

## **ST ALBANS CITY AND DISTRICT COUNCIL**

**REPORT TO: Planning Portfolio Holder**

**DATE: 11 July 2017**

**REPORT TITLE: Article 4 Directions - Employment Areas (Removing Permitted Development Rights for Changes to Residential Use)**

**WARD: All; The Direction specifically affects areas in the wards of: St Peters; Ashley; Sopwell; Cunningham; Colney Heath; Marshalswick South; Harpenden North; Harpenden West**

**PORTFOLIO HOLDER: Cllr Mary Maynard**

**CONTACT OFFICER: Joshua Steer, Spatial Planning Assistant**

### **1.0 Purpose Of Report**

- 1.1 To report responses to the statutory notification / public consultation on proposed Article 4 Directions removing permitted development rights (PDRs) to change office/light industrial/storage and distribution premises to residential use in some of the District's main employment areas. The report facilitates a Portfolio Holder (PH) decision on confirmation of the Directions (note this is a PH decision under Clause 1.2.5 of the Council's Constitution – Scheme of Delegation).

### **2.0 Recommendations**

- 2.1 That the Planning Portfolio Holder:

2.1.1 Notes the summary of consultation responses received.

2.1.2 Confirms each Direction in the nine areas.

2.1.3 Notes that the process will now continue under Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (see Background Information / Papers). Once confirmed, Schedule 3 dictates that the Council must notify the businesses/property owners in the affected areas. A copy of the confirmed directions must also be sent to the Secretary of State.

2.1.4 Notes that the confirmed Directions will come into force on 22 March 2018.

### **3.0 Background Information**

- 3.1 On 22 March 2016 the Council gave statutory notice of nine proposed Article 4 Directions. They will remove PDRs for change of use from various forms of business premises to residential in the following main employment areas:

- Alban Park/Acrewood Way/Lyon Way, St Albans
- Brick Knoll Park (part east of Ashley Road, St Albans)

- Coldharbour Lane, Harpenden
- North Orbital Trading Estate, St Albans
- Porters Wood/Soothouse Spring, St Albans
- Southdown Industrial Estate, Harpenden
- St Albans City Core
- St Albans City Station
- St Albans Abbey Station

3.2 Full details of the Directions are at Appendix 1. The details are also published on the Council's website at:

<http://www.stalbans.gov.uk/planning/Planningpolicy/employmentareas.aspx>

- 3.3 The Planning Policy Committee (PPC) report in October 2016 (see Background Papers) gave detailed information on the procedures and rationale for the proposed Article 4 Directions.
- 3.4 Further information on the business areas affected can be found in Section 4.4, p133 and Section 4.5, p204 of the Economic Development and Employment Land Evidence Technical Report (See Background Papers).
- 3.5 Since the PPC report was published, significant consultative work has been undertaken to support the statutory notification process for the Article 4 Directions. This includes successful meetings with St Albans Chamber of Commerce, the City of Expertise Group and some local business owners in the District. This has helped generate a wide range of support for the proposals.
- 3.6 The statutory notification stage of the Article 4 process has now been completed. As part of the process, a formal consultation which lasted 8 weeks was undertaken. The statutory minimum length of the consultation is 21 days. Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out the statutory requirements of the Article 4 process in detail (see Background Papers).
- 3.7 Article 4 Directions are increasingly being introduced to re-establish some control over business to residential changes of use. This is particularly in areas of the country where housing market pressures have led to significant losses of business premises. There are examples of other nearby authorities who have confirmed Article 4 Directions to remove office/light industrial/storage and distribution to residential permitted development rights. These include Watford Borough Council and Three Rivers District Council.
- 3.8 The PPC report that initiated this Article 4 process referred to potential property owner compensation liabilities. These have been avoided by the use of a non-immediate direction procedure (which provides for a year's warning period as explained in that report). At the time of serving the notices of Direction the Portfolio Holder asked for further legal confirmation and clarification on this issue. This has been provided in the form of confidential Counsel's advice (at Appendix 2).

## **4.0 Analysis and Findings**

- 4.1 The statutory process for making an Article 4 Direction requires that formal notice of the Council's intention is given to the Secretary of State for Communities and Local Government. Though making a Direction is a local power, the Secretary of State does have intervention powers designed to safeguard National policy, (whereby withdrawal of National PDRs is regarded as an exceptional action). The notification for these Directions resulted in a request for further information and justification from the Council. This was provided by letter dated 28 April 2017 (see Appendix 3). For this additional justification it was very helpful to be able to refer to local research by, and support from, the business community via the Chamber of Commerce (see below and Appendix 5). Subsequently there has been no intervention from the Secretary of State, so the local process of confirmation of the Directions can proceed on the basis of local decision.
- 4.2 Though the Direction cannot take effect until 22 March 2018 (due to the required 'warning' period – see below), it is now important that the confirmation decision is taken quickly, so local businesses and property owners know whether or not the Council the Council is proceeding with the Directions. If the Council does confirm full information is required via final local notice procedures (see Recommendation 2.1.3 above and Background Papers).
- 4.3 A decision to confirm must be made taking account of representations made as a result of the notice of Direction procedures. The notification / consultation period ran from 22 March 2017 to 17 May 2017. During this period, the Council received 60 responses. A summary of the responses can be seen in Appendix 4.
- 4.3 All responses have been summarised in a table. They are ordered as; local businesses, local organisations, land owners and local residents. The majority of the responses were received from local residents. Where the address of the resident is known a general location has been given i.e. "Local Resident (Central St Albans)". The table includes a Council reply to response comments. The comments either objected to the proposed Directions, believed that the Directions are being introduced too late, or suggested potential boundary amendments. Finally, the table includes a column which states which geographical area(s) the comment relates to.
- 4.3 The main themes to come out of the consultation were;
- Strong general support from, local businesses, local organisations and local residents across the District;
  - General objections from some landowners who feel the proposed Article 4 Directions prevent future opportunities for development and redevelopment;
  - Recommendation of potential boundary amendments to specific areas.
- 4.4 Importantly, the strong, general support included work jointly undertaken with the St Albans District Chamber of Commerce (see Appendix 5). This work included

a detailed case study on St Albans City Core and a member survey on office space in the City centre. Other notable supportive comments came from significant employers in the District such as AECOM and a joint response from leaseholders in Southdown Industrial Estate.

