



Planning
13 March 2013

**Report from the Assistant Director,
Planning & Development**

Wards affected:
All

**Permitted development rights for change of use from
commercial to residential**

1.0 Summary

- 1.1 The Government has announced from Spring 2013 permitted development rights will be introduced to enable change of use from office (B1a use class) to residential (C3 use class) without the need for planning permission. This report provides a summary of the main implications for Brent and areas of concern, including the potential permanent loss of employment land of strategic economic importance. Due to these concerns an exemption to the new rights has been sought for the borough's Strategic Industrial Locations (SIL), Locally Significant Industrial Sites (LSIS) and Opportunity Areas. It is recommended that Committee endorse the application for exemption.

2.0 Recommendations

- 2.1 That Planning Committee:-

- Note the forthcoming changes to the permitted development rights for change of use from office (B1a use class) to residential (C3 use class) purposes, which will come into force in Spring 2013.
- Endorses the request for exemption from the permitted development rights for the borough's SIL, LSIS and Opportunity Areas, which was submitted to Department for Communities and Local Government (DCLG) on 22 February 2013.

3.0 Detail

Introduction

- 3.1 On 6 September 2012 the Government announced, as part of a package of measures to support economic growth, that permitted development rights would be introduced to

enable change of use from office (B1a use class) to residential (C3 use class) without the need for planning permission. The Chief Planner confirmed by letter on 24 January 2013 the new rights will come into force in Spring 2013 and initially be time limited to a period of 3 years. The permitted development rights will only cover change of use: any associated physical development which currently requires a planning application will continue to need one.

3.2 Alongside the new permitted development rights it was announced that local authorities would be given an opportunity to seek an exemption for specific parts of their locality. Applications were to be submitted to the DCLG by 22 February 2013. Exemptions will only be granted in exceptional circumstances, where local authorities demonstrate clearly that the introduction of these new permitted development rights in a particular area will lead to:

A. the loss of a nationally significant area of economic activity; or

B. substantial adverse economic consequences at the local authority level which are not off set by the positive benefits the new rights would bring.

Implications for Brent

3.3 The following provides a summary of the potential implications of the change in permitted development rights for Brent:

3.4 Employment

3.5 Whilst housing development creates employment opportunities through the initial construction work this is not a long term gain and will result in a permanent loss of employment land with potential to create long term growth and jobs. Conversion of office buildings to residential within SIL and LSIS could compromise the distinct industrial character of these locations, and prejudice their future development for employment uses. This is of particular concern in Brent where 9 out of 10 enterprises are micro-enterprises employing less than 10 people¹, meaning the availability of affordable workspace which SIL and LSIS provide is of particular importance to the local economy.

3.6 In addition there are concerns that conversion of office to residential within Wembley will lead to a loss of, as well as undermining the ability to introduce, active frontage in the town centre. This could prejudice its viability and the potential to expand Wembley town centre eastwards into the Stadium area as set out the Wembley Area Action Plan.

3.6 Air Quality

3.7 This is of particular concern in Brent due the A406 North Circular Road (NCR) which intersects the borough. The NCR forms a key element in the London Road Network in channelling essential traffic, especially freight, away from Inner London. As such the NCR presents special air quality problem due to the sheer volume of traffic. The council currently has a policy to manage air quality sensitive development within restricted areas in close proximity to the NCR, such as housing, hospitals and schools.

¹ Brent Local Economic Assessment (2011), Centre for Local Economic Strategies

Under the permitted development rights offices in proximity to the NCR could be converted to residential uses without having to demonstrate there would be no adverse health impact on residents.

3.8 Developer Contributions

3.9 There appears to be no provision for the council to seek Section 106 contributions for open space, education and health care. This will result in pressure on existing schools, open space and infrastructure, especially in areas of the borough where an increase in residential accommodation was not envisaged. It is also unclear how the provision of affordable housing will be dealt with through the permitted development rights. If no affordable housing is required as a result of change of use then this will have a dramatic effect on the supply of affordable housing in the borough.

3.10 Housing Standards

3.11 It is unclear to what extent the new homes provided through office to residential conversions will be expected to comply with design guidance such as the Mayor's Housing Supplementary Planning Guidance (SPG) and Brent Council's Design Guide for New Development SPG. Guidance encourages high quality design, specifies minimum space standards and levels of amenity space. It is unclear how design and spacing standards will be maintained. The same point applies to other planning requirements including renewable energy, parking levels, secured by design, Lifetime Homes, and provision of wheelchair accommodation.

3.12 Resources

3.13 Permitted development rights will be subject to a prior approval process covering significant transport and highway impacts, development in safety hazard zones, areas of high flood risk and land contamination. It is currently unclear who will manage the prior approval process and how this will be resourced given current pressures on council resources and budgets.

Exemption

3.14 Given the concerns set out above the council has applied to the DCLG for an exemption to the permitted development rights for the borough's SIL (East Lane, Staples Corner, Wembley/Neasden and Park Royal), LSIS (Alperton, Brentfield Road, Church End, Colindale, Cricklewood, Honey Pot Lane, Kingsbury and Neasden Lane) and Opportunity Areas (Park Royal/Willesden Junction, Wembley encompassing Wembley town centre and Colindale/Burnt Oak). The report provided evidence that introducing the proposed permitted development rights in these specific locations will have significant adverse economic impacts, which would not be outweighed by the benefits the new rights would bring. In addition the council highlighted the concerns set out above to the DCLG and requested air quality is assessed as part of a prior approval process.

4.0 Financial Implications

4.1 There appears to be no provision to seek Section 106 contributions or Community Infrastructure Levy to meet the cost of infrastructure which will result from the change

to residential. The introduction of permitted development rights may also result in a loss of planning fees.

5.0 Legal Implications

5.1 The Town and Country Planning (General Permitted Development) Order 1995 will be revised to reflect the changes and any exemptions. The Order sets out classes of development for which a grant of planning permission is automatically given, provided that no restrictive condition is attached or that the development is exempt from the permitted development rights.

6.0 Diversity Implications

6.1 The disabled and elderly may be adversely affected as residential development delivered under the permitted development rights will not be required to meet Lifetime Homes standards or targets for wheelchair accessibility.

7.0 Staffing/Accommodation Implications

7.1 Staff resources may be required to manage the prior approval process.

8.0 Environmental Implications

8.1 As the change of use will not require planning permission there is no mechanism to ensure development meets sustainability standards established in the London Plan (2011) and saved UDP policies. This is likely to lead to environmentally unsustainable development.

9.0 Background Papers

Letter entitled 'Permitted development rights for change of use from commercial to residential' from the Chief Planner, 24 January 2013.

Report requesting an exemption to the permitted development rights for change of use from commercial to residential, 22 February 2013.

Contact Officers

Any person wishing to inspect the above papers should contact Claire Jones, Planning & Development 020 8937 5301.

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