

MAKING OF A NON-IMMEDIATE ARTICLE 4 DIRECTION TO CONTROL THE CHANGE OF USE OF BUILDINGS FROM CLASS E (COMMERCIAL, BUSINESS AND SERVICE) OF THE USE CLASSES ORDER TO CLASS C3 (RESIDENTIAL) WITHIN THE BOROUGH'S DESIGNATED INDUSTRIAL LOCATIONS

REPORT TO JANE RICHARDSON, DEPUTY DIRECTOR HOUSING AND STRATEGIC PLANNING

22 NOVEMBER 2023

ISSUES

This report seeks approval to make a Non-Immediate Article 4 Direction process to remove Permitted Development Rights (PDR) for the change of use from Use Class E (commercial, business and service) to Use Class C3 (general residential) for existing buildings located within the borough's designated Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS) following an assessment of the available evidence of harm resulting from these rights. The process options are set out in section 2 of the main report.

The Government extended PDR in 2021 to allow buildings previously used for commercial (e.g., shops and other retail units), businesses (including light industrial units) and services to be permanently converted to housing, which means that other than a 'prior approval' process, where the Council can adjudicate on a limited number of issues to consider if they are acceptable before work can commence, planning permission is not required. This measure was brought in to help address the housing crisis by making it easier for developers to bring forward an additional supply of residential units.

In areas where there is evidence of harm arising from PDR, local planning authorities can use Article 4 Directions to reestablish planning control - either immediately or after a period of time - thereby enabling them to resist or manage relevant development proposals.

Evidence suggests that such harm has and will continue to arise in terms of the loss of industrial floor space and the prejudicing of the ability to intensify adjacent land for industrial use to meet identified need. As a result, it is considered that an Article 4 Direction is justified in this instance in the maps of the defined areas set out in **Appendix A**.

OPTIONS

- (a) That the Deputy Director Housing and Strategic Planning approves the making of a Non-Immediate Article 4 Direction restricting the change of use from Use Class E to Use Class C3 to existing buildings within the borough's designated SIL and LSIS, as set out in the maps attached at Appendix A.

- (b) That the Deputy Director Housing and Strategic Planning makes amendments to and approves the making of a Non-Immediate Article 4 Direction restricting the change of use from Use Class E to Use Class C3 to existing buildings within the borough's designated SIL and LSIS.
- (c) That the Deputy Director Housing and Strategic Planning refuses the making of a Non-Immediate Article 4 Direction restricting the change of use from Use Class E to Use Class C to existing buildings within the borough's designated SIL and LSIS.


PROPOSED DECISIONS

The Deputy Director Housing and Strategic Planning resolves to:

- (a) Make a Non-Immediate Article 4 Direction restricting the change of use from Use Class E to Use Class C3 to existing buildings within the borough's designated SIL and LSIS, as set out in the maps attached at Appendix A.

REASONS

A Non-Immediate Article 4 Direction will exert control over a form of development that, without planning control, will lead to the continued loss of available industrial floor space within the borough's designated SIL and LSIS and prejudice the ability to intensify industrial uses in these areas through the agent of change principle. This will conflict with the aims of the Council's recently adopted Local Plan (26 April 2023), which sets out the necessary increase in employment floor space capacity for these uses over the plan period to allow for the delivery of economic growth identified in the plan.



Jane Richardson
Deputy Director Housing and Strategic
Planning

MAKING OF A NON-IMMEDIATE ARTICLE 4 DIRECTION TO CONTROL THE CHANGE OF USE OF BUILDINGS FROM CLASS E (COMMERCIAL, BUSINESS AND SERVICE) OF THE USE CLASSES ORDER TO CLASS C3 (RESIDENTIAL) WITHIN THE BOROUGH'S DESIGNATED INDUSTRIAL LOCATIONS

REPORT TO JANE RICHARDSON, DEPUTY DIRECTOR HOUSING AND STRATEGIC PLANNING

22 NOVEMBER 2023

1. BACKGROUND AND PURPOSE OF REPORT

In 2021, the Government made further amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015. Among other changes, the legislation now permits the change of use from Class E (Commercial, Business and Service) to Class C3 (dwellinghouses) under Class MA (under Prior Approval) without the need for planning permission. Instead, a prior approval notice is required, which only considers a limited number of planning issues. These amendments were undertaken in an effort to help deal with the housing crisis by making it easier for developers to increase the supply of residential units.

Given the loss of planning control arising and the vast number of commercial enterprises that can operate under Use Class E, there was considered to be significant potential for unintended harm to arise to planning aims and objectives. As a result, the Council has been monitoring the impacts of the changes with a view to informing the making of Article 4 Directions that would effectively remove the new PDR conferred in specified locations either immediately, or after a period of time, and require the submission of full planning applications once more.

This is a common mechanism used by local planning authorities, including Bexley in the past, to ensure amenity is protected, although the use of Article 4 Directions has come under increasing scrutiny by the Government.

With regards to the PRD amendments mentioned above, Officers have considered and are proposing an Article 4 Direction that will control the loss of commercial units within the borough's designated strategic industrial locations (SIL) and locally significant industrial sites (LSIS). Officers are also in the process of developing further Article 4 Directions, one to protect against the loss of shops and other commercial uses in Bexley's designated town centres and local parades, and another to protect locally listed buildings from being demolished without planning permission. This will be reported on in due course.

This report recommends that the Council makes a Non-Immediate Article 4 Direction to require that a planning application be made for any change of use proposed from Use Class E to Use Class C3 for existing buildings within the borough's designated industrial locations (SIL and LSIS). The following sections set out details of the Article 4 mechanism, the justification of the Direction as it is currently proposed and next steps. Maps of the

borough's designated industrial areas identifying existing buildings to which the Article 4 Direction applies are set out at **Appendix A** to this report.

2. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Take no action

One option is for Officers to take no action over the potential further loss of employment units (floor space) which fall within Use Class E in the borough's SIL and LSIS. It is considered that this option would be likely to lead to further unrestricted changes of use to units, given the existing pattern of loss. Taking this course of action would compound the potential residential amenity issues and further reduce the supply of employment units within the borough's SIL and LSIS. It is considered that this approach would be inappropriate based on the existing evidence of loss and the Local Plan position.

Continue to monitor

Another option is that Officers continue to collate evidence relating to the use of the relevant PDR in the areas concerned. This option remains likely to lead to further unrestricted changes of use, up until the point where a recommendation may be made. For the reasons stated in the paragraph above, it is considered that this approach would be inappropriate based on the existing evidence of loss.

Apply non-immediate direction selectively

A further alternative is for the Council to apply a Direction to buildings that are located within specific areas of designated industrial land, rather than buildings within all SIL and LSIS within the borough. This option is not considered favourable because the issue is of concern in all designated industrial locations. By only applying a Direction to buildings that are located within specific SIL and LSIS locations within the borough, the issue may continue in any locations not covered by the Direction. This would further undermine the objectives of the Bexley Local Plan.

Apply an immediate direction

The final option available to the Council would be to introduce an Immediate Direction. As discussed below, an Immediate Direction would come into force as soon as it is served. The serving of an Immediate Direction would leave the Council liable to paying financial compensation to landowners for the withdrawal of PDR. This option is not recommended as compensation payments could be significant, as set out in the financial implications section below, and are likely to outweigh the benefits resulting from faster implementation.

3. THE ROLE OF ARTICLE 4 DIRECTIONS

Article 4 Directions (referred to as 'Directions' or 'Direction' within this report) enable the Council, as Local Planning Authority, to remove Permitted Development Rights (PDR). The

removal of PDR means that the forms of development that are covered by a Direction require the benefit of planning permission.

Once a Direction has been confirmed, the Council will have the ability to assess applications for the development that the Direction restricts against the borough's Development Plan as a whole (the NPPF, the London Plan, the Bexley Local Plan, relevant supplementary planning and guidance documents and any other material planning considerations).

The assessment by way of a planning application enables the Council to determine (either through officer delegation or referral to planning committee) if any given proposal is acceptable or can be made acceptable through the application of appropriate conditions or is unacceptable and should be refused.

The use of Directions relating to change of use from non-residential use to residential use should be limited to situations where a Direction is necessary to avoid wholly unacceptable adverse impacts. Whilst there is no definition of 'wholly unacceptable adverse impacts' the NPPF states, at paragraph 53, that these '*...could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability but would be very unlikely to extend to the whole of a town centre.*'

In the case of the use of a Direction, the NPPF is clear that the rationale should be based on robust evidence and apply to the smallest geographical area possible. A Direction is the subject of public consultation and is simultaneously submitted to the Secretary of State, who has the power to modify or cancel any Direction. As seen in other boroughs, areas have been reduced or amended at the request of the Department of Levelling up, Housing and Communities (DLUHC).

Article 4 Directions do not apply retrospectively to sites where existing changes of use under PDR have been previously approved (up until the date that a Direction is confirmed). The Council will not be able to charge planning fees for applications that are submitted for sites that would be subject to the Direction at the point that the Direction is confirmed.

Immediate or Non-Immediate Direction

Article 4 Directions can either come into effect immediately after they are made or following a specified amount of time. Key considerations in this regards are set out below.

Immediate Direction

An Immediate Direction withdraws PDR with immediate effect after due consideration of consultation responses. Immediate Directions can be used where the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

Where an Immediate Direction is made, the Council is open to being liable to pay compensation to landowners if a planning application is received, and planning permission

is subsequently refused for the development to which the Direction applies. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of the PDR by means of the Direction.

