

Appendix A

Representations received in response to consultation on Article 4 directions made in July 2022.

Article 4 Directions: General

Respondent	Summary of Representation	Council Response	Action Proposed
Highways England	<p>The opportunity for future planning applications to assess the impact of the proposals on the Strategic Road Network is welcomed.</p> <p>Highways England is satisfied that the consultation outcome will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF2021 particularly paragraphs 110 and 111).</p>	Noted.	No change.
Environment Agency	No comment.	Noted.	No change.
Resident 1	<p>Central government should not override Brent Council control over planning approvals. Open green spaces and mature and healthy young trees should be retained and Brent not overdeveloped by turning buildings and areas not designated for housing into residential use. Spacious accommodation, family friendly and accessible to older and people with a disability is paramount. Brent's priority should be to the well-being of its residents, and not to the developer's shareholders.</p>	<p>The Article 4 directions if confirmed should give the Council greater autonomy on development decision making. Permitted development rights do not allow for development of open spaces and loss of trees. Requiring planning permission will however allow application of policies that require provision of amenity space and urban greening factor. Similarly it will allow application of policies requiring mobility housing and family sized homes.</p>	No change.

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Resident 2	<p>Banning the installation of gas boilers? Promoting Renewable Energy with Incentives? Mandating Insulation, Battery Storage, Solar Panels and Heat Pumps for all conversions? Helping to reduce Air Pollution and create Cleaner Air? Deal with the Climate Emergency.</p>	<p>Article 4 directions can only remove permitted rights. The installation/ replacement of boilers in domestic dwellings is not development, but its efficiency and compliance with emissions law would be covered by other legislation such as building regulations. The need for planning permission can however allow the Council to address matters that are not addressed through conditions by the classes of permitted development that the Article 4 will require permission for. This will vary between major (10 or more dwellings) and minor applications. Examples are the need to fulfil London Plan policy SI2 'Minimising greenhouse gas emissions' which identifies major developments should be net zero-carbon – this also seeks to maximise provision of on-site energy production and storage. The Council's draft Local Plan Policy BSUI2 'Air Quality' also requires major development within growth areas to be air quality positive. This will generate more positive outcomes to address the climate emergency than would otherwise be the case.</p>	No change
Advice for Renters	<p>Recent Permitted Development Rights (PDR) have seen conversions of commercial, industrial, and retail premises into residential units. These include examples of poor design with little thought to residential amenity or effective management. Recent changes to introduce design standards are to be welcomed, but they do not address issues of poor environment, location, and access to amenities.</p> <p>Whilst the intent is to see new uses for redundant, unused, and unsightly properties it can also displace existing viable businesses as the returns on residential development exceed those on the current use. The extension of PDR raises as many issues and challenges as it solves.</p> <p>Advice 4 Renters wants to support the thrust of the Council's policy in controlling the process of</p>	<p>The general support is welcomed. The provision of additional affordable homes is a significant priority for the Council. The affordable products identified between London Living Rents and Local Housing Allowance rates do meet an affordable need, but as an intermediate tenure are not a priority affordable tenure within the borough with regards planning policy. However, the request focuses on an exemption more generally for affordable tenures. This is very broad and would also apply to tenures considered as not meeting priority needs, such as products that are 80% of market prices to rent or buy. In addition, the representation highlights many of the adverse impacts of permitted development homes, which would equally apply to any new affordable homes that</p>	No change

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	<p>converting commercial, industrial, and retail premises into residential units. A note of caution is where a clear and documented intention is to work with and through community organisations to deliver well designed, specified, and managed homes at modest cost. This would be between London Living Rent as set by the GLA and the Local Housing Allowance level. This would allow organisations to engage with both property owners and the Council, developing proposals delivering new homes at modest cost, collaborating with local stakeholders and others to bring forward projects that help sustain local economies.</p> <p>Support the extension of Article 4 Directions as proposed but would like to see an exemption for conversion to homes at modest cost defined as “affordable housing” as defined in the NPPF being delivered by community organisations with support from local stakeholders.</p>	<p>is suggests should be exempt, such as lack of good access to local facilities and public transport. For people on lower incomes this is more of an issue due to the limited transport options they are likely. Notwithstanding these issues, the main driver for the Article 4s is to ensure that existing employment premises and wider designated areas for employment, together with town centre frontages are protected from harm by residential development, which would apply to whichever tenure was proposed. In addition, the limited remit of the requirements of the GPDO mean that the Council legally could not add a planning condition or Section 106 as part of the prior approval to ensure that the dwellings were provided and retained as affordable homes. On this basis to attain the potential for some affordable homes by developers that might want to provide them, the Article 4s would have to not be confirmed. Overall, the potential benefit of not proceeding with the Article 4s related to the possibility that some affordable housing might be provided is not considered to outweigh the potential harm that justified the Council making them.</p>	
Canal and River Trust	<p>The Trust agrees that it is appropriate to introduce Article 4 directions in the areas adjacent to our waterways, to prevent potentially unsympathetic development that could adversely affect our infrastructure, in terms of structural integrity, biodiversity and water quality. Having an opportunity to comment on developments through planning applications can help both us and the developer, by giving the Trust the opportunity to raise significant relevant issues, particularly about structural integrity of waterway walls etc. In addition, introducing residential development in place of other existing uses can create additional</p>	<p>Noted, the majority of the issues identified are not specifically addressed through the prior approval process, but could be taken account of through the planning application process.</p>	No change.

