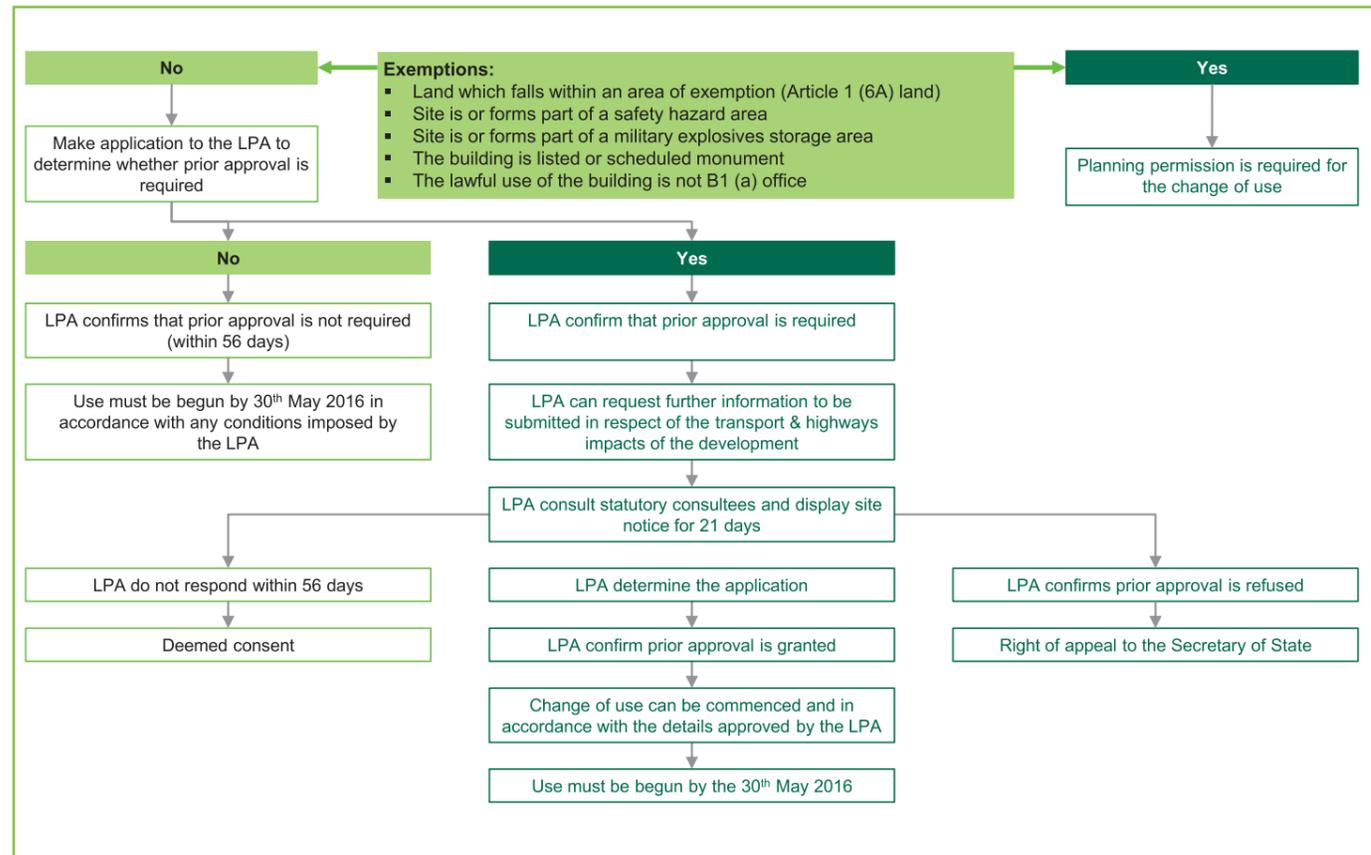


Changes of use will only be lawful if occupation by residents commences prior to the 29th May 2016, therefore developers can seek a permitted change but must not leave completion to drag on beyond this date.

