

Summary of Comments received for Article 4, Victoria Avenue, Harrogate

Respondent	Comment	Officer Response
<p>Mr Drummond, Harrogate Therapy Wise</p>	<p>Support the Article 4 for the following reasons:</p> <ul style="list-style-type: none"> • Applications for change of use to residential within Claremont House will have significant consequences on the commercial occupiers in the building and also on the available space within the town that is available for small businesses, at a time when there is a push to create/retain such businesses. • If a whole building is such a well-established area as Victoria Avenue is allowed to change use, the precedent it sets and impact it could cause are clearly obvious 	<p>Noted</p> <p>Noted</p>
<p>Carter Jonas</p>	<p>Object to the proposed article 4 direction for the following reasons:</p> <ul style="list-style-type: none"> • No demonstrable evidence of the 'significant impact on the local economy' is contained within the report and therefore the establishment of the article 4 is unsound and unacceptable. Harrogate Borough Council's unsuccessful bid for exemption demonstrates that the article 4 direction is not justified. 	<p>The justification for the exemption is included in Appendix 1 of the article 4 confirmation report going to Planning Committee on 25 March 2014. Although the Council's bid was unsuccessful, Victoria Avenue scored very near to the exemption bar of 36 points, scoring 32 out of a possible 40 points. This competitive score is evidence of the strength of argument to retain office accommodation in this area. In the list of 1386 exemption bid areas, Victoria Avenue was ranked 53rd and only 5% of areas received a score of 30 or over. Although the DCLG concluded that our case rested on primarily anecdotal evidence we still scored highly on the qualitative evidence provided. Government guidance on the making of article 4 direction's states that they may be considered appropriate to avoid undermining</p>

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		<p>local objectives to create or maintain mixed communities. The loss of important office accommodation could seriously undermine the already healthy mix of town centre, residential and office uses within this area.</p> <p>No Change</p>
	<ul style="list-style-type: none"> Not aware of any evidence that there is pressure to convert buildings on Victoria Avenue to dwellings 	<p>In deciding whether an article 4 direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address. The Victoria Avenue properties represent realistic opportunities for conversion to residential which could pose a real threat to the level of town centre business accommodation. This potential harm therefore is sufficient to justify the article 4 direction.</p> <p>No Change</p>
	<ul style="list-style-type: none"> Victoria Avenue was built as a residential area and larger professional companies now look for purpose-built higher specification offices so the re-establishment of residential accommodation in combination with the existing offices in the immediate area will ensure a healthy mix. 	<p>Although some companies do require purpose-built offices, it is important to protect the smaller scale town centre office stock to support the smaller professional businesses. There are already residential areas surrounding Victoria Avenue, as well as town centre uses, so the protection of offices in this location would actually maintain a healthy mix of uses. In fact, government guidance on the making of article 4 direction's states that they may be considered appropriate to avoid undermining local objectives to create or maintain mixed communities.</p>

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	<ul style="list-style-type: none"> The article 4 direction boundary is inconsistent as it includes the West Park United Reformed Church, the Congregational Church and the Law Courts but excludes the Library and the Baptist Church. 	<p>The boundary of the Article 4 Direction is considered appropriate and follows a logical boundary on the map. To exclude all the properties not in office use would create an erratic boundary on the map.</p> <p>No Change</p>
DCLG	Request for more information	Information supplied to DCLG
Addison Planning	<p>Object to the proposed article 4 direction for the following reasons:</p> <ul style="list-style-type: none"> A Prior Notification was submitted to HBC to change the use of the ground and first floors of Claremont House from office use to residential which and HBC have confirmed that prior Approval is not required 	<p>Prior approval is not required for Claremont House because it was submitted before the Article 4 was published and met the criteria of the General Permitted Development Order 1995 Schedule 2, Part 3 (as amended) however this does not affect the wider objective of pursuing the Article 4 Direction for Victoria Avenue.</p> <p>No Change</p>
	<ul style="list-style-type: none"> Claremont House should be removed from the Article 4 area and the red line drawn to exclude this property as it now benefits from the planning authority's determination that Prior Notification is not required 	<p>Although Claremont House benefits from the planning authority's determination that Prior Notification is not required it is not appropriate to exclude it from the Article 4 area. Because of the mixed use nature of the street, there are also some residential properties, community uses on the street that are also included in the Article 4 area, however obviously the Direction would not apply as they are not in office use. Presently, Claremont House is still within office use and therefore it is reasonable that it remains in the Article 4 area.</p>

