

Appendix 2

London Borough of Hammersmith & Fulham

Article 4 Direction for changes of use from offices to residential: consultation responses received

Rep No.	Name/Organisation	Comments
(1)	Wandsworth Council	<p>Thank for consulting Wandsworth Council on Hammersmith and Fulham's borough wide Article 4(1) Direction removing permitted development rights relating to changes of use from offices/light industrial to residential.</p> <p>As Wandsworth is supportive to the protection of offices and light industrial floorspace being within the same FEMA (Functional Economic Market Area).</p>
(2)	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England does not consider that this Article 4 (1) Direction removing permitted development rights relating to changes of use from offices/light industrial to residential poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation.</p> <p>The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.</p> <p>If you disagree with our assessment of this proposal as low risk, or should the proposal be amended in a way which significantly affects its impact on the natural environment, then in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, please consult Natural England again.</p>

Rep No.	Name/Organisation	Comments
(3)	Robin Jackson	<p>I think the Council should have more power to ensure that planning applications are required for both basement construction and the conversion to residential use of office and light industrial properties.</p> <p>This should not necessarily be required for every such change but it should be available to the Council to enforce if they so choose. The conversion of office and light industrial properties to residential use is of particular concern, I believe.</p>
(4)	Mr Oliver Pearcey	<p>I am writing to support strongly the proposed Article 4 Directions in respect of basement developments and conversions of office and light industrial space to residential accommodation.</p> <p>Having had the misfortune to live next door to one basement development (in [REDACTED]) I am very much of the opinion that these need full regulation under planning powers. In the particular instance in question there was disturbance from noise, vibration and deliveries for almost a year and the resultant development created what is still sub standard space. Hammersmith is an inner London Borough which has been developed at high density in the Victorian period; housing need in the Borough is largely for smaller units not over developed single houses which are readily available further out of Central London..</p> <p>Conversion of office and industrial space without consent should never have been agreed by the Government in the first place. It reduces employment space and generally creates very sub-standard units which make comprehensive redevelopment much harder and also put up demand on everything from parking to education without any compensating controls or payments.</p>

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		I am delighted that the Council is planning to address both these issues through Article 4 Directions.
(5)	Suzanne Burke	<p>I was surprised to find that certain development does not need planning permission. I think it is a good idea for the council to be involved in any project that is as involved as change of use from office to domestic. Although we do need more housing, we need housing for people who are not making a high salary and who our society needs to be living near their work, such as teachers, nurses, and others jobs who are significant contributors to a healthy society. What I notice is that these projects are not for that strata of society but for people who can afford well over £500,000.</p> <p>As to basement conversions, I can understand that it makes the difference to a growing family for whom moving would be a greater and unaffordable expense compared to digging down under a property which they are already in the process of owning. Although it is very disruptive to those around, the neighboring properties have the option of objecting at the point where the party wall surveyor comes in. I incorporated a flat in the building next door and for three months my neighbors above me had to put up with dust and the mess when they looked out their windows. However, I don't think they regretted giving me permission via the party wall survey, and now the view from their window is much improved. However, I do not think that huge double basement developments should be embarked on without the council's permission. I had to get council permission to knock through and connect two buildings which I own and where there was no digging down. I did not think that this was unreasonable because going through the council insured that I was doing everything by the book with the proper surveys throughout the the process. That way my neighbours' property was protected because building codes/practices were followed. I think the council's involvement was a good thing.</p>

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(6)	Geoffrey P Gay	My wife and I do not believe it is in the best interests of Ratepayers in LBHF to change the current permitted development rights
(7)	Matita Glassborow	<p>I think that the Council should be a lot stricter on basement developments and that planning permission should be required for this type of work. It disrupts areas for months at a time with noise, constant delivery of building materials causing roads to be temporarily closed, and misery for neighbours. There have been instances of houses collapsing because regulations are flouted (an East European builder working alone in a basement in Fulham had the whole house collapse on top of him and the poor man was killed). In the more affluent parts of Fulham, eg the Hurlingham area, basement extensions have been going on for years. There is already quite a lot of subsidence in houses in the borough too and digging out basements can't be good for the neighbouring houses in a terrace.</p> <p>I am also concerned at the amount of commercial properties in my part of Fulham being turned into residential accommodation, and not what I would call "luxury" accommodation either as mentioned in the Council newsletter! Near my house two newsagents have been turned into flats, a tyre fitting shop is in the process of being turned into flats and so has the furniture depository in [REDACTED]. I don't doubt that the [REDACTED] [REDACTED] which has been empty for about 20 years and is supposed to be "industrial use only" will also be given permission to be turned into flats. How can the infrastructure and transport cope with all the extra people who will move into the area? The occupants of this type of property aren't given space to keep a dustbin and tend therefore to put their rubbish out on bags on the pavement, whenever they feel like it, and it often gets broken into by foxes and strewn around. Fulham is not the clean borough it once was, it's full of fly tips and litter. and a great deal of the fly-tipping is happening outside these new flats above shops or shops that have become flats.</p>

