Examination of the North Hertfordshire Local Plan (2011-2031)

Examination Hearing Sessions

Matter 29: the recent changes to the Use Classes Order

The Council's Hearing Statement in response to the Inspector's Matter 29: the recent changes to the Use Classes Order identified that a number of policies in the local plan where there could be an impact arising from the changes to the Use Classes Order.

The Hearing Statement stated that that detailed proposed modifications would be drafted and submitted to the Inspector. The table below summarises where proposed modifications are required following the changes to the Use Classes Order and also where, following more detailed consideration and review, proposed modifications are now not suggested to the policies.

Further to the submission of proposed modifications to the Inspector in October 2020 (ED203), the Council has produced further modifications as outlined in this document, which now supersede those submitted previously.

The attached paper sets out the proposed modifications to those policies where modifications are necessary. These are shown as 'track changes' to the text of the Plan as it is currently proposed to be modified. Should the Inspector be minded to propose these further changes as Main Modifications, a detailed schedule will be prepared for consultation.

Strategic Policies Policy No. and Title		**Proposed Modifications in response to the UCO**
SP3	Employment	Yes
SP4	Town Centres, Local Centres and Community Shops	Yes
SP10	Healthy Communities	No changes proposed
SP12	Green infrastructure, landscape and biodiversity	No changes proposed

Development Management Policies Policy No. and Title		**Proposed Modifications in response to the UCO**
ETC1	Appropriate uses in Employment Areas	Yes
ETC2	Employment development outside Employment Areas and Employment Allocations BA10 and RY9	No changes proposed
ETC3	New retail, leisure and other main town centre development	Yes
ETC4	Primary shopping frontages	Yes
ETC5	Secondary shopping frontages	Yes
ETC6	Local Centres	Yes
ETC7	Local community shops and services in towns and villages	No changes proposed
CGB2b	Community facilities, services and affordable housing in the Rural Area beyond the Green Belt	No changes proposed
T1	Assessment of transport matters	No changes proposed to the Policy. Changes proposed to paragraph 7.4 in the supporting text
T2	Parking	No changes proposed
HC1	Community facilities	No changes proposed
NE4	Protecting open space	No changes proposed

NEx	New and improved open space	No changes proposed

Site Specific Policies Policy No. and Title		**Proposed Modifications in response to the UCO**
BA10	Employment allocations and site specific policy criteria – Royston Road, Baldock	No changes proposed
HT11	Town Centre Uses allocations and site specific criteria – Churchgate and its surrounding area	Yes
HT12	Town Centre Uses allocations and site specific criteria – Paynes Park	Yes
LG19	Town Centre Uses allocations and site specific criteria – The Wynd, Openshaw Way	Yes
LG20	Town Centre Uses allocations and site specific criteria – Gernon Road	Yes
LG21	Town Centre Uses allocations and site specific criteria – Arena Parade	Yes
RY9	Employment allocations and site specific policy criteria – Land north of York Way	No changes proposed
RY12	Retail allocations and site specific criteria – Town Hall Site, Melbourn Street	No changes proposed

Section 5 – Implementation, Monitoring and Review Table 2 : Key indicators and targets for monitoring policies	Yes

Below is a 'track change' version of the relevant policies, supporting text or sections detailing all changes proposed to the relevant policies and supporting text.

Changes previously included in the original Schedule of proposed Main Modifications (November 2018) and consulted upon between January and April 2019 are shown in black text either in **bold** (for additions) or ~~struck through~~ (for deletions).

Any further modifications proposed by the Council in November 2019 in response to the Inspector's letters of July and August 2019 are shown in red text using the same formatting.

The proposed amendments to the policies and the supporting text in response to the changes to the Use Classes Order are also shown in red text using the same formatting but are additionally highlighted.

4 Strategic Policies

Economy & Town Centres

Policy SP3: Employment

The Council will proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District's strengths, location and offer. We will

a. **Allocate** ~~Bring forward~~ an adequate supply ~~and range~~ of employment land ~~in Hitchin, Letchworth Garden City, Baldock and Royston~~ **to meet the needs of the Functional Economic Market Area** ~~requirements of the local economy~~ over the plan period to 2031. **The allocations as shown on the Policies Map are :**
   i. east of Baldock BA10 (19.6ha); and
   ii. west of Royston RY9 (10.9ha);

b. ~~Designate~~ **Safeguard** ~~the~~ Employment Areas within the District's main settlements**, as shown on the Policies Map,** to enhance and **protect their** ~~safeguard~~ employment potential **for office, research and development, industrial or storage and distribution uses**;

