

**REPORT TO:** SCRUTINY COMMITTEE

**DATE:** 13 FEBRUARY 2019

**TITLE:** REVIEW OF THE IMPACT OF PERMITTED DEVELOPMENT – UPDATE REPORT

**LEAD OFFICER:** JANE GREER, HEAD OF COMMUNITY WELLBEING (01279) 446406

**CONTRIBUTING OFFICERS:** JULIE HOUSTON, STRATEGY AND ECONOMIC DEVELOPMENT MANAGER (01279) 446445

CHRISTINE HOWARD, YOUTH AND CITIZENSHIP MANAGER (01279) 446192

**RECOMMENDED that:**

- A** The Committee notes the work undertaken to date and approves the ongoing work required as detailed in the attached work programme attached as Appendix A to the report.
- B** The Council becomes a signatory to the joint Local Government Association (LGA)/Shelter open letter on Permitted Development Rights (PDR) to the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG) attached as Appendix B to the report.
- C** The Committee recommends to Cabinet that the Council seeks Article 4 Directions for the employment areas of The Pinnacles, Templefields (area not already covered by the Templefields Enterprise Zone (EZ) site Article 4 Directions) and the Burnt Mill Industrial area/offices adjacent to Harlow Town Railway Station (attached as appendices C, D and E to the report), and then to notify the Secretary of State to grant this.
- D** The Committee receive an update report in the next municipal year.

**BACKGROUND**

1. The Review of the Impact of Permitted Development Rights in relation to office to residential conversions commenced in September 2018 with initial information and evidence gathering. Following the interim report in October 2018 which considered evidence to date and approved the headlines for future work programme, an Officer team have been pursuing the various elements of that work programme (attached as Appendix A to the report).
2. In addition to the above, in December 2018 the Council formally raised this matter, through an Essex wide approach to the London Boroughs and the Mayor of London, and additionally, with Essex Members of Parliament. Following

response from the Mayor of London to the Essex Leaders, dialogue is continuing to improve the situation and the Council is continuing to support this process.

3. The MP for Harlow Robert Halfon, has raised the issue through a question put on the floor of the House of Commons and called for a review and additional resources for Harlow Council to support new residents.
4. On 28 January 2019 The LGA, in partnership with Shelter, has issued an open letter (attached as Appendix B to the report) to the Secretary of State for the MHCLG which includes the following extracts:
  - a) 'Permitted development rights have caused extensive problems. Therefore, we consider that the current proposals to allow for demolition of existing buildings and replacement with new residential ones, and for upwards extensions to existing buildings for new homes through a permitted development right, should not be pursued.
  - b) We call on the government to instead focus on delivering the affordable, high quality homes that people want and need through the local planning process.
  - c) We also consider that there should be an independent review of the wide-ranging impacts of permitted development rights allowing change of use into residential homes'.
  - d) The LGA is inviting organisations to add signatures of support to the letter.
5. In January 2019, Council Officers met with colleagues from Public Health England and Primary Care to discuss a proposed project which will carry out a health needs assessment of Harlow residents. This work will include a community engagement element and Officers will discuss widening the scope to include wider wellbeing issues to address tasks contained in the work programme.
6. Officers are leading on a multi-agency working group to identify and tackle issues affecting residents living in accommodation that has been converted from offices to residential dwellings under PDR. The majority of these have been placed in Harlow by other councils. The group consists of statutory, non-statutory and voluntary sector organisations and aims to :
  - a) develop good working relationships with housing management agents and placing authorities
  - b) safeguard children and families by raising new resident's awareness of local support agencies to ensure they can access any support they need in a timely fashion and help integrate new households in to the local community to reduce social isolation and increase positive health and wellbeing.

7. Council officers are discussing the potential for bidding to the Department of Work and Pensions for resources to support residents in PDR sites to maximise their employment prospects. The bid is under development with the voluntary sector and the deployment of resources is intended to be a partnership approach with the voluntary sector.