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		<p>In summary, I don't believe all these basements are necessary - especially for wine cellars and swimming pools! We need little businesses and commercial premises too. Our precious little businesses are fast disappearing (the businesses rates are driving a lot of them out) and being replaced by hastily constructed, hideous flats.</p> <p>I would very much like the Council to take a far more pro-active role in planning regulations and preserving what's left of the independent businesses we have in Fulham.</p>
(8)	Canal & River Trust	<p>The Trust is the guardian of 2,000 miles of historic waterways across England and Wales, of which approximately 60 miles are within our London Waterway. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives".</p> <p>Within LBHF the Trust owns and manages the Grand Union Canal and its towpath.</p> <p>I can confirm that the Canal & River Trust have no comments to make on the two documents, but support the proposals to remove these permitted development rights.</p>
(9)	Chair of Margravine Gardens & St Dunstons Rd Residents Association	<p>I write as the Chair of the Margravine Gardens and St Dunstons Road Residents Association, having consulted our membership.</p> <p>Residents in these roads strongly support the Council's proposals to make an Article 4 direction in respect of these two forms of development (ie to require planning consent) for the following reasons</p> <p><u>Basements</u></p>

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		<ol style="list-style-type: none"> 1. The potential disruption to traffic and parking in residential streets caused by the large vehicles needed to remove spoil, often causing the road to be blocked for 20 minutes at a time. 2. Noise and loss of amenity to neighbours during works. 3. The increase in noise transmission to neighbouring terraced properties once conversion is completed. This may result from more comings and goings on the staircase or a greater number of people living in the property. It may also be caused by structural alterations which increase sound transmission <p>We consider that when providing planning permission for basements the council should impose strict conditions on the matters referred to above, and in respect of noise transmission automatically require a high level of sound insulation between the converted property and neighbouring terraced properties, on all floors and particularly on the staircase party wall. The conditions imposed should be posted to all neighbouring properties affected so that residents can raise objections if the conditions are flouted.</p> <p><u>Light industrial premises</u></p> <p>Similar issues to those raised above may occur when light industrial premises are converted and such conversions should be made the subject of similar conditions where appropriate.</p>
(10)	Transport for London	<p><i>The following comments are made in TfL's capacity as a provider of transport infrastructure, services and operations and as a strategic highway authority within London.</i></p>

Rep No.	Name/Organisation	Comments
		<p>Thank you for consulting Transport for London (TfL) on the Article 4 Direction made by your Council to remove permitted development rights for the conversion of Use classes B1(a) (Offices) and B1(c) (Light Industrial) to Use Class C3 (Dwellinghouses).</p> <p>In principle TfL supports this Article 4 direction which would require office to residential development to be subject to planning consent. This would allow greater control over the transport impacts of the proposed developments, and allow for better assessment of the impacts of such changes of use on adjoining industrial land uses, including transport operations.</p> <p>Please be reminded that TfL should continue to be consulted by Hammersmith & Fulham Council on basement proposals in properties adjacent to the Transport for London Road Network (TLRN) and the Strategic Road Network (SRN) and those close to any London Underground (LU) or London Overground (LO) infrastructure. On a wider level, TfL should continue to be consulted on proposals that are adjacent to TfL operational and non-operational land and property holdings. This is ultimately to ensure the safe operation of the strategic transport network in the event of inappropriately designed or constructed development.</p> <p>Please do not hesitate to contact me if I can be of any further assistance.</p>
(11)	Mr Steven Allin	<p>I am writing to OBJECT to the plans by Hammersmith & Fulham council to change the current planning framework for building developments.</p> <p>Despite the fact that you are advertising a consultation, it is VERY concerning that it seems you have already made your mind up.</p> <p>In your own words your documentation says <i>“The Direction shall come into force, subject to consideration of any representations received”</i>.</p>

