

APPENDIX 6

Employment Article 4 Directions Consultation Report

1.0 Summary of Consultation Activity

- 1.1 The consultation for the Employment Article 4 Directions ran from 1 October to 12 November 2018. The consultations for B1a to C3; B1c to C3 and B8 to C3 changes of use Article 4 Directions ran concurrently. The consultations employed a range of methods to target as many stakeholders (such as residents, land owners) as possible.
- 1.2 A total of 30 written responses were received. The majority of these were made through the Engage Barnet website. Due to data protection the names of the people who responded through the website are not made available to officers unless the respondent stated who they were in their response. Some of the resident amenity societies responded in this manner. Two people responded by email one of which was a resident amenity society and the other a resident. One resident amenity society responded both through the website and email, however this was a repeated response so was only counted as one response.
- 1.3 In order to reach relevant stakeholders for the Article 4 Directions the following approach was undertaken:
- A page was created on Engage Barnet website. The page provided the justification for the Directions, the maps and brief explanations as to the key issues faced by the Council as a result of the current permitted development rights. It also asked people to take part in a poll and/or make comments of the proposed Article 4 Directions.
 - 545 emails sent from our consultation database
 - 7729 letters sent out to properties impacted by the proposed Article 4 Directions.
 - Two sets of the notices and two maps were put up within each of areas identified for an Article 4 Direction. Separate notices were placed for each Article 4 Direction. Only one map was required as the geographical extent of the Directions for an area did not differ between Directions.
 - Notices were placed in Barnet Times.
 - Notices and maps were placed in all the Barnet Libraries.
 - A short article appeared in Barnet First.
 - The Secretary of State was also notified.

2.0 Results of the Engage Barnet page:

2.1 Besides providing information on the Article 4 Directions for people to download the page also encouraged feedback through a quick poll and providing an opportunity for feedback.

- *Quick Poll Tab*

Question: Do you think Barnet Council should adopt Article 4 Directions to remove the automatic right of landlords to convert employment spaces into residential spaces?

Results:

Yes -122

No -25

Don't Know -5

Total: 152 responses

- *Comments Tab/Email*

Question: Please let us know your views on this proposal

28 comments were provided. These comments are in the table below along with the 2 received by email.

Of the 30 responses received

25 stated they were in support of the proposed Article 4 Directions.

3 stated they were not in support of the proposed Article 4 Directions.

2 did not state whether they supported or opposed the proposed Article 4 Directions.

3.0 Summary of Written Responses

3.1 Those that supported the proposals stated a variety of reasons for doing so, these included concern of the quality of housing being created; lack of infrastructure being provided; impacts on the amenity of an area; and loss of employment space and jobs.

3.2 Those that did not support the proposals stated that there was a need for the delivery of housing due to homelessness, high rents and high mortgages. There was also concern that it would prevent the evolution and growth of the areas identified.

Consultation Responses to the following question - Do you have any comments about the proposed Article 4 Direction?

Ref	Respondent	Comments	Councils Response
1	Anonymous	I fully support the proposal. However I would like to see the Meadow Works on the Great North Road included. This site is a period landmark that both contributes to the historic character of the town and supports a variety of local businesses. It is at risk from developers who wish to build characterless blocks of flats with no other aim than increasing their own profit margins and so badly needs this protection. I am genuinely puzzled as to why it has been left out.	Meadow Works was not identified as the majority of these buildings are not suitable for conversion.
2	Anonymous	I don't agree with the proposals. There are not enough residential units within L B of Barnet to support the numbers of homelessness in the Borough. There are still a number of empty office buildings with in the Borough, many of them substandard.	Conversions of office buildings to residential with an Article 4 Direction will still be possible however they will need to apply for planning permission. The Council considers that using the planning system to secure good quality and more affordable new homes in places where people want to live is a more appropriate way of helping tackle homelessness.
3	Anonymous	I agree that the council should have more control over planning with regards to office to residential changes. In my neighbourhood, there have been far too many automatic conversions of office spaces to residential (always into flats). Additional parking spaces is often ignored on the pretence that we have an adequate transport amenities and therefore planning for parking spaces is not required for each flat as residents can use public transport. So developers are allowed to provide less parking spaces (half the no. of flats) even though residents in flats still own one or two cars, who use already limited spaces on the residential roads. There is no thought of providing the additional infrastructure of schools, doctors, nurseries and not the mention of strain on already overloaded services (drainage, water). I am not against additional housing, but it should be more sympathetic to the area and family houses would be preferable rather than flats!	We welcome this support. Confirmation of the Article 4 will allow the Council to better manage growth, secure a sustainable level of car parking provision and negotiate with developers regarding contributions towards infrastructure.