4.5 Potential boundary amendments were suggested by three respondents. The amendments that should be noted by the Portfolio Holder include those suggested by;

- St Albans Civic Society in the St Albans City Core and;
- The St Albans District Chamber of Commerce at Beaconsfield Road.

However, it should be emphasised that the proposed areas were designated based on a selective, rather than comprehensive, approach. This is very important to the justification of the Directions within Government policy (see PPC report in Background Papers) and potentially to non-intervention by the Secretary of State. The Council believes the selected areas are the most strategically important employment locations in the District. To change any boundaries at this stage in the process would result in a requirement for re-notification and re-consultation on the proposed Direction in this St Albans City Core area. This is not recommended as there would be further significant delay. If there is considered to be a justification for detailed boundary amendments, then this should be considered as part of a separate future review linked to further progress on the strategic and detailed Local Plans (SLP / DLP).

4.6 Other boundary amendments referred to are;

- The National Pharmaceutical Association (NPA) car park within St Albans City Core;
- The AECOM offices within the St Albans City Core.

The NPA car park currently has no buildings within it and thus the Article 4 designation has no impact on its current use. The boundary amendment at the AECOM offices has been noted as a mapping anomaly caused by the scale of the maps. The whole of the AECOM offices are in fact within the St Albans City Core area and this will be clarified within the final published boundaries at confirmation.

4.7 There were two land owner respondents who objected to the proposed Article 4 Directions. These were specifically related to the North Orbital Trading Estate, St Albans and Southdown Industrial Estate, Harpenden. Two other respondents (local residents) also objected to the proposed Directions. Both questioned the Council's general approach and highlighted that they felt it was undesirable for the Council to have the powers in question.

## **6.0 Conclusion**

- 6.1 There has been no Secretary of State intervention, so the Council is now in a position to decide whether to confirm the Directions.
- 6.2 Overall, the proposed Article 4 Directions have had strong, general support across the District from local businesses, organisations and residents. Although some representations objected to the proposed Directions, no fundamental issues have been raised.
- 6.3 The Council should now continue with the Article 4 process as under Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. If confirmed, the proposed Article 4 Directions will come into force in the affected areas on 22 March 2018.

## 7.0 **Implications**

- 7.1 This table provides a short statement of the impact of the recommendations in this report and/or a reference to the relevant paragraph/s in the report.

<b>Will this report affect any of the following?</b>	<b>Yes/No</b>	<b>Reference</b>
Vision and Priorities	<b>Yes</b>	Reflects local economic development aims (Commitment 3 in the Corporate Plan, p6)
Policy	<b>Yes</b>	Applies Development Plan policy (District Local Plan Review and reflects emerging Strategic and Detailed Local Plan policy)
Financial	<b>Yes</b>	Minor impact in that some additional planning applications may need to be processed and no fee is payable in respect of applications that are required as a result of an Article 4 Direction.
Impact on the community	<b>Yes</b>	Business community support in respect of economic development aims. There may be some corresponding loss of new housing opportunities.
Legal and Property	<b>Yes</b>	Statutory requirements must be met. See report for details of procedural / legal issues and responsibilities
HR/Workforce	<b>No</b>	
Risk Assessment	<b>No</b>	
Environmental Sustainability	<b>No</b>	
Health and Wellbeing	<b>No</b>	

## 8.0 **Further information/Appendices**

- 8.1 Appendix 1 - Details of the Proposed Directions (Notices and Maps)
- 8.2 Appendix 2 - Article 4 direction Compensation - Legal Advice (confidential)
- 8.3 Appendix 3 – Proposed Directions - Correspondence with Secretary of State
- 8.4 Appendix 4- Proposed Directions Statutory Notification / Consultation List of Responses and SADC Replies
- 8.5 Appendix 5- St Albans and District Chamber of Commerce Consultation Report

**9.0 Background Papers - Local Government (Access to Information) Act 1985**

<b><u>Bibliography</u></b>	<b><u>Custodian</u></b>	<b><u>File Location</u></b>
St Albans District Local Plan 1994	Joshua Steer Ext x2696	<a href="#">File Location Here</a>
October 2016 Planning Policy Committee (PPC) report	Joshua Steer Ext x2696	<a href="#">File Location Here</a>
Strategic Local Plan Publication Draft 2016	Joshua Steer Ext x2696	<a href="#">File Location Here</a>
Draft Detailed Local Plan 2016	Joshua Steer x2696	<a href="#">File Location Here</a>
Economic Development and Employment Land Evidence Technical Report 2016	Joshua Steer Ext x2696	<a href="#">File Location Here</a>
National Planning Policy Framework (NPPF)	Joshua Steer Ext x2696	<a href="#">File Location Here</a>
Planning Practice Guidance (PPG)	Joshua Steer X2696	<a href="#">File Location Here</a>
The Town and Country Planning (General Permitted Development) (England) Order 2015	Joshua Steer Ext x2696	<a href="#">File Location Here</a>