



**European Union**  
European Regional  
Development Fund

**SOUTH EAST INVEST: Inward investment for East Sussex and Essex**

Part funded by the 2014 to 2020 European Regional Development Fund Programme

## Appendix E – Letter from Coast to Capital LEP (21 December 2017)



Arun House  
Hurst Road  
HORSHAM  
West Sussex  
RH12 2DN

21 December 2017

Dear Peter,

### **Article 4 Directions in Newhaven**

Coast to Capital is writing in support of the consultation on article 4 directions to remove permitted development rights in Newhaven.

Our partnership with Lewes District Council successfully bid for an Enterprise Zone across eight sites in Newhaven which formally launched on 1 April 2017. Enterprise Zones are designated areas across England that provide tax breaks and additional support for new businesses. The project aims to facilitate the economic regeneration of Newhaven and shift the town to a higher value economy over the next 25 years. As part of this bid a vision for the development and regeneration of the town was set out which sees Newhaven as having the potential to be the fastest growing business location in the South East.

Coast to Capital sees the Enterprise Zone as a key part of our strategy for growth in the local region and the refurbishment and development of new employment space in Newhaven is central to making this happen. Limited employment space, particularly space where businesses can grow, is severely limited in Coast to Capital region and is a key challenge we will be addressing in our new Strategic Economic Plan.

Protecting the employment space available in Newhaven will ensure local businesses have the space to start, grow, employ local people, drive the local economy, and contribute to the regeneration of the town. Coast to Capital has previously supported article 4 directions in Manor Royal to protect the major business park in the region and we believe protecting employment space in Newhaven is just as important.

Coast to Capital supports Lewes District Council in its actions to restrict permitted development rights in Newhaven and we will continue to work in partnership to ensure the success of the Enterprise Zone and Newhaven town.

Yours sincerely

Jonathan Sharrock  
Chief Executive

## **Appendix F - Representation from Lewes District Council (7 November 2017)**

Name: Bee Lewis

Email Address: [bee.lewis@lewes-eastbourne.gov.uk](mailto:bee.lewis@lewes-eastbourne.gov.uk) Postal Address: Lewes District Council Southover House Southover Road Lewes BN7 1AB

Representation: The creation of the Newhaven Enterprise Zone is a catalyst for real change within Newhaven, with the chance to lever in additional investment and create sustainable industry and jobs.

While there is pressure to provide housing, it's also important to recognise that without jobs, Newhaven's growth will stagnate. It is therefore important to strike a balance between housing need and protecting brownfield sites from conversion to residential.

I support the proposals to protect the sites identified within the Enterprise Zone from conversion to residential. Without such protection, indications are that in 15-20 years, there will be a shortage of employment space.

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This e-mail was sent from a contact form on Newhaven Enterprise Zone (<http://newhavenenterprisezone.com>)

## Appendix G – Representation from Harold Warren (17 December 2017)

Name: Harold Warren  
Email Address: [hcnqwarren@gmail.com](mailto:hcnqwarren@gmail.com)  
Postal Address: 81 Chapel Street  
Newhaven  
BN9 9QD

Representation: I have some concerns. While Newhaven is a working port there is also a push for a significant increase in housing. Obviously in the 21st century, from history, the detrimental impact of certain industry on the physical health and well being of nearby residents is well known.

I believe it is important for Newhaven to remain a growth place for certain clean tech industry and office space, employment etc.. So for this reason I support the proposed change. However, I remain very skeptical as to what would be considered light industry in the future. High tech, renewable energy related industries should be welcomed. Recently I recall seeing something someplace saying that Newhaven could become the "clean-tech hub of the UK". The establishment of UTC Harbor side and the wind farm support facility currently under construction are welcome developments to Newhaven in achieving such a respectable designation.

Anything "light industry" adding additional air pollution given the already excessive pollution levels in certain parts of Newhaven, but not limited to these areas, should be avoided. Already there are, at times, a strong noxious smell from the ferry in the harbor when the ferry is sitting there running.

Regarding noise pollution - when the scrap metal ships are being loaded throughout the night it is almost impossible for many near by residents to sleep as the metal is being loaded into the ship accompanied by continuous very loud banging metal through the whole of the night. Has there been any consideration in this proposal regarding future additional noise pollution and any permissible work hours? As for right now there appears to be none.

I often feel there are conflicting agendas underway for Newhaven. There is the push - and existing plans for much needed new housing development. There is also the push to preserve the employment opportunities in Newhaven and welcome new business offering employment growth. There is also a push for heavy industry as well which is seen with the proposed Conway cement plant and block works plant out at the end of the harbor. All of these agendas, at time competing, simply cannot co-exist in the 21st century in a small town like Newhaven with 12k+ residents.

I am truly concerned that if this Article 4 direction is put in place without firm permissible development guideline attached it yet again opens the door for potential even-more increased negative impact on the health and well-being of not only the current residents of Newhaven and the surrounding area but also future residents being brought into the surrounding area with the high level of proposed new housing, some of which is already underway.

I very much look forward to hearing back from the council regarding my concerns expressed in this message and I remain available for further discussions.

Regards,  
Harold Warren

--

This e-mail was sent from a contact form on Newhaven Enterprise Zone (<http://newhavenenterprisezone.com>)

## **Appendix H – Representation from Graham Bell (22 December 2017)**

Name: Graham Bell

Email Address: [graham.bell@elite-foods.co.uk](mailto:graham.bell@elite-foods.co.uk) Postal Address: Beven Property Management Ltd Good Food House , Pine close , Avis Way , Newhaven BN9 0DH

Representation: As managing agent for the owners of the Beven Funnell site we wish to object to the inclusion of this site for Article 4 directions as the buildings on the site are coming to the end of their economic life and this particular site on Beach Road would lend itself to be very suitable for low cost housing .

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This e-mail was sent from a contact form on Newhaven Enterprise Zone (<http://newhavenenterprisezone.com>)



## **Appendix 5 – Planning Applications Committee Report 11<sup>th</sup> October 2017**

**Agenda Item No:**

**Report No:**

**Report Title:** **Implementing Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in key areas identified in Newhaven**

**Report To:** **Planning Committee**      **Date:**      **11 October 2017**

**Cabinet Member:** **Cllr Tom Jones**

**Ward(s) Affected:** **Newhaven Valley and Newhaven Denton & Meeching Wards**

**Report By:** **Nazeya Hussain, Director of Strategy, Regeneration & Planning**

**Contact Officer(s)-**

**Alec Fuggle**  
**Name(s):** **Regeneration Project Manager**  
**Post Title(s):** [Alec.fuggle@lewes-eastbourne.gov.uk](mailto:Alec.fuggle@lewes-eastbourne.gov.uk)  
**E-mail(s):** **01273 085459**  
**Tel No(s):**

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### **Purpose of Report:**

To seek approval to implement Article 4 directions to withdraw Permitted Development rights in the areas identified in Appendices A and B. This will mean that for changes of use from office to residential and light industrial to residential, a full planning application is required as opposed to a, more streamlined, prior approval application.

The affected sites are identified in a table and maps in Appendices A and B of this report.

### **Cabinet Recommendations**

On 28 April 2016, Cabinet approved the Newhaven Enterprise Zone report and agreed to the recommendations set out. The Enterprise Zone is a regeneration-led project for Newhaven and the report focused on the necessary steps to achieve success. Within the report, Article 4 directions were identified as a tool that could be used in order for the Enterprise Zone to meet the Council's ambition for Newhaven.

### **Officers Recommendation(s):**

To note the Cabinet's ambition to regenerate Newhaven as set out in the Newhaven Enterprise Zone cabinet report (28/04/2016) which set out the ways in which this could be achieved. With this in mind it is suggested that the Committee agree to the following recommendations.



- 1** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(c) (light industrial) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
  - 2** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(a) (office) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
  - 3** That the Planning Committee notes that notice given for the Article 4 directions will be on 31 October 2017 and the Article 4 direction will come into force from 1 November 2018, subject to consultation and confirmation.
-

## Reasons for Recommendations

- 1** The Council's Constitution requires Planning Committee to consider the implementation of Article 4 directions. This is because it is the policy of Cabinet to devolve matters of planning control to Planning Committee to decide upon. This decision will be a key aspect of LDC's options for the ongoing regeneration of Newhaven and will help to retain vital employment land for the future.
- 2** The withdrawal of permitted development rights will help to protect existing and future employment space from being converted into residential development through the prior approval process, and will help us to retain greater control over the planning process. Any applicants seeking to convert light industrial or office space into residential would still be able to apply for a change of use through the regular planning application process.
  - (a)** This is especially important for those sites located within the Newhaven Enterprise Zone, as losing those areas to residential use through the prior approval process would undermine the principles of the Enterprise Zone, which is strongly focused on job creation and the provision of new commercial floorspace to support growth of the sub-regional economy.
- 3** It is considered vital that Newhaven has a strong portfolio of employment sites to attract investment into the area in order to maintain and grow resilience in our economy. The implementing of an Article 4 direction is a crucial part of ensuring Newhaven – and in the wider context, Lewes District – is able to retain and attract businesses and create and sustain employment opportunities.
- 4** No compensation is payable where the Council gives notice of the withdrawal between 12 months and 24 months in advance, hence the proposed commencement date of 1 November 2018.

