



Haringey Council

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| Report for: | Cabinet – 16 January 2016 | Item Number: | |
| Title: | Tackling Unauthorised Living in Industrial Areas | | |
| Report Authorised by: | Lyn Garner, Director of Regeneration, Planning & Development 0208 489 4523 | | |
| Lead Officer: | Emma Williamson, Head of Development Management | | |
| Ward(s) affected: Tottenham Green and Seven Sisters Ward | Report for Decision: | | |

1. Describe the issue under consideration

1.1 The growing problem of unauthorised residential and live work uses in and around the Industrial Sites in South Tottenham and attendant problems arising in breach of the Planning, Housing and Building Acts

2. Cabinet Member introduction

2.1 Recently, Planning Enforcement and the Housing Improvement team have both witnessed a rapid increase in instances of unlawful changes of use to residential and live/work use in Employment Areas and their surrounds in South Tottenham. Funding was secured to employ an officer to research these matters and liaise with other enforcement services. Although the research is ongoing some enforcement notices have already been issued.

2.2 Unchecked, it is most likely that this problem will grow resulting in unregulated loss of employment land and, potentially employment opportunities. However, more significantly, increasing numbers of people will be consigned to poor, insanitary and, potentially, dangerous living conditions.

2.3 It is therefore proposed to establish a special multi-disciplinary team to fully investigate and address the problem through a combination of regulation, improvement, enforcement and, where necessary, prosecution using powers



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available to the council under planning, housing and environmental protection legislation.

3. Recommendations

3.1 Cabinet are asked to:

- I. Note the multidisciplinary approach to tackling unauthorised living in employment areas set out in the report and;
- II. Note the project management approach that has been adopted to ensure proper governance and the timely delivery and reporting of project objectives

4. Alternative options considered

4.1 The possibility of an approach minimising enforcement action focussing on regularisation and management of existing uses on site was considered but was felt to be inappropriate, due to the complex planning and housing issues that present themselves, in particular with regard to the safety of occupants and departures from planning policy. The estimated rental income from these unauthorised uses is considerable, acting as a further disincentive to co-operate unless encouraged to do so through formal enforcement action. A more appropriate approach will include fraud investigation and close co-operation with external agencies notably the Fire Service and Police.

5. Background information

5.1 The industrial estates in the south-west and south-east of Tottenham, roughly at either end of Seven Sisters Road, have been identified as containing a large number of units illegally converted into residential and or live/work use (see plans attached). The occupants of the sites are predominantly young adults within the creative industries, who are less likely to be benefit claimants or to be the Council's responsibility for re-housing as a result of enforcement action. The time to comply with Notices will typically be 6 months providing plenty of time to vacate premises. Indeed where the right of appeal is exercised the appeal process itself will often take 9-12 months providing a long lead in time for action and negotiation on an ongoing basis.

5.2 So far:

- 26 such sites have been identified;
- Containing 322 units, with up to 20 people living in each unit;
- 727 bedrooms have been identified;



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- with a further 44 units of unknown use, suggesting the number of occupants is even higher;
- Some units affected are Council-owned

Unauthorised conversions of industrial units to housing and live/work units

5.3 The situation is not fixed and is continually changing. Land registry search returns have shown that whilst there are many different landowners, some own a significant number of sites. However within the mix are two Council owned premises.

These conversions pose many concerns but also some opportunities. The main ones are listed below:

Problems/Issues:

- Large scale unauthorised change of use to housing/live/work and consequent problems concerning refuse, clutter, noise and disturbance;
- Inappropriate and poor quality conversions- need to cease unauthorised uses;
- Departures from planning policy- how does planning policy respond as no clear guidance in place for such uses;
- Loss of employment land, some Council-owned;
- Time limits in taking enforcement action and certificates of lawfulness already granted and being applied for on ongoing basis;
- Long time horizon for both formal enforcement action and negotiation/ pre-application;
- Action under Housing Act likely to be required consecutively especially with regard to minimising fire risk;
- Possibility of fraud etc with regard to ownership, lawful development certificates granted and taxation and benefits arrangements;
- Other external agencies will need to be embedded in project- Police, Fire Service, Inland Revenue;
- Risk of mass homelessness- problems arising regardless of Council's responsibility to them.

Opportunities

- Regeneration of sites especially outside of planning policy designated employment areas with no policy restrictions;
- Need for informal communal type housing;
- Some properties robust enough to be converted;
- Close to employment and skills opportunity area with regard to Tottenham Project;
- Dialogue with landowners likely to be productive- pre-application meetings and application fees generated and enforcement appeals where planning merits argued.

5.5 Given the complexity of the breaches and the many Planning and Housing issues identified above. It is proposed to invest in an integrated team of planning, housing and legal enforcement officers to tackle this issue. The funding is proposed for a



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two year period when resources will be most needed although it is anticipated that resolution on some sites will extend somewhat beyond this time horizon depending on circumstances.

- 5.6 To deliver this two year programme, investment is required for nine new FTE posts. The proposed team contains a Team Leader, two planning officers (including the one existing), four housing officers, one legal officer and one fraud investigation officer.
- 5.7 The planning officers will undertake enforcement action, defend appeals against enforcement action and commence negotiation with landowners with regard to potential ways forward. As most appeals are likely to be Public Inquiries significant legal resource will also be required.
- 5.8 The number of housing officers reflects the volume of work required by Housing in visiting and assessing each individual unit, and developing a specification for each unit to make it safe and deciding appropriate works. The fraud officer will add strength to this team by identifying irregularities in taxation that will give more leverage to the enforcement team in dealing with property owners and lead to more positive enforcement outcomes. A Team Leader will be required for the day to day management of the Project. The project will be required to be very flexible to accommodate changing circumstances and priorities and liaison with external and internal agencies as required.
- 5.9 Governance for the project will be provided through a Project Board chaired by the Assistant Director for Planning supported by senior officers in the planning, housing and legal services areas. This is all set out in a Project Initiation Document (PID) which is in the course of finalisation for adoption as the main project management document for the project. When adopted by the Board, amongst other things, it will set out the project objectives, the key deliverables, the resources, roles and responsibilities of key officers and the milestones for the project. The progress and success of the project will be assessed having regard to the PID.