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	requirements, for example, in terms of access, hours of use, lighting or landscaping, which we would be likely to want to comment and advise on the design of, which we are currently able to do through the planning process.		
Environment Agency	No comment	Noted.	No change.
Natural England	No comment	Noted.	No change.
Transport for London (Spatial Planning)	Broadly supportive from a transport perspective. Protecting office space and considering any residential conversions on a case-by-case basis, supports Policy T1 of the London Plan and the Mayor's Transport Strategy. In addition, a wide range of transport issues need consideration and the potential need for mitigation should be addressed when introducing residential uses to employment and industrial areas that lack the necessary transport infrastructure and may not provide safe access on foot, cycle or by public transport to essential services.	The prior approval process does allow for consideration of some of the transport impacts of developments. For Class MA there is a specific reference to 'particularly to ensure safe site access', so there appears to be some recognition of the potential clash that has occurred in the past with other uses creating poor quality pedestrian or vehicular access/conflicts. The point raised however does have merit, as permitted development in such locations is likely to depart from the local plan's approach of prioritising residential development in locations with higher public transport accessibility. In such scenarios there is more likely to be a greater reliance on the car, which is incompatible with the Plan's and Transport Strategy's aim of moving towards 80% of trips by walking, cycling and public transport.	No change.
Thames Water	Support the proposed Article 4 Directions. Change of use of Class E uses to C3 residential use can have a significant impact on the timing and volume of flows going into the sewer network. This has the potential to result in adverse impacts elsewhere in the network, including sewer flooding unless appropriate upgrades are delivered where there are capacity concerns. Prior to applying for planning permission developers are encouraged to discuss their proposals with Thames Water at the earliest opportunity. This will allow impacts on the network to be understood and necessary network upgrade arrangements delivered.	The issues identified by Thames Water are not adequately picked up through the permitted development rights and are better addressed through the planning application process, where policies related to this matter can be applied on development sites.	No change.

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<p>Sudbury Town Residents Association (STRA)</p>	<p>The current draft Local Plan is in conflict with the GPDO and this needs to be resolved before it can be adopted.</p> <p>The Cabinet paper justifying the Article 4s identified only some of the new permitted development rights. There are more and if left unhindered these will dramatically change the character, height and scale of Sudbury Town. Permitted development could double the area's residential floorspace and its population. This increase has not been taken into account in the draft Local Plan intensification policy approach. The Council also intends to increase the number of flats in Gauntlett Court estate and the height of existing blocks by at least two storeys. STRA consider the area cannot cope with level of development. The fact the Council has not considered Article 4 direction to restrict other residential permitted development rights such as vertical extensions, demolitions and new buildings of more than 3 storeys is deeply concerning. The NPPF does not place the same level of restriction on the use of Article 4s for development that does not relate to change of use to residential. Sudbury Town is a small geographical area, so would be consistent with the NPPF in seeking to limit the use of Article 4s to the smallest geographical area possible. With the new Class E, Class F1 and Class F2 STRA request the Council to remove permitted development rights to any land and building on Vale Farm from non-sport development, change of use to another use and residential development and Barham Park from change of use and residential development.</p>	<p>The draft Local Plan was amended to take into account the Use Class E in relation to its town centre policies as they affected the Council's ability to control uses within primary and secondary shopping frontages. With regards to permitted development rights, the Government has a mixed position, with the changes to the GPDO not being fully reflected within the NPPF. For example there is still an expectation that suitable amounts of land will be identifying and safeguarded land within Local Plans to meet industrial needs and the same is similar with town centre uses where policy and guidance also hasn't changed since the local plan was adopted. On this basis, as the Local Plan is still consistent with national policies there were not considered to be any soundness issues that would warrant a need to not proceed with Local Plan adoption when the Inspectors' report concluded it capable of adoption with main modifications.</p> <p>It is agreed that the permitted development rights for residential upwards extensions may for some parts of Sudbury Town change the character. Nevertheless as they only apply to dwellings constructed from the 1st July 1948, the extent of their application is likely to be limited and certainly not to the extent anticipated by STRA. It is agreed however that Gauntlett Court properties do appear to benefit from the right if this is pursued by the buildings' owners. Part of this estate is identified within the Harrow Road intensification corridor in the draft Local Plan. On this basis, without prejudice to the Council's decision on any permitted development proposal, in principle the location is considered from a planning policy to be acceptable in any case for buildings up to 15 metres (5 residential storeys) high. The Government's reform of GPDO has clearly been done with the intent of</p>	<p>No change.</p>