The period for submitting compensation claims is limited to a period of 12 months after the Direction has taken effect. Despite the time limitations for compensation, it is likely that compensation claims could be significant given the nature and scale of sites that are located within Bexley's designated industrial locations (SIL and LSIS).

Non-Immediate Direction

A Non-Immediate Direction does not withdraw the PDR immediately. No compensation is payable where the Council provides not less than 12 months' notice of the intention to withdraw the PDR.

The Non-Immediate Direction approach effectively gives members of the public a year's notification (or longer should the case be considered necessary) of the intent to remove the PDR.

After a non-immediate Direction is made, a copy must be provided to the Secretary of State (SoS) on the date that notice is given of its making. Following consultation, prior to the Direction coming into force, the Council must confirm whether it intends to proceed with the Direction, based on consideration of representations received and/or instructions from the SoS. The use of Non-Immediate Directions is common within London boroughs. Examples for the same scope include:

- Bromley – several Non-Immediate Directions that have been made since the change to PDR in August 2021
- Greenwich – Non-Immediate Direction, confirmed and came into force 8 August 2023
- Lewisham – Non-Immediate Direction, June 2022 (additional information required by the SoS at the time of drafting this report)
- Tower Hamlets – Non-Immediate Direction, confirmed and came into force August 2022
- Richmond upon Thames, Non-Immediate Direction, confirmed and came into force July 2022
- Camden – Non-Immediate Direction, confirmed and came into force February 2023
- Islington – Non-Immediate Direction, confirmed and came into force August 2023
- Old Oak and Park Royal Development Corporation (spanning land in three London boroughs: Ealing, Brent, and Hammersmith & Fulham) – Non-Immediate Direction, confirmed and came into force June 2022.

The Directions that have been served within London cover a variety of areas, including borough-wide, specific wards, Central Activities Zones (CAZs) or single streets. It is

notable that all but one of the boroughs followed a Non-Immediate Direction approach, most likely to negate the need to pay compensation.

4. ADVICE ON THE APPROACH TO ARTICLE 4 DIRECTIONS FROM THE GOVERNMENT

Since 2010, the making of Article 4 Directions has been devolved to local authorities. Local authorities are required to notify the Secretary of State (SoS) of their intentions, as opposed to the SoS formally approving any Direction themselves. Since 2016, incidences of intervention by the SoS in relation to the application of Directions that relate to changes of use from office to residential PDR have been increasing, due to the importance placed on the initiative by the Government in its efforts to boost the supply of housing. The Government has confirmed that there is no prescribed template or format for supporting evidence and pre-submissions for scrutiny prior to receipt of a formal submission are not accepted. The emphasis is on proportionate local decision making, supported by clear reasoning.

In general, planning authorities have set out a similar approach to that outlined here within this report, including assessing the PDR position and outlining planning policy. Assessments are made regarding the impact of the changes upon the delivery of the requirements set out within the area's Development Plan, which for London boroughs includes the London Plan. Specifically for changes of use within designated industrial locations (in London these are SIL and LSIS), the requirements for provision under the Development Plan policies is assessed, including any recognised impacts due to PDR development that has already taken place.

Bexley does have the advantage of having a recently adopted Local Plan. The result is that there is an up-to-date evidence base justifying the need to retain the borough's designated industrial land for business uses. Some local planning authorities will not be in this position, either due to the age of their local plans, or the stage that they may be at with their evidence preparation for local plan reviews.

Some planning authorities were able to make Directions close to the date when the Government's change in PDR occurred (August 2021), usually as they had previous Directions in place that already controlled the change of use from office to residential under the PDR legislation that was in place prior to 2021 (this being the case for some of the Article 4 Directions in Bromley).

Two years has passed since the change in PDR under the new Class MA, providing Bexley the ability to better ascertain the impacts that the changes have had upon the provision of existing units (of employment floor space) within the borough's SIL and LSIS. However, it should be noted that Directions that seek to control this specific change of use have triggered a response from the SoS, requiring amendments to proposed boundaries before

the Direction can take effect. In these cases, the boundaries typically have been made smaller by the Department of Levelling up, Housing and Communities (DLHUC).

The Council's proposed approach has sought to respond to this by applying the proposed Direction to existing buildings that would fall under Class E, and not the land itself given that the development rights only relate to existing structures. An overview map identifying the industrial locations and inset maps of the buildings covered by the Direction are attached at **Appendix A**.

5. EVIDENCE BASE TO SUPPORT THE MAKING ON A NON-IMMEDIATE ARTICLE 4 DIRECTION

Loss of business floor space

Since 2018 the total amount of office floor space that has been the subject of prior approval because of PDR is 15,826m². Most of the commercial floor space affected by PDR in designated industrial locations is clustered within the Foots Cray Business Area. Of this some 4,821m² has been implemented, 6,311m² has not been implemented but remains valid and 4,694m² has not been implemented and has lapsed as start and completion was not achieved within three years (the works must be completed within three years of an approval). Examples include:

Implemented approvals

Progressive House has been converted to flats and Heather Court is in the process of being converted to flats – prior approval was granted, and full planning then approved for external works and alterations. Works permitted under prior approval are required to be completed within the three years, and this is the case at Heather Court (just under a year remains for the change of use to be complete for this site).

Approvals that remain to be implemented

Cray House – prior approval for 57 flats (22 September 2021) – 11 months remaining to complete the works and no external evidence yet of any work progressing. No new address points have been created and the building is still occupied by the London and Quadrant Group.

Approvals that have since lapsed

River House – prior approval for 30 flats (23 July 2019) has expired with no evidence of conversion. Planning permission granted in 2018 for a new linked building – no evidence that this has been built (permission expired) and no new address points.

The impact of the incremental loss of business floor space in Foots Cray has been that the boundary of the Foots Cray SIL was redrawn around Progressive House as part of the Local Plan review, resulting in a loss of 0.27 hectares. The further loss of Heather Court would lead to pressure to reduce the designated area further at the next plan review undermining the coherence of the SIL area to the north of Maidstone Road.

Analysis

A Non-Immediate Direction will prevent lapsed or near lapsed approvals from using the same PDR mechanism again to renew and require them to seek planning permission instead. This could include River House (where the approval has already lapsed) and Cray House (should the extant prior approval not be implemented). This will help to protect business uses in the part of the Foots Cray SIL to the north of Maidstone Road. This would also be the case for the sites on Powerscroft Road where one Prior Approval consent has also lapsed.

Greater London Authority position

The implementation text for London Plan Policy E4 Land for Industry, Logistics and Services to Support London's Economic Function, states that: 'Where possible, all boroughs should seek to deliver intensified floor space capacity in either existing and/or new appropriate locations supported by appropriate evidence.'

The Greater London Authority (GLA) has several concerns as a direct result of the PDR change and has made available a London-wide evidence base for boroughs to utilise in their evidence preparation for any potential Directions they may be seeking to make. The GLA's paper, entitled 'Strategic evidence to support London borough Article 4 Directions (commercial to residential)' was made available in July 2021. Camden, Islington, and Lewisham have cited this paper within their evidence base for the Directions listed above.

Key take aways from this evidence include the awareness that London's industrial capacity may be impacted by the PDR changes through the loss of light industrial (including creative industrial uses) uses that fall within Class E directly. Indirectly, the paper asserts that introduction of residential uses in industrial areas can compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and stifling their ability (potentially) to operate on a 24-hour basis. The strategic evidence paper follows that there may be justification for the use of Article 4 Directions where it is necessary to mitigate against the negative impacts of commercial to residential PDR on plan-led approaches to industrial intensification and co-location.

The evidence was underpinned by the fact that London (as a whole) is dependent on a wide range of industrial, logistics and related uses, all of which are vital to the economy; and, that commercial uses are essential both for the functioning of London's economy and servicing the needs of the growing population, as well as contributing towards employment opportunities for Londoners.

As with all data collection exercises, the usual caveats apply regarding there being no 'perfect' data sources, however, the GLA's London-based evidence paper is considered a reasonable and robust data source for the London region.

Bexley Local Plan 2023

The Bexley Local Plan was adopted on 26 April 2023. The plan sets out, in Part 1 of Policy SP3, that the Council will support the economic growth of at least 10,800 (net) new jobs over the plan period, of which approximately 1,900 to 2,700 of these will be located within Bexley's designated industrial locations. Therefore, Part 2 (a) of Policy SP3 states that proposals for economic development should, where possible, intensify land-uses to optimise the use of land in order to provide the additional 147,200m² to 195,400m² of industrial floor space needed for the new jobs.

The local evidence base, which was prepared for the local plan, is considered reasonable, robust, and up to date. The evidence base was thoroughly scrutinised and tested by the Planning Inspectorate during the examination in public between May and October 2022. The baseline for designated industrial locations set out by the Council was agreed with the GLA, including for the proposed policy approach to the protection of designated industrial locations for business and commercial uses, which did note that an Article 4 Direction may be required to ensure that the need for industrial floor space throughout the plan period could be met.

The Inspectors' Report concluded that the plan was 'positively prepared, justified, and effective, consistent with national policy and in general conformity with the London Plan, and states (at paragraph 54) that, with regards to industrial sites:

"Policy DP7 addresses what would be appropriate uses within designated industrial areas. This includes both types of industrial land within the borough, Strategic Industrial Locations (SIL) and Locally Significant Industrial Sites (LSIS). MM012 [Minor Material Amendment 12] is necessary to clarify appropriate use classes and in relation to temporary permissions, making the policy more flexible and, thus, more effective."

