

BRIEFING NOTE ON THE INDUSTRIAL LIVING PROJECT

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Subject: Industrial Living Project Update

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Report to: Housing & Regeneration Scrutiny Panel

Recommendations: None

For the Members to:

1. **Note the current project progress and performance**
2. **Project risks**

Reasons for briefing:

This is a report pursuant to the request from the members following the meeting of the Housing and Regeneration Scrutiny Panel on 30 September 2014.

Project background and rationale:

Within the last couple of years Planning Enforcement and the Housing Improvement teams have both witnessed a rapid increase in instances of unlawful changes of use from storage and light industrial uses to purely residential and live/work uses in Employment Areas and their surrounds in South Tottenham. Unchecked, it most likely that this problem will grow resulting in unregulated loss of Employment Land and, potentially employment opportunities, within the borough. This is against the Borough's Corporate Plan, Local Plan and the London Plan which obligates the Council to manage and protect Employment Land. This potentially has the effect of undermining several objectives of the Tottenham regeneration programme.

More pressingly this unregulated change of use of the Employment Land to residential use consigns a significant number of residents to poor, insanitary, and potentially, dangerous living conditions. There have been instances of fire within these areas.

Given this background, a report was presented to Cabinet on 16 January 2014. Cabinet considered the report and agreed to make available funding for the establishment of a multi skilled project team to respond to this challenge. The funding for the project began in April and since that time, recruitment of a dedicated team has taken place – albeit that appointing a project manager took longer than expected. Important progress has been made nonetheless.

The projects started as a purely "regulation enforcement" project. The communities occupying the premises have nevertheless brought to the Councils attention, the significant role that this type of accommodation plays in nurturing enterprise (especially within the craft/creative sector) and providing affordable accommodation for single, post graduates and like minded

professionals. In addition, the acute pressure on affordable business/employment space means that evicting residents and their associated economic activities would adversely impact upon the delivery of wider economic and social objectives within the Councils emerging development plan documents, and corporate plan objectives. Whilst the Council continues to investigate the unlawful occupation/change of use of premises, a second thread of work, including consideration of future policy options, is now also underway involving residents and landowners on the Eade Road industrial area.

The expectation is that this investigation, and the lessons learn from planning appeals will be incorporated in the next consultation draft of the Development Management Policies DPD and Site Allocations DPD's due to be reported to cabinet in November.

Progress

1. During the first phase of the project, significant time was devoted to the site visits to map out the nature and extent of the unauthorised industrial living. A significant number of properties were not visited due to the lack of cooperation from the owners and tenants. Steps are currently being undertaken to secure access into those properties by way of warrants of entry from the magistrate's court. This is a relatively lengthy process and involves payment of legal fees.
2. As a consequence of the site visits a number of enforcement notices were issued. The owners of the properties who were served with enforcement notices lodged appeals against the notices.

So far the completed appeals are:

60-68 Markfield Road : AAP/Y5420/C/13/2201618 - Dismissed
Gaunson House Markfield Road: APP/Y5420/C/13/2207689 - Dismissed
Unit 4 and Unit C 199 Eade Road: APP/Y5420/C/14/2212166 & 2212163. Allowed
Unit 39 Millmead Industrial Estate at Mill Mead Road : APP/2212172 - Dismissed
Unit 10A-D Omega Works Hermitage Road: APP/Y5420/C/13/2205342. Dismissed

Four of the five appeals determined so far have been dismissed. This supports the approach taken by the Council and strengthens its position in defending any subsequent appeals on similar grounds in the future.

One appeal was allowed. The Council's position is that this is a 'singular' decision which has gone against the grain. Consideration has been given to the merit of challenging the decision. This was not pursued following consideration of the merits of this course of action with the Counsel. Instead, a decision was taken to focus resources on future policy work and tightening the enforcement procedures.

There is one appeal at Omega Works which is currently ongoing, but has been adjourned until January 2015.

3. Work is currently underway with the freeholders for the Eade Road estate to consider whether a new masterplan to facilitate the regeneration of that area can be developed that achieves the objectives of safeguarding employment land and meeting aspirations for place making, housing delivery and good neighbourliness. The owners claim that the proposed masterplan has the potential to maintain, and or increase, the amount of available employment land in addition to the provision of good quality, affordable

residential accommodation. This claim is being tested by the Council.

4. The project team have also invited the Department of Communities and Local Government (DCLG) to visit the project following the consultation on changes to the permitted development rights regime to include the change of use from B1, B8 to residential use.
5. With the new team, and the broader focus of the project a revised Action Plan for 2014/15 is being drafted. This is likely to focus on a few key areas for targeted enforcement, rather than spreading the resources for the project too thinly.
6. The main work streams for the following quarter are:
 - Coordinated team site inspections with the building surveyor and environmental health officer and planning enforcement officers
 - Mapping the results of the site visits
 - Issuing the requisite enforcement notices
 - Reviewing appeal decisions
 - Exploring policy options to better regulate (incl enforce) inappropriate changes of use
 - Exploring the scope to identify creative clusters of new workspace, cross funded by communal living using low cost construction technologies, within emerging planning policies
 - Undertaking a design dialogue with landowners/architects around the future “design” criteria for new work/live units

Project Risks

7. There are primarily three key project risks identified so far.
 - The first is the regulatory framework. DCLG recently consulted on making the change from B1 and B8 to residential a permitted use. The risk is that this might endanger the aims of the project should this proposal be carried forward.
 - The second risk is that of ‘rogue’ appeal decisions which undermine the development plan policies and also give support to potential appeals which would otherwise have no discernible merit.
 - The costs of legal advice are anticipated to be higher than originally thought due to all the appeals being public inquiries and hearings and also in the future the costs of seeking warrants of entry as the tenants/freeholders deny the officers entry into their premises.

These project risks are being actively managed by the project manager, through the policy actions and responses (including invitation to CLG) outlined above.