## Information

### Permitted Development Rights

- 4.1** Under the Town and Country Planning Act 1990 (TCPA), planning permission is required for the carrying out of any development on land. The TCPA (General Permitted Development) Order 2015 allows certain development without the need for planning permission.
- 4.2** In May 2013, the Government introduced a new temporary permitted development right to allow the change of use from office (B1a) to residential (C3). These rights were made permanent in April 2016. This means that applicants must seek approval from the Council, but only for specified elements to ensure that the development is acceptable. In determining a prior approval application, the Council only considers impacts of the proposed development on:
  - (a)** Transport and highways
  - (b)** Contamination
  - (c)** Flood risk
  - (d)** Noise
- 4.3** Permitted development rights can only be withdrawn if significant adverse impact has been identified. Typically, obtaining planning permission requires additional key planning matters to be considered such as affordable housing and design standards.

- 4.4** In April 2016, the Government also introduced a new permitted development right to allow the change of use from light industrial (B1c) to residential (C3) will come into force for a temporary period of 3 years starting from 1 October 2017. This will be restricted to buildings with an existing gross floorspace of less than 500m<sup>2</sup>.

## **Article 4 Directions**

### What is an Article 4 Direction and when can you use one?

- 4.5** The Council can, in exceptional circumstances, make an Article 4 direction that will remove permitted development rights within a designated area. The direction can cover a single building, street or neighbourhood.
- 4.6** As noted above, permitted development rights can only be withdrawn if there is reliable evidence that such rights would cause significant adverse impact to the local amenity, well-being or character of an area.
- 4.7** Article 4 directions must be made in accordance with the National Planning Policy Framework (NPPF). Paragraph 200 of the NPPF notes:
- “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 well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).”*
- 4.8** An Article 4 direction does not prohibit development, but enables the Council to retain greater control over the planning process.

### How long does an Article 4 direction last for?

- 4.9** Once an Article 4 direction comes into force, it remains in force indefinitely unless the direction is cancelled. An Article 4 direction cannot prevent development which has commenced or has already been carried out.
- 4.10** There is a requirement for the Council to monitor any Article 4 directions, to make sure that the original reasons under which the direction was made remain valid.

### Compensation and Planning Fees

- 4.11** Compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO is made within 12 months of the Article 4 direction taking effect.
- 4.12** However, no compensation for the withdrawal of certain permitted development rights is payable if the Council gives notice of the withdrawal between 12 and 24 months in advance.
- 4.13** A full planning application, that is only required because an Article 4 direction is present, is completed in the usual way except no planning fee is payable.
- 4.14** The process for making and confirming a non-immediate Article 4 direction is summarised within Appendix D of this report.

## Evidence Base & Strategic Context

### Evidence Base

- 4.15** The latest data<sup>6</sup> indicates that the town of Newhaven accommodated approximately 5,450 jobs in 2016, representing 14.6% of all jobs recorded in Lewes District.
- 4.16** From 2009 to 2015 the number of jobs in Newhaven increased by 270, although the town's proportion of district-wide jobs decreased slightly from 15.5% to 14.6%. This highlights that other areas of the district have experienced greater job growth between 2009 and 2015.
- 4.17** Newhaven, however, plays a particularly significant role in accommodating the District's factory (68.7%) and warehousing (55.9%) space, and is the location for approximately 40% of all B use class space in Lewes District.
- 4.18** Newhaven is heavily dependent on manufacturing development<sup>7</sup>, which employs over 1,000 people locally. The town is also dependent on retail (850 jobs), health (550 jobs) and transport & storage (500 jobs), which includes Port-related activities. Conversely, employment in professional and business services is relatively limited and these sectors are thus under-represented in Newhaven.

### Strategic Context

- 4.19** Newhaven is identified in the Lewes District Local Plan 2010-2030 as a focus for enterprise and training within the district. Both the South East Local Enterprise Partnership (SELEP) and Coast to Capital (C2C) Local Enterprise Partnership identify Newhaven as a strategic growth location.
- 4.20** In particular, SELEP's Strategic Economic Plan notes that Newhaven has substantial capacity for growth, with a 'Clean Tech and Maritime Growth Corridor' estimated to deliver 5,225 jobs and 1,890 homes. Equally, the C2C Strategic Economic Plan identifies Newhaven as a 'Key Opportunity Area' linked to the establishment of the Enterprise Zone.

### Newhaven Enterprise Zone

- 4.21** Newhaven Enterprise Zone is a collaboration between C2C and the Council, which formally commenced in April 2017. The Enterprise Zone comprises eight key sites and covers around 79 hectares of land.
- 4.22** Over the next 25 years, it is anticipated that the Enterprise Zone will create around 55,000m<sup>2</sup> of new commercial floorspace. It will refurbish a further 15,000m<sup>2</sup> of existing commercial floorspace, whilst creating and sustaining approximately 2,000 jobs.
- 4.23** Enterprise Zone status offers a range of benefits including:
- (a)** Business rates discount worth up to £275,000 per business over a maximum of five years
  - (b)** No pre-application charges for planning enquiries on employment-led schemes on the EZ sites

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<sup>6</sup> Lichfield Employment Land Review 2017

<sup>7</sup> Cushman & Wakefield Newhaven EZ Implementation and Investment Plan 2017

- (c) Dedicated support and advice from C2C, as well as the Council's Regeneration team.

#### Employment Land Review Update

- 4.24** In April 2017, the Council commissioned Lichfield's to undertake an update to the existing Employment Land Review. This update was focused on Newhaven, with a view to providing an evidence base to assess the need for the implementation of Article 4 directions.
- 4.25** Having reviewed the Lichfield's report, Officers consider that there is clear evidence to support the implementation of Article 4 directions in Newhaven to protect office and light industrial use.
- 4.26** Appendix D contains an excerpt from the Lichfield's report, outlining the loss of office floorspace to residential in recent years with a particular focus on Newhaven. The full Employment Land Review update undertaken by Lichfield's is available for Committee Members on request.

#### **Change of Use Implications**

In summary, losing office and light industrial space to residential could:

- (a) Create problems for businesses forced to vacate premises, with no guarantee that they will be able to find alternative premises in Newhaven.
- (b) Mean residential units may be created in potentially unsustainable locations.
- (c) Mean residents may suffer unsatisfactory living conditions, which would result in residents then looking to the Council to remedy the harm. This may create added costs and bureaucracy for the Council, as well as an adverse impact on existing business activity.
- (d) Reinforce adverse commuting patterns, with a consequential impact on the local transport infrastructure.
- (e) Reduce the potential rateable income to the Council, albeit this would be offset through an increase in Council Tax.

#### **Proposed Article 4 Directions**

- 4.27** For the reasons evidenced above, Officers are recommending the withdrawal of permitted development rights for both light industrial and office to residential across the eight sites in Newhaven (as shown in Appendices A and B).
- 4.28** The proposal is to provide notice of a non-immediate Article 4 direction on 31 October 2017, subject to approval from the Council's Planning Committee.
- 4.29** The Article 4 direction will be implemented from 1 November 2018 subject to public consultation, which is expected to run for 8 weeks after the making of the direction.
- 4.30** By making a non-immediate direction with at least 12 months between giving notice and making the direction, no compensation will be payable.

- 4.31** However, non-immediate Article 4 directions run the risk of a longer period where permitted development rights remain active. This could result in an increased number of prior approval applications for conversions from office and light industrial to residential in the 12 months prior to the Article 4 direction coming into force – and subsequently an increased loss of employment land uses in Newhaven.
- 4.32** Five of the proposed ‘designated areas’ are fully or partially within the Newhaven Enterprise Zone, whilst all eight sites proposed are considered to be of significant employment importance, both in Newhaven and across the wider Lewes District. The presence of the Enterprise Zone emphasises Newhaven’s role as a key strategic area for business growth and investment.
- 4.33** By withdrawing permitted development rights, the Council can ensure that applications for change of use are assessed against the full development management policies as opposed to the limited prior approval criteria.
- 4.34** Additionally, the implementation of Article 4 directions will work in conjunction with the relevant development plans to provide a strong basis to protect and promote employment land in Newhaven.