Ref	Respondent	Comments	Councils Response
4	Anonymous	I think Barnet Council should stop the automatic approval of planning for conversions to residential properties. In a lot of areas around Barnet, especially High Road in Whetstone, the number of office blocks has dwindled so far that there are less than half of the office blocks than there were before. If Barnet Council wants local people to take local jobs, it must stop – and more local jobs need to be available. It would also be interesting to see the impact of the reduction in Business Rates for these properties and the impact it has had on the council.	We welcome the support. Provision of non-residential floorspace remains an important element of a vibrant local economy. As part of our Local Plan review we are looking to strengthen policies to protect and promote employment opportunities, generating new jobs. This includes securing affordable workspace.
5	Anonymous	There should not be automatic approval of the change of office space to residential. Many areas of the borough are suffering the effects of overdevelopment (Finchley, North Finchley, Whetstone etc). The increase in housing, while needed, is not matched with an increase in infrastructure provision; schools, doctors, transportation etc. All these areas have office space which if automatically granted permission to become residential will add to pressure on the areas. There needs to be control and planning in place to ensure the life for residents (and workers) in the borough is not blighted by over development.	We welcome the support. Confirmation of the Article 4 will give us back the planning powers we previously had in 2013 to properly plan for the Borough. This will allow the Council to negotiate with developers regarding contributions towards infrastructure.
6	Anonymous	Proper planning and control regulations need to be enforced to prevent sub standard noisy rabbit hutch developments where profit is maximised at minimum cost. These are peoples' homes, not money making machines.	We welcome the support. Confirmation of the Article 4 will enable the Council to enforce the National Space Standards.
7	Anonymous	I would like to have a say about business with music alive beside the building I live. should not be permitted such act because I can hear the music in my room. Also is really loud and horrible.	This is a noise matter for Environmental Health. The London Plan has introduced the Agent of Change principle which places responsibility for mitigating impacts from existing noise generating activities or uses on any new noise sensitive development such as residential. The Council will support the Agent of Change principle in the emerging Local Plan.
8	Anonymous	Barnet must fight to retain office space. A huge number of jobs are going from the borough as companies find it hard to locate their offices in Barnet. Offices and commercial premises bring jobs, business rates and support 100s of other firms and local businesses. Barnet must act to ensure that companies are not driven out the borough due to lack of space and affordable offices / commercial units.	We welcome the support. As part of our Local Plan review we are looking to strengthen policies to protect and promote employment opportunities, generating new jobs. This includes securing affordable workspace.

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9	Anonymous	As a Barnet resident but also an owner of a small business, the introduction of Article 4 is vital for small businesses like me. In Finchley Central where I want to base my business there is almost no office space left due to the conversions - let alone affordable. Conversions like the Central House have been detrimental for small businesses and damaging to sustainable business growth. I fully support Article 4.	We welcome the support. As part of our Local Plan review we are looking to strengthen policies to protect and promote employment opportunities, generating new jobs. This includes securing contributions to local jobs, skills and training as well as provision for affordable workspace.
10	Anonymous	It seems entirely reasonable to allow the option to convert unused offices into residential use. But it also seems reasonable to check such proposals. Obviously the impact on local infrastructure can be considerable, not least traffic but also school places, the time taken to access healthcare. Frankly, it seems every spare building is converted into flats these days (former pubs, etc.) and a tipping point must surely be reached soon, given the council cuts.	We welcome the support. Confirmation of the Article 4 will give us back the planning powers we previously had in 2013 to properly plan for the Borough. This will allow the Council to negotiate with developers regarding contributions towards infrastructure.
11	Anonymous	We need to keep employment in town centres to support a diverse local economy. I think the council should do more to work with commercial landlords to help them find suitable tenants if they have vacancies in office buildings.	We welcome the support. A vibrant local economy forms an important element of our emerging Local Plan
12	Anonymous	What happens to all the local jobs contained in the offices lost to residential	The indications are that the majority of businesses either close or leave the Borough.
13	Anonymous	I am very much in favour of local authority planning processes being applied to commercial to residential conversion proposals. One only has to look at New Barnet to see the effect of accommodation replacing offices on the local economy. If anything the local authority should go further and actively assist and promote commercial space in an effort to boost existing local shops and other services.	We welcome the support. As part of our Local Plan review we are looking to strengthen policies to protect and promote employment opportunities, generating new jobs. This includes securing contributions to local jobs, skills and training as well as provision for affordable workspace.
14	Anonymous	Article 4 direction should NOT be made....this will inhibit the area evolving and growing	Managing growth is a function for planning. Conversions of office buildings to residential with an Article 4 Direction will still be possible however they will need to apply for planning permission. This will help the Council to secure good quality and more affordable new homes in places where people want to live.