Industrial land designated within the Bexley Local Plan

In order to deliver on the requirements set out in the Local Plan, all development proposals on designated industrial land should be for appropriate uses and should be seeking to intensify the development to at least 55% of the site.

Many business operations that fall within Use Class E operate within the borough's designated industrial areas, and it is recognised that these areas are key to providing opportunities for growth both in terms of intensification, floor space and employment within the borough.

Land designated for industrial purposes encompasses areas that are identified (and backed-up by evidence through the Local Plan evidence base) as being appropriate for business uses. These areas are not considered to be typically compatible with residential uses (albeit for some limited locations within LSIS) as there can be conflicts siting

residential among uses that may fall outside of Class E and that operate legitimately on industrial land e.g., refuse and recycling facilities.

The PDR change is considered to undermine the industrial land use designation, as many Class E uses are appropriate on SIL and LSIS, and businesses can, and should, operate unfettered (subject to planning and environmental Legislation) to satisfy their operational requirements.

The creation of residential units within the borough's designated industrial locations inevitably means that there are subsequently fewer buildings that are available for occupation by businesses. Given that Class E is so broad, existing floor space could be occupied by many types of businesses within Foots Cray and other designated industrial locations. Therefore, a Non-Immediate Direction will ensure that businesses in the borough can continue to thrive.

6. NEXT STEPS

If it is agreed that the Council should progress a Non-Immediate Article 4 Direction, then the following timetable is achievable:

- **November 2023:** the formal decision by the Deputy Director Housing and Strategic Planning to make the Direction and the making of the Direction itself
- **December 2023:** formal notification of the Direction (legal Notice produced; publicity of Notice via local advertisement, e.g., newspaper advert; site displays at no fewer than two locations; consultation for a period of three months). Direction, including the maps to which it relates, made available for viewing at Civic Centre upon request)
- **December 2023:** formal notification to the Secretary of State (SoS) of the intention to introduce the Direction (send the SoS a copy of the Direction, including the maps to which it relates; a copy of the Notice; a copy of the local advertisement)
- **December 2023 to February 2024:** Public consultation on the Non-Immediate Direction (for a period of three months), within which any representations concerning the Direction may be made to the Council
- **November/December 2024:** Confirming the Direction (report to the Deputy Director Housing and Strategic Planning setting out the decision to confirm the Direction, subject to the consultation outcome; same notification and publicity requirements as above)
- **January/February 2025:** Implementation of Direction (the Direction comes into effect and planning permission is thereafter required)

7. LEGAL IMPLICATIONS

a) Summary of Legal Implications

Article 4 (1) provides that local planning authorities may restrict PDR by use of Article 4 Directions where they are satisfied that it expedient to do so because the development that would be permitted should not be carried out unless permission is granted for it on an application. Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, details the process of making non- immediate Article 4 Directions (as well as immediate Directions) . After a non-immediate Direction is confirmed, planning permission will be required for the form of development that is covered by the Direction.

Government guidance states that the use of Directions – where they relate to a change from non-residential to residential use – shall be limited to situations where a Direction is necessary to avoid ‘wholly unacceptable adverse impacts.’ The potential harm that the Direction is intended to address should be clearly identified and be based on robust evidence. Article 4 Direction should apply to the smallest geographical area possible.

The Council will follow the procedures for Article 4 Directions as set out in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, to ensure compliance with the publishing and consultation requirements.

The Secretary of State must be notified of the making of the Direction, and they have the power to modify or cancel such a Direction at any point.

b) Comments of the Monitoring Officer

All relevant legal points have been addressed in this report.

8. FINANCIAL IMPLICATIONS

a) Summary of Financial Implications

It is common practice that most planning authorities have opted for the serving of Non-Immediate Directions. This is a direct result of the financial compensation implications that are associated with the serving of Immediate Directions.

Many of the planning authorities that have similar Directions in place have accepted that there was a need to act but have taken a balanced view in delaying the action for 12 months by following the Non-Immediate route. This is often viewed as the only viable option, given the potential compensation liability and the existing pressures on local authority budgets.

With regards to the Immediate route, it is not possible to provide a precise indication of the potential compensation liability as there are too many variables at play. However, it is generally accepted across London that the implications of

this route have the potential to be substantial, particularly where a new rather than amended Direction is contemplated, and that this would outweigh any benefits accruing from immediate implementation.

Aside from the compensation implications of serving an Immediate Direction, there are other financial implications as follows (for both the Non-Immediate and Immediate routes):

Fees – Should the Council remove PDR, then planning applications that are submitted as a direct result of the PDR removal would not incur a planning fee. The current fee for relevant Prior Approval applications is £100 for each dwellinghouse, which is set nationally (fee from 1 July 2021).

In terms of calculating the potential loss of planning fees related to the Article 4 Direction, we can look at the average level of fees generated annually over the last 5 years. This is complicated by the fact that the fee structure altered in 2021. However, applying the new, higher fee to the whole period results in an anticipated loss of just over £4,000 per annum.

Officer time – The officer time required to make the direction over the next 12 months will be met from existing resources within the Strategic Planning division as it is a key requirement of the implementation of the Local Plan following its adoption and will be prioritised over other ongoing work.

Further impacts upon officer time relate to determining full planning applications for submissions which will result from serving an Article 4 Direction. It is anticipated that there will only be a modest increase in workload and any implications would be dealt with within existing officer resources. This is because, whether an application is submitted under the Prior Approval route (in the case of no Direction being in place) or via a formal planning application (in the case where a Direction is in place), officers will still be required to make an assessment on the applications.

Community Infrastructure Levy – Given that the Prior Approval process discourages intensification, it reduces the potential for CIL to be generated. An increase in residential properties within any borough will lead to increased pressures on Council resources, particularly regarding education, health, and community facilities and especially in industrial areas that often lie remote from, and do not traditionally benefit from, access to existing social and community infrastructure.

b) Comments of the Chief Finance Officer

All relevant financial implications have been addressed in this report.

9. RISKS AND MITIGATION MEASURES

Risk	Mitigation
Compensation claims being made to the Council as a direct result of making an Article 4 Direction.	The risk of compensation claims being made by the Council will be mitigated by serving a Non-Immediate Article 4 Direction. Compensation claims are not payable for Non-Immediate Directions.
Loss of planning fees received. Where Article 4 Directions are made, the Council are not able to charge planning fees for the consideration of planning applications which must be made as a direct result of the PDR removal.	Losses are anticipated to be relatively modest and partly mitigated by an increase in prior approval applications during the notice period.
The introduction of a Direction may increase the requirement for enforcement action (where properties change without planning permission).	Consultation and effective communication will be used to maximise knowledge of new requirements and minimise non-compliance.
Whilst an Article 4 Direction may be welcomed by borough residents, it is considered likely that the withdrawal of PDR would not be popular with landowners and developers.	There are statutory consultation procedures for Article 4 Directions that are outlined within Schedule 3, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, which are required to be followed to ensure that all representations are taken into consideration. Statutory consultation includes local advertisement and either site notices or serving notice on the owner and occupier of every part of the land within the area or site to which the Direction relates.
The Secretary of State (SoS) considers that the Council has not justified that an Article 4 Direction is necessary to avoid wholly unacceptable adverse impacts.	It is considered that the case the Council has outlined is robust and seeks to prevent the wholly unacceptable impacts that the NPPF refers to within the borough's SIL and LSIS. Should the Secretary of State require further detail, this liaison will take place later if required.
The SoS requires an amendment to the Direction as it is not considered to comply with the guidance.	The Direction has been formulated with regard to the guidance including making the affected area as small as possible.

10. SUMMARY OF OTHER IMPLICATIONS

- Equalities – in line with the statutory procedure for issuing a Direction, a public consultation will be conducted that will allow people their say
- Community Safety – the issuing of a Direction is intended to protect from harm the amenity of the designated industrial locations
- Environmental Impact – the Council will be able to fully assess future applications against Development Plan policies and all material considerations, to ensure that development is located within the identified locations which are evidenced as being appropriate
- Human Rights – in line with the statutory procedure for issuing a Direction, a public consultation will be conducted that will allow people their say
- Health and Wellbeing of the Borough – the issuing of a Direction is intended to protect from harm the amenity of the designated industrial locations
- Asset Management – Council-owned buildings within designated industrial locations will be subject to the Direction
- Data Privacy – site notices will be posted in all areas that will be subject to the Direction and any responses will be collected in accordance with data protection

List of appendices attached to this report

Appendix A: Overview map and inset maps of designated industrial locations identifying buildings that will be affected by the Direction

Contact Officer:	Seb Salom, Head of Strategic Planning, 5779
Reporting to:	Jane Richardson, Deputy Director Housing and Strategic Planning

Local Government Act 1972 – section 100d

List of background documents

[The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 \(as amended\)](#)

[National Planning Policy Framework](#)