## **Financial Appraisal**

- 4.35** At this stage, it is very difficult to estimate the potential implications arising from the recommendations in this report. The cost of making the Article 4 direction will be met from the existing Regeneration budget; the cost is not expected to be more than £5,000.
- 4.36** Applications for planning permission which would have previously been permitted, prior to an Article 4 direction coming into force, are entitled to apply for planning permission without paying the prior approval planning application fee.
- 4.37** From 1 August 2016 to 1 August 2017, the Council charged a total of £80 for prior notification fees from office to residential and storage to residential. A table of all of the prior approval applications the Council has received since the change in permitted development rights came into force is included as an Appendix to this report.
- 4.38** The Article 4 direction could lead to an increase in the number of prior approval notices submitted by landowners seeking to beat the period within which the Direction will be in effect.
- 4.39** On balance, however, it is considered that the benefits outweigh the loss of this income.
- 4.40** Furthermore, in 2020 business rates will be devolved to local government. This is intended to act as an incentive to attract businesses and bring forward business premises. If business premises are lost through change of use to residential, the Council’s income from business rates will fall.
- 4.41** There are also costs associated with the implementation and publication of the Article 4 direction including:
- (a)** Advertising in the local press
  - (b)** Displaying site notices

- (c) Consultation with the public for a minimum of 21 days (although Officers are proposing a longer consultation period of 8 weeks to ensure that all views are captured).

- 4.42 There could also be financial implications for the Council as a landowner with an interest in several of the sites proposed, as the making of Article 4 directions could have implications on the value of the Council's property assets.
- 4.43 These implications have been assessed by Officers, and it has been agreed that the implementation of Article 4 directions will provide long-term benefits for Newhaven and its economy, which outweigh the Council's role as a local landowner.
- 4.44 Fundamentally, removing permitted development rights will not affect the ability to develop alternative uses. The Article 4 directions will help the Council to retain greater planning control as the Local Planning Authority. This will help the Council to plan new development more effectively. As such, it is considered that the cost to retain this greater control is justifiable.

## Legal Implications

- 4.45 The making of an Article 4 Direction is required to be made under the terms of the Town & Country Planning Act 1990 (as amended). This includes consultation, advertising and a period for representations to be made.
- 4.46 If there are objections to the making of the Order, it will be necessary to hear those objections at an Inquiry. Once the Direction is confirmed, it will not come into force until after such date as prescribed in the Direction.
- 4.47 Legal Services can confirm it has had input into the contents of this report.

## Risk Management Implications

- 4.48 A Risk Management Assessment has been carried out in accordance with the Checklist for Decision Makers. This assessment can be found in Appendix E.

## Equality Screening

- 4.49 On 28 April 2016, an Equality Screening was conducted as part of the proposal for the Newhaven Enterprise Zone, which was subsequently approved by Cabinet. This screening noted that:

*"Between 20 January and 2 February 2016, an Equality Analysis was undertaken on this proposal. Due regard was given to the general equalities duties and the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.*

*The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken."*

- 4.50** The proposed Article 4 directions are primarily focused on sites within the Enterprise Zone. A separate screening for this proposal has therefore not been undertaken. A copy of the original Equality Analysis for the Enterprise Zone is attached as an Appendix.

## **Background Papers**

- 4.51** Lichfield's, Employment Land Review Update 2017
- 4.52** Cushman & Wakefield, EZ Implementation and Investment Plan 2017
- 4.53** National Planning Policy Framework
- 4.54** National Planning Policy Guidance
- 4.55** Town and Country Planning (Compensation) (England) Regulations 2016
- 4.56** Town and Country Planning (General Permitted Development) (England) 2015

## **Appendices**

- 4.57** The following documents are attached as an Appendix to this report:
- 4.58** Appendix A - Article 4 direction table of sites
- 4.59** Appendix B - Article 4 direction maps
- 4.60** Appendix C - Table of prior approval applications for office to residential in Newhaven
- 4.61** Appendix D - Extract from Lichfield's Report showing loss of office floorspace through permitted development rights
- 4.62** Appendix E - Equality analysis report
- 4.63** Appendix F - Procedure for making a non-immediate Article 4 direction
- 4.64** Appendix G - Risk management implications assessment



Appendix A - Article 4 direction table of sites

Article 4 Site	Enterprise Zone	Permitted Development Rights to be removed
Avis Way (Excluding Playing fields, but including Estate Road)	Partially included	Light Industrial
Beach Road Trading Estate	No	Light Industrial
Bevan Funnell (South Factory site only)	Partially included	Light Industrial
Denton Island	No	Office
Eastside North	Yes	Light Industrial + Office
Eastside South	Yes	Light Industrial
Railway Road Industrial Estate (Excluding the Parker Pen site)	No	Light Industrial + Office
Town Centre	Yes	Office

