

NORTH HERTFORDSHIRE DISTRICT COUNCIL

Correspondence address:

North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW

Telephone: (01462) 474000

Text Phone: (01462) 474800

DX324201, Nottingham 59



2 July 2020

Ms Amy Price
Planning Casework Unit
Ministry of Housing, Communities & Local
Government
6 St Phillips Place
Colmore Row
Birmingham
B3 2PW

Your Ref: PCU/A4D/X1925/3254093

Contact Officer: Hollie Hawkins
Direct Line: 01462 474425
E-mail: hollie.hawkins@north-herts.gov.uk

Dear Ms Price,

Re: The Town and Country Planning (General Permitted Development) (England) Order 2015. Bondor Business Centre, Royston Road, Wilbury Way, Burymead Road, Station Approach, Land adjacent to Priory Park, Works Road, Blackhorse Road, Icknield Way, Spirella, Orchard Road and land north of York Way.

1. I refer to your letter dated 11 June 2020 requesting for further evidence to support and justify the making of the Article 4 Direction insofar as it relates to office to residential conversions and to demonstrate how it accords with the National Planning Policy Framework and Departmental guidance. North Hertfordshire District Council is pleased to provide this evidence to the Secretary of the State.

Employment Strategy for North Hertfordshire

2. North Hertfordshire District Council is dedicated to the delivery of sustainable communities to ensure the needs of existing and future residents are met. This includes maintaining an appropriate balance between the development of housing and employment uses. The Council has adopted a plan-led approach to housing and employment provision in line with National Planning Policy Framework. The proposed Local Plan 2011-2031 (hereafter Local Plan) has been at examination for three years and anticipated to be adopted late 2020.

3. A high proportion of residents in North Hertfordshire commute to London or sub-regional centres such as Stevenage and Welwyn Garden City.¹ The emerging Local Plan aims to redress the employment balance by securing existing and delivering new employment land. This will provide greater opportunities for people to both live and work in the District. The Council proactively encourages sustainable economic growth, supports new and existing businesses and seeks to build on the District's strengths, location and offer through Policy SP3 in the emerging Local Plan (A copy of this emerging policy and supporting text is attached. Please see appendix 1 for full details). Our ambition is:
 - To provide an adequate supply and range of employment land in the main towns to meet the requirements of the local economy;
 - To designate existing employment areas within the District's main settlements to enhance and safeguard employment potential;
 - To support B-class use in appropriate locations outside of the designated employment areas, including town centres and villages.
4. To maintain a sustainable balance between the provision of housing and employment floorspace, the Council has designated key employment areas that achieve a sustainable balance of uses across the district and within individual towns. The Local Plan identifies 11 employment areas to provide 138 hectares of land to balance the existing residential stock and the 14,000 housing delivery projection to 2031. The designated employment areas support local economic activity and growth by providing employment close to where people live.
5. Whilst there is a significant requirement for new homes in North Hertfordshire, the District is also helping Stevenage meet their employment needs. Employment models assume continued commuting from North Hertfordshire to Stevenage yet there is insufficient land in Stevenage to cater for the resultant growth and our proposed allocations take this into account.
6. In addition, the Council must consider how the economy will recover in an unprecedented way from the current Covid-19 pandemic. The local employment areas will be key towards recovery. These sites will not only help local businesses, but also for those who are currently based in major urban cities who may look to relocate outside of these, in order to reduce costs and deliver their businesses in a new way to reflect the changing workplace patterns.
7. The Article 4 Direction only applies to these key employment areas. It does not create a blanket ban on office to residential development and does not apply to other, smaller employment areas within the District. Residential

¹ Sustainable Community Strategy 2009-2021 notes that 49% of North Hertfordshire residents in employment commute to jobs elsewhere, available at: https://www.north-herts.gov.uk/sites/northherts-cms/files/files/sustainable_community_strategy_-_final.pdf

development of the land is still permissible under Article 4 but applications would have to follow the normal planning process where the impact on the land use balance can be assessed. It is therefore, considered that the proposed Article 4 Direction on the selected employment areas is not unduly restrictive as the prior approval process will continue to operate outside of these designated areas. Intervention on the Article 4 Direction at this stage would additionally potentially undermine the Inspector's consideration of the employment strategy proposed in the emerging Local Plan. Further evidence for the emerging Local Plan is available at: <https://www.north-herts.gov.uk/planning/planning-policy/local-plan/local-plan-examination/examination-library>

8. The Council declared a climate emergency on 21 May 2019 and produced a Climate Change Strategy to achieve zero carbon emissions in North Hertfordshire by 2030.² A strategic priority for the Council is to reduce carbon emissions by actively discouraging car use by encouraging residents to use alternative such as walking and cycling. By keeping businesses local, it will reduce the need for residents to commute outside of the District and reduce carbon emissions.
9. Further evidence of the Council's proportionate and flexible approach can be seen in our decision to proactively allocate several existing office sites for redevelopment into residential or mixed use schemes in the emerging Local Plan.³ In addition to these allocated sites, the Council has permitted residential schemes that have resulted in the release of employment land 'on their merits' in Letchworth Garden City. However, it is therefore important that the Council can protect the remaining employment sites to ensure there is a balance between the provision of housing and employment.