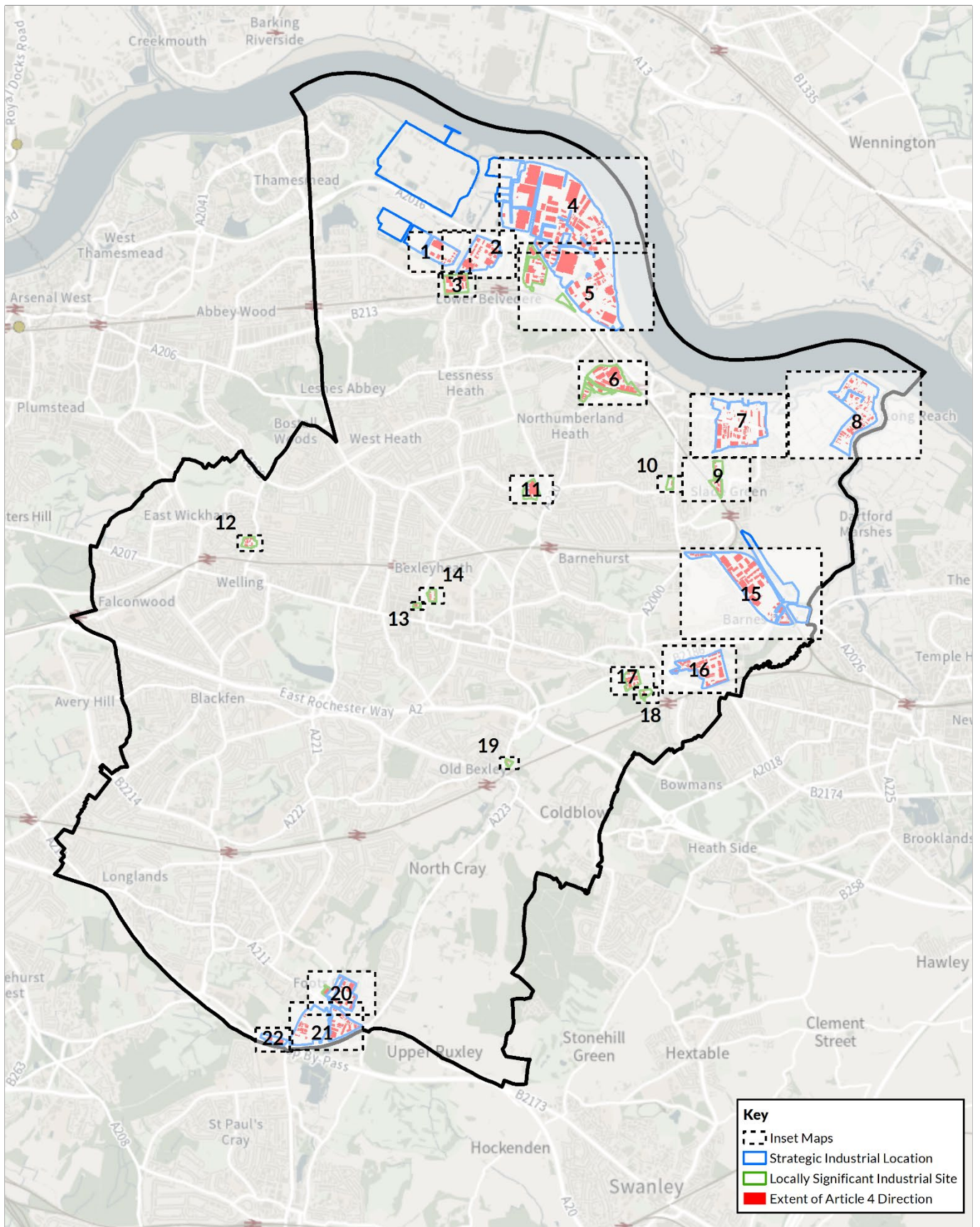
[London Plan 2021](#)

[Strategic evidence to support London borough Article 4 Directions \(commercial to residential\)](#) (Greater London Authority, July 2021)

[Bexley Local Plan 2023](#)

[Report on the Examination of the Bexley Local Plan](#) (February 2023)

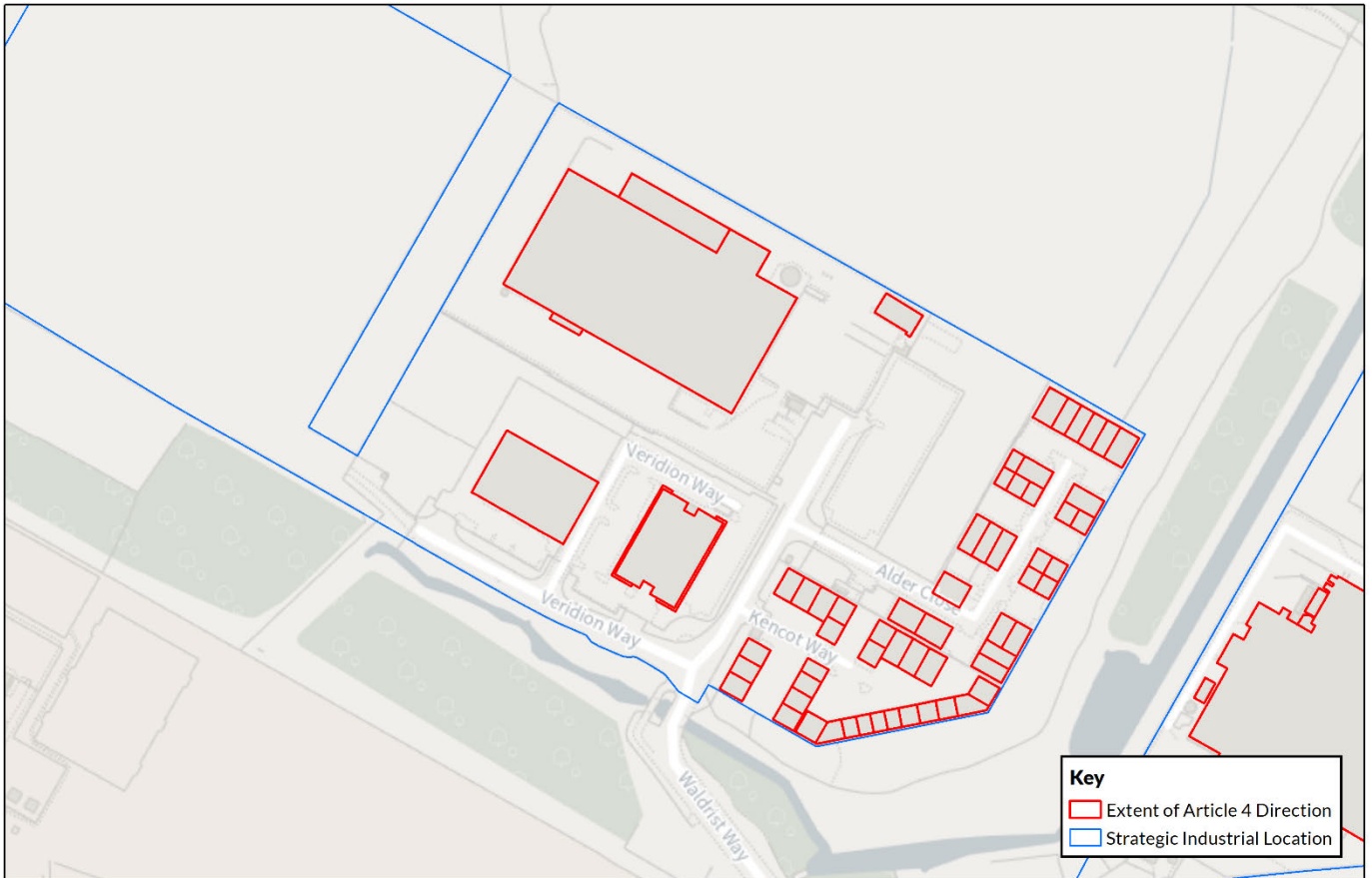
APPENDIX A: OVERVIEW MAP AND INSET MAPS OF DESIGNATED INDUSTRIAL LOCATIONS IDENTIFYING BUILDINGS THAT WILL BE AFFECTED BY THE DIRECTION