Appendix B – Article 4 direction site maps

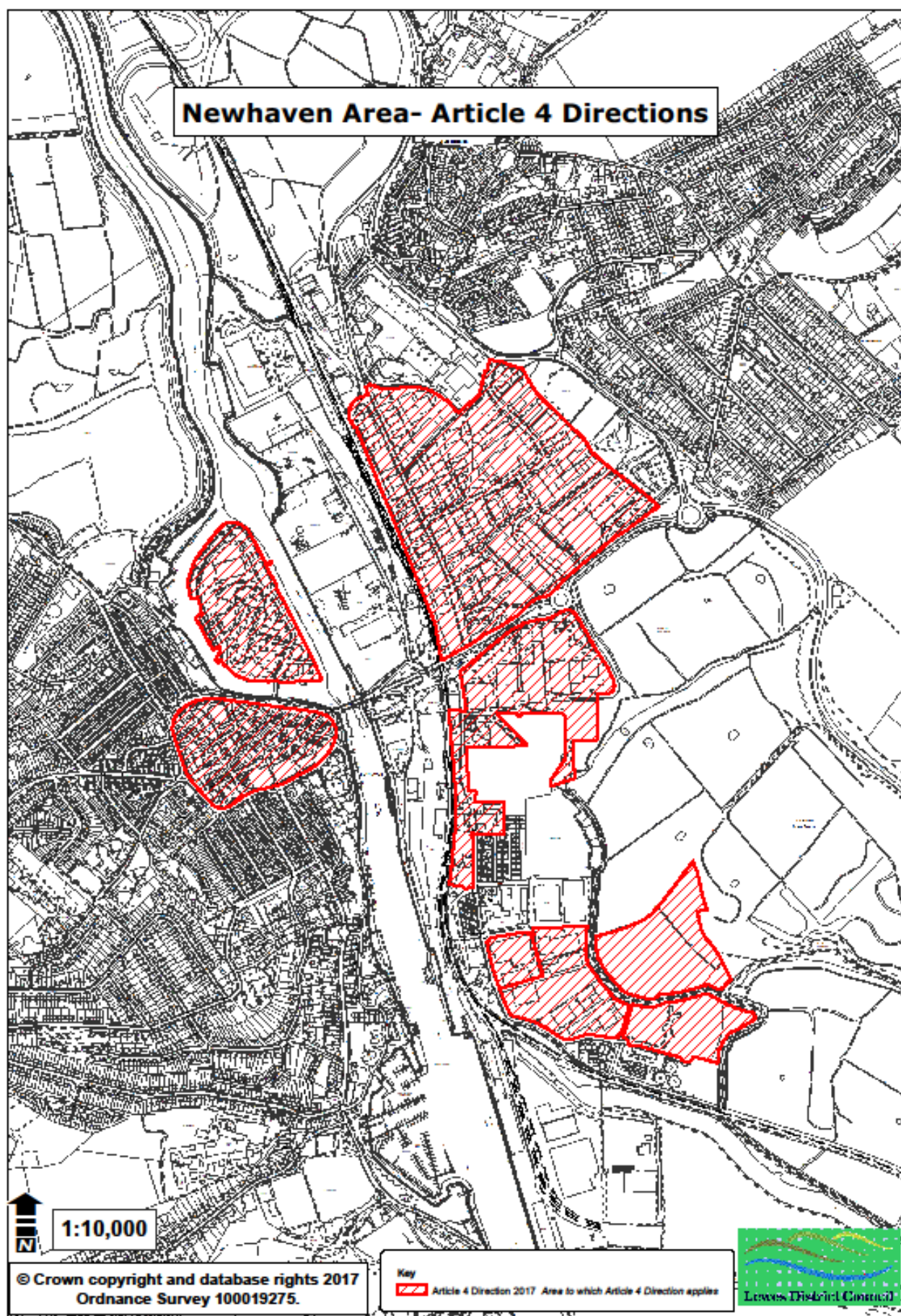


Figure 1 – Newhaven Article 4 directions



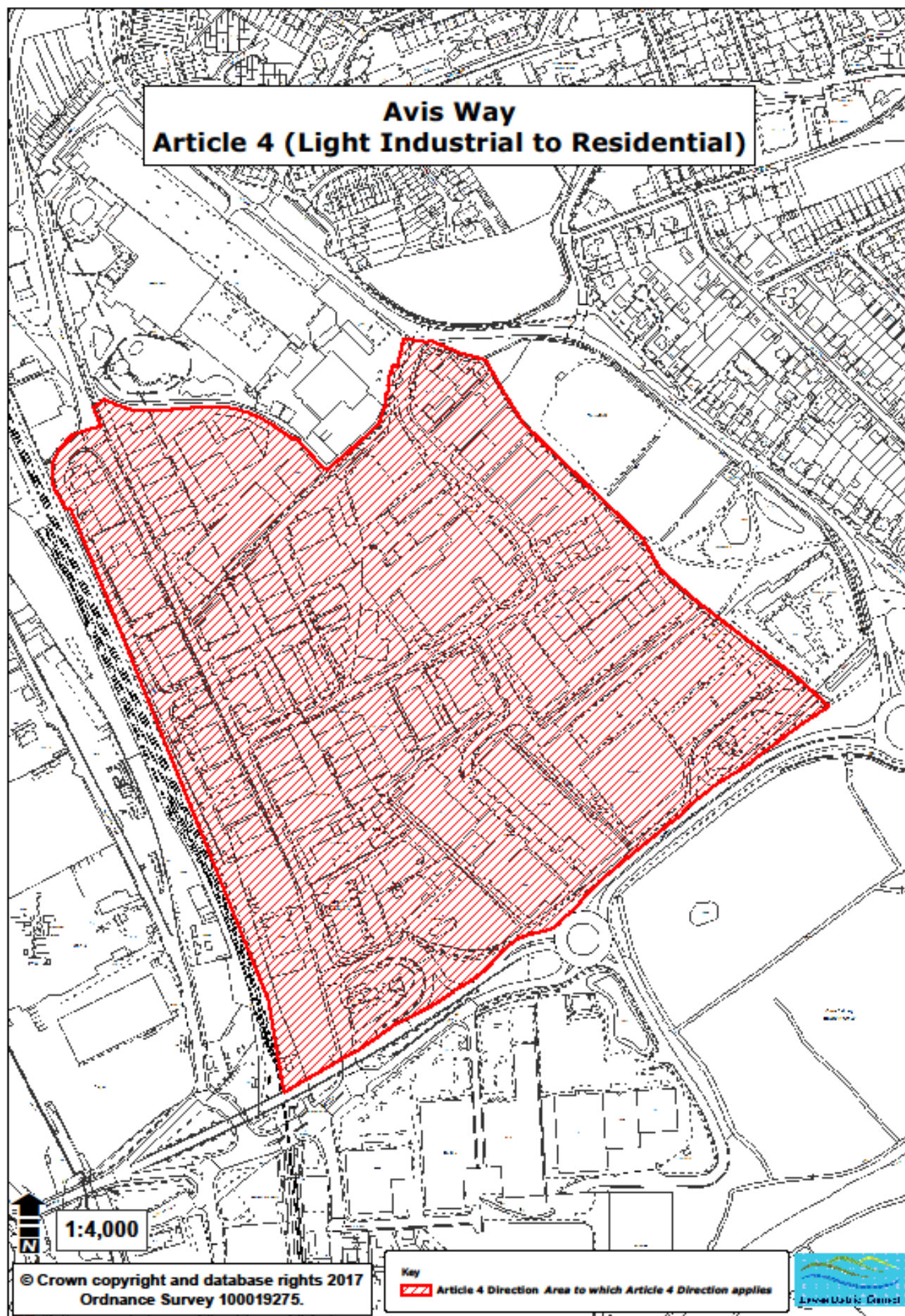


Figure 2 - Avis Way

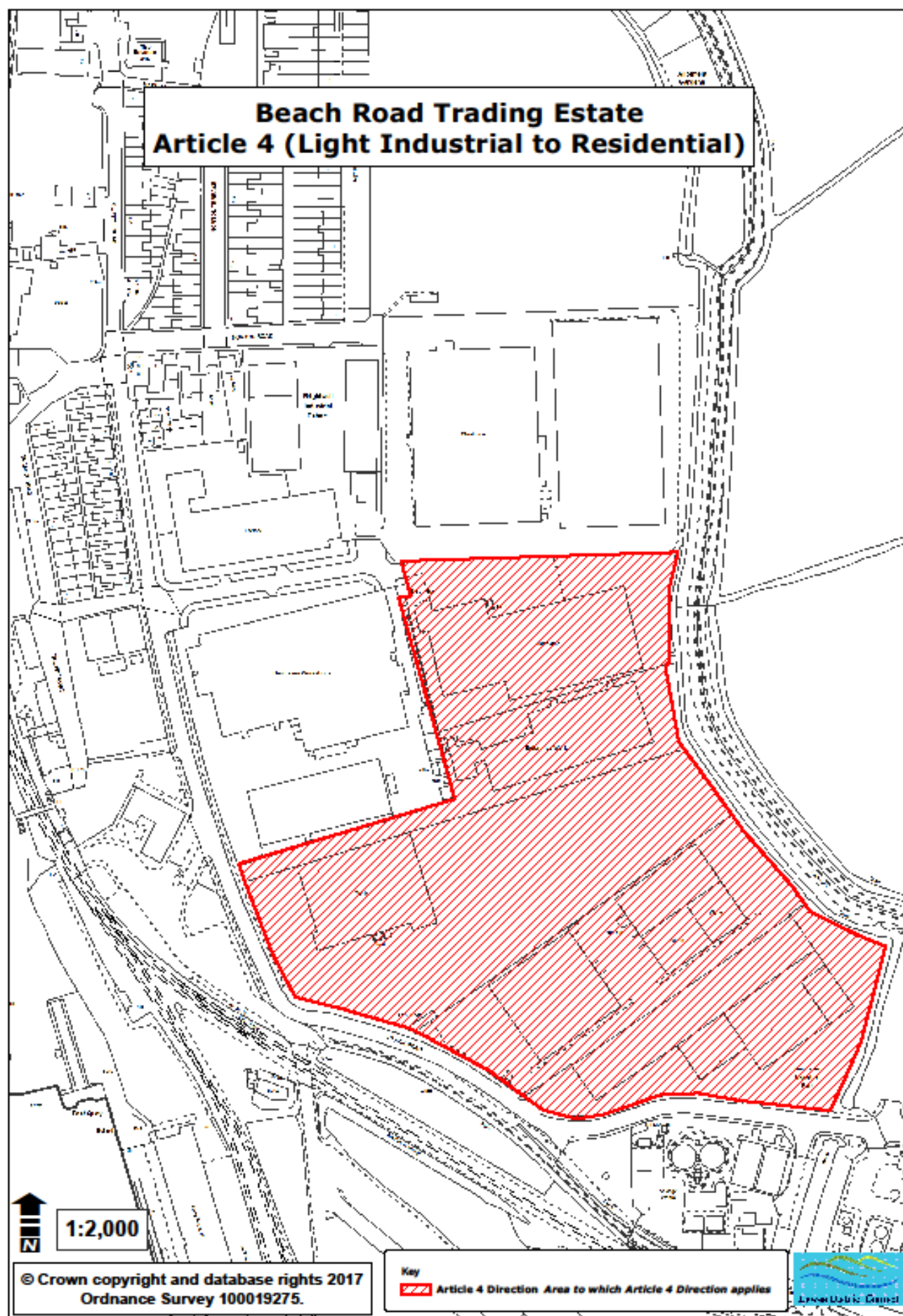


Figure 3 - Beach Road Trading Estate



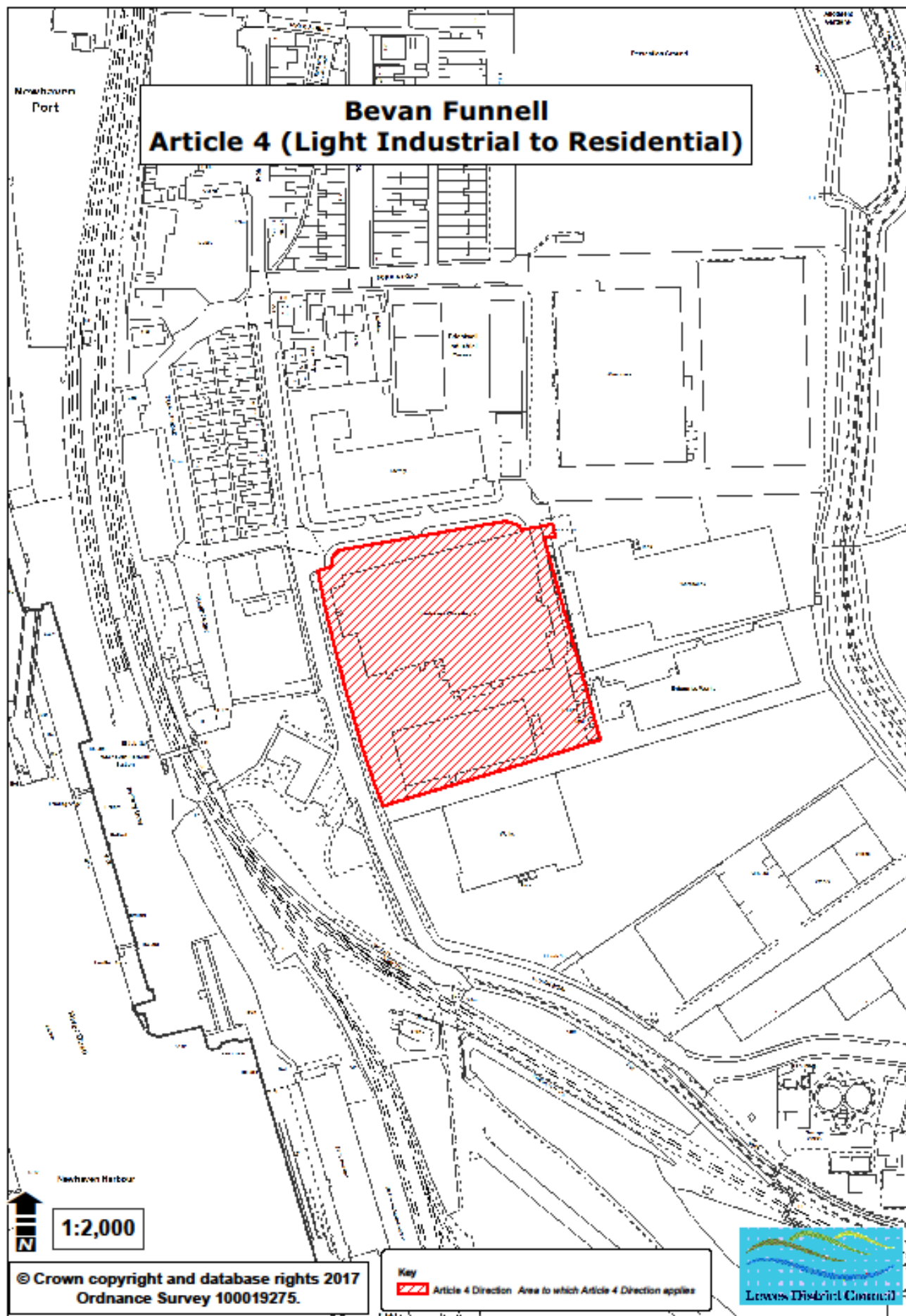


Figure 4 - Bevan Funnell

# **Denton Island** **Article 4 (Office to Residential)**

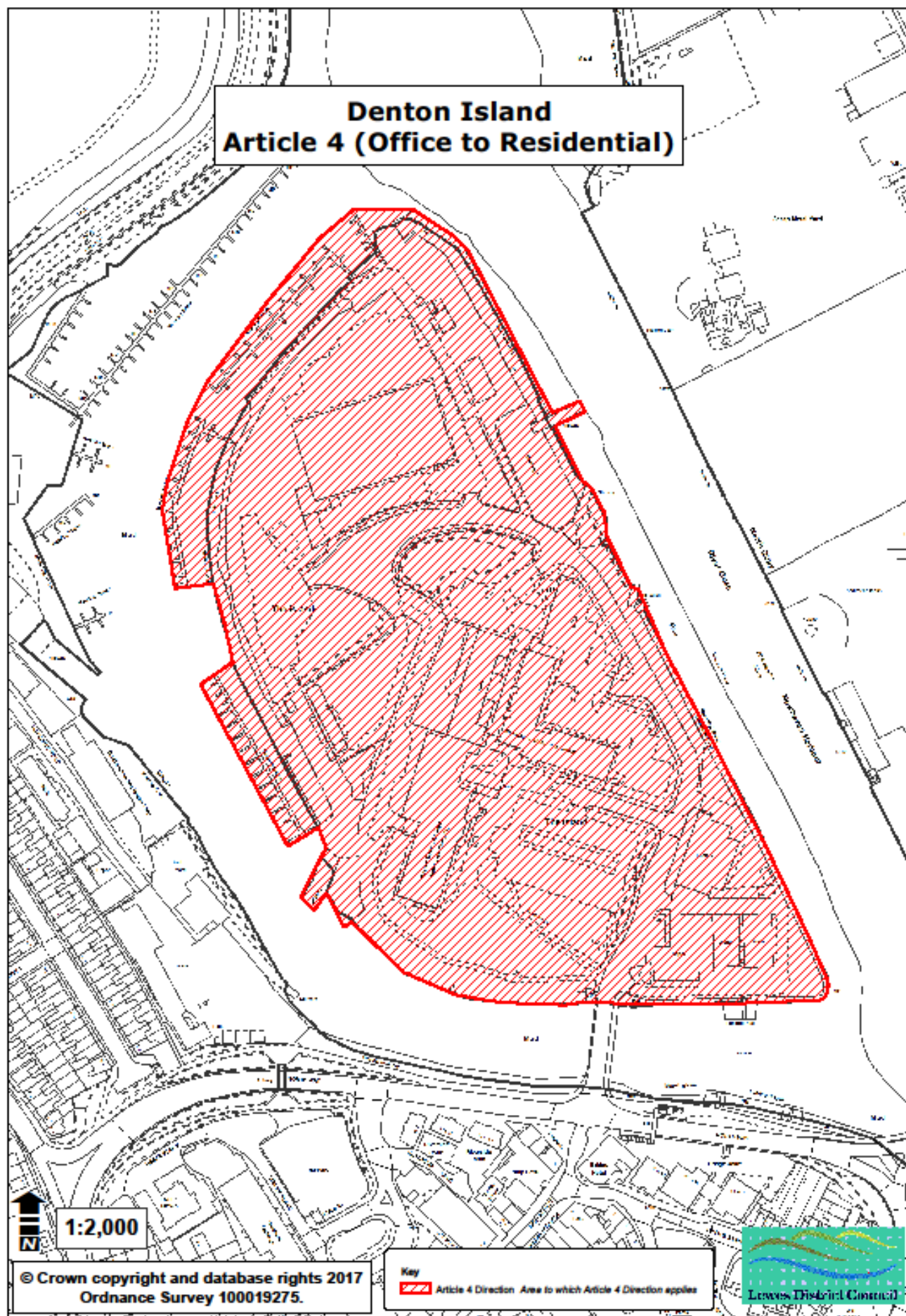


Figure 5 - Denton Island

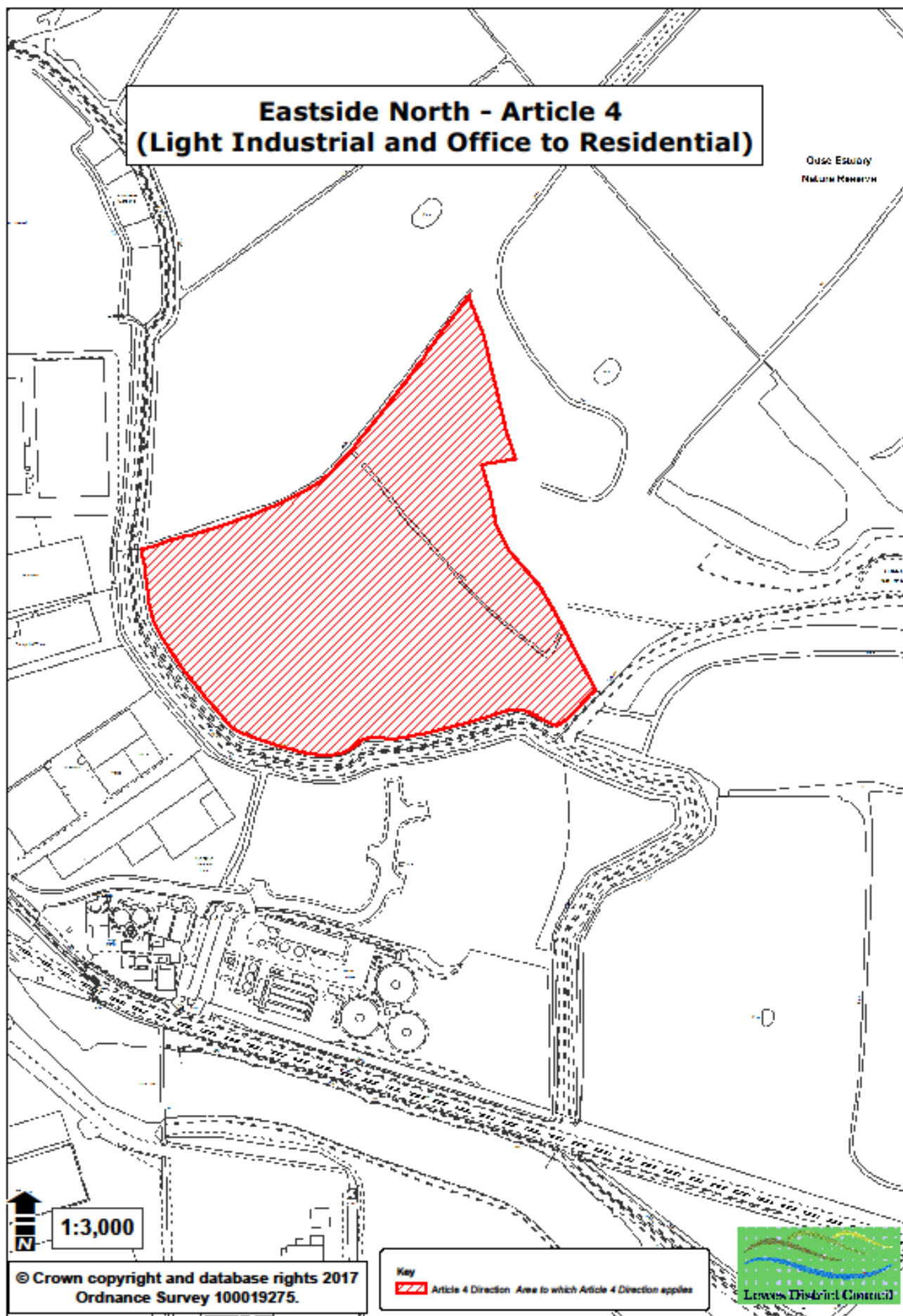


Figure 6 - Eastside North



**Eastside South- Article 4  
(Light Industrial to Residential)**

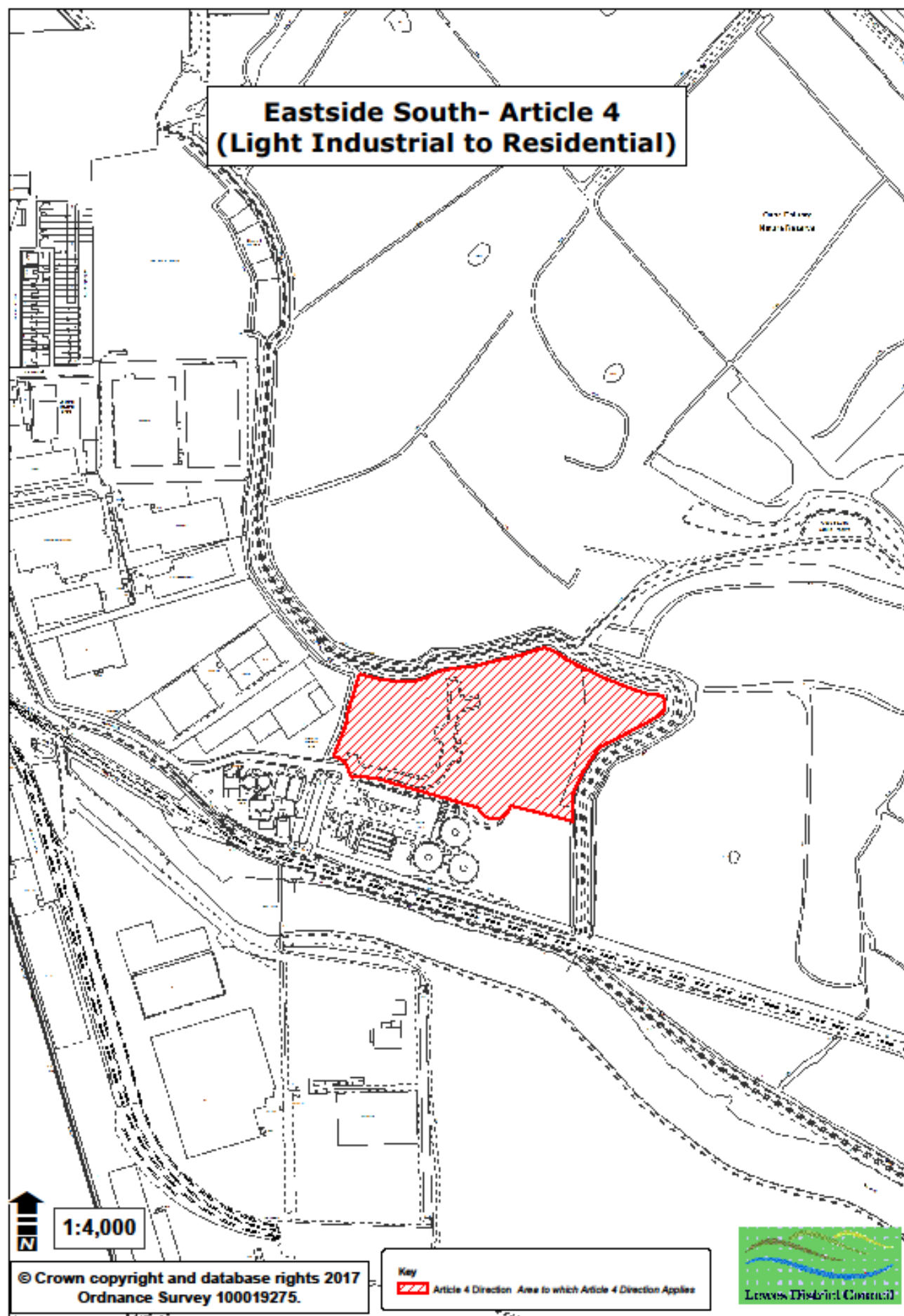


Figure 7 - Eastside South



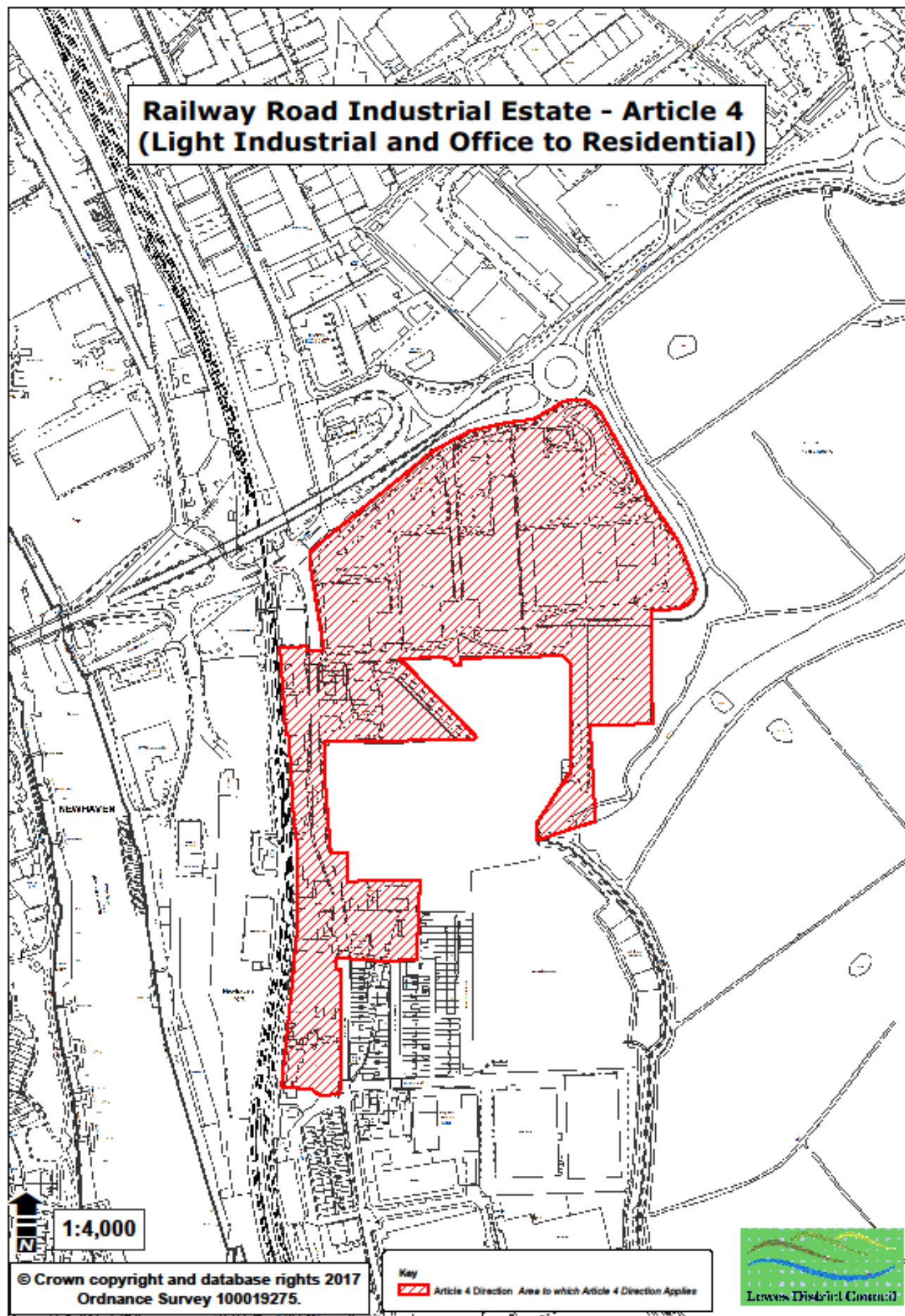


Figure 8 - Railway Road Industrial Estate