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15	West Finchley Residents Association	The West Finchley Residents' Association, representing over 200 residents in the neighbourhood, strongly supports Barnet Council in seeking Article 4 Direction. The loss of local employment opportunities seriously impacts those who want to work near to home, especially those seeking work in balance with family life. The results of some of these "conversions" barely meet minimum standards and add no benefit to the local street scene. Conversions from employment to residential should be subject to the full rigours of the planning process.	We welcome the support. Confirmation of the Article 4 will give us back the planning powers we previously had in 2013 to properly plan for the Borough
16	Anonymous	New homes are needed but so are small business premises. The merits of hangs of use should be decided by the Council on the merits of each case. In addition, it is quite wrong for such conversions to be undertaken in breach of normal planning standards.	We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies with these applications.
17	Anonymous	We simply cannot allow these conversions to take place without regard to other factors, such as the mix of buildings, the need to encourage employment and businesses in our neighbourhoods. We cannot allow the lack of housing to be a green light for greedy and voracious developers	We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies with these applications.
18	Anonymous	<p>We really need to keep the amazing businesses that only exist because these cheaper work units exists. If these cheap offices/units get converted to residential (because they'll make more money for the owner), we will loose places where creative industries can grow. We've recently had this Antiques shop close which the developer wants to change to HMO. This means we will completely loose this corner of Barnet and its culture.</p> <p>https://commons.wikimedia.org/wiki/File:Barnet_Antique_%26_Vintage_Centre_3.JPG</p> <p>We really want to keep Alston Works as work/live units for the creative people who use them in Barnet. e.g. For example this fantastic business is from someone's work/live space https://gastrophysics.co.uk/ And also the wonderful https://www.applebeehouse.com/ that runs out of Brake Shear House that will soon be developed. Also Nightingale's Emporium is there too.</p>	We welcome the support. The Council recognises the contribution of creative industries to a vibrant local economy. Protecting existing affordable workspace from conversion as well as securing new provision forms an important element of our emerging Local Plan

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		http://www.highlivingbarnet.com/36178-2/ We need a mix of business types to make the area interesting. The above 3 locations have owners that want to convert them. There is literally no where else for the businesses to go.	
19	Anonymous	All change of use of any building should go through proper planning procedure, as it impacts so many aspects of the local community.	We welcome the support.
20	Anonymous	I support this move to control the conversion of business space to residential. We need to do all we can to help people to travel shorter distances to work, in order to mitigate climate change, and having places of employment spread across the borough helps with this. It is a long term issue, but we have to start now, and firmly. I expect it will result in less money for council services in the short term, but I am willing to pay more council tax.	We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies with these applications. Reducing the need to travel forms an important element of our emerging Local Plan.
21	Anonymous	Residents should have a say on proposals that alter our business and residential areas, and should be given proper notice and the opportunity to be consulted about them. I was personally appalled at one proposal that was put forward for conversion of Barnet House in the High Road, Totteridge into a high number of sub-standard dwellings. That one attracted a lot of publicity, but others may slip below the radar - for example I had no information about the conversion of Barnet Court House last year. With current concern about our high streets and empty shops, the local planning department should be allowed to do the job we expect in preserving the nature of our public areas in consultation with the public.	We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies with these applications providing the community with the opportunity to make representations. The emerging Local Plan will be subject to extensive public consultation. It will introduce more flexible policies for retail uses in order to address issues around vacant shop units. This will contribute to more thriving town centres. It will also propose sites for development.
22	The Barnet Society	RESPONSE BY THE BARNET SOCIETY The Barnet Society covers most of the constituency of Chipping Barnet, including parts of Whetstone and New Barnet. Our area has benefitted for many years from the presence of elements of office, light industrial and warehouse space in various localities, often at modest rents. This has enabled economic diversity, facilitated business start-ups and reduced commuting out of our area. We have watched developments since introduction of the Prior Notice procedure with growing concern. Many commercial	We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies with these applications. This will help the Council to secure good quality and more affordable new homes in places where people want to live. Confirmation of the Article 4 will give us back the planning powers we previously had in 2013 to properly plan for the Borough. This will allow the Council to negotiate with developers regarding contributions towards