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		<p>How can you write a statement such as that BEFORE the consultation? Frankly it is shocking and controlling behaviour!</p> <p>If you think it's possibly a good idea, consult FIRST, before getting so far down the decision path that it looks like all you want is a rubber stamp of your decision from residents.</p> <p>This is an underhanded approach to changing planning and I STRONGLY OBJECT TO THE CHANGE.</p>
(12)	Karolyn White	<p>Due to the issues faced by other Boroughs, and their prudent decision to clamp down on basement developments due to the issues faced by local residents, in some cases too late in the day:</p> <ul style="list-style-type: none"> • Holes in the road • Damage to local area • Damage to neighbouring properties • Increased population where additional flats built add to increased demand on local infrastructure. • Increased demand for local infrastructure and resource, which are already stretched, hospitals, doctors surgeries, schools, roads. • Due to increased population, roads are grid locked most of the time, adding to pollution to the area. • Closing of offices and conversation to residential space. Where are the increased population supposed to work? • Increased rates leads to closure of local business, again, where are the jobs? <p>Stricter rules should apply if these are going to be allowed. The borough is going downhill fast.</p>

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		No to basement and also No to conversion of office spaces for reasons above.
(13)	Berkeley Group (Boyer Planning)	<p>We write on behalf of our client, The Berkeley Group, with objection to the Council's proposed borough-wide direction under Article 4(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 ('GPDO'), removing permitted development rights (PDR) relating to changes of use from offices/light industrial to residential in the London Borough of Hammersmith and Fulham (LBHF).</p> <p>The change in planning legislation, enabled in 2013 and extended indefinitely from 2016, presented permitted development rights (PDR) as part of a wider package of measures to promote economic growth and housing supply in the context of a downturn in housing starts and completions relative to the position before the recession.</p> <p>The Government's permitted development reforms is an important part in increasing housing delivery to combat the housing crisis by unlocking under-utilised employment sites and providing much needed homes, particularly in London where there is an acute undersupply of housing.</p> <p>The Government's May 2013 Impact Assessment of the proposed PDR considered the likely effects of the proposals on business and noted the general oversupply in the office market in many areas, including London, concluding that the effects on the office market would, therefore, be small with adequate scope for relocation of existing businesses to other available premises.</p> <p>It is our client's view that there are many scenarios where the delivery of homes with PDR is appropriate and losing this flexibility through the introduction of a borough wide Article 4 direction will be significantly damaging and unnecessarily obstructive to housing supply.</p>

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		<p>The Secretary of State (SOS) has intervened with two Article 4 Directions which were proposed across the entire authority. The Planning Minister wrote to Islington and Broxbourne to request that they consider reducing the extent of their Article 4 directions so that they are <i>“more targeted.”</i></p> <p>The Minister stated that:</p> <p><i>“Ministers are minded to cancel Article 4 Directions which seek to re-impose unjustified or blanket regulation, given the clearly stated public policy goal of liberalizing the planning rules and helping provide more homes.”</i></p> <p>Both Islington and Broxbourne amended their Article 4 Direction to just apply to specific clusters of office uses within the borough.</p> <p>It is our client’s view that LBHF’s proposed Article 4 Direction is a further example of an unjustified ‘blanket’ approach which is disproportionate, inflexible and will unnecessarily restrict housing supply. The ‘blanket’ regulation was not considered appropriate in Islington or Broxbourne and we request that the Council reconsiders its approach, taking into account the Ministerial direction.</p> <p>Contrary to the NPPF</p> <p>It should also be noted that the borough wide Article 4 Direction is not in accordance with the National Planning Policy Framework (NPPF). In particular, the proposed direction would be contrary to NPPF Paragraph 22.</p> <p>Paragraph 22 notes that as part of building a strong, competitive economy:</p> <p><i>“Planning Policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.</i></p>

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		<p>In accordance with paragraph 22, it is inappropriate for the Council to restrict the entire borough of permitted development of this kind. Instead of preventing supply, the Council should prioritise increasing housing delivery by promoting flexibility. It should be recognised that the number of homes built in London on an annual basis is only half of that required to meet demand. It would, therefore, be counter-intuitive to limit residential development opportunities.</p> <p>The NPPF provides specific reference to ‘tailoring planning controls to local circumstances’ and paragraph 200 states: <i>“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area ...”</i>.</p> <p>Furthermore, Reference ID: 13-038-20140306 in the National Planning Practice Guidance (NPPG) provides advice on ‘when is it appropriate to use article 4 directions’ stating that: <i>“The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. ...”</i></p> <p>It is evident that the direction must be <i>“necessary to protect local amenity or the wellbeing of an area”</i> and that the potential harm must be clearly identified.</p> <p>Officer’s reported to Cabinet on 6th February 2017 to secure approval to progress with three Article 4 Directions to be applied across the borough (excluding the Old and Park Royal Development Corporation Area). The report presented to Cabinet does not specifically address this exacting test in respect of the proposal to removal PDR for the conversion of office and light industrial use to residential across the borough.</p>