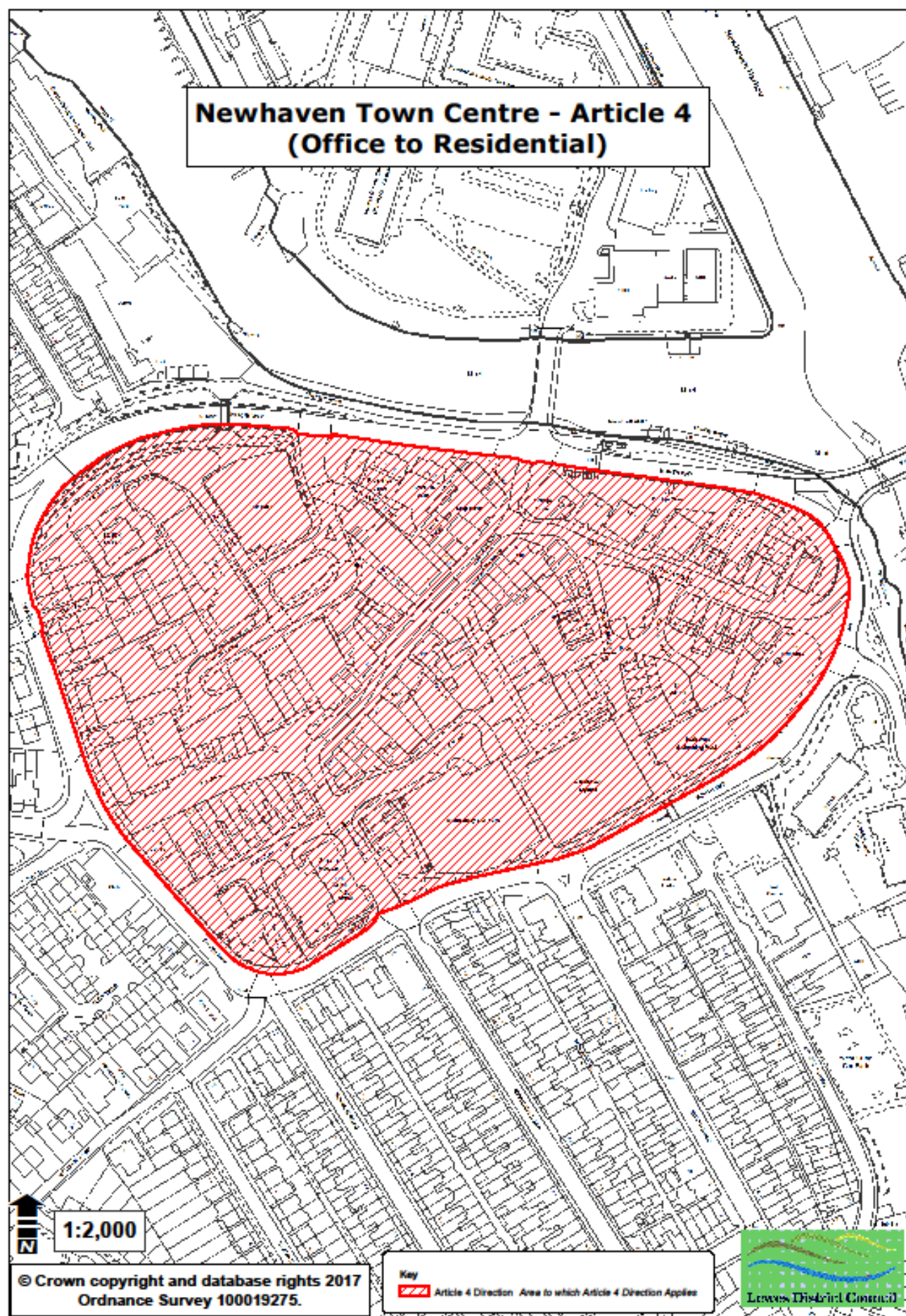


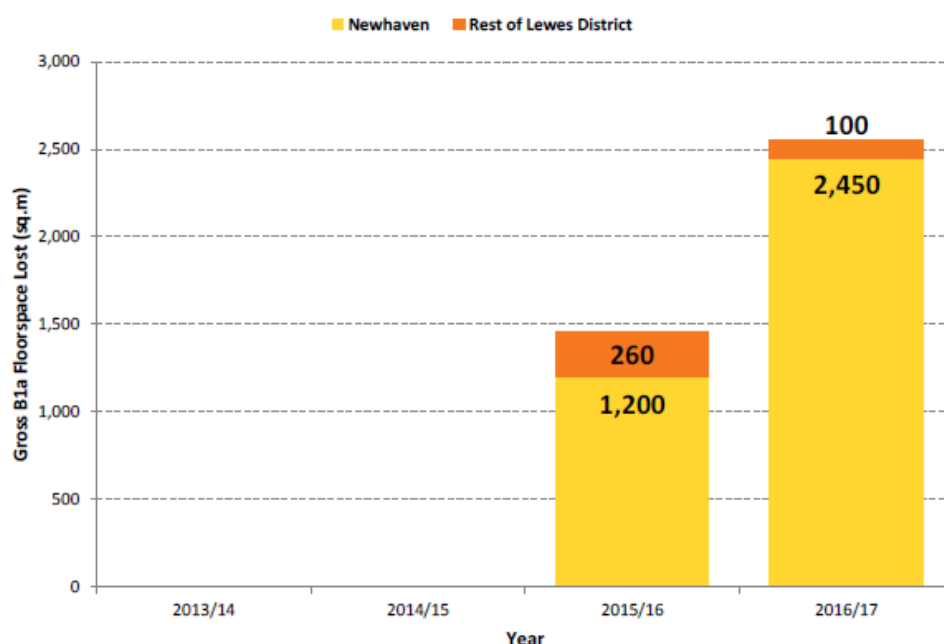
Figure 9 - Town Centre

Appendix C – Table of prior approval applications for office to residential in Newhaven

Application Number	Address	Date Recieved	Status
LW/16/0878	Unit 6, Kendall Court, Railway Road	05/10/2016	Prior Approval Approved
LW/16/0655	Unit 6, Kendall Court, Railway Road	01/08/2016	Application Withdrawn
LW/16/0434	Reprodux House, Norton Road	25/05/2016	Prior Approval Approved
LW/16/0397	23 Clifton Road	16/05/2016	Prior Approval Refused
LW/16/0268	Unit 4, Kendall Court, Railway Road	05/04/2016	Prior Approval Approved
LW/16/0025	Units 1 to 3, Kendall Court, Railway Road	04/01/2016	Prior Approval Approved
LW/15/0784	Units 1 to 3, Kendall Court, Railway Road	16/09/2015	Prior Approval Refused