6. Comments of the Chief Finance Officer and financial implications

- 6.1 Cabinet in December 2013 agreed funding of £400,000 in 14/15 and £200,000 in subsequent years as funding for this project as part of the 2014/15 budget process. This will need to be approved by Full Council as part of the formal agreement of the 2014/15 budget in February 2014. It is assumed that by the 2nd year of the scheme income will be generated to reduce the call on the base budget.
- 6.2 This funding is complementary to existing funding of £300,000 across 3 years agreed in 2012-13 to tackle Houses in Multiple Occupation Issues in Tottenham and £50,000 per annum from the Tottenham Team budget for an additional HMO officer. These projects will operate in a complementary fashion to maximise outcomes.
- 6.3 The level of funding required to deliver the project will be reviewed on an ongoing basis as part of the Project Board process.



7. Head of Legal Services and legal implications

7.1 The Head of Legal Services has been consulted with the content of this report and notes that it is an information only report. The use of enforcement action to tackle the issue will most likely result in legal proceedings most notably where notices are appealed and where persons are prosecuted for not complying with such notices.

8. Equalities and Community Cohesion Comments

The Council has a public sector equality duty which requires that if agreed, the recommendations in the report are implemented in a way that will ensure that no group protected by sections 4-12 the Equality Act 2010 suffers disproportionate adverse impact as a result. If the proposals are implemented as suggested in this report, the impact will predominantly affect young people, who are protected by virtue of age within the meaning of the Act. However given the problems to be addressed (listed above) the proposals would be a proportionate means to achieving a legitimate policy goal and this would be justified within the Public Sector Equality Duty.

9. Head of Procurement Comments

9.1 Not applicable

10. Policy Implications

10.1 This programme supports the following Corporate Plan objectives:

Safety for all – a place where everyone feels safe in their homes and communities

- The projects aim to reduce ASB in our communities, and to create an environment that feels safe and is clean and green.

Opportunities for all – a successful place for everyone

- The projects support the regeneration of Tottenham and other key areas by delivering residential, housing and planning improvements.

A better council – delivering responsive, high quality services; encouraging residents who are able, to help themselves.

- The projects are customer focused and responsive to local issues and concerns. By joining services and providing co-ordinated action this project will deliver value for money.

10.2 The programme also supports the cross cutting principles of the Corporate Plan, including a one-borough focus, reducing inequalities, empowering communities and working in partnership.

10.3 This investment will complement and add value to existing additional investment in services such as the Planning Improvement Programme and the Tottenham



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Licensing Scheme (£300K). The investment in these projects will help to free up resources in the Neighbourhood Action, Planning and Housing Teams to tackle prevalent enforcement issues in the rest of the borough. This additional resource will therefore help to secure positive outcomes across the borough, not just in the areas targeted by this project.

11. Reasons for Decision

- 11.1 The existing unauthorised residential and live work uses are contrary to Planning Policy and continue to manifest themselves in buildings not intended for this use nor at the intensity it is currently present in the project area. The alternative option of managing this matter through regularisation through the Building and Housing acts is therefore considered to be undesirable.
- 11.2 Wide ranging enforcement action under the Planning Acts is considered to be necessary to not only require the cessation of these uses where they are inappropriate but to encourage dialogue and co-operation with the landowners with regard to future uses of these sites.
- 11.3 Given the complexity of this report and the associated issues that arises, the project will be required to be flexible and to be able to respond to change as and when it presents itself. It is for this reason that the proposed project is multi-disciplinary despite its core planning and housing improvement focus.
- 11.4 The project ties in with key aspects of the Corporate plan and adds value to the existing Tottenham Regeneration Projects and the proposed additional licensing scheme.

12. Use of Appendices

- 12.1 Appendix 1- Map Overview of the relevant Industrial areas and surrounds

13. Local Government (Access to Information) Act 1985

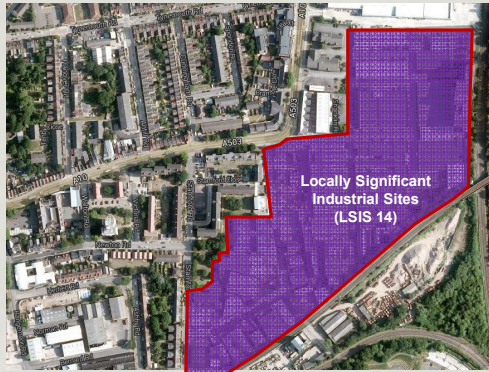
- 13.1 Files for Planning Enforcement are held by the Team Leader of Planning Enforcement and Appeals. Files for Private Sector Housing are held by the Head of Private Sector Housing



Appendix 1: Areas Covered by the Project

An Overview:

Sites Under Investigation : Markfield Rd, Fountayne Rd and Constable Crescent



SSP: Site Specifics Proposal – Proposal (Haringey’s Local Plan Strategic Policies 2013-2026)

LSIS: Locally Significant Industrial Sites - (Haringey’s Local Plan Strategic Policies 2013)

An Overview:

Sites Under Investigation-Hermitage Rd, Ashfield Rd, Eade Rd, Tewkesbury Rd and Overbury Rd



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