~~c. Support additional employment provision through the new designations allocations shown on the on the Policies Map designations at :~~
   ~~i. the former Power Station, Letchworth Garden City (1.5ha);~~
   ~~ii. east of Baldock (19.6ha); and~~
   ~~iii. west of Royston RY9 (10.9ha);~~

d. Work with landowners, developers and, for ~~allocated~~ ~~**housing**~~ sites on the edge of the District, adjoining authorities to identify an appropriate amount of employment land to be included through the masterplanning process in **strategic housing sites** ~~major new developments~~;

e. **Permit an appropriate range of offices, research and development, light industrial or B** ~~**and E**~~ **class employment uses within these areas;**
   [R*einstate criterion (e) – Proposed for deletion in error*]

f. Promote and support the expansion of the knowledge based economy in the District. Proposals for the redevelopment of existing employment sites and the development of new ~~allocated~~ employment sites which increase the level of knowledge-intensive employment will be supported in principle.

g. Support **offices, research and development, light industrial and** B **Class** ~~and relevant E class~~ uses in appropriate locations outside of designated employment areas, including offices in main town centres and concentrations of ~~B-class~~ **these employment** uses in certain ~~Category A~~ villages; and

h. Ensure relevant policies of this Plan recognise the contribution of **sectors other than B Class uses and offices, research and development and light industrial uses, including tourism, to the provision of jobs**. ~~**non-B-class sectors, including tourism, to the provision of jobs in the District**~~.

~~4.19 In planning this policy, employment generating uses land usually refers to 'B-class' and "E-class" uses which are :~~

- ~~B1(a) – offices~~
- ~~B1(b) – research and development~~
- ~~B1(c) – light industry~~
- ~~B2 – general industry; and~~
- ~~B8 – storage and distribution; and~~
- ~~E – offices, research and development and light industrial.~~

4.20 The Council wants to see sustainable economic growth within North Hertfordshire. Skills, housing and economic development should be appropriately balanced. This will be achieved, in part, by working with other partners and through delivery of the Council's own economic development plans and projects.

4.21 North Hertfordshire District Council is a member of ~~both~~ the Hertfordshire Local Enterprise Partnership (LEP) ~~and the Greater Cambridge Greater Peterborough LEP. This reflects its location and the varying economic influences on the District's settlements and rural area. Both LEPs will be important stakeholders regarding how the North Hertfordshire economy grows and develops in the future. In particular t~~ **T**he Hertfordshire LEP is seeking to regain the county's competitive edge by encouraging increased employment growth and enterprise.

4.22 The employment strategy of this Plan is driven by three, interlinked priorities for the North Hertfordshire economy:

- Increasing representation in high skilled and high value sectors;
- Reducing out-commuting by providing greater opportunities for people to both live and work in the District; and
- Aligning employment development with housing growth to promote sustainable patterns of development and access by non-car modes.

4.23 Our evidence shows that, compared to national averages there is a higher concentration of people ~~working in the District~~ employed in sectors such as manufacturing, construction, retail, motor trades, property, entertainment and recreation in North Hertfordshire. Many higher skilled residents commute out of the District for employment. Nonetheless sectors such as finance & insurance and information & communication make a substantial contribution to the District's overall economic output, although not employing a huge number of people. These represent opportunities for future expansion and development[1].

4.24 North Hertfordshire also fails to perform as well as some other Districts in Hertfordshire with regard to the knowledge economy. In partnership with key stakeholders, we will seek to increase the number of highly skilled jobs in the District. Economic growth sectors which are knowledge-intensive will be targeted. This includes research and development (R&D), life sciences, advanced manufacturing, computer-related activities, and other business activities in combination with growth of the low-carbon economy. With other stakeholders, the Council will:

- encourage business start-ups in the knowledge economy;
- help develop existing local businesses in the knowledge economy;
- target knowledge based businesses into North Herts; and
- promote the take up of any new jobs by local people by promoting specific training and targeting recruitment at local residents.

[1] Employment land review (Regeneris Consulting, 2013)

4.25 Due to the good levels of connectivity to other centres of employment, such as Stevenage, Welwyn Hatfield, and London it is unlikely that all the extra economically active population over the plan period will take up jobs within the District. In 2011, over a quarter of North Hertfordshire's working population were employed in these three centres, within another quarter employed elsewhere outside the District[2].

4.26 Trend-based forecasts reflect these patterns and anticipate continued increases in out-commuting from North Hertfordshire over the plan period[3]. Unchecked, this would lead to increased pressure on transport infrastructure that is already under strain at peak periods. This Plan therefore makes employment provision for **offices, research and development, light industrial, general industry and storage and distribution** at above modelled levels.

4.27 The settlements of Hitchin, Letchworth Garden City and Baldock are very close together. There is a significant amount of commuting between these settlements. However, Baldock presently has a relatively low amount of employment land per person.