Loss of Employment Land and Displacement

10. The legal requirement for Article 4 Directions is that the local planning authority is satisfied that it is expedient that development that would normally benefit from permitted development rights should not be carried out unless permission is granted for it on an application (see paragraph (1) of article 4 of the GPDO).
11. The justification for implementing the Article 4 direction was considered by the Council's Cabinet in January 2019. This report (attached as Appendix 2) demonstrates the Council has identified loss of employment land across Hertfordshire as the main harm the direction is intended to address and sets out the justification of making an Article 4 Direction.
12. The reasoning in the Cabinet Report is supported by the Hertfordshire Local Enterprise Partnership (LEP) Loss of Employment Floorspace in Hertfordshire

² For further information see: The Climate Change Strategy 2020-2025, available at: <https://www.north-herts.gov.uk/sites/northherts-cms/files/Climate%20Change%20Strategy%202019%20FINAL.pdf>

³ Allocated sites: LG5, LG13, LE2, RY7 in the emerging Local Plan 2011-2031.

Report (2019).⁴ When comparing the gains and losses of B1(a) use, the LEP found: 30% of losses in the decade to 2018 were due to prior approval; a potential 25% total loss in office floorspace; and an actual loss of 21% of office floorspace across Hertfordshire. The LEP Strategy and Action Plan on Key Employment Sites (2020) identifies Icknield Way and York Way as key employment sites for expansion of key high value added industries and inward investment.⁵ Furthermore, the LEP has submitted a letter of support for the adoption of the Article 4 Direction (attached as Appendix 3).

13. For the conversion of offices (B1(a)) into residential (C3) under the Town and Country Planning (General Permitted Development) Order 1995, the change of use can be implemented through the process of prior approval. However, there is no requirement that the premises are vacant. The findings from the Hertfordshire LEP study have found that allowing conversions of office to residential under the prior approval process has created displacement where businesses are forced to move to premises outside of the borough. The 23% decline in office floorspace in North Hertfordshire has created an imbalance between supply and demand for office premises.⁶ It is therefore, considered expedient that the Council takes reasonable steps, such as adopting an Article 4 Direction, to ensure that the strategy to redress the housing and employment balance in the District is not undermined by permitted development rights.
14. Without the Council invoking an Article 4 direction to remove permitted development, there is a substantial risk that the employment function of North Hertfordshire's main settlements would be undermined and in turn, this will restrict the District's ability to meet the projected growth of employment.
15. Recognising the benefits of maintaining employment land, the decision to invoke the Article 4 Direction was a local decision made by the community through a democratic process with consultation following the legal requirements under schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Greenbelt

16. Preventing further loss of employment land is a priority for the Council as it is not always feasible to replace office premises, on the basis that there is a limited supply of land available for development and there is a growing pressure to accommodate the 'London Overflow.' Most towns in North Hertfordshire are limited in their capacity to expand due being surrounding by Green Belt. Locating new employment areas elsewhere in the District will undermine the Plan's principles of sustainable development.

⁴ Hertfordshire Local Enterprise Partnership, Loss of Employment Floorspace in Hertfordshire (2019) available at: <https://www.hertfordshirelep.com/media/7128/loss-of-employment-space-in-hertfordshire-february-2019.pdf>

⁵ Hertfordshire Local Enterprise Partnership, Strategy and Action Plan on Key Employment Sites (2020) available at: <https://www.hertfordshirelep.com/media/8093/hertfordshire-key-employment-sites-march-2020.pdf>

⁶ Experian (2018) UK Local Market Forecasts FTE Employment, broad sectors. 2018 figures

Acceptable standards and tenure

17. The adoption of Article 4 Directions allows the Council to judge planning applications for office to residential conversions upon their own individual merit. This is important as conversions under permitted development rights are not required by legislation to provide affordable housing, meet the Government's minimum space standards or provide contributions towards (e.g.) education or health services. This in turn can become a significant infrastructure burden.
18. The emerging Local Plan seeks to provide a range of housing tenures to meet residents' needs. Under emerging Policy SP8, the Council aims to provide 33% of all homes over the plan period as affordable housing. The supply of affordable housing is a key issue and therefore it is important that new developments provide an appropriate mix of tenure to support a diverse community. Adopting an Article 4 Direction on the identified key employment areas is a sustainable approach to ensuring that, in the event of an application being permitted, a variety of homes are provided for different groups in the community.
19. The Council considers good design to be a key aspect of sustainable development (emerging Policy SP9). This includes promoting the Government's technical standards for the size of new homes, water efficiency and in special circumstances, accessibility. In order to promote sustainable growth, new development must be of high quality and inclusive which creates a safe and healthy environment for people to live. By removing permitted development rights, the Council can ensure that new developments accord to the Government's minimum space standards and other design and amenity requirements.
20. Recognising the benefits of maintaining employment land, the decision to invoke the Article 4 Direction was a local decision made by the community through a democratic process with consultation following the legal requirements under schedule 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
21. For the reasons above, adopting an Article 4 Direction for the safeguarding of key employment areas satisfies the exceptional circumstances that justify the making of the Article 4 Direction. The making of the Article 4 Direction was a decision made by the local community who recognised the significance of employment areas. As such, intervening in the Article 4 Direction will indirectly undermine their views and the principles in the emerging Local Plan and create a greater imbalance between the provision of housing and employment floorspace. Both uses are considered necessary for the delivery of sustainable communities.
22. Nevertheless, all premise holders that fall within the key employment areas will be able to apply for planning permission and applications considered

suitable for an office to residential conversion will be granted planning permission. The North Hertfordshire Council will regularly monitor and review the appropriateness of the Article 4 Direction for the key employment areas.

23. We hope the evidence submitted in this letter and accompanying documents provide sufficient evidence behind the Council's decision to adopt an Article 4 Direction and the justification under paragraph 53 of the National Planning Policy Framework.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Clark', written in a cursive style.

Councillor Paul Clark
Executive Member for Planning and Transport

The following appendices are enclosed in this letter:
Appendix 1 – Local Plan Policies
Appendix 2 – Council's Cabinet Report January 2019
Appendix 3- Letter of support from LEP

Appendix 1: Emerging Local Plan Policies