Article 4 Direction Overview Map

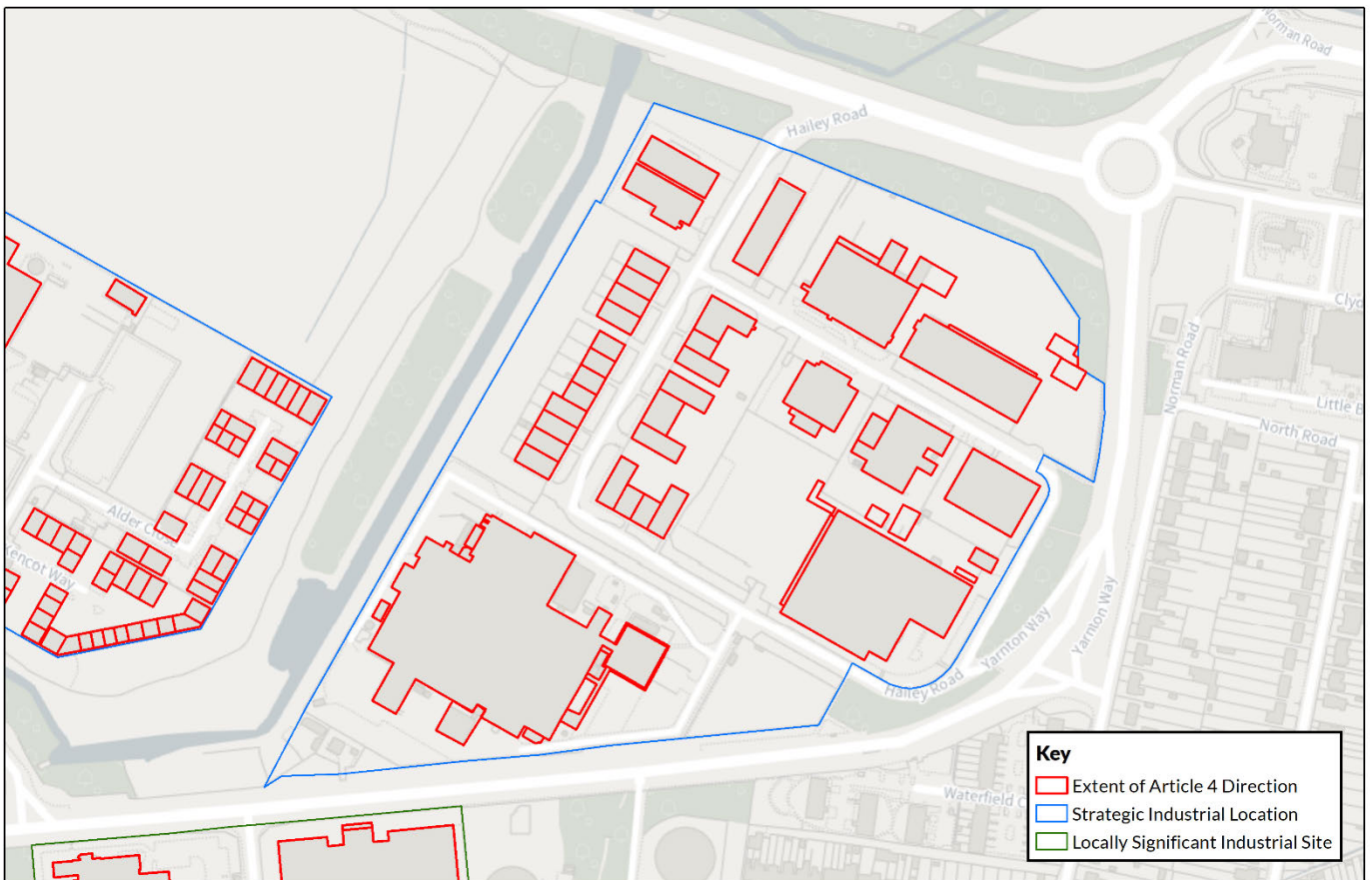
Scale: 1:40,000





Map 1 - Veridion Park Article 4 Direction

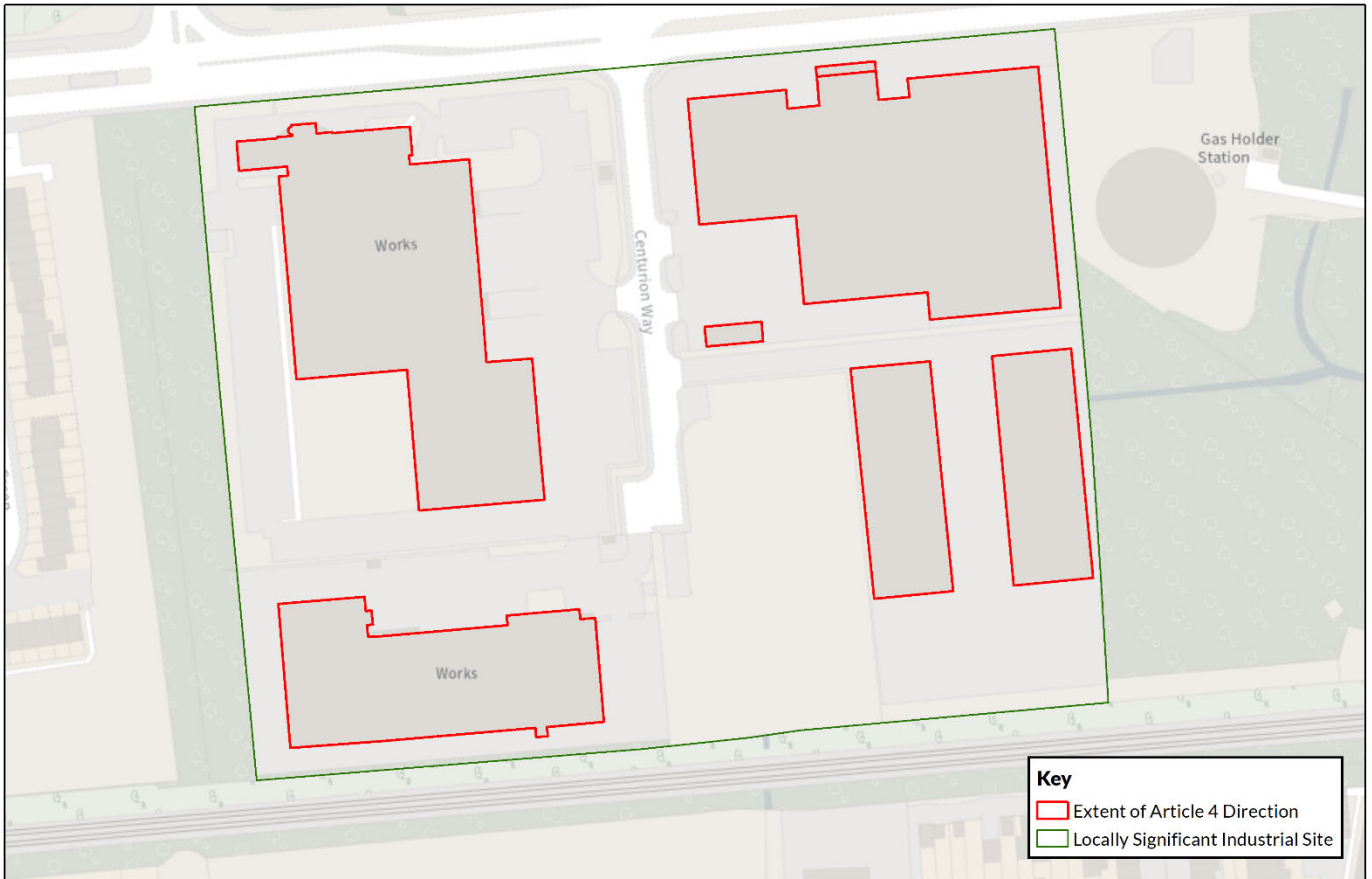
Scale: 1:2,500



Map 2 - Hailey Road Business Park Article 4 Direction

Scale: 1:3,000



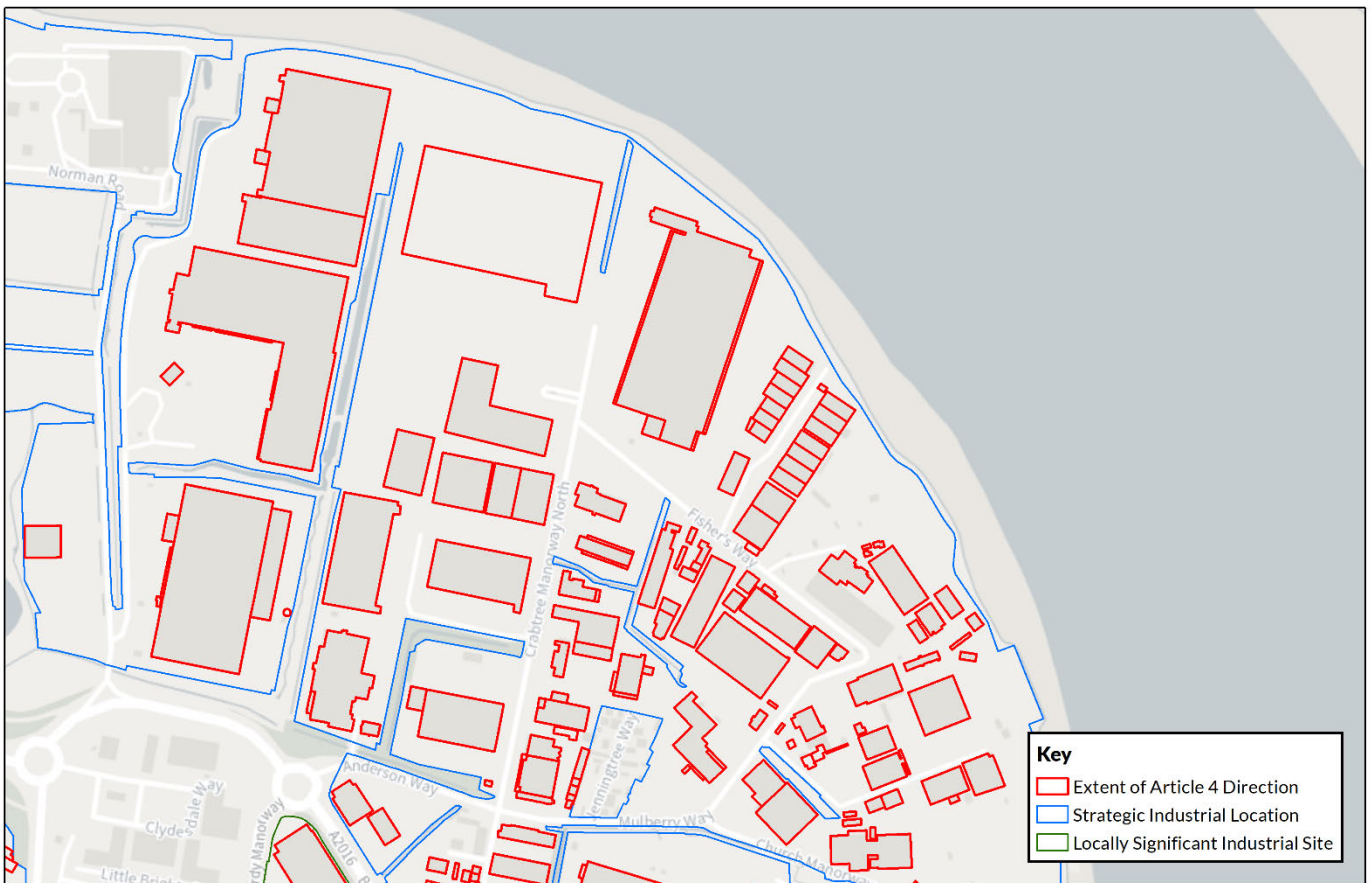


Key

- Extent of Article 4 Direction
- Locally Significant Industrial Site