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		<p>increasing the potential for dwellings in areas it considers are less sensitive to change, outside the conservation area and curtilage of listed buildings, Sudbury is one of those. Unlike other parts of the borough, the Council has not identified the potential for further conservation area status for Sudbury. Notwithstanding that it is a small geographical area, there is not considered to be a strong case for restricting other residential permitted development rights in this part of the borough, compared to any other. With regards to Vale Farm. Planning permission would be required for change of use between Class E, F1 and F2. It is only class E that benefits from permitted development in certain circumstances to residential. There are two premises at Vale Farm that either fully or partially fall within the Use Class E. These are the Council's sports centre, which is a mixture of Class E and Class F.1, so overall a Sui Generis use and the Sudbury Primary Care Centre which is wholly Class E. The mixed use nature of the centre with shared elements makes a demarcation difficult and therefore unlikely that permitted development rights for change of use to residential could be sought. With regards to the health centre, the relatively new status of the building means that it is very unlikely given the capacity pressures on the remainder of the CCG's stock that this site will become available for development in the short to medium term, which would make the option of residential development possible. The Council cannot control the other range of uses within Class E as it is not regarded as development.</p>	
Sudbury Town Residents Association	<p>HMO Article 4: The Council is unclear whether small HMOs will require a license or not. This can greatly impact the number of dwellings in Sudbury Town. Can the Council confirm when a decision to proceed with a C3 to HMO Article 4 will occur</p>	<p>All HMOs within Brent require a license, whether that is it a mandatory set out in regulations, or an additional license. The licensing is administered by the Council's private sector housing team. The Council has confirmed an</p>	

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	and that any such proposal will not be revoked again and that Sudbury Town will be within the area. The number of HMOs that will be permitted within a row of homes is a concern and whether it will include both licensed large and small HMOs. The GPDO permitted development of 2 additional storeys may mean dwellings become part HMO and part owner/occupier. This also makes estimation of total number of dwellings difficult.	Article 4 direction for the borough, excluding OPDC area and seven draft Local Plan growth areas, plus the draft Local Plan site allocations in Church End to remove permitted development from Use Class C3 to C4. The Local Plan Policy BH7 sets out a maximum of 3 HMOs in any row of 11 properties (whether C4 or Sui Generis HMO use) where planning permission is required for a HMO. The provision of two storeys will have no impact per se on HMOs as they do not have permitted development rights. A dwelling house could extend using permitted development rights and then seek permission for a HMO (if over 6 occupants) or use permitted development rights of up to six occupants (Class C4) prior to change of use permitted development rights being removed through the proposed Article 4 direction.	

Article 4 Direction: SIL and LSIS

Respondent	Summary of Representation	Council Response	Action Proposed
Greater London Authority/ Mayor of London	Mayor fully supports the Article 4. Policy E4 of the 2021 London Plan supports the use of Article 4 Directions to ensure that industrial and logistics capacity is not undermined by permitted development rights. Recent GLA strategic evidence indicates a particular justification for the use of targeted Article 4 Directions to safeguard vibrant industrial areas from the impacts of permitted development.	Noted and the GLA's helpful evidence base was partially used to support the justification for the Article 4s.	No change.

Article 4 Direction: Local Plan Allocations

Respondent	Summary of Representation	Council Response	Action Proposed
Theatres Trust	Support. The allocations do not contain any active theatres. The Kilburn allocation includes	Noted.	No change.