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		<p>The Cabinet report states that the impact of PDR can be seen through the loss of employment space through Prior Approval applications. It claims that further loss will have wider detrimental impacts from a lack of supply and rental values increasing. The report states that <i>“there is evidence to suggest there is a lot of economic activity taking place across the borough, however any further loss of employment land could threaten the borough’s position.”</i> The report to Cabinet notes that the Article 4 Direction alongside the emerging Local Plan will provide the Council with a much stronger protective position to ensure that office and light industrial premises can only change use following careful consideration through the planning process. However, no evidence is presented that without the Article 4 Direction local amenity or wellbeing will be adversely affected.</p> <p>It is our client’s view that the proposal to impose an Article 4 Direction in respect of the PDR for converting office and light industrial uses to residential use conflicts with the NPPF and does not meet the evidence test set out in the NPPG. For these reasons, the PDR should not be withdrawn.</p> <p>LBHF Development Management Plan (2013)</p> <p>In accordance with the NPPF, the Council encourages the change of use of poorly located redundant employment premises within the adopted Development Management Plan.</p> <p>In Para 4.41 of the DMP, it is noted that;</p> <p><i>“Notwithstanding the Council’s desire to protect valuable sites and promote economic growth in sustainable locations, it will encourage the change of use of poorly located redundant employment premises.”</i></p> <p>In Para 4.43 of the DMP, it is also suggested that;</p>

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		<p><i>“Change of use resulting in the loss of employment use may also be permitted where a site is vacant and continuation of the existing use is considered to be inappropriate by virtue of poor location or site characteristics or where the accommodation is poorly suited to meet the requirements of modern occupiers.”</i></p> <p>Examples are given including poorly located larger office buildings where the cost of modernisation cannot be justified and smaller office premises where the layout is inadequate for modern requirements. These instances happen regularly within the borough; it is, therefore, contradictory for the Council to support a borough wide Article 4 Direction.</p> <p>Summary</p> <p>Our client is opposed to the borough-wide direction under Article 4 removing permitted development rights relating to changes of use from offices and light industrial uses to residential.</p> <p>The key concern is that the Borough Wide Article 4 Direction is applied disproportionately. Having a ‘blanket’ Article 4 across the borough is not only unjustified and unacceptably expansive but also contradictory to the NPPF and NPPG. It does not meet the tests set out in the NPPG.</p> <p>Permitted Development was introduced as a reform which intended to rationalise the planning process and promote housing delivery. Given the evident pressing need for housing, it is inappropriate that the Council withdraw permitted development for office and light industrial use to residential. Introducing an Article 4 direction will provide a further unnecessary hurdle in the way of utilising properties that are lying vacant due to their present use no longer being demanded.</p>

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		<p>Our client requests that the Council decide against introducing an Article 4 Direction and allow the permitted development right to continue to be exercised across the borough. If this is not acceptable, we urge the Council to reconsider the extent of the Article 4 Direction and concentrate on protection of the boroughs Opportunity Areas and town centres where employment uses can thrive, in line with the emerging plan.</p> <p>Following this submission we would be grateful if you could keep us informed of progress of the Article 4 direction.</p>
(14)	Sanjeev Verma	<p>I oppose the " MAKING OF BOROUGH WIDE ARTICLE 4(1) DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS RELATING TO CHANGES OF USE FROM OFFICES/LIGHT INDUSTRIAL TO RESIDENTIAL DIRECTION UNDER ARTICLE 4(1)"</p> <p>If there are disused offices and light industrial properties - then for them to be converted easily into permitted development is better as it creates additional much needed accommodation in the borough.</p> <p>I also feel that the council should have given a longer consultation period within the borough - especially this close to a General Election.</p>
(15)	Angelica Khera	<p>I oppose the " MAKING OF BOROUGH WIDE ARTICLE 4(1) DIRECTION REMOVING PERMITTED DEVELOPMENT RIGHTS RELATING TO CHANGES OF USE FROM OFFICES/LIGHT INDUSTRIAL TO RESIDENTIAL DIRECTION UNDER ARTICLE 4(1)"</p> <p>If there are disused offices and light industrial properties - then for them to be converted easily into permitted development is better as it creates additional much needed accommodation in the borough.</p>