Map 3 - Centurion Way Article 4 Direction

Scale: 1:1,500



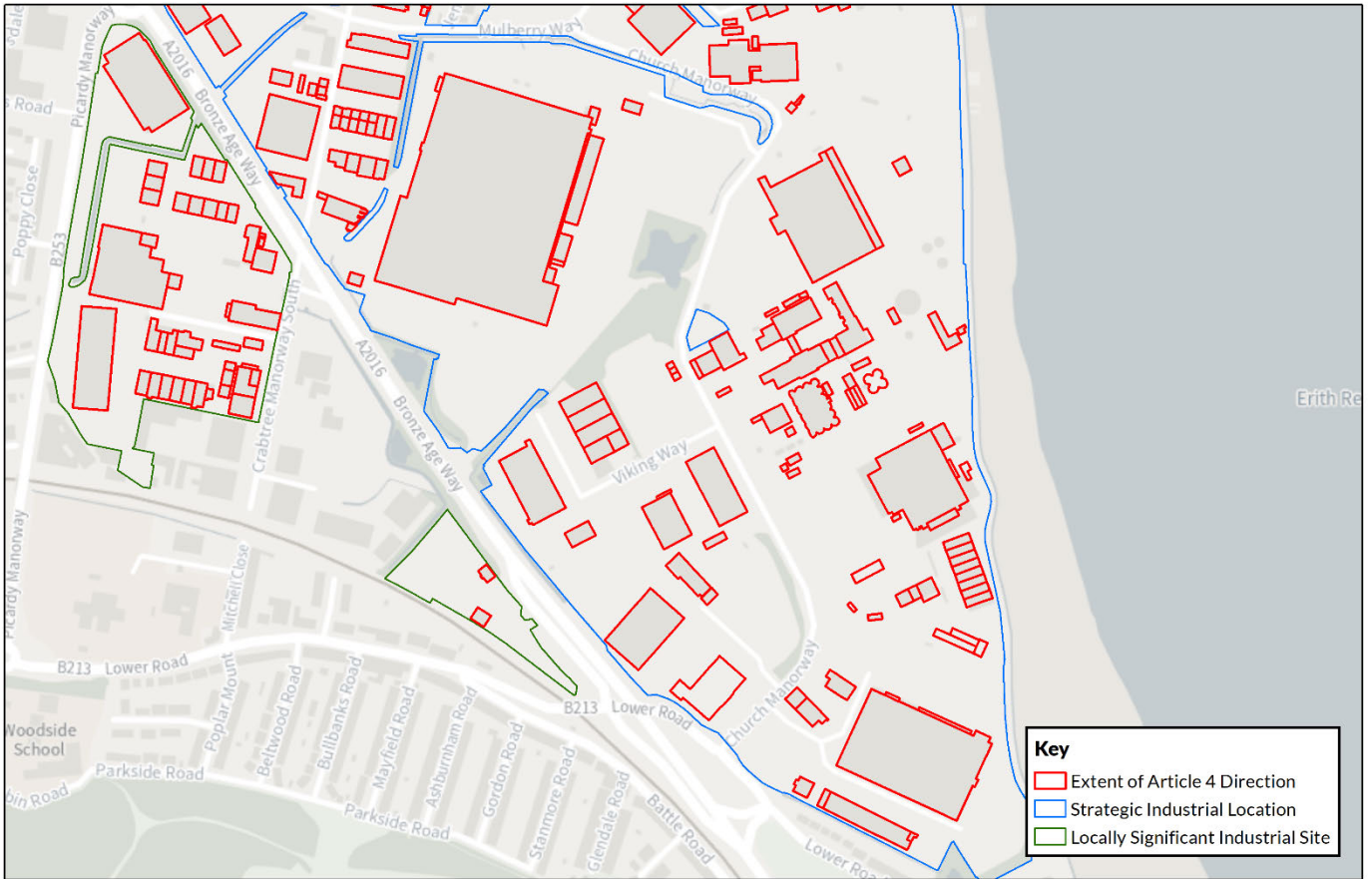
Key

- Extent of Article 4 Direction
- Strategic Industrial Location
- Locally Significant Industrial Site

Map 4 - Belvedere Industrial Area (1) Article 4 Direction

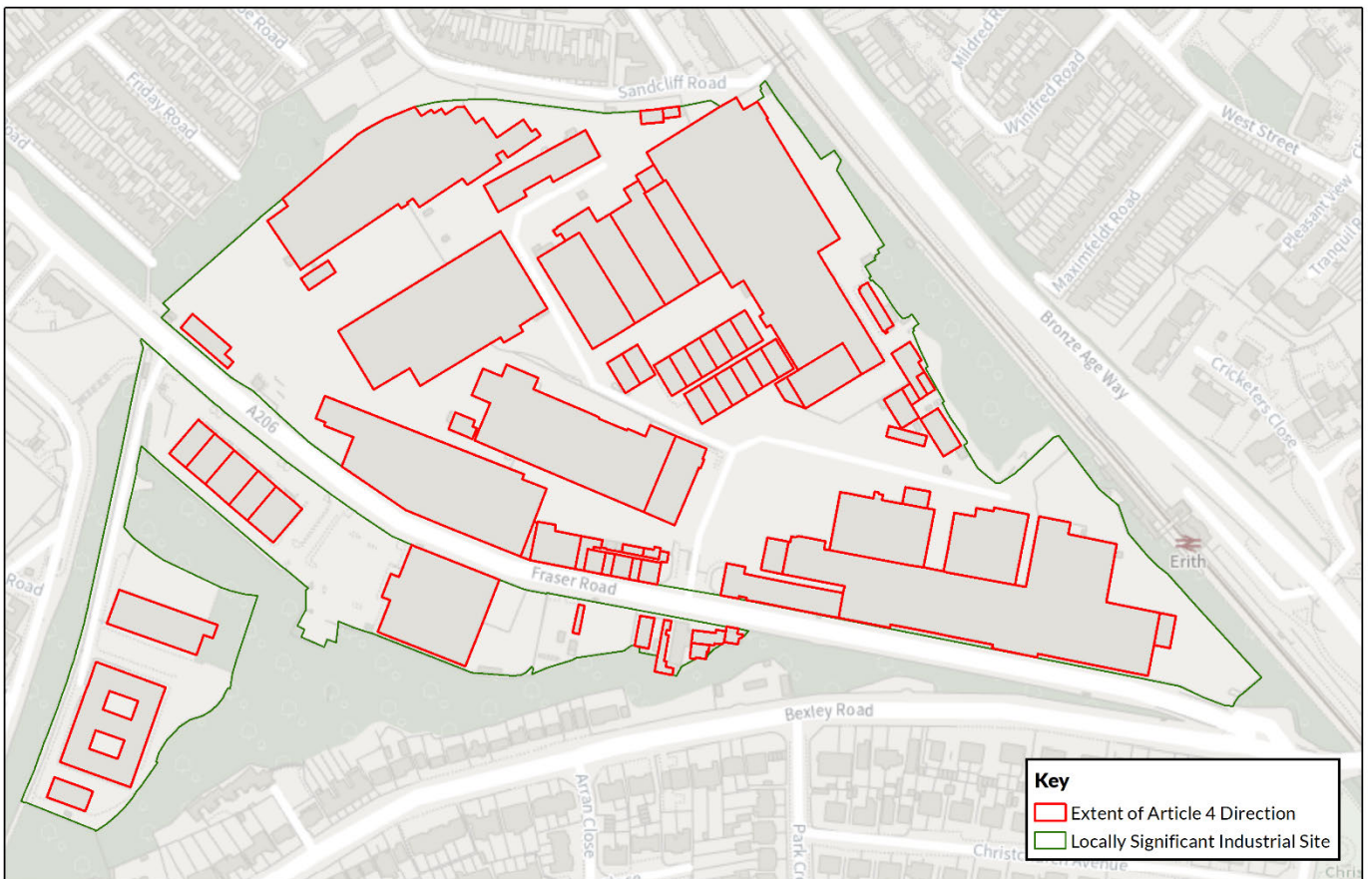
Scale: 1:6,000





Map 5 - Crabtree Manorway South/Belvedere Industrial Area (2) Article 4 Direction