4.28 A significant ~~new~~ employment **allocation** for **certain E class uses (office, research and development, industrial processes), B2 (industrial) and B8 (storage and distribution) class uses** ~~site~~ will be developed **out** at the east of Baldock, supporting the proposed increase in residential development in the town (see Policy SP8). The allocation benefits from proximity to existing employment uses as well as existing and planned residential development. It has access to the strategic road network via the A505 Baldock Bypass.

4.29 Economic activity is not contained by the District boundary and North Hertfordshire needs to be viewed within its wider Functional Economic Market Area (FEMA). Joint work has identified a FEMA along the A1 (M) corridor. This area broadly covers North Hertfordshire, Stevenage and the eastern part of Central Bedfordshire[4]. The allocation at Baldock also takes account of the long-term employment needs which will arise within the wider FEMA. Stevenage, in particular, anticipates a shortfall of employment land against modelled requirements[5]. These models assume continued commuting from North Hertfordshire to Stevenage, yet there is insufficient land in Stevenage to cater for the resultant growth.

4.30 Within Hitchin and Letchworth Garden City, employment area designations from the previous local plan will be broadly retained, with some modest releases of sustainable, brownfield sites for residential development. Within Letchworth, the former power station site at Works Road has been brought back into use for employment purposes**.** ~~and is reflected in a new planning designation.~~

4.31 Royston is somewhat separate from the Hitchin / Letchworth Garden City / Baldock area, in geographical terms and in employment and labour market terms. The Royston economy is influenced by both Hertfordshire and Cambridgeshire economies. Consequently, the employment area has a low vacancy rate. The allocation of further land here as a planned extension to the York Way employment area is a sustainable approach that will enable flexibility in the long term, especially in conjunction with the additional residential growth allocated to this area.

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[2] Annual population Survey (ONS, 2010-2011)
[3] East of England Forecasting Model (EEFM) (Cambridgeshire Insight, 2014)
[4] Functional Economic Market Area Study (NLP, 2015)
[5] Stevenage Borough Local Plan 2011-2031: Publication Draft (Stevenage Borough Council, 2016)

4.32 Over the plan period this approach will provide substantial opportunities to reduce commuting that occurs across and beyond the District, redressing the employment balance.

4.33 Within these designated areas, an appropriate range of **offices, research and development, light industrial, general industry and storage and distribution** ~~B-class~~ uses will be permitted in line with the detailed policies of this Plan.

4.34 ~~B-class uses will not be solely confined to designated employment areas.~~ A number of employment premises are located outside of defined areas and these will continue to be supported where they are compatible with other surrounding uses. In particular, office uses will continue to be supported in the main town centres (see Policy SP4), in line with national planning policy.

4.35 Beyond our main towns, there is a steady demand for rural employment land and premises. Owing to the size and extensive spread of rural settlements these types of development are best dealt with on a case-by-case basis rather than through allocations, although our general approach will be to direct concentrations of rural business to ~~the Category A~~ **larger** villages. There are quite sizeable employment sites in villages such as Ashwell, Codicote, Kimpton, Little Wymondley and Weston which provide rural jobs and should be retained.

4.36 Approximately 45% of all jobs fall **within the office, research and development, light industrial sectors or** into the B uses classes. The rest of the jobs in the local economy consist of services such as retail, health, education and leisure, or ‘footloose’ careers in sectors such as construction and the trades. The role of these ~~non-B-class~~ sectors in the overall employment balance of the District is recognised and will continue to be supported **where appropriate**.

4.37 Our Sustainability Appraisal says our policy provides strong support for employment growth and diversification in North Hertfordshire.

Policy SP4: Town Centres, ~~and~~ Local Centres and Community Shops

The Council will make provision for an appropriate range of retail **and service** facilities across the District and are committed to protecting the vitality and viability of all centres. We will:

a. Promote, protect and enhance the **provision of shops, financial and professional services, café or restaurants, pubs or drinking establishments or takeaways in** ~~retail and service functions of~~ the following centres in our retail hierarchy:
   i. The town centres of Hitchin, Letchworth Garden City, Baldock and Royston;
   ii. 13 existing local centres consisting of:
      - village centres at Ashwell, Codicote and Knebworth;
      - seven centres in Hitchin
      - two centres in Letchworth Garden City; and
      - the centre at Great Ashby; and
   iii. 2 new local centres north of Baldock and East of Luton within the strategic housing sites identified in this Plan;

b. Support proposals for main town centre uses in these locations where they are appropriate to the size, scale, function, catchment area, historic and architectural character of the centre;

c. Identify Primary Shopping Frontages within town centres where ~~A1 retail uses~~ **the sale of comparison and convenience goods[6], cafés and restaurants** will be expected to concentrate

d. **To ensure the District's towns maintain their role and market share,** make provision for **up to** 38,100~~m²~~ **gross sq.m** of additional ~~A-class~~ floorspace over the plan period **comprising shops, financial and professional services, café or restaurants, pubs or drinking establishments or takeaways**, **including the re-occupation of vacant floorspace,** consisting of:
   i. 22,500 ~~m²~~ **gross sq.m** comparison goods (e.g. clothes, shoes, furniture, carpets);
   ii. 8,**6**00 ~~m²~~ **gross sq.m** convenience (e.g. food, drink, toiletries); and
   iii. 7,000 ~~m²~~ **gross sq.m food and beverage outlets** ~~under Use Classes A3-A5~~ **(e.g. restaurants, takeaways and bars).**