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		<p>premises have already been converted in our area, especially in New Barnet and Whetstone, and others are in the pipeline. Although the additional housing is not unwelcome, it has come at disproportionate cost to our local economy, and to the inconvenience of residents who now have to travel further to access such useful services as garages and building materials suppliers. For that reason we argued, successfully, three years ago for the inclusion of new office/workshop space on the Brake Shear House site (164 High Street), to complement other measures which we believe would help regenerate High Barnet town centre. Conversely, we have several concerns about the residential accommodation that has replaced commercial space:</p> <ul style="list-style-type: none"> • The quantity of units concentrated in certain places (e.g. High Road, Whetstone, and Station Road, New Barnet, with nugatory amenity space. • Space and environmental standards often below the Mayor of London's recommendations. Although sometimes true for conversions of modern buildings, e.g. Barnet House, Whetstone (17/1313/PNO), the worst examples are usually of Victorian or older buildings, e.g. Nos.6 & 6A Nesbitts Alley (18/6397/PNL & 18/6398/PNL). • The disproportionate provision of 1 & 2-person units compared with family units. • The lack of tenure variety. • The community's loss of contribution to infrastructure. We therefore completely support both the Council's 'Justification for the making of Article 4 Directions', and the locations selected. 	<p>infrastructure.</p> <p>As part of our Local Plan review we are looking to strengthen policies to protect and promote employment opportunities, generating new jobs. This includes securing contributions to local jobs, skills and training as well as provision for affordable workspace.</p>
23	Anonymous	I strongly agree with the fact that landlord should not have the automatic right to convert a business into residential flat.	We welcome the support.
24	Anonymous	It would be of far greater benefit to Barnet if the Council took back control to require any such conversions to go through a proper and considered planning process. It would help keep and promote business and jobs as well as avoid low quality housing.	We welcome the support.
25	Anonymous	I am the Chairman of the Planning Committee of the Finchley society I strongly support Barnet's intention to make an Article 4 Direction to bring back planning control over the conversion of	We welcome the support.

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		<p>offices to residential. A recent report by the Royal Institution of Chartered Surveyors shows that the original decision by the Government to deregulate such conversions was wrong, and should be reversed. It has led to a loss of employment space, substandard accommodation, and no contribution to infrastructure or affordable housing.</p> <p>Barnet's proposal is proportionate, being restricted to locations where the mischief is greatest.</p>	
26	Anonymous	<p>To ensure that proper planning is undertaken, to ascertain that whatever is determined is correctly considered by everyone who may be affected. It is necessary and sensible to have all proposed plans properly presented and submitted to the Planners, to ensure that all who may be affected by the work/change of use are able to see what it could be or become.</p>	<p>We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies with these applications, including appropriate levels of consultation with residents.</p>
27	Anonymous	<p>We have a housing crisis in Barnet where rents and mortgages are too high because there aren't enough homes. The high street is closing because people prefer shopping online. That's the free market. Therefore if there is demand for homes and not for shops then offices/shops etc should be converted into residential properties and the last thing we need is councils making it harder.</p>	<p>The Council considers that using the planning system to secure good quality and more affordable new homes in places where people want to live is a more appropriate way of helping to tackle the housing crisis.</p>
28	Anonymous	<p>I am concerned about the negative effect that converting commercial properties to residential properties has on businesses and public houses. The high street is dying and public houses face too many complaints. It is wholly unfair that public houses should face restrictions imposed because of complaints from new tenants placed next to them. I am aghast that beer gardens that have been in use for years should be closed early in summer months due to redesignation of neighbouring properties.</p>	<p>The London Plan has introduced the Agent of Change principle which places responsibility for mitigating impacts from existing noise generating activities or uses such as a public house on any new noise sensitive development such as residential. The Council will support the Agent of Change principle in the emerging Local Plan. It will also provide greater policy protection for public houses.</p>
29	Friern Barnet and Whetstone Residents' Association	<p>The Association fully supports the introduction of an "Employment to Residential Conversion" Article 4 Direction and the areas of the Borough to which it is to apply. We submit the following additional comments: Within the Friern Barnet and Whetstone Residents' Association's area of interest, we are most concerned about</p>	<p>We welcome the support. Confirmation of the Article 4 will enable full consideration of planning policies and enable the Council to consider appropriate conditions, negotiate s106 obligations and secure Community Infrastructure Levy contributions.</p>