## **ISSUES/PROPOSALS**

8. The current quantum of PDR sites in Harlow requires that there is a need for ongoing work to manage the current circumstances. The existing PDR conversions will remain as such facilities for the foreseeable future and therefore the officer group will continue the attached work programme and report back to Scrutiny Committee at a future date.
9. Although dialogue is progressing between local authorities and the issue of PDR with respect to residential conversion is now receiving greater local and national attention, the Council will need to continue to press for policy change to ensure that the risk of further loss of employment space and increase of poor housing conditions is mitigated.
10. The Council will continue to progress dialogue with referring councils regarding how individuals and families moving to Harlow can be supported in appropriate ways that do not leave that burden entirely with the receiving locality and the local public services or indeed leaving the individuals and families struggling to make those connections with services. This will require attention to referral procedure and protocols around information sharing.
11. The Council will also continue to work to enable joined up support for residents of PDR conversions through the multi-agency working group approach and better information and communications. As stated in paragraph 10 above, included in this will be required a considered approach regarding information sharing.
12. Given the existing quantum of PDR notifications for conversion of offices to residential, and the loss of employment land this has given rise to, it is recommended that the Council will seek Article 4 Directions for the employment areas of The Pinnacles, Templefields (area not already covered by the Templefields EZ site Article 4 Direction) and the Burnt Mill Industrial area/offices adjacent to Harlow Town Railway Station. The effect of this will be that these localities will be removed from PDR. This is required in order to ensure that no further loss of employment land takes place which would be at variance to the assessment of that required in the draft Local Plan for Harlow which is to be examined in public in March 2019.

## **IMPLICATIONS**

### **Place (Includes Sustainability)**

In the last four years Harlow has lost more than 38,000 square metres of employment space to residential conversions through permitted development, which leads to a significant concern if the Council is unable to provide sufficient space for new jobs to match the town's housing growth. The implementation of Article 4 Directions on existing employment sites will help to protect these in the longer term and then help the Council to deliver its Local Plan targets.

**Author: Andrew Bramidge, Project Director – Enterprise Zone and Interim Head of Planning**

### **Finance (Includes ICT)**

There are no specific financial implications arising from the recommendations included within the report. However, for each premises converted under PDR there will be loss of business rates to Harlow.

**Author: Simon Freeman, Head of Finance and Deputy to the Managing Director**

### **Housing**

As contained within the report.

**Author: Andrew Murray, Head of Housing**

### **Community Wellbeing (Includes Equalities and Social Inclusion)**

As contained within the report.

**Author: Jane Greer, Head of Community Wellbeing**

### **Governance (Includes HR)**

The Local Planning Authority can use an Article 4 direction under the General Permitted Development Order to withdraw specified permitted development rights across a defined area. Government guidance is that Article 4 directions should only be used in exceptional circumstances where the exercise of permitted development rights would harm local amenity and the proper planning of the area. Provided the Local Planning Authority can justify both its purpose and extent the direction can be made. The use should be limited to situations where it is necessary to protect the local amenity or wellbeing of the area.

The Local Planning Authority when looking to make such a direction should clearly identify the potential harm the direction is intended to address. Councillors should be aware that the direction does not prevent development but means that an application must be made for planning permission prior to any development taking place. In deciding whether or not to make an Article 4 direction the Local Planning Authority should be aware that compensation may be paid in limited circumstances.

Officers have identified that an Article 4 direction is necessary to protect the wellbeing of the areas identified and the greater wellbeing of those within the areas. By following the proper process to determine the appropriateness of such a direction and by following the statutory procedure challenges can be mitigated.

**Author: Simon Hill, Head of Governance**

## **Appendices**

Appendix A – Work Programme – Review of the Impact of Permitted Development

Appendix B – Joint LGA/Shelter open letter on PDR to the Secretary of State for the MHCLG

Appendix C – The Pinnacles Map

Appendix D – Templefields Map

Appendix E – Burnt Mill and Harlow Railway Station Map

## **Background Papers**

None.

## **Glossary of terms/abbreviations used**

EZ – Enterprise Zone

LGA – Local Government Association

MHCLG – Ministry for Housing, Communities and Local Government

PDR – Permitted Development Rights