

Article 4 Direction – Consultation Report

1.0 Introduction

- 1.1 In 2019, Welwyn Hatfield Borough Council put in place an Article 4 Direction which removed the Permitted Development (PD) right to convert offices to residential on five key employment sites across the borough. This Article 4 had a deferred start so came into effect on 12 October 2020.
- 1.2 Removing this Permitted Development right was considered important as the borough had seen the loss of a significant quantity of employment space in the period from 2013. This position was replicated across the county and the Hertfordshire Local Enterprise Partnership (LEP) produced a report in 2019 which highlighted the degree of employment space loss in Hertfordshire as a whole and the impact on business and the local economy.
- 1.3 A second Article 4 Direction for these employment areas, which removed the right to demolish premises and build purpose built residential on the site was put in place and, again having a deferred start, came into effect on 01 February 2022.
- 1.4 Due to changes in both Permitted Development rights and the Use Classes Order, the original Article 4 Direction which removed the right to convert offices to residential will cease to have effect in July 2022, and so if the Council wishes this PD right to remain removed, a replacement Article 4 Direction needs to be put in place.
- 1.5 Members agreed at Cabinet Planning and Parking Panel (CPPP) in September 2021 that a replacement Article 4 should be put in place.

2.0 Process Followed

- 2.1 This Article 4 Direction was made on 26 January 2022, and public consultation started that day. Consultation letters were sent to occupiers of existing buildings in the identified areas with a request to send it onto their landlord if they were a tenant of the property.
- 2.2 In addition, consultation notifications were sent out to statutory consultees, as identified in the Council's Statement of Community Involvement. This included parish councils, relevant national government bodies such as Historic England, neighbouring authorities and Hertfordshire County Council.
- 2.3 In addition to the consultation letters, the consultation was advertised by the placing of a public notices in the Welwyn Hatfield Times and Hertfordshire Mercury. Finally, site notices – in line with the process used for publicising planning applications – were posted throughout the sites in question.

2.4 The consultation ran for six weeks, in line with the Council’s Statement of Community Involvement, from 26 January to 09 March 2021. During that time, respondents could complete an online questionnaire, email comments to a specified address or respond by post. For consistency and to enable collation and analysis, all such responses were then entered online.

3.0 Responses

3.1 During the consultation period, a total of nine responses were received; three from residents and six from organisations, though of those five two were merely acknowledgements from statutory consultees who had no wish to comment. The low response may be a reflection of the fact that this was the third Article 4 Direction to be consulted on in the same locations in just over two years.

3.2 The online questionnaire asked respondents whether or not they agreed with the proposed Article 4 and why, whether there were any changes they would like to see, and whether they had any other comments. Those responses which came by email or by letter have had relevant comments transferred into this questionnaire to allow for easier analysis.

3.3 A summary of the views expressed and comments made, along with the Council’s response to them, is set out in a table at the end of this document, but a short summary is presented below.

	Yes	No	No Response
Question 1: Do you support the proposed Article 4 Direction?	6 *	2	2
Question 2: If you support the proposed Article 4 Direction, please say why and which element(s) you agree with	4		
Question 3: If you don’t support the proposed Article 4 Direction, please say why and which element(s) you disagree with	1		
Question 4: Please set out the reasons you disagree	2		
Question 5: What changes would you would like to see to the proposed Article 4 Direction?			
Question 6: Do you have any other comments?			

*though one e-mailed response appeared to say that they objected to the proposed Article 4, subsequent comments highlighted the value of local employment and showed a wish to retain it. This response was clarified in a telephone call and it appears that what was being proposed had been misunderstood and accordingly it has been shown as support for the proposal.

3.4 The full set of responses can be found online. A summary of the responses received and the Council's response to the points made is below. Please note that a response can make more than one point to be responded to.

Response / Comment	Respondent Type	Support?	WHBC Response
I supported the previous Article 4 Direction and my view remains the same	Resident	Y	Support noted
B&Q has occupied its store at Swallowfields, AL7 1JD since 1986 and has no intention of vacating the site. The B&Q store serves the whole of Welwyn Garden City and makes a valuable contribution to the local economy both in terms of employment and local DIY expenditure. Currently, B&Q employs 52 staff at the site. A number of recent planning applications, including planning application reference 6/2021/1277/OUTLINE at the B&Q store site, have sought to replace existing employment generating uses with residential uses. B&Q contend the Council must seek to maintain the integrity of the adopted employment areas now and for the future. In this regard, B&Q is therefore supportive of the principle of the proposed	Consultant on behalf of a business	Y	Support noted. The application referred to – which would not be affected by the proposal – is currently being considered.