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		<p>office/commercial building conversions that have proceeded under the existing permitted development “prior approval” process, with particular regard to:</p> <ul style="list-style-type: none"> • The lack of control over the standard of the accommodation provided, including control over internal space standards, dwelling mix and outdoor amenity space, • Loss of Community Infrastructure Levy, Planning Gain/Section 106 contributions and “affordable housing” provision that under the development control process would help to mitigate the effects of the developments on the locality, • The loss of local employment provision (including the termination of small business lettings) together with the related transport and other implications of intensifying the use of the area as a “dormitory” for other parts of London. <p>We have noted and support the Recommendations contained in the Royal Institution of Chartered Surveyors’ May 2018 report titled “Assessing the impacts of extending permitted development rights to office-to-residential change of use in England”, and we quote: <i>Given the research findings, there are several recommendations that would help address the issues found</i></p> <p><i>Central government</i></p> <ul style="list-style-type: none"> • <i>The original impact assessment from DCLG in 2013 was flawed. The policy of office-to-residential change of use being permitted development should be properly reviewed, and it should be returned to full planning control.</i> • <i>If government is unwilling to reregulate here, it should consider amending the prior approval process to introduce some more safeguards. For example</i> <ul style="list-style-type: none"> – <i>adding a requirement that the office space is actually demonstrated to be vacant before approval can be granted</i> 	

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		<p><i>for conversion</i></p> <ul style="list-style-type: none"> <i>– adding minimum space standards which would apply even to PD schemes.</i> <i>• Ensure a reasonable fee level for the LPA in processing prior notification and make amendments so that planning gain can be levied (including affordable housing contributions).</i> <i>• As part of a wider review of CIL, government should amend the regulations so that all development creating new residential units are liable for a contribution towards local infrastructure need regardless of previous use or vacancy of the building.</i> <p><i>Local government</i></p> <ul style="list-style-type: none"> <i>• LPAs should seek to take a proactive approach to office-to-residential PDR due to the potentially significant impacts. Article 4 directions should be used, where resources allow.</i> <i>• Proper plans should be required with prior notifications, with conditions imposed to implement the schemes as indicated in the submitted plans, and completions monitored through conditions requiring notification.</i> <i>• Following more proactive monitoring of permitted development conversions, where necessary, appropriate enforcement action should be taken against inadequate housing provision, even if this might be through other regulatory regimes.</i> <i>• S106 legal agreements should be considered where appropriate in relation to the issues LPAs can consider during prior approval.</i> <p><i>Local communities and civic groups</i></p> <ul style="list-style-type: none"> <i>• Local communities and civic groups should closely monitor office-to-residential conversions and notify their LPA if they are aware of any inadequate housing provision or where evidence may qualify an area for an Article 4 Direction.</i> <p><i>Developers and their agents</i></p> <ul style="list-style-type: none"> <i>• Developers should give careful consideration to the wider implications of their schemes on communities and people's everyday quality of life. Their agents should also provide robust advice about this particularly if there are professional conduct</i> 	

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		<p><i>and ethics implications.</i> Submitted on behalf of Friern Barnet and Whetstone Residents' Association by David Thompson, 14 Bethune Avenue, London N11 3LE</p>	
30	Chris Nightingale	<p>I am writing on behalf of SPACES which is an organisation that represents residents in four High Barnet Roads in matters relating to planning and traffic. We have had an issue for over two years now with a large unit in Alston Works (Alston Road). It was a gym but has been converted into a number of 'live/work' units (probably more live than work) without a planning application being made. We have asked Barnet Council to pressurize the owners to make an application for the change, but so far the Council has not been in a strong enough legal position to do so. Whereas, it is not our policy to oppose such a conversion if done properly, we believe that it is setting a very bad precedent for the conversion not to have been through normal planning channels. There are issues of fire safety, postal addresses, parking and possibly even council tax involved. We appreciate that there is a need for more housing of all sorts, but it must be of acceptable standard and not made available through a route of bypassing normal requirements so that sub-standard property can be offered. We therefore support Barnet Council in applying for an Article 4 Direction to cover the Alston Works site and other vulnerable sites in High Barnet.</p>	We welcome the support.