38,100 gross sq.m is a district wide retail capacity but it is principally derived from the retail capacity projections for the four town centres, as indicated below:

Years	2016-2021	2021-2026	2026-2031	Totals
Baldock	300	1,600	1,400	3,300
Hitchin	3,800	3,600	3,700	11,100
Letchworth	2,400	3,300	3,500	9,200

[6] **Please refer to the Glossary for a definition of comparison and convenience goods**

Royston	**3,200**	**2,000**	**1,900**	**7,100**
~~Urban Extensions~~ **Strategic Housing Sites**	**1,500**	**2,700**	**2,600**	**6,800**
Other	**200**	**200**	**200**	**600**
Total	**11,400**	**13,400**	**13,300**	**38,100**

The three town centres of Baldock, Hitchin and Letchworth Garden City have significant overlapping markets, with spend leakage from Letchworth Garden City to Hitchin and a lack of physical space at Baldock to accommodate its projected retail capacity. To address the leakage and physical capacity across these three centres the indicative distribution and phasing of provision is as follows:

Years	**2016-2021***	**2021-2026**	**2026-2031**	**Totals**
Baldock	**0**	**0**	**0**	**0**
Hitchin	**0**	**3,700**	**3,300**	**7,000**
Letchworth	**5,350**	**5,500**	**5,000**	**15,850**
Royston	**4,350**	**2,200**	**1,800**	**8,350**
~~Urban Extensions~~ **Strategic Housing Sites**	**0**	**3,400**	**2,900**	**6,300**
Other	**0**	**300**	**300**	**600**
Total	**9,700**	**15,100**	**13,300**	**38,100**

***2016 to 2021 projections includes take-up of vacant units and the implementation of commitments**.

e. **Prepare and m**aintain up-to-date town centre strategies to support this approach and / or adapt to change. **These will be used to inform whether a review of this plan's retail strategy is required by the end of 2023**; and
f. Support the retention and provision of shops outside of identified centres where they serve a local **day-to-day** need.

4.xx In relation to policy SP4, retail and service facilities refers to the sale of comparison and convenience goods, cafés and restaurants (E-class use) along with pubs and drinking establishments and takeaways (sui generis). These were previously Class A uses.

4.38 The District contains a range of retail and service centres, from medium sized towns to small village and neighbourhood centres. Each one performs a particular role to meet the needs of its catchment population and is part of a network of centres within the District. The Council is committed to protecting the vitality and viability of all centres.

4.39 North Hertfordshire lies within complex shopping catchment areas, which include Cambridge as a regional centre and Bedford, Luton, Stevenage and Welwyn Garden City as major town centres. The District itself has four town centres: Hitchin is the largest, followed by Letchworth Garden City and then the smaller town centres of Royston and Baldock. There are also a number of local village and neighbourhood centres.

4.xx The Local Plan strategy for town centre uses is to maintain the District's market share. This means that across the district, the retail capacity will be met principally in the four town centres. This is to maintain the current retail hierarchy within the District and the wider catchment areas.

4.xx However given that Baldock, Letchworth Garden City and Hitchin are in close proximity, leakage of the projected retail expenditure for each town is likely to occur. The most significant is leakage from Letchworth Garden City to Hitchin.

4.xx In addition there is less physical capacity in Baldock and Hitchin to accommodate their projected retail capacities. The retail strategy for the District is therefore to direct the capacity to Letchworth Garden City over the plan period, which has greater potential for physical space and to recapture its leakage.

4.40 We are committed to promoting the well-being of the town centres in the District. Town centre strategies have been produced for the main centres of Hitchin, Baldock, Letchworth Garden City, and Royston. These promote the vitality and viability of the centres and cover all those aspects of policy guidance with a spatial dimension relevant to town centres, including economic, environmental and social well-being and matters such as community safety, community facilities, traffic management, marketing and delivery. The strategies provide a method of keeping town centre development up-to-date and flexible to take account of ongoing changes in the retail environment, **and could result in the requirement to review the retail strategy set out in this Plan. Work on these town centre strategies will commence within 12 months of the adoption of this Plan. They** ~~These town centre strategies~~ **will be monitored and reviewed during the life of this** ~~Local~~ **Plan.**

4.41 Our detailed policies set out our approach to development applications, including for changes of use. In general terms, ~~A1 retail~~ **the sale of comparison and convenience goods, cafés and restaurants** will be expected to concentrate within the defined primary frontages with ~~a wider variety of A-class~~ **related retail and service** uses, **that are pubs or drinking establishments** permissible in secondary frontage areas.