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(16)	Peterborough Road & Area Residents Association	<p>Thank you for your letters of 25th April addressed to me on behalf of Peterborough Road & Area Residents' Association concerning the Article 4(1) Direction removing certain permitted development rights.</p> <p>We considered the matter at our Standing Committee meeting this week but concluded that it would not be appropriate for us to make a representation.</p>
(17)	Highways England	<p>Thank you for your email dated 25th April 2017, advising Highways England of the above consultations.</p> <p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). In this case M4 and M40.</p>

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		Having examined the above documents, we do not offer any comments.
(18)	C Godfrey	<p>Yes I would urge the Council to impose Article 4 requirements for planning permission for basements under houses and for change of use to residential.</p> <p>This will help protect non developed century old terraced housing from flooding by changes in the water table caused by neighbourouring developments and preserve the character of the high streets.</p>
(19)	Historic England	<p>Thank you for consulting Historic England on the proposed Article 4 directions covering basement extensions, and changes of use from offices to residential in the London Borough of Hammersmith and Fulham.</p> <p>I confirm that we do not wish to comment on the proposed directions. You may wish to consult your own conservation staff who are best placed to provide advice on any implications for the historic environment.</p>
(20)	Kate Forbes	<p>Dear Council planning team,</p> <p>As a commissioner on the Air quality commission for Hammersmith, I would like to submit the following feedback on plans to ease planning regulations around the conversion of office/light industrial to residential.</p> <p>There is much evidence from urban centres around the world which proves that thriving communities need employment spaces. The argument that offices are 'empty' is usually made by developers who can see that permissions to turn them into residential spaces will lead to a much greater profit. In fact, well maintained spaces for industrial and employment ensure a vibrant and diverse community, and reduce the pressure on public transport as residents are able to work locally.</p>

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		<p>Local businesses are crying out for incubators, small office spaces and flexible working.</p> <p>Owners of office blocks/ light industrial are not providing this, and have no incentive to, as they know that they will make much bigger profits if they can convince the council that these 'empty' blocks should be residential.</p> <p>Local employment helps the council in a number of ways:</p> <ul style="list-style-type: none"> - Meeting local targets for walking and cycling to work - Increasing entrepreneurship and apprenticeships leading to fewer young people needing council support. - Higher local employment has positive effects on community policing. - Ensuring parents work closer to home, reducing pressure on council services - Helping Hammersmith to be a vibrant, creative community - something that East London has vastly benefited from at the expense of West London in the last ten years. <p>Lastly, in my professional role in the media I can provide the following insight:</p> <p>Hammersmith and West London is gradually losing it's reputation as a centre for film and television, with many small production companies closing their doors due to rent rises and insufficient premises. Now the borough is at risk of losing a reputation that really made it stand out in London. If we want a thriving and creative borough which attracts successful people to live and work, then we need to work on preserving what we have left of this.</p>
(21)	Ian Hogarth	As an employer in the borough ,and regular applicant for planning consents, we do not see any justification , for making an exception in the borough for PD change of use from B1 to residential.

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		<p>Vacant commercial premises are everywhere, (try walking down Dawes rd), whilst the housing shortage continues unabated.</p> <p>Much additional commercial space is being built near the major transport nodes (hammersmith near the tube/White city/around Fulham Broadway etc).</p> <p>Whilst the council insist it is meeting its “housing targets” , we believe the target figure is arbitrary , and belies the clear evidence on the ground of an acute shortage. As an employer ,recruiting staff gets harder, due to the cost of housing. On a personal level I am also a local school governor , and the same issue crops up with retention of teaching staff.</p> <p>If the council was serious about protecting and attracting commercial use , a rates reduction would be more effective, than any such planning controls.</p> <p>We believe the council should be taking the initiative to create more , not less housing.</p>
(22)	Patrick Inglis	<p>Is there any more supporting information to justify the article 4 direction removing pd rights?</p> <p>Although you are saying this is a consultation, it looks a lot like you have made an application for the direction to the secretary of state already. Could you confirm what the actual situation is please?</p>