Article 4 direction.			
It should be honoured that it has been permitted and people who are directly affected have already made plans.	Resident	N	Comment noted
I fully support the continuation of the Article 4 Direction in the employment areas particularly in Welwyn Garden City which is under pressure from the tsunami of developers applications. We need to keep our employment spaces if we are to have a sustainable place to live and to work!	Resident	Y	Support noted. A balance of employment and housing is important.
Sopers Road is a small but versatile estate that has a broad range of services (builders merchant, car garage, removals, gym), offices (Soper House, Ellis Training) and light manufacturing. Because of its versatility and location it serves residents and offers employment opportunities outside of conventional retailing. Once lost, these business or those like them, could never return, therefore the Parish Council are submitting an major objection to the withdrawal of the article 4 direction.	Parish Council	Y	Comment as written is unclear as it appears to think that it is proposed to withdraw the existing Article 4 Direction. However, a telephone follow up has confirmed that the response and comment is supportive of the proposal. Support noted.
Our business regularly reviews its operational and accommodation requirements. In recent months this has included a consideration of the possible longer term	Consultant on behalf of a large business	N	What is proposed would not preclude offices being converted to residential uses, only that this would not be able to be done under Permitted Development (PD). This

<p>effects of the Covid pandemic on working patterns. It follows that businesses such as ours which have significant office accommodation may decide to reduce their physical office space. In such circumstances, businesses and property owners may reasonably conclude that this accommodation can be appropriately repurposed for other uses, including to meet the urgent and ongoing need for new housing.</p>			<p>means that a planning application would need to be made so that the merits of the proposal and the impacts can be properly considered and assessed. There is a mechanism in both the District Plan and adopted Local Plan for applicants to demonstrate that the business premises are no longer required for that use, but this requires a proper marketing exercise to be undertaken.</p>
<p>This now long-established permitted development opportunity is particularly important in an area such as Welwyn Hatfield where planning constraints have limited the delivery of new homes over a sustained period. The permitted development rights which would normally allow the conversion of office accommodation to residential use, subject to a prior approval process and certain limitations and reasonable conditions which will secure appropriate standards of accommodation, are an important tool for both local business and the delivery of new homes in these circumstances. Any decision to restrict these rights should only be taken with a strong, clear and up to date</p>	<p>Consultant on behalf of a large business</p>	<p>N</p>	<p>The Council believes that there is strong justification for this proposed course of action. The proposed Article 4 does not cover the whole of the borough, but those areas which are seen as the most significant for employment. The Council has an up to date evidence base which shows the significant loss of employment floorspace since 2013 and the Hertfordshire Local Enterprise Partnership have published a report in 2019 which shows the impact of this on business and the economy across the county.</p>

justification.			
For the last few years we have been receiving feedback from a number of bodies, including local planning authorities and business representative organisations, expressing their considerable concern at the loss of employment space to other non-commercial uses, largely residential.	Local Enterprise Partnership	Y	The impact of the loss of significant employment space is well documented in the Hertfordshire LEP's report of 2019. Comment noted.
Significant loss of employment land across the county, and in areas such as Welwyn Hatfield, are a major cause of concern for the LEP. In our view the loss is putting pressure on existing businesses who are unable to expand due to inability to find suitable space, and it is diminishing our ability to offer suitable space to prospective inward investors. There may also be instances where commercial tenants have to vacate premises in order to free it for conversion to residential uses. Your proposed re-issue of the Article 4 Direction will help address this issue by helping to stem the loss of employment uses.	Local Enterprise Partnership	Y	Welwyn Hatfield has seen the loss of significant employment floorspace since 2013 and is concerned about the potential impacts of this. Support noted.
HCC expressed its support prior to the original issue of this Article 4 Direction and continues to be supportive. As such HCC has no comments and is content with the	Hertfordshire County Council	Y	Support noted.

re-issuing of this Direction.			
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