4.42 The village centres of Codicote and Knebworth are large enough to provide a focus for the communities local to them and a range of everyday shopping facilities and services. The village centre of Ashwell contains a more limited range of shops and services and is more fragmented than Codicote and Knebworth's village centres. However, Ashwell still has enough shops, services and facilities to have a designated centre, unlike many other small settlements in the District.

4.43 The suburban neighbourhood centres in Hitchin, Letchworth Garden City and Great Ashby vary considerably, in terms of size, range of shops and services and catchment area. However, they are all worthy of a level of protection as they serve the day to day needs of the local community. The Council wants to improve and protect the District's centres, reduce the need for unnecessary travel to alternative facilities and ensure that the proportion of expenditure going outside the District does not increase.

4.44 The growth of the District will require additional centres to be provided to serve the ~~largest new developments~~ ~~urban extensions~~ **strategic housing sites. The centres for the two largest sites** at Baldock and on the edge of Luton **are expected to contain a wider range of retail facilities.** Once built, these will become local centres in our retail hierarchy and future proposals within them will be assessed appropriately.

4.45 These will be supplemented by smaller, neighbourhood-level centres in these and other Strategic Housing Sites which will not form part of the formal retail hierarchy but will be protected by the general retail policies of this Plan.

4.46 Our evidence shows there will be a steady growth in retail demand over the plan period, **although projected growth post-2026 carries a degree of uncertainty due to changing shopping and retail patterns and the effects of Covid- 19. Projected growth is** driven in part by planned population growth but also by underlying changes in the way people shop and how much money they have available to spend. It is anticipated that on-line shopping will continue to grow whilst a certain amount of future demand can be accommodated through the re-occupation of existing, vacant shop units. However, it is also necessary to identify new sites for retail[7]. **Projected retail needs, and particularly those in the post-2026 period, will be kept under review via the monitoring framework and updated retail studies.**

4.47 Some of this future demand will be met within the development sites identified in this Plan, ensuring that new residents have access to an appropriate range of local shops. Where planned urban extensions adjoin towns outside of the District, we will work with neighbouring authorities to identify the most appropriate types and levels of additional provision.

~~4.48 Further allocations are identified within our main towns to accommodate the remainder.~~

4.49 A number of shops are located outside of our retail hierarchy. This includes individual premises and small groups of shops that perform a neighbourhood function, including those in a number of rural settlements. Our detailed policies set out our approach.

4.50 Our Sustainability Appraisal concludes that this policy provides clear support for existing town and local centres and should have direct economic benefits and contribute to the achievement of sustainable patterns of land use.

[7] North Hertfordshire Retail Study Update (Nathaniel Lichfield & Partners, 2016)

Policy ETC1: Appropriate uses in Employment Areas
Within the **safeguarded** ~~allocated~~ Employment Areas, **and the Employment Allocations (BA10 and RY9),** as shown on the **Policies** ~~Proposals~~ Map, planning permission will be granted ~~where~~ **for office, research and development, industrial processes, industrial and storage and distribution uses provided**: ~~a. Within those parts of the Employment Areas designated for business use only, development is for Use Class B1;~~ ~~b. Elsewhere within Employment Areas, development is for Use Classes B1, B2 or B8;~~ c. **For allocated sites a**ny relevant site-specific criteria are met; and d. Any Use Class B8 development is easily accessible from the primary road network. Planning permission for other ~~employment-generating~~ uses will be granted as an exception to the above criteria **provided** they are: i. Ancillary to the above uses; ii. Essential to the continued operation of an established premises; iii. Would bring comparable benefits to **office, research and development, industrial processes, industrial and storage and distribution uses** ~~**B**-class use~~ in the same location; or iv. Would make use of a site that would otherwise be likely to become or remain vacant for an extended period of time. **Conditions and legal agreements will be used to limit uses to ensure that development meets, and will continue to meet, identified employment needs.**

5.1 Within the four main towns there are a number of established Employment Areas, where the majority of employment premises are located. They include ~~B1 business, B2 general industrial and B8 storage and distribution uses~~ **certain E class uses (office, research and development, industrial processes), B2 (industrial) and B8 (storage and distribution) class uses**. They are well-established areas and are a valuable resource to the District.