The prior approval process is summarised in the flow chart below. As this demonstrates the process is potentially time consuming and complex:



CIL

Despite being permitted development, the change of use of offices to residential may still be liable for payment of the Community Infrastructure Levy (CIL) under the current CIL regulations if the building has been vacant for more than 6 months.

SUMMARY

Overall the key advantage of these changes is enabling developers to bring forward residential floorspace without being subject to the usual range of planning considerations,

most significantly the provision of associated S106/CIL requirements, affordable housing, and matters such as unit size and mix etc, although local planning authorities might seek to control such matters where applications are required for associated operational development.

It remains to be seen the extent of the information which will be requested by LPA's through the prior approval process, which could result in a quasi-application type prior procedure, for which developers will still be charged.

For any further information, please contact:

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PLANNING BRIEFING NOTE

June 2013

UPDATE - COMMERCIAL TO RESIDENTIAL: NEW PERMITTED DEVELOPMENT RIGHTS AND MAP OF EXEMPTIONS

WHAT IS COVERED

The Government has published legislation for a host of changes to the permitted development rights which came into force on the 30th May 2013. Principally this includes the much awaited changes to legislation to allow change of use from offices B1(a) to residential (C3) to provide new homes in existing buildings without the need for planning permission.

These rights are initially only for a period of three years, albeit the Government has indicated that towards the end of this period it will consider whether to extend the provisions indefinitely. The Government has not introduced maximum floorspace thresholds beyond which these rights do not apply.

WHAT ISN'T COVERED

In total, 17 Local Authorities have been granted exemption from the permitted development rights for specific parts of their administration.

In London, the Central Activities Zone and Tech City has been granted exemption from the permitted development rights, which covers areas of the City of London, Westminster, Islington, Hackney, Tower Hamlets, Southwark, Lambeth, Wandsworth & Camden. The whole of Kensington & Chelsea and the City of London is exempt. In addition, the Government has also granted exemption for the Royal Docks Enterprise Zone in Newham and areas of the Isle of Dogs, including Canary Wharf in Tower Hamlets.

Outside of London, parts of Vale of White Horse, Manchester, Stevenage, Sevenoaks, Ashford and East Hampshire District Council have been granted exemption. Listed buildings are exempt from permitted development rights and planning permission remains a requirement for the change of use from office to residential in these cases.

The rights will only cover change of use and do not alter any requirement under existing planning law to seek planning

permission for associated physical development that may be required to bring a residential development into use. Similarly, these provisions do not change any requirement for conservation area consent nor any approval that might be required under other regulatory regimes.

Permitted development rights can also be removed by an Article 4 direction. However this may be academic as such a direction would require approval from the Secretary of State. Given the Government's stated intention that it would only allow exemption in exceptional cases, we anticipate few Article 4 directions are likely to be approved.

