Article 4 Direction for B1a (offices) and B1c (light industrial) to C3 dwellinghouses - Remainder of the Borough

Consultation Statement

October 2019

What is being consulted upon?

The London Borough of Brent has made a non-immediate Article 4 Direction to remove the permitted development rights allowed under Schedule 2 Part 3 Class O and PA of the Town & Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO). This applies to the remainder of the borough not within the Alperton Growth Area and Wembley Growth Areas and all Strategic Industrial Locations and Locally Significant Industrial Sites as defined in the Brent Development Plan, where Brent is the Local Planning Authority.

This will require that planning permission is sought for the change of use of B1a (offices) and B1c (light industry) to C3 (dwellinghouses) that would otherwise be allowed by those Schedules. If confirmed it will commence on the 1st November 2020.

Why has the Council introduced this Article 4?

Currently some offices and light industrial premises can be turned into residential properties without the need for planning permission. The Council is concerned about the impact that these permitted development changes of use are having and potentially will have on its ability to effectively plan the area. It has already introduced an Article 4 direction to remove these permitted development rights to the Alperton and Wembley Growth Areas, Strategic Industrial Locations and Locally Significant Industrial Sites. It is now seeking to apply the same rules to the remainder of the borough.

There is evidence that the change of offices in particular to residential and light industrial to residential through permitted development/prior approval is having a significant adverse economic impact. It is now resulting in many fully occupied offices being subject to such change. This and the change of use of light industrial is displacing small businesses and impacting on the economic base of the area. Brent has also been designated as a ‘provide capacity’ borough for employment floorspace in the emerging London Plan. This has a requirement to increase the amount of this type of floorspace.

As such the Council wants to be able to manage the development of office and light industrial floorspace and consider whether proposed losses are acceptable. Requiring planning permission will help in doing this. It will ensure that business
occupiers do not continue to be displaced where their accommodation is viable for its continued use. It will also prevent wider industrial areas being compromised. It will also prevent planned developments identified in the Development Plan potentially being undermined.

The Article 4 will not apply in the Old Oak and Park Royal Development Corporation (OPDC) area, as the Council is no longer the planning authority in that area. OPDC has however adopted a similar Article 4 Direction for parts of its area.

Legislation

The legislative process for consulting on and adopting an Article 4 Direction is set out in the Town & Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO).

Article 4 of the Order provides Local Planning Authorities with the power to remove certain permitted development rights which are set out in the Order. Schedule 3 of the Order sets out the procedure for publishing and confirming an Article 4 Direction. This section of the GPDO stipulates specific actions which a Local Planning Authority must undertake when preparing and confirming an Article 4 Direction.

The Local Planning Authority must notify as soon as practicable after an Article 4 has been made by:

a) local advertisement;
b) site display at no fewer than 2 locations within the area to which the direction relates;
c) serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates unless the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.

The notice must:

(a) include a description of the development and the area to which the direction relates, or the site to which it relates, as the case may be, and a statement of the effect of the direction;
(b) specify that the direction is made under article 4(1) of this Order;
(c) name a place where a copy of the direction, and a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, may be seen at all reasonable hours;
(d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority; and
(e) specify the date on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than 2 years after the date referred to in paragraph (d).
The Council also has to send a copy of the Article 4 Direction and Notice, together with any map defining the area to which it relates to the Secretary of State on the same day that notice of the direction is first published.

In deciding whether to confirm a direction made under article 4(1), the local planning authority must take into account any representations received during the period. It cannot confirm an Article 4 Direction until 28 days after the last notices have been served/published.

On confirmation of the Article 4 Direction, the local planning authority has to inform the Secretary of State and also publicise this in a notice in the manner consistent with the notification of the Article 4 direction being made.

**Steps the Council has taken to publicise the Article 4.**

The Council has notified on the Article 4 as soon as practicable by:

a) local advertisement in the Kilburn Times;
b) site display at no fewer than 2 locations within the various areas to which the direction relates;
c) writing to those specified in the GDPO 2015 and consultees on the planning policy consultation database. The number of properties within the area means that the Council considers it impracticable to serve individual notices on each owner/occupier of premises;
d) notices within Brent libraries
e) making it available on the Council’s website

**Representations may be made concerning the Article 4 direction between 24th October 2019 and 5th December 2019.** If you wish to make representations, you must do so by post to the Planning Policy Team, Regeneration and Environment, London Borough of Brent, Civic Centre, Engineers’ Way, London, HA9 0FJ or by email to planningstrategy@brent.gov.uk. Any representation must be received by 17:00 on 5th December 2019 and include a name and a postal or e-mail address.

**Next Steps**

Following the close of the consultation this statement will be updated to include a summary of comments received. The comments received together with officer responses will be presented to the Lead Member for Regeneration, Property and Planning for their consideration. This will inform the decision on whether the Council will confirm the Article 4 Direction.