5.2 Over the lifetime of this Plan these will be supplemented by the new allocations identified by Policy SP3 which will become Employment Areas covered by this policy. Detailed considerations for these sites are set out in the Chapter 13 [communities] of this Plan which must be taken into account.

5.3 In order to maintain an adequate level of employment land to meet the needs of the local economy, we will protect defined Employment Areas from uses which would undermine their purpose or be better located in other areas of the District. The Council does not wish to inhibit the ability of existing firms to expand. It will be supportive of the redevelopment of sites which would lead to an improvement in the quality of employment floorspace suited to modern day needs.

~~5.4 Within the employment areas, certain areas will be reserved for B1 uses such as offices, research and development and light industry only. Due to the constrained nature of the District's Town Centres, and the competition from other land uses,~~

~~much of the new office development anticipated over the plan period is likely to be within Employment Areas.~~

5.5 However, the Council recognises that Employment Areas are often sought-after locations for a number of other uses. It is recognised that there is a need for some flexibility to meet the needs of uses**, including sui generis uses such as motor trade uses and taxi vehicle depots** ~~such as: tyre and exhaust centres, trade wholesalers, vehicle hire, plant hire, motor trade uses and taxi vehicle depots. These are often partial B uses, combining a retail element with a predominantly business, industrial or storage use, or are sui generis~~[8]~~.~~ These uses tend to cause conflict in other parts of the towns, such as town centres or residential areas as a result of impacts on residential amenity and living condition.

5.6 Motor vehicle premises, in particular, usually include a mixture of sales and repairs. The sale of motor vehicles tends to provide lower density of employment than normally expected in an employment area. The amount of the retail sales element on larger developments will be restricted in order to protect the availability of, and maximise the use of, employment land. In addition, in order to prevent the change of use of buildings to ~~Class A1 (shops)~~ a condition will be imposed on any relevant grant of permission removing permitted development rights. These considerations apply to the sale of all types of vehicles.

5.7 Development proposals for uses in employment areas that are not for office, research and development, industrial processes, industrial and storage and distribution uses which seek to make use of the exception criteria of this policy will be considered on their merits. When assessing such proposals, the Council will have regard to (as applicable in each instance):

- employment generation on site;
- impact on relevant town centres**, including details of any sequential and / or impact testing**;
- where appropriate, the level and type of retail involved on the site;
- any potential benefits to the community or surrounding businesses from the proposed use;
- the proportion of the site to be used for sales and display as opposed to repairs and servicing, in the case of motor trade uses;
- accessibility by non-car modes of transport;
- any evidence clearly demonstrating that:
- the land or premises is no longer required to meet future employment needs of the District;
- the land or premises is inappropriate or unfeasible for employment use, based on market conditions or amenity / living condition problems; **and**
- no other suitable sites outside designated employment areas are viable and available; ~~and~~
- ~~details of any sequential and / or impact testing~~.

5.8 A number of the District's Employment Areas are identified through the Hertfordshire Waste Local Plan as Employment Land Area of Search (ELAS) and parts of them may be acceptable for waste uses. The Hertfordshire County Council ELAS SPD[9] sets out specific considerations for each employment area.

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[8] 'Sui generis' is a term used to mean any use which does not fall within the use classes defined in the Use Classes Order.

[9] Hertfordshire County Council Employment Land Area of Search SPD (2015)

5.9 The Council is required to make provision for sufficient employment land over the plan period. To ensure that development meets identified employment needs, both now and in the future, conditions and legal agreements will be used.

[*No further changes to Policy E2 or supporting text*]

Policy ETC3: New retail, leisure and other main town centre development

Planning permission for new retail, leisure and other main town centre[10] development will be granted **provided that** ~~where~~:

a. the sequential test is passed;

b. **where the town centre development is outside of the town centre, an** impact assessment **is** ~~are~~ provided based on ~~locally set~~ **the following minimum floorspace** thresholds demonstrating there is no unacceptable harm to the vitality or viability of a designated **town** centre:

- **Hitchin: 2,500 gross sq.m and above;**
- **Letchworth Garden City: 1,000 gross sq.m gross and above;**
- **Baldock, Royston and elsewhere: 500 gross sq.m and above;**

c. within retail allocation sites, as shown on the ~~Proposals~~ **Policies** Map, any relevant site-specific criteria are met;

d. the proposal is appropriate to the area in terms of use, size, scale, function, catchment area, historic and architectural character; and

e. there would be no significant adverse impact upon living conditions.

The Council will use planning conditions or legal agreements to limit uses to ensure that the identified retail needs are met, and will continue to be met, through the allocated sites.

5.12 Our evidence establishes the need for additional retail, commercial and leisure floorspace in the District over the period to 2031[11]. This Plan identifies six allocated sites where a substantial proportion of these needs will be met.