Respondent	Summary of Representation	Council Response	Action Proposed
	the Gaumont State, an important heritage asset, which we are keen to see protected and revitalised in line with its design principles. This also applies to the Burn Oak allocation which includes the former Savoy.		
Greater London Authority/ Mayor of London	Mayor fully supports the Article 4. It is also critical that the delivery of new homes and new jobs associated with the borough's Local Plan site allocations is delivered in managed way to ensure their full potential is realised, supported by Article 4 Directions where appropriate.	Noted, support welcomed.	No change.
Resident 3	Concerned.	Further contact with the respondent was undertaken to seek to identify their specific concerns. No response was received.	No change.

Article 4 Direction Town Centres

Respondent	Summary of Representation	Council Response	Action Proposed
Theatres Trust	Support the need and justification for this Article 4 direction to help maintain the borough's supply of commercial floorspace and support the function of its designated centres. Concerned about the potentially negative impact this form of permitted development may have on theatres and other cultural facilities where neighbouring and nearby buildings are converted. These meet the cultural needs the borough's residents and contribute to London's renowned offer so should be protected. In particular we welcome an Article 4 direction for Kilburn as this boundary includes the Kiln Theatre.	Support welcomed. The Article 4 will allow the Council to better control the mix of uses within town centre frontages, particularly at ground floor.	No change.
Valerie Scott Planning	Contrary to NPPF para 53. Whilst there might be a case for having an Article 4 Direction for essential cores of a primary shopping area the removal of permitted development rights should not extend across the whole of these town centres. The Council also need to show	The respondent was pointed to the justification material prior to the closure of the consultation, but provided no additional response. The Council considered that the evidence provided supports the need for the areas to be wider than the core of the town centres. The levels of	No change.

Respondent	Summary of Representation	Council Response	Action Proposed
	justifiable evidence for seeking these Article 4 Directions which has not as far as we are aware been provided.	vacancy well below the national and London averages indicate centres are performing well and do not need the 'benefit' of additional dwelling potential at ground floor level to address a problem which does not exist, but rather the introduction of residential development will have the potential to be detrimental to the vitality and viability of those frontages.	
Greater London Authority/ Mayor of London	Mayor fully supports the Article 4. To sustain the vitality and viability of town centre locations, Policy SD9 supports targeted Article 4 Directions related to commercial to residential permitted development rights.	Support welcomed	No change.
Harlesden Neighbourhood Forum	<p>Support removing permitted development rights for Harlesden Town Centre in particular and across the borough more generally.</p> <p>There are specific policies within the Harlesden Neighbourhood Plan (2019) both to prevent changes of use from retail to residential and, in some specific locations, to return High Street properties back to retail from their previous conversions. LBB regularly gets planning applications for change of use, which HNF opposes, as they will undermine the long term viability of our Town Centre.</p> <p>Support the Article 4 Directive where loss to residential would be detrimental to local traders and the high street as a whole.</p>	Support welcomed. This response highlights the tension between the desire of central Government to give communities greater ability to shape their environments through encouraging adoption of neighbourhood plans, whilst on the other hand putting in place additional permitted development rights and NPPF policies that undermine them.	No change
Sudbury Town Residents Association	The Article 4 is important for draft Local Plan policies to be applied. The Article 4s should also apply to neighbourhood parades/ isolated retail and commercial units in Sudbury Town. This centre is small and serves local people. Rents are relatively low, with high representation from long-established family businesses and low vacancy rates. Demolition of the premises will	The Council did consider whether the Article 4s should apply to neighbourhood parades. The emphasis in the NPPF is that within town centres, Article 4s should be limited to 'the essential core of the primary shopping area' and 'be very unlikely to extend to the whole town centre'. On this basis it was considered that unfortunately on balance designations of such	

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	result in excessive commercial space with high and unaffordable rents.	lower level centres would likely to be unsuccessful.	

Article 4 Direction Rest of the Borough

Respondent	Summary of Representation	Council Response	Action Proposed
Valerie Scott Planning	This goes against Government policy to provide for more dwellings at a time when there is a significant shortage of dwellings throughout London and the UK and contrary to NPPF para 53. The Council also need to show justifiable evidence for seeking these Article 4 Directions which has not as far as we are aware been provided.	The respondent was pointed to the justification material prior to the closure of the consultation, but provided no additional response.	No change
Greater London Authority/ Mayor of London	Mayor fully supports the Article 4. Policy E4 of the 2021 London Plan supports the use of Article 4 Directions to ensure that industrial and logistics capacity is not undermined by permitted development rights.	Noted.	No change
Sudbury Town Residents Association	The local economy has numerous small industrial sites. Existing low rents allow local entrepreneurs who have been in the location for decades to run viable businesses, such as automobile businesses, including body work, tyres to the rear of buildings on Harrow Road. An Article 4 is required to protect them.	Support welcomed.	No change