LW/15/0511	5 Kendall Court, Railway Road	17/06/2015	Prior Approval Approved
LW/15/0417	Bevan Funnell House, Norton Road	19/05/2015	Prior Approval Approved
LW/13/0714	Units 1 to 3, Kendall Court, Railway Road	30/10/2013	Prior Approval Approved
LW/13/0586	1 to 3 Kendall Court, Railway Road	04/09/2013	Prior Approval Refused



Appendix D – Extract from Lichfield’s Report showing loss of office floorspace through permitted development rights



Source: Lewes District Council Monitoring Data / Lichfields analysis

2.41 Figure 2.17 shows that over the two most recent monitoring years, an average of just over 2,000 sq.m of office space has been converted under PDRs each year. The vast majority of converted floorspace (91.0%) has been within Newhaven. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by the PDR and associated loss of office space. The data also underlines a two year time lag between the PDR coming into force and conversions of office space actually taking place in the District.

2.42 The majority of this office space that has been lost to residential through PDR has been concentrated within a small number of large premises. For example, the vast majority of converted office premises in 2015/16 relates to Bevan Funnell House on Norton Road in Newhaven (accounting for a loss of 1,200sq.m) while 1,800sq.m of the 2,450sq.m total lost in 2016/17 in Newhaven related to Reprodex House on Norton Road. Beyond these premises, other conversions have been very small in scale and number.