5.13 In assessing proposals for main town centre uses, we will adopt the 'sequential approach' as set out in Government guidance[12]. Therefore, retail uses will be considered in the following order of preference:

1. within ~~the primary or secondary shopping frontages of~~ town centres, on allocated sites within town centres, or in local centres;
2. ~~other parts of the town centres;~~
3. the edge of centres; and
4. out of centre, only where there are no available, suitable and viable sites which are sequentially preferable.

5.14 Business uses within town centres can add to the vitality and viability of centres. Office workers within a town centre will create more custom for shops and services. The Council is therefore generally supportive of new office development in town centres in accordance with the sequential test. Office development will be encouraged above ground floor retail.

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[10] **Main town centre uses are defined in the Local Plan Glossary**
[11] Town Centre and Retail Study (NLP, 2016)
[12] Paragraph 24 of the NPPF

5.15 The District has a number of local scale leisure facilities such as leisure centres and swimming pools. The provision of large scale leisure, entertainment and cultural facilities within the District is limited but this reflects the size of its catchment and the fact that residents also have good access to facilities in neighbouring towns such as Stevenage, Luton and Cambridge. North Hertfordshire's location within the catchment area of these larger centres will limit the potential for further commercial leisure and entertainment facilities.

5.16 Nevertheless, the first preference for the location of leisure facilities **is within the defined town centre boundaries**. ~~encompasses a wider area than retail as leisure uses should not be re-directed from the wider town centre areas to the primary shopping area.~~ ~~Therefore, the first preference for leisure facilities includes both the primary shopping area and wider town centre area.~~

5.17 ~~For other town centre uses the test will start at number two in the list above.~~

5.18 With regard to retail use, the edge of centre is generally taken to mean up to 300m from the primary shopping frontage. For other main town centre uses, edge of centre means up to 300m from the town centre boundary[13].

5.19 This Plan identifies thresholds for the application of the impact test in North Hertfordshire's towns in line with our evidence[14]. Applications for main town centre uses on sites outside the town centres, not otherwise in accordance with the development plan and exceeding the thresholds **in Policy ETC3** ~~below~~ must also be assessed against the impact considerations set out in Government guidance before planning permission will be granted.~~:~~

- ~~Hitchin: 2,500m² and above~~
- ~~Letchworth Garden City: 1,000m² and above~~
- ~~Baldock, Royston and elsewhere: 500m² and above~~

5.20 **The Council is required to make provision for sufficient retail land over the plan period. To ensure that development meets identified retail needs, both now and in the future, conditions and legal agreements will be used**.

[13] Annex 2 of the NPPF
[14] Town Centre and Retail Study (NLP, 2016)

Policy ETC4: Primary Shopping Frontages

Town Centre boundaries for Hitchin, Letchworth Garden City and Royston are shown on the ~~Proposals~~ **Policies** Map. Within the designated Primary Shopping Frontages, planning permission will be granted at ground-floor level:

a. for ~~**retail A1**~~ **the sale of comparison and convenience goods**; or

b. ~~exceptionally~~ for ~~**an A3**~~ ~~or similar~~ **other main town centre** uses[15] if ~~they do~~ **it does** not, individually or cumulatively, undermine the retail function of the centre ~~and where the proposal will attract people to the centre, enhancing~~ **in the daytime or detract from** the centre's vitality and viability**.**

Policy ETC5: Secondary Shopping Frontages

In the Secondary Shopping Frontages of Hitchin, Letchworth Garden City, Baldock and Royston, as shown on the ~~Proposals~~ **Policies** Map, planning permission will be granted at ground-floor level:

a. for ~~retail, professional services and restaurants (A1, A2, **A3, A4 and A5**)~~ **the sale of comparison and convenience goods, financial and professional services, restaurants and cafes, pubs or drinking establishments and takeaways; or**

b. ~~exceptionally~~ for other main town centre uses[16] if ~~they do~~, **it does** not individually or cumulatively, undermine the retail function of the centre ~~and where the proposal will attract people to the centre, enhancing~~ **or detract from** the centre's vitality and viability.

5.20 We want to ensure that the town centres maintain their primary retail function whilst increasing their diversity with a range of complementary uses, promoting competitive, flexible town centre environments. The concept of shopping as a leisure activity supports the encouragement of uses which increases the vitality throughout the day, extending the range of services for local people throughout the day and into the evening. The main function of the primary shopping area is retail, but town centres in general need a variety of other services such as banks, restaurants, pubs and personal services, which add interest and vitality and extend the use of the centres into the evening.

5.21 Too many non-**retail** ~~A1~~ uses can create 'dead frontages' (units not normally open during normal shopping hours or which attract relatively few customers), reduce the interest and attraction of the primary shopping area, and harm the retail function. This is particularly a problem where there are a number of units in a row which are not shops. This is something the Council is keen to prevent.