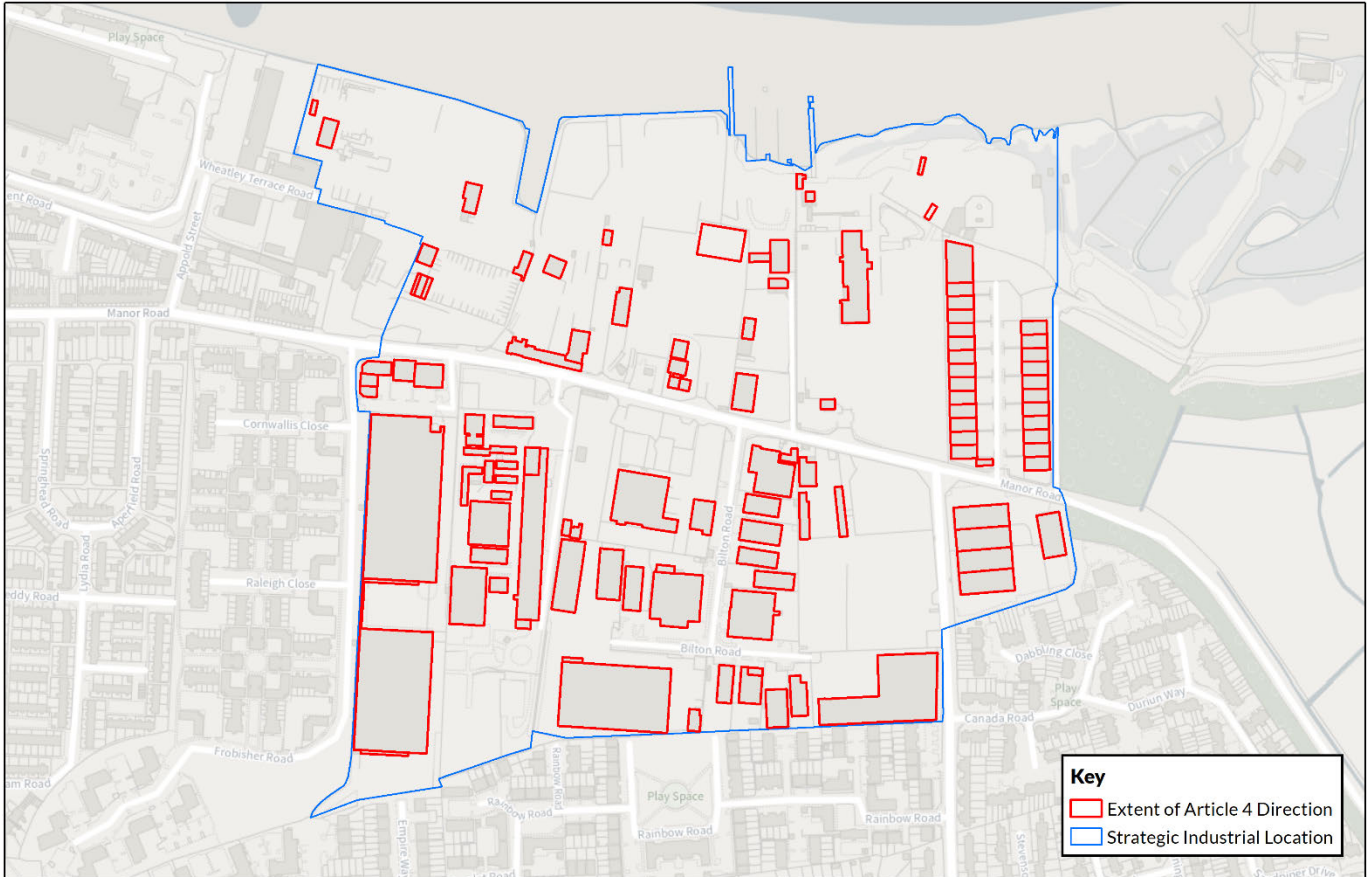
Scale: 1:5,500



Map 6 - Europa Estate/Fraser Road/Birch Walk Article 4 Direction

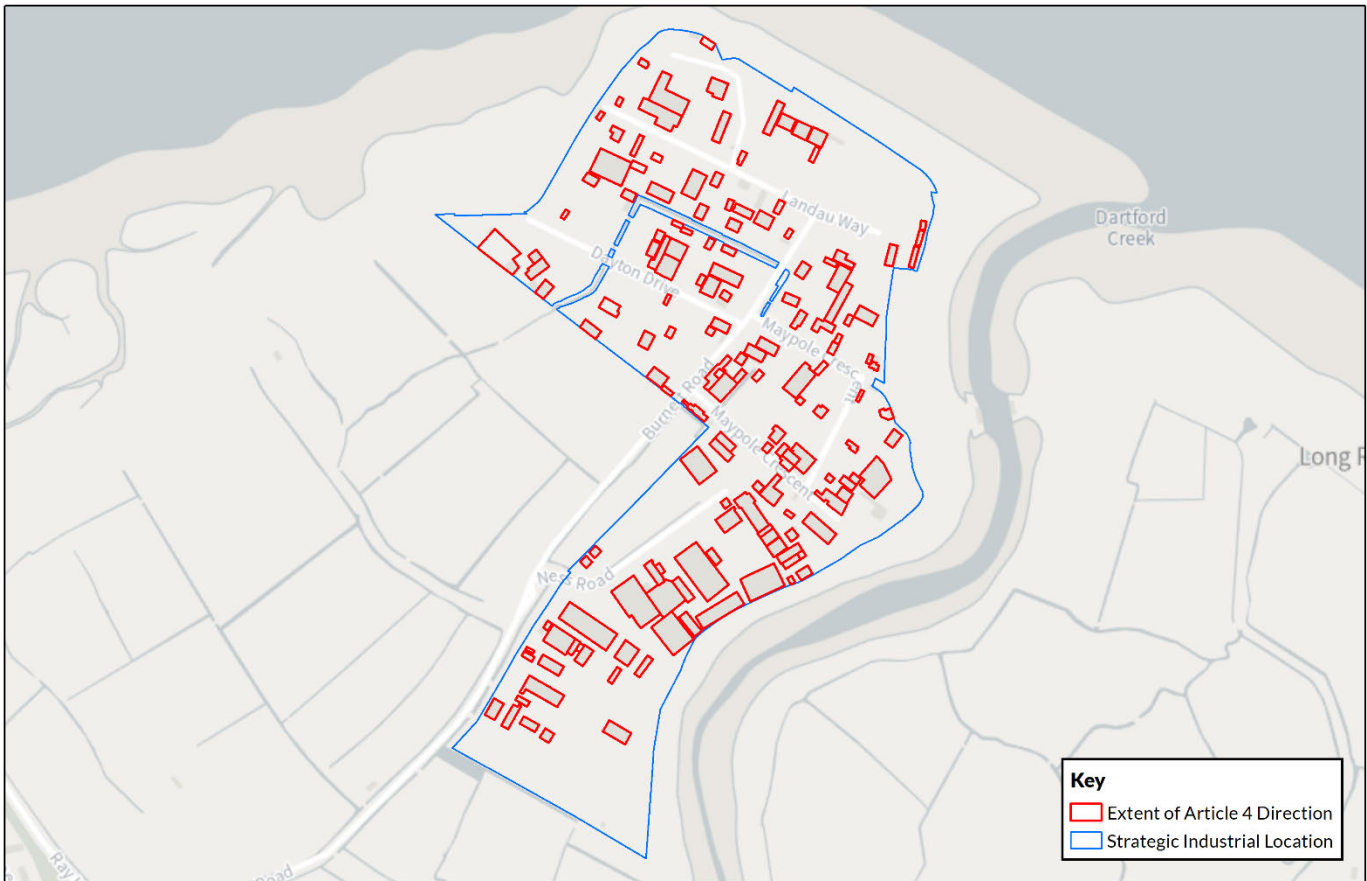
Scale: 1:2,750





Map 7 - Manor Road Industrial Area Article 4 Direction

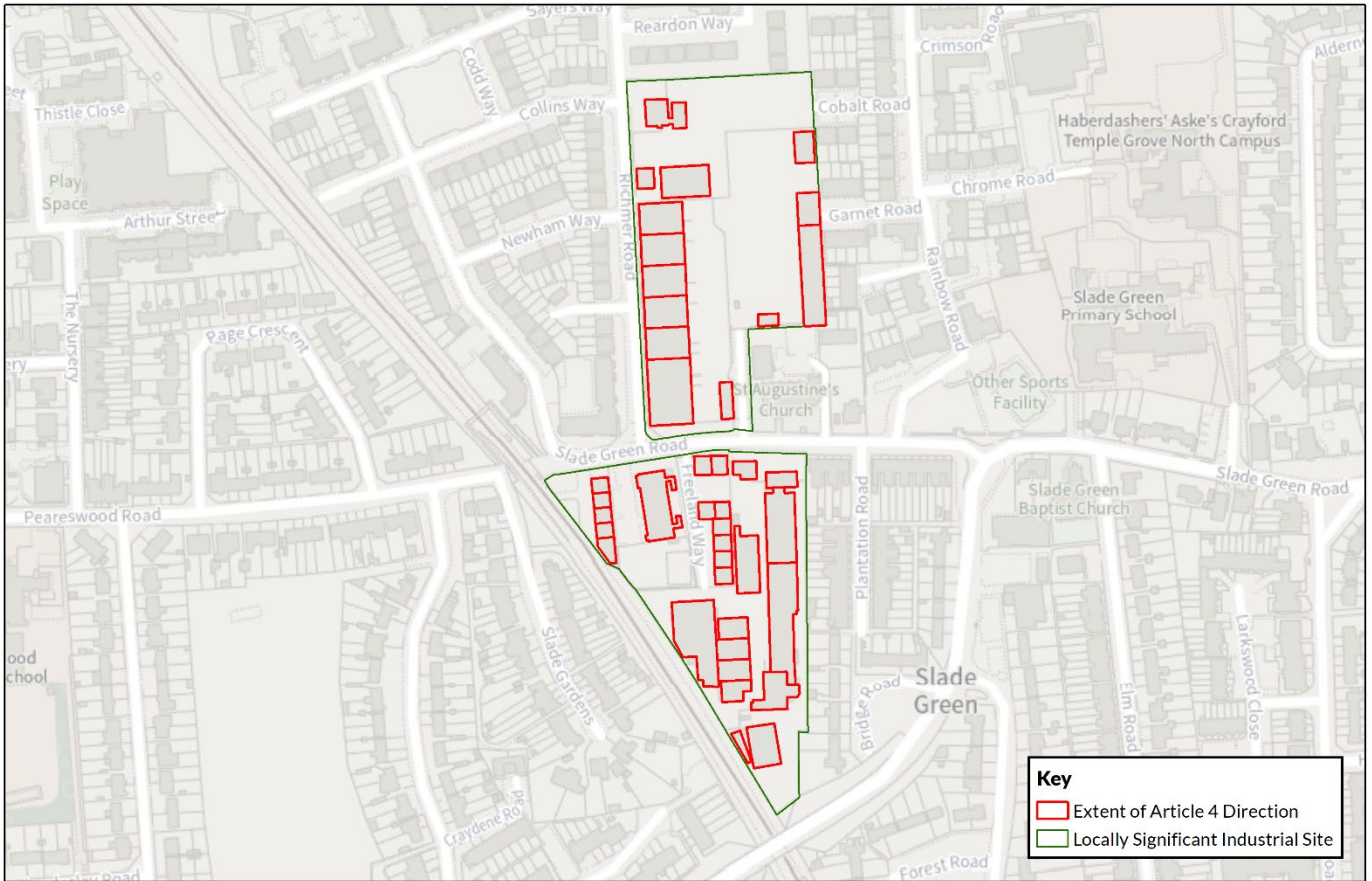
Scale: 1:4,000



Map 8 - Darent Industrial Park Article 4 Direction