## Appendix E – Equality analysis report

<b>Title:</b>	<b>EZ Newhaven</b>
<b>EA Lead :</b>	<b>Peter Sharp</b>
<b>EA Team:</b>	<b>Regeneration &amp; Investment</b>
<b>Date Commenced:</b>	<b>20 January 2016</b>
<b>Target Completion Date:</b>	<b>2 February 2016</b>
<b>Reason for assessment:</b>	<b>Successful bid to establish an Enterprise Zone on eight specific sites across Newhaven</b>

### Context and Scope

#### 1. What are the main purposes and aims of the service/project/decision?

The designation of eight strategic sites across Newhaven as an Enterprise Zone will facilitate the development and growth of the local economy, creating new employment opportunities and an increased level of business investment in the town. Enterprise Zone status also fits well with the wider business support activities undertaken by LDC's Regeneration and Investment team (see Equality Analysis on Business Support).

#### 2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The impact on other organisations will vary considerably. Different sites within the Enterprise Zone will come forward for development at different times over the 25-year lifespan of the Enterprise Zone. In addition, the majority of the sites included are not in LDC's ownership. This will limit the level of involvement that LDC can play in the development of such sites – at least above ensuring that the sites are allocated for intensification of employment uses.

#### 3. How does it relate to the demographics and needs of the local community?

Newhaven has suffered from years of stagnation and decline, but retains substantial physical capacity for growth. Enterprise Zone designation has the potential to achieve high levels of additionality through accelerated development – bringing about a catalytic effect that supports increased high value business specialism and significant employment growth, as well as addressing the need for greater economic diversification.

Supported by Enterprise Zone designation, the development of the eight specific sites offers a tangible opportunity to upskill local residents. Newhaven is characterised by a lower than average skills profile, whilst Census 2011 data showed that local people are 40% more likely to have an unskilled or elementary occupation than the average resident of East Sussex.



6. How does it help us to meet our general duties under the Equality Act 2010?

The designation of an Enterprise Zone in Newhaven will create a higher level of inward investment, leading to an increased level of employment and training opportunities for local residents. However as noted in Q7, below, it would not be prudent to make assumptions at this stage.

7. What is the scope of this analysis?

The scope of this analysis is very difficult to accurately identify, as the Enterprise Zone does not officially start until April 2017. We cannot make assumptions on the type of businesses that may be attracted to the Enterprise Zone, nor the type and number of employment and training opportunities that these businesses may create.

## Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

See Q3, above

9. What gaps in information were identified and what action was undertaken/is planned to address them?

There are no gaps. The information available on employment and skills in Newhaven is comprehensive and so no actions are required to address.

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

Informal consultations have been held with key business networks and major local landowners. This includes Basepoint (managing agents for Newhaven Enterprise Centre), Newhaven Port & Properties, Avalon Properties and RBS. A detailed marketing / engagement plan will be produced over the coming months to ensure that all local businesses and residents are fully aware of the new Enterprise Zone and the opportunities that exist to develop the local economy to create new employment, business growth and training opportunities.

## Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

The key theme was that the Enterprise Zone bid was widely supported, with consultees recognising the potential economic opportunities afforded by designation.

12.What positive outcomes were identified?

No outcomes were identified.

13.What negative outcomes were identified?

No outcomes were identified.

### **Action planning**

14.The following specific actions have been identified: *(see paragraph 25 of the guidance)*

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Lack of information concerning scale of opportunities created	Monitoring once EZ is in place	Peter Sharp	N/A	April 2020	Whether employment & training opportunities are available for all groups within the EZ.



## Summary Statement


Between 20/01/16 and 02/02/16 Equality Analysis was undertaken by Peter Sharp on the successful bid to create an Enterprise Zone in Newhaven.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

\*No major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

## Approval

Director/Head of Service	Max Woodford – Head of Regeneration & Investment
Signed	
Dated	02/02/2016

## Appendix F – Procedure for making a Non-Immediate Article 4 direction

### 1.1.1.6 Notice

10. Notice must be given as soon as possible after a direction has been made:
  - a. By local advertisement (e.g. local newspaper);
  - b. By site display for at least six weeks;
    - i. If the direction relates to an area, the notice must be displayed at no fewer than two locations within that area; or
    - ii. If the direction relates to a particular site, the notice must be displayed at that site.
  - c. By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
    - i. A LPA does not need to serve notice on owners and occupiers should it be considered impracticable owing to difficulties identifying and locating owners and occupiers within the area. This sub-paragraph does not apply if the owner or occupier is a statutory undertaker or the Crown.

Although it is not a statutory obligation to publish a notice of the Article 4 direction on the LPA's website it is considered good practice.

11. The notice must:
  - a. Include a description of the development, area or site to which the direction relates and a statement of the effect of the direction;
  - b. Specify that the direction is made under Article 4(1) of *The Town and Country Planning (General Permitted Development) (England) Order 2015*;
  - c. Name a place where a copy of the direction and a copy of the map defining the area or site to which the direction relates may be seen at all reasonable hours;
  - d. Specify a period of at least 21 days, stating the date on which the period begins, within which any representations concerning the direction may be made to the LPA;
  - e. Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days and no longer than two years after the start date from which representations to a local authority can be made.
12. A LPA must send a copy of the direction and the notice, including a copy of the map defining the area or site to which it relates, to the Secretary of State on the same day that notice of the direction is first

published or displayed. This should be sent to the National Planning Casework Unit:

[ncpu@communities.gsi.gov.uk](mailto:ncpu@communities.gsi.gov.uk)

5 St Philip's Place  
Colmore Row  
Birmingham  
B3 2PW

Because it may not be possible to send a copy of the publicity notices on the same day as those affected by the direction are notified, it is acceptable to send a copy of the notices as will be published. It should be noted, however, that 'the Secretary of State does not have to approve Article 4 directions and will only intervene when there are clear reasons for doing so'.

13. On making a direction, a district planning authority must also give notice of it to the county planning authority, where this applies.
14. LPA must take 'reasonable steps' to protect notice on display. Where a notice given by site display is, without any fault or intention of the LPA, removed, obscured or defaced before the period [specified in 2(iv) above] has elapsed, the authority is treated as having complied with the requirements of [2(iv)] if it has taken reasonable steps to protect the notice, including, if required, its replacement.
15. The direction comes into force in the date specified in 2(v), but only if it is confirmed by the LPA in accordance to below.

#### *1.1.1.7 Confirmation*

16. To confirm a direction, a local authority must take into account any representations received during the period specified in 2(iv).
17. A local authority must not confirm a direction until after the expiration of:
  - a. A period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or
  - b. Such longer period as may be specified by the Secretary of State following the notification by the LPA to the Secretary of State of the direction.
18. After confirming a direction, a local authority must, as soon as possible:
  - a. Give notice of the confirmation and the date on which the direction will come into force; and
  - b. Send a copy of the confirmed direction to the Secretary of State.

#### *1.1.1.8 Cancelling a Direction*

*National Planning Practice Guidance* states that an Article 4 direction 'can remain in place permanently once it has been confirmed'. However, as noted above, it stresses that planning authorities should regularly monitor directions to ensure that the reasons for their implementation remain valid and that directions should be cancelled if they are no longer necessary.

#### *1.1.1.9 Modifying a Direction*

To modify an Article 4 direction, a local authority must cancel the current direction and prepare a replacement. A LPA cannot modify or cancel a direction made by the Secretary of State<sup>8</sup>.



#### *1.1.1.10 Role of the Secretary of State*

Subject to certain exceptions, the Secretary of State has the power to make a direction modifying or cancelling a direction made by a LPA at any time before or after its confirmation. The Secretary of State must notify a LPA as soon as is practicable after making a direction, and the local authority is responsible for notifying those affected by the direction.

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<sup>8</sup> Department for Communities and Local Government (2012) *Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995*, 5.

## Appendix G – Risk management implications assessment

 <b>Lewes District Council Online Forms</b> 	
<b>Risk Management Checklist</b> Reference: LDC77866	
Fields marked * are mandatory	
<b>Risk Management Checklist</b>	
<b>Your Details</b>	
Name*	Alec Fuggle
Department*	Planning Services
Telephone Number	01273 085459
Contact Email	Alec.Fuggle@lewes.gov.uk
Address*	
<b>The Report</b>	
Report Title*	Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in key areas identified in Newhaven.
Report Author*	Alec Fuggle
Meeting*	Planning Committee
Date of Meeting*	20 Sep 2017
<b>Questions Before Writing Your Report</b>	
Questions to ask yourself before writing your report to Council, Cabinet, a Review Board or Committee:	
Am I preparing a report to the Planning Applications Committee that deals with an individual planning application?*	No
Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one or more organisations outside the Council?*	No
Am I recommending changes to the way an existing service or project is managed, operated or funded?*	No
Am I recommending a change of Council policy?*	No
Am I	

recommending a significant change to a Council core strategy or key service strategy?*	No
Am I reporting that a service is not meeting its service standards or objectives?*	No
Am I reporting that the Council may not be meeting its service standards or objectives?*	No
<p>There is no need to undertake a risk assessment. You should complete your report in the standard way without any mention of risk management.</p>	
Am I preparing a progress/update report that deals with targets not being met?*	No
Am I reporting that the Council may not be meeting its corporate objectives or responsibilities?*	No