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	<ul style="list-style-type: none"> DCLG have already determined that HBC's case for an exemption relied on anecdotal evidence. HBC have not undertaken an update of its Employment Land Review in order to determine whether there is a quantitative or qualitative case to retain small scale offices in one street in Harrogate town centre. 	<p>No Change</p> <p>Victoria Avenue scored very near to the exemption bar of 36 points, scoring 32 out of a possible 40 points. This competitive score is evidence of the strength of argument to retain office accommodation in this area. In the list of 1386 exemption bid areas, Victoria Avenue was ranked 53rd and only 5% of areas received a score of 30 or over. Although the DCLG concluded that our case rested on primarily anecdotal evidence we still scored highly on the qualitative evidence provided.</p> <p>No Change</p>
	<ul style="list-style-type: none"> The Planning Committee report states that, if the Direction is confirmed, proposals to change the use will be refused because they would be contrary to emerging policy JB6 and IN4. These policies have yet to be formally adopted by HBC so the Article 4 ahead of the adoption of the Sites and Policies DPD is completely premature. 	<p>Proposals for change of use of offices to residential would still be contrary to adopted local Plan Policy E2 and therefore would be recommended for refusal. Although Policy JB6 and IN4 are still emerging, they do carry some weight and highlight the Council's intentions for this area moving forward. Policy IN4 which allocates the Office Retention Area has generated very little objection and therefore in accordance with the NPPF can be given more weight when making development control decisions. It is not considered premature therefore to pursue an Article 4 Direction in this area.</p> <p>No Change</p>
DPP	<p>The article 4 should not proceed for the following reasons:</p> <ul style="list-style-type: none"> The Secretary of State has already assessed Harrogate's case for the 	<p>The Council maintains that its case remains</p>

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	<p>removal of these permitted development rights and has rejected it. The proposed article 4 direction is simply being used as a way to circumvent the government's decision and should not be allowed</p>	<p>strong, on the basis that Victoria Avenue is genuinely important to the local economy. This position is supported by local planning policy, the Council's Economic Development Officers and by the Local Enterprise Partnership. The evidence prepared in support of the Article 4 Direction clearly demonstrates this position.</p> <p>Notwithstanding the Secretary of State's decision not to exempt Victoria Avenue, there is nothing within the decision itself or the related guidance/legislation that prevents the Council from serving an Article 4 Direction.</p> <p>No Change</p>
	<ul style="list-style-type: none"> Harrogate Borough council have not provided the necessary 'strong' justification for the article 4 direction 	<p>Victoria Avenue scored very near to the exemption bar of 36 points, scoring 32 out of a possible 40 points. This competitive score is evidence of the strength of argument to retain office accommodation in this area. In the list of 1386 exemption bid areas, Victoria Avenue was ranked 53rd and only 5% of areas received a score of 30 or over. Although the DCLG concluded that our case rested on primarily anecdotal evidence we still scored highly on the qualitative evidence provided.</p> <p>In deciding whether an Article 4 direction would be appropriate, local planning authorities should identify clearly the potential harm that the direction is intended to address. The Victoria Avenue properties pose realistic opportunities for</p>

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		<p>conversion to residential which could pose a real threat to the level of town centre business accommodation. This potential harm therefore is sufficient to justify the article 4 direction.</p> <p>No Change</p>
	<ul style="list-style-type: none"> The evidence base presented by Harrogate has already been deemed inadequate and is therefore insufficient to support the article 4 direction. 	<p>The Council maintains that its case remains strong, on the basis that Victoria Avenue is genuinely important to the local economy. This position is supported by local planning policy, the Council's Economic Development Officers and by the Local Enterprise Partnership. The evidence prepared in support of the Article 4 Direction clearly demonstrates this position.</p> <p>Notwithstanding the Secretary of State's decision not to exempt Victoria Avenue, there is nothing within the decision itself or the related guidance/legislation that prevents the Council from serving an Article 4 Direction.</p> <p>No Change</p>
	<ul style="list-style-type: none"> Imposing the article 4 direction would prevent economic growth from being achieved, along with the delivery of other benefits such as housing units, additional construction output and jobs as is the intention of the permitted development rights and paragraph 51 of the NPPF 	<p>Harrogate is the prime focus for office development in the District and Victoria Avenue is an important cluster of professional/financial services not found elsewhere in the town which provides significant employment opportunities. The professional services sector contributes most to the district's economy outside of the public sector and therefore the potential loss of important office space which supports this sector</p>

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		<p>could impact significantly on the local economy and prevent further economic growth. A strong local Economy is one of the Council's priorities and the Article 4 in this location serves to support this.</p> <p>No Change</p>

Recommendation – Pursue the confirmation of the Article 4