



Report for:	Development Management Committee
Date of meeting:	13 June 2019
Part:	1
If Part II, reason:	

Title of report:	Article 4 areas for protecting Dacorum's Employment Areas
Contact:	<p>Cllr Graham Sutton, Portfolio Holder for Planning and Infrastructure</p> <p>Responsible Officer: James Doe, Assistant Director, Planning, Development & Regeneration</p> <p>Author: Stephen Mendham, Strategic Planning and Regeneration Officer</p>
Purpose of report:	To consider confirmation of Article 4 Directions (under the Town and Country Planning (General Permitted Development) (England) Order 2015) which were made on 3 January 2019. The Directions would require planning applications to be made in the designated areas for changes of use from office / light industrial / storage and distribution premises to residential use. The Directions would cover selected employment areas in the Borough and come into effect on 7 January 2020.
Recommendations	That the Development Management Committee confirm the Article 4 Directions made on 3 January 2019.
Corporate objectives:	<p>The introduction of the proposed Article 4 areas would help support the following corporate objectives:</p> <ul style="list-style-type: none"> • <i>Dacorum delivers</i>: e.g. provides a clear framework upon which planning decisions can be made; and • <i>Regeneration</i>: e.g. sets the planning framework for key regeneration projects, such as Hemel Hempstead town centre and the Maylands Business Park.

<p>Implications: 'Value For Money Implications'</p>	<p>This project can be completed within existing budgets.</p>
<p>Risk Implications</p>	<p>If Article 4 areas are not introduced, there is a risk that several further prior approval schemes will be brought forward, resulting in a serious under-provision of employment floorspace. Paragraph 3.6 of the Report to Committee (See Appendix 1) refers to other problems this would cause.</p>
<p>Consultees:</p>	<p>James Doe: Assistant Director, Planning, Development & Regeneration Andrew Horner: Team Leader – Strategic Planning Christopher Gaunt: Legal Governance Team Leader, Legal Governance Management</p>
<p>Background papers:</p>	<p>Dacorum Borough Local Plan 1991-2011 Dacorum Core Strategy Dacorum Employment Land Availability Assessment Dacorum Site Allocations Development Plan Document General Permitted Development Order Heart of Maylands Development Brief Maylands Masterplan Maylands Gateway Development Brief MHCLG consultation paper: "Planning Reform: Supporting the high street and increasing the delivery of new homes". National Planning Policy Framework Planning Practice Guidance: When is permission required? St Albans Local Plan pre-submission version South West Hertfordshire Economic Study</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>B class uses: offices, industrial and storage and distribution CS: Core Strategy DMC: Development Management Committee DMC Report: The Report submitted to DMC for its meeting on 13 December 2019 GPDO: General Permitted Development Order NPPF: National Planning Policy Framework PPG: Planning Practice Guidance SA: Site Allocations</p>

1. BACKGROUND

1.1. On 13 December 2018 the Development Management Committee (DMC) resolved to make non-immediate Article 4 Directions for the following areas (Article 4 Areas) in accordance with the Report submitted to DMC (DMC Report) and the Report text is attached to this document as Appendix 1.

1.2. DMC resolved that authority be delegated to the Assistant Director, Planning, Development and Regeneration for:

- the making of the Directions, and
- confirming the Article Directions following analysis of the response to public consultation, subject to the proviso that if substantive objections are received then the decision for the confirmation of the Article 4 Directions be referred back to DMC.

1.3. Four Article 4 Directions were made on 3 January 2019 under the delegated authority for the following sites:

- Maylands Business Park, Whiteleaf Road and Bourne End Mills
- Park Lane and Doolittle Meadows
- Northbridge Road and River Park, Berkhamsted; and
- Icknield Way, Tring

The Article 4 Directions are non-immediate directions proposed to come into force 12 months from the start of the public consultation arrangements proposed in section 7 of the attached DMC Report and summarised in section 2 of this Report below. Copies of the Article 4 Directions which have been made are attached to this document as Appendix 3

2. CONSULTATION

2.1. Notification and Publicity

Immediately following the making of the Article 4 Directions there was a public consultation for a six week period commencing on 7 January 2019 and ending on 18 February 2019. Notice of the making of the Article 4 Directions was given by:

- Public notice in the Hemel Gazette and St Alban's Review
- Site Notices
- Direct mail to the owners of the sites at Park Lane and Doolittle Meadows. Due to very high numbers of owners and occupiers it was considered impracticable to serve notice directly on the other owners and occupiers of the Article 4 Areas and, as permitted by statutory regulations, notification was given by the public notices in the press and the site notices referred to above.
- Information on the Council's website
- A mention in the Council's Ambassador Place Manager's monthly business update

In accordance with the statutory requirements notification of the making of the Article 4 Directions was also given to the Secretary of State and Hertfordshire County Council.

2.2 Responses received

2.2.1 In total 5 responses were received to the consultation plus a supportive response from Hemel Hempstead Business Ambassadors as stated below. No response was received from Hertfordshire County Council. It is therefore assumed that the County has no substantive comment to make. The responses received are outlined below.

a) Secretary of State

The Secretary of State acknowledged receipt of the notification by letter dated 14 January 2019 and requested further information in support of the making of the Article 4 Directions. The Justification Statement and Freeth Brasier Report were provided in support on 25 January 2019, receipt of which were acknowledged. Nothing further has been heard from the Secretary of State.

b) Hightown Housing Association (HHA)

A copy of HHA's email response of 27 January 2019 is attached as Appendix 2. HHA is the freehold owner of Hightown House within Maylands Business Park and which HHA uses as its sole administrative office. HHA proposed that the land on which Hightown House is situated be excluded from the Article 4 Areas. The email is therefore treated as an objection to the making of the Article 4 Direction for Maylands as currently proposed.