Scale: 1:5,500





Map 9 - Slade Green Industrial Area Article 4 Direction

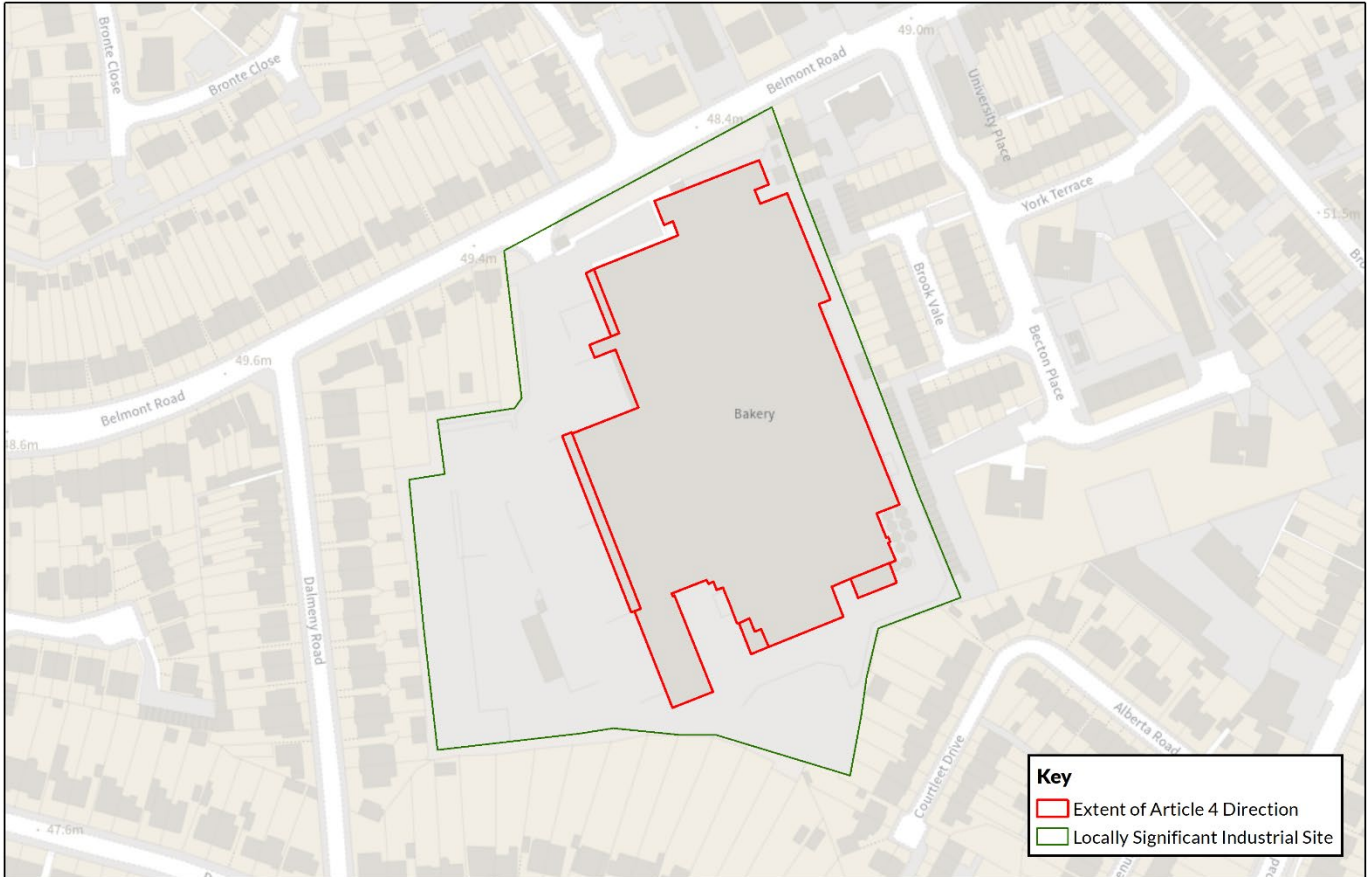
Scale: 1:2,750



Map 10 - North End Trading Estate Article 4 Direction

Scale: 1:1,000





Map 11 - British Bakeries Article 4 Direction

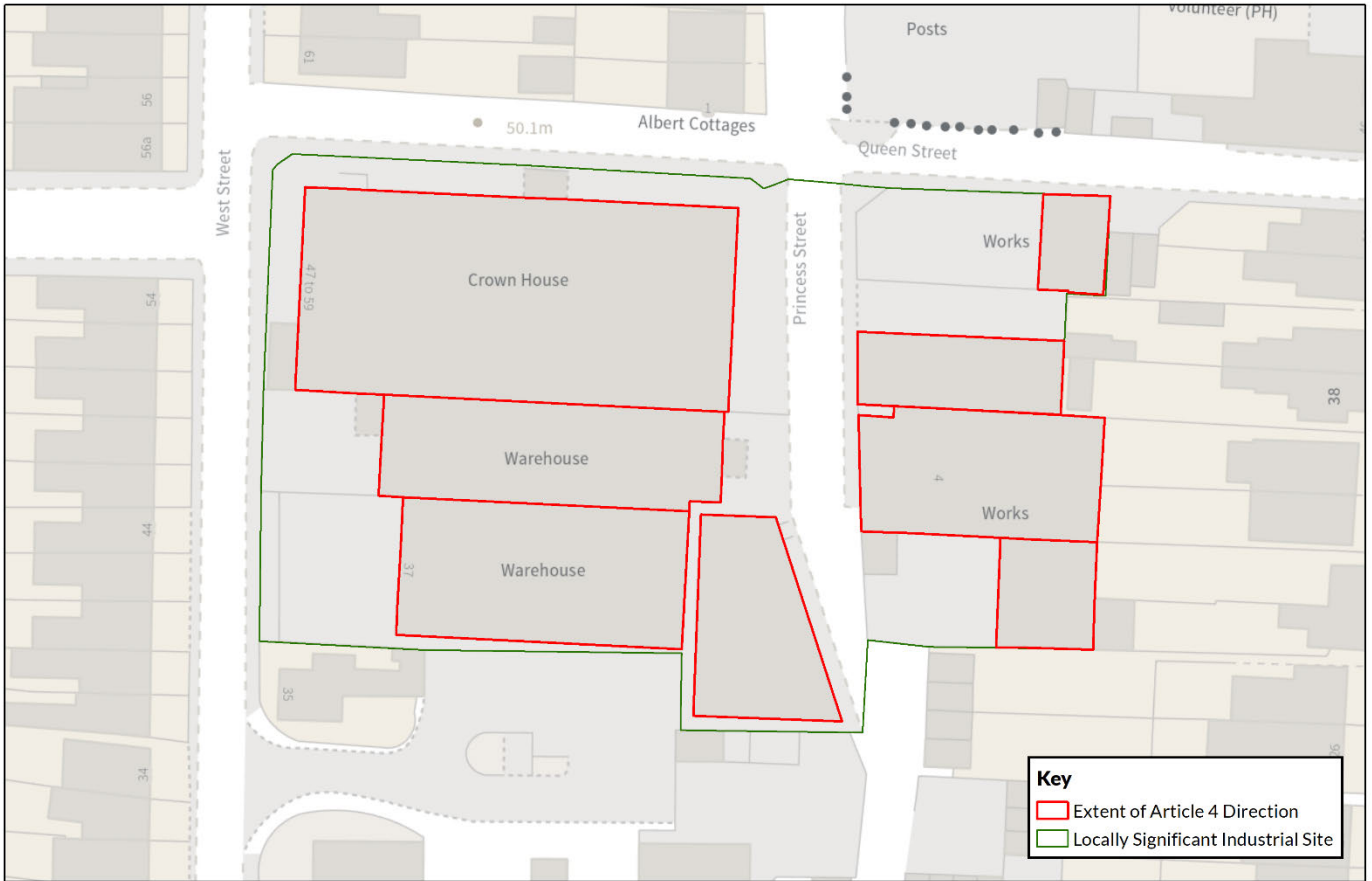
Scale: 1:1,750



Map 12 - Upper Wickham Lane Article 4 Direction