5.22 We monitor all retail units within the four main town centres on an annual basis, as well as those in the local centres. There is evidence in some centres that shop (A1 use class) units are being lost to non-shop uses in the core shopping areas.

5.23 Within Primary Frontages we will retain the attractiveness of the essential and continuous shopping cores of our town centres; only **the sale of comparison and convenience goods**~~retail (A1)~~ will generally be permitted here.

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[15] **Main town centre uses are defined in the Local Plan Glossary**
[16] **Main town centre uses are defined in the Local Plan Glossary**

5.24 For Secondary Frontages, the policy is more flexible, allowing **the sale of comparison and convenience goods, financial and professional services, restaurants and cafes, pubs or drinking establishments and takeaways,** ~~retail, office and~~ ~~restaurant~~ ~~**food/beverage uses**~~ ~~(A1, A2, and A3,~~ ~~**A4 and A5**~~~~) uses~~ based on their contribution to vitality and viability and their ability to attract people to the centre. ~~Other uses such as pubs (A4) and hot food takeaways (A5) can add to an areas attractiveness and vitality, however, control is needed to ensure that these uses do not detract from the centre and affect the shopping pattern.~~

5.25 Evidence in the form of predicted footfall, opening times and linked trips will be required for any application seeking to meet **part b of policies ETC4 and ETC5 to assess the impact upon daytime retail function, vitality and viability** ~~the exception criteria~~. Where a shop unit has been vacant for an extended period of time (normally at least ~~six months~~ **one year**), documentary evidence should demonstrate that all reasonable attempts to sell or let the premises for the preferred use(s) **as set out in part a. of Policies ETC4 and ETC5** have failed.

Policy ETC6: Local Centres
Within Local Centres, as shown on the P**olicies** ~~Proposals~~ Map or identified in approved masterplans **for the strategic site allocations**, planning permission will be granted where: a. it is for **a shop, financial and professional services, café or restaurant, pub or takeaway** ~~use class A1, A2, A3, A4, A5, D1 or D2~~ at ground floor level; **and** ~~b. The centre would continue to provide a range of uses, with the majority of units being retained in A1 use~~ ~~**any change of use from class A1 would maintain the general vitality and viability of the centre**~~~~; and~~ c. **the centre would continue to provide a range of uses including shops to meet day-to-day needs and the vitality and viability of the centre would be maintained** ~~**with a majority of units being retained in A1 use so as to not undermine the provision of local shopping facilities.**~~ ~~Any change of use from class A1 would:~~ ~~i. maintain the general vitality and viability of the centre; and~~ ~~ii. not seriously diminish the provision of local shopping facilities.~~ Proposals for over 500 **sq.m** ~~m²~~ **gross** will not generally be suitable in local centres.

5.26 Local centres consist of village centres such as Codicote, Knebworth and Ashwell, and neighbourhood centres such as Walsworth (Hitchin), Jackmans (Letchworth Garden City) and Great Ashby. These centres vary in size from five units up to around twenty-five units. Their composition also varies with some being almost all retail units, while others contain a mix of retail, food and drink and community facilities.

5.27 Local Centres are identified as forming part of our retail hierarchy in Policy SP4. The general locations of local centres are shown on the Policies Map. Detailed maps for each centre showing where the provisions of Policy ETC6 are applied are contained in Appendix 3.

5.28 The village centres of Codicote and Knebworth are large enough to provide a focus for the communities local to them and a range of everyday shopping facilities and services. This includes: convenience stores, post offices, hairdressers, dry cleaners and food and drink establishments.

5.29 The Council considers that it is important that the neighbourhood centres continue to provide a mix of shopping, services and community facilities, and in particular retail units. A predominance of shops is considered to be necessary to secure future viability of these centres. However, some non-retail uses may be appropriate in the centres where **local community needs are met.** ~~this does not harm the mainly retail function~~.

~~5.30 In all local centres, the Council wants to retain local facilities and at the same time prevent changes to non-retail uses that would be more appropriate in larger centres or employment areas.~~

~~5.31 Where a vacant shop premises is subject to a proposed change of use, then documentary evidence will be necessary to show that all reasonable attempts to sell or let it for use as a shop for a year or more have failed. If there are other vacant units in the centre this will also be taken into account.~~

~~5.32 The Council may consider other non-retail uses, such as surgeries or other community and leisure uses appropriate, if it can be demonstrated that they would meet a local community need.~~

14 Delivery

Table 2: Key Indicators and Targets for Monitoring Policies

Strategic Policy	**Indicator**	**Target**
SP4	% of primary frontages in ~~A1~~ retail use	For at least 66% of units and floorspace within the primary frontage to remain in ~~A1~~ **retail** use