Briefly, HHA's stated grounds for objection and request for modification are:

- The Heart of Maylands Development Brief proposes residential-led redevelopment on three sides of Hightown House. Keeping Hightown House outside the proposed Article 4 Areas would logically complement this, and indeed could facilitate the redevelopment of Duxons Turn and Wood Lane End.
- Retaining permitted development rights at Hightown House would, given its ownership, lead to the prompt delivery of affordable homes.
- The logic of preserving existing office space is perhaps less compelling at Maylands compared to the other areas within Dacorum that are proposed for the Article 4 Areas. Maylands is already the largest employment area in Hertfordshire, and has a number of vacant sites that await development. Moreover in the medium term the proposed East Hemel strategic employment allocation in the new St Albans Local Plan would further increase the availability of employment land. Although administratively part of St Albans District, functionally this land would form part of the Dacorum economy.
- The loss of office space at Hightown House to housing would not imply the loss of office jobs in this case - since the logic of Hightown needing to be in a Maylands/East Hemel location would still apply.

It is considered that HHA's reasons for requesting a modification to the area covered by the Article 4 Direction for Maylands do not constitute sufficient cause to override the justification for confirming the Article 4 Directions as made, please see Section 2.2.2. below.

c) Hemel Hempstead Business Ambassadors (HHBA)

Following the DMC resolution to make the Article 4 Directions HHBA wrote to the Council on 18 December 2018 in support of the creation of the Article 4 Areas. Whilst strictly speaking not a consultation response as it was made prior to the commencement of the consultation period on 7 January 2019 it demonstrates support in favour of the Article 4 Areas by a significant group that is part of the Maylands Business Park community.

d) Other responses

Only three other responses were received as set out below:

Respondent	Summary	Officer Comment
Peter Morgan – Grafton Optical Company, River Park	Email query about what the site notices meant.	Responded by email with explanation which the Respondent found to be "very reassuring". Accordingly supportive.
Helen Reardon – Re Doolittle Meadows	Emailed "to object to the plans to change the use of the land at Doolittle Meadows" to permit the construction of dwellings.	Responded by email with explanation. Comments by Respondent noted yet not relevant to the consultation.
Lee Kennedy- Washington Director Viral Seeding	Emailed to welcome the protection of employment areas but questioned "whether it goes far enough in Tring where there has already been a great deal of conversion of office space to residential. I propose that Silk Mill and The Akeman Business Park be added for protected status." "I expect that it is to late to protect the Akeman Business Park but there are other buildings that have yet to be redeveloped. Additionally the Silk Mill is a thriving business community that should be protected."	Support for Article 4 Directions noted. In respect of Akeman Business Park the principle of residential development has been accepted through the prior approval process for the change of use to housing. In respect of Silk Mill (Brook Street) the possibility of further A4 areas could be considered once decisions have been taken on designating general employment areas in the new Local Plan.

2.2.2 HHA's response is the sole objection received to the Article 4 Directions.

The primary driver for the making of the Article 4 Directions is to control changes of use to housing in Dacorum's most important employment areas and substantive reasons and substantial evidence has already been provided by the Council justifying the protection of employment land by creating Article 4 areas, including the HHA land. There are a number of worrying trends arising from prior approval schemes and further significant losses of floor space to housing within the Council's area from prior approval schemes seem likely if Article 4 Areas are not protected.

The Article 4 Directions if confirmed will not take effect until 7 January 2020, until which time landowners and developers are able to make prior approval applications. Furthermore, the making of an Article 4 Direction does not place an absolute prohibition on change of use, an application for change of use may still be made which will then receive consideration by the Council in accordance with planning rules and policies.

3. Recommendation and Confirmation of Article 4 Directions

- 3.1** In deciding whether to confirm the Article 4 Directions the Council must take into account any representations received during the consultation period. The Council 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.

The period in (a) above expired, even on a conservative estimate, by 6 February 2019 and the Secretary of State has not specified any longer period. The Council may therefore now confirm the Article 4 Directions if it is considered appropriate to do so.

- 3.2** The Secretary of State may cancel or modify an Article 4 Direction at any time before or after it is confirmed. No indication has been given that the Secretary of State intends to cancel or modify the Article 4 Directions which have been made.

- 3.3** If the Article 4 Directions are confirmed they will come into force on 7 January 2020. As soon as practicable after the confirmation of the Article 4 Directions the Council must give notice of the confirmation in very similar manner to the notice given upon the making of the Directions, namely:

- Public notice in the Hemel Gazette and St Alban's Review
- Site Notices
- Copies of the confirmed Article 4 Directions sent to the Secretary of State (and although not strictly required, copies will also be sent to Hertfordshire County Council)
- Direct notice to the owners of the sites at Park Lane and Doolittle Meadows.
- Information on the Council's website

In addition information will be placed on the Council's website and a mention made in the Council's Ambassador Place Manager's monthly business update

- 3.4** It is considered that there is clear justification for designating Dacorum's key employment areas as Article 4 areas. The Article 4 directions will require planning applications to be made in the designated areas for changes of use from office / light industrial / storage and distribution premises to residential use. Following analysis of the responses to the consultation, Members are requested to agree the recommendations at the start of this report.

APPENDIX 1

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
MEETING HELD 13 DECEMBER 2018**

APPENDIX 2

**HIGHTOWN HOUSING ASSOCIATION
EMAIL RESPONSE DATED 27 JANUARY 2019**

APPENDIX 3
ARTICLE 4 DIRECTIONS