

Statement in Response to the Inspector's Matters and Issues for Examination

Matter 9 – Economic Development

Land East of Bartley Wood

Prepared For
UKSEI Ltd

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CHARTERED TOWN PLANNERS

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1 INTRODUCTION

- 1.1 On behalf of our client UKSEI Ltd we set out additional representations in response to the Inspector's Matter 9 – Economic Development. We are only replying to those question which are of relevance to our client's site and have, as requested, kept our responses concise and relevant.
- 1.2 UKSEI Ltd were previously represented by WYG, who made comments to the Regulation 19 version of the Local Plan.
- 1.3 Our client is the Freehold owner of 260/270 Bartley Wood Business Park, Hook. They are also the promoter of a site to the east of Bartley Wood, Hook, which would be suitable for a residential-led strategic development.
- 1.4 We draw attention to various elements of unsoundness in the Council's approach and suggest where and how the Plan should be modified.
- 1.5 We note that as the Local Plan is being prepared under the transitional arrangements, it has to show conformity with national policy as set out within the National Planning Policy Framework (NPPF) of 2012, rather than the updated NPPF of 2018. We therefore refer to the paragraph numbers of the 2012 NPPF, and if appropriate, we also cross reference to the 2018 NPPF.
- 1.6 We confirm that we currently wish to attend the Examination hearing session on Matter 9.



2 MATTER 9: ECONOMIC DEVELOPMENT

INSPECTOR'S QUESTIONS

- 2.1 **Question 9.1** Has the need for employment land in both quantitative and qualitative terms been robustly assessed in the Employment Land Review 2016?
- 2.2 **Question 9.2** What is the current status of the Article 4 Direction Consultation that the Council has referred to? Is reference to it within the Plan justified?

Policy ED1

- 2.3 **Question 9.3** Is Policy ED1 positively prepared and are each of its criteria justified?
- 2.4 **Question 9.5** To be effective, should Policy ED1 at criteria a) refer to the Policies Map?

Policy ED2

- 2.5 **Question 9.6** Is the approach of Policy ED2 to safeguarding Strategic Employment Sites justified and consistent with national policy? Further, should there be an element of flexibility?
- 2.6 **Question 9.9** Is each employment site and its boundary set out within Policy ED2 justified and based on robust evidence?
- 2.7 **Question 9.10** To be effective, should Policy ED2 refer to the Policies Map?

RESPONSE TO INSPECTOR'S QUESTIONS

QUESTION 9.1

- 2.8 No. We do not agree that the need for employment land has been robustly assessed in qualitative terms through the Employment Land Review (ELR) 2016.
- 2.9 Whilst we have no particular issue with the methodology in terms of assessing the quantitative needs, we are concerned about the qualitative assessments. Our client's site at Bartley Wood is described as a modern Grade A Business Park, according to the outcomes of the ELR this is the type of stock that is in strong demand and the supply is reducing.



- 2.10 However, our client's plots at 260/270 Bartley Wood are now nearly 30 years old and cannot, factually be considered as 'modern' nor Grade A space but are better described as lower grade office accommodation. The ELR is clearly factually incorrect in this regard.
- 2.11 Representations were made to the Regulation 19 consultation previously by WYG, setting out that the buildings do not meet current expectations for grade A space, in terms of matters such as glazing, building insulation, lighting fit and energy use. Evidence was provided by Curchod & Co at that time which indicated that in order to bring the buildings up to current Grade A standards there would need to be a significant investment.
- 2.12 The ELR confirms that with regard to this lower grade office accommodation (para 6.17) that "There is limited demand for such premises but the supply of floorspace remains high....". It goes on to conclude (para 10.5) that "Demand for office accommodation.....remains limited to Grade A stock in prominent, multi-occupancy, business park locations. There is an identified over-supply of lower grade office stock with relatively high vacancy rates (11.9%) that is becoming increasingly obsolete and/or uneconomic for operators to run".
- 2.13 In terms of our client's units, both of these are currently let to Virgin Media, but only 270 is occupied, with Unit 260 having been vacant since 2014. Virgin have indicated that they will be vacating Hook when their lease expires in November 2019, preferring a location focused on the M4 corridor. For this reason, permitted development approval has been obtained for an office to residential conversion (17/00814/PRIOR) as their lower grade office space is obsolete in the current employment market. At least 5 units at Bartley Point/Bartley Wood have secured permitted development rights for a residential change of use, giving a clear indication that based on market signals, the business Park cannot be described as a strategic business park that is in high demand.
- 2.14 In terms of national policy, the NPPF from 2012 is clear in paragraph 22 that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.....applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities".