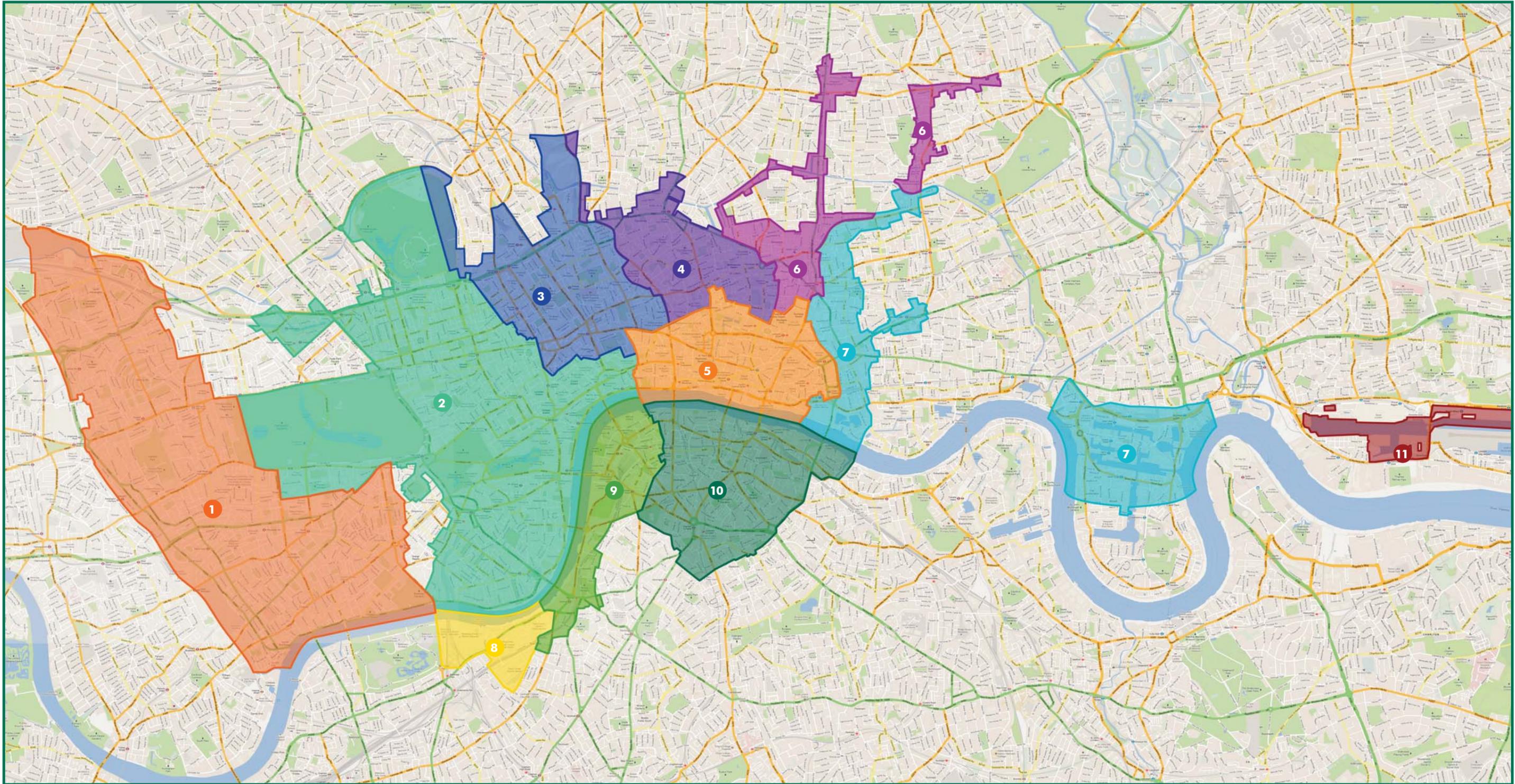
PRIOR APPROVAL PROCESS

As anticipated the Government has introduced a 'prior approval process'. This means that before commencing development an application must be made to the local planning authority to ascertain whether prior approval is required due to any potential transport and highways impact of the development and contamination and flooding risks on the site.

In cases where the local planning authority are of the opinion that prior approval is required then they will undertake a 21 day consultation with relevant consultees. Further information may be requested by the LPA regarding these impacts/risks and the proposed mitigation measures. In determining an application for prior approval, the LPA will have regard to the National Planning Policy Framework as if the application were a planning application, but only in respect of highways, flooding and/or contamination.

Development can begin once the Local Planning Authority has confirmed in writing that prior approval has been granted or prior approval is not required. This must be provided within 56 days of submission of an application, otherwise there is deemed consent for the development.

CENTRAL LONDON AREAS EXEMPT FROM OFFICE TO RESIDENTIAL CHANGE OF USE PERMITTED DEVELOPMENT RIGHT 2013



- 1 Royal Borough of Kensington & Chelsea
- 2 City of Westminster
- 3 London Borough of Camden
- 4 London Borough of Islington
- 5 City of London
- 6 London Borough of Hackney
- 7 London Borough of Tower Hamlets
- 8 London Borough of Wandsworth
- 9 London Borough of Lambeth
- 10 London Borough of Southwark
- 11 London Borough of Newham

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