QUESTION 9.2

- 2.15 Our client has raised strong objections to the proposed Article 4 Direction. Reference to it within the Plan is not justified. The making of the Article 4 direction is clearly premature ahead of the examination of the Local Plan. The Article 4 direction is being imposed to prevent the conversion of office to residential uses under the permitted development route, on sites categorised as either strategic employment sites or locally important employment sites. However, given that these proposed designations are being scrutinised through the local plan examination process, they have no weight as yet, and may be found unsound.
- 2.16 Furthermore, market signals should dictate the use of land to ensure that a balanced supply of housing and office space can be provided to meet demand and avoid vacant buildings. The Council should not seek to undermine the Governments changes to the permitted development, which has proven to be successful in delivering housing and reusing otherwise economically unviable / stagnant office development, by applying an Article 4 direction.
- 2.17 For these reasons, the Council should not refer to the Article 4 Direction within the emerging Local Plan, this reference should be removed.

QUESTION 9.3

- 2.18 No. In response to the Inspector's question, Policy ED1 has not been positively prepared. Whilst we do not have any particular issue with the criterion of the policy, we have assessed that paragraphs 215-217 are overly prescriptive and out of step with the Government's policy, which allows change of use from office to residential under permitted development rights. This has been particularly important for office developments that have outlived their useful economic life.
- 2.19 The NPPF 2018 requires that "Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities" (paragraph 22). More generally, the NPPF places great emphasis on policies being responsive and future proofed. Policy ED1 should therefore be more flexible and allow for future change rather than applying prescriptive and onerous protections. In this regard, the policy is considered to be inconsistent with the NPPF 2018.



QUESTION 9.5

- 2.20 Yes. Factually, to be effective, Policy ED1 should cross refer to the Policies Map which is the spatial representation of the policies.

QUESTION 9.6

- 2.21 No. The approach of Policy ED2 to safeguarding Strategic Employment Sites is neither justified nor consistent with national policy.
- 2.22 We have specific issues with the Council's identification of the Bartley Wood, Hook site as a Strategic Employment Site. We have assessed that this proposed allocation is unsound. It is not positively prepared, having regard to the evidence of need; it is not justified as the most appropriate strategy in terms of the evidence base and it is not consistent with national policy. We have set out further information in our response to question 9.1 which confirms that the Council's evidence base as set out within the ELR 2016, is flawed in regard to our client's site, erroneously categorising this as a Grade A accommodation.
- 2.23 We have summarised above that the buildings cannot factually be described as Grade A, and that there has not been any demand for them for employment use, despite active marketing. They should not, therefore be included within an area which has been defined as a Strategically Important Employment Site.
- 2.24 If the Inspector concludes that the approach to safeguarding Strategic Employment Sites is justified and consistent with national policy and does not suggest that any of the boundaries need to be modified, then we suggest that more flexibility is needed within the policy, to avoid it being out of step with national policy. Permitted development rights should not be removed in these areas, as this is an approach which conflicts with a key element of Government policy. Furthermore, long-term protection of specific uses should not be afforded which could otherwise cause a conflict with market demands, leading to policies which are neither future proofed nor responsive to economic forces.
- 2.25 It would be more appropriate for the Council to seek to allocate some additional employment land which could then be developed in a way which would fulfil the requirements of modern businesses. This would be a more effective approach than seeking to protect sites that are not in demand due to their age and specification.



QUESTION 9.9

- 2.26 No. The Council's proposed allocation of the whole of Bartley Wood, Hook as a Strategic Employment Site is not sound as it is not justified based on the available evidence. We have set out the reasons for this above. The site no longer forms a strategic function with the Functional Economic Area (FEA) and a number of premises already have obtained consent under permitted development rights for conversion of office to residential accommodation. This has been a response to the age of the premises, the fact that they no longer meet the requirements of modern businesses or would require extensive and expensive upgrading to enable them to be attractive to the market.

QUESTION 9.10

- 2.27 Yes. Factually, to be effective, Policy ED2 should cross refer to the Policies Map which is the spatial representation of the policies. However, as set out above, we disagree with the proposed extent of the boundary of the Bartley Wood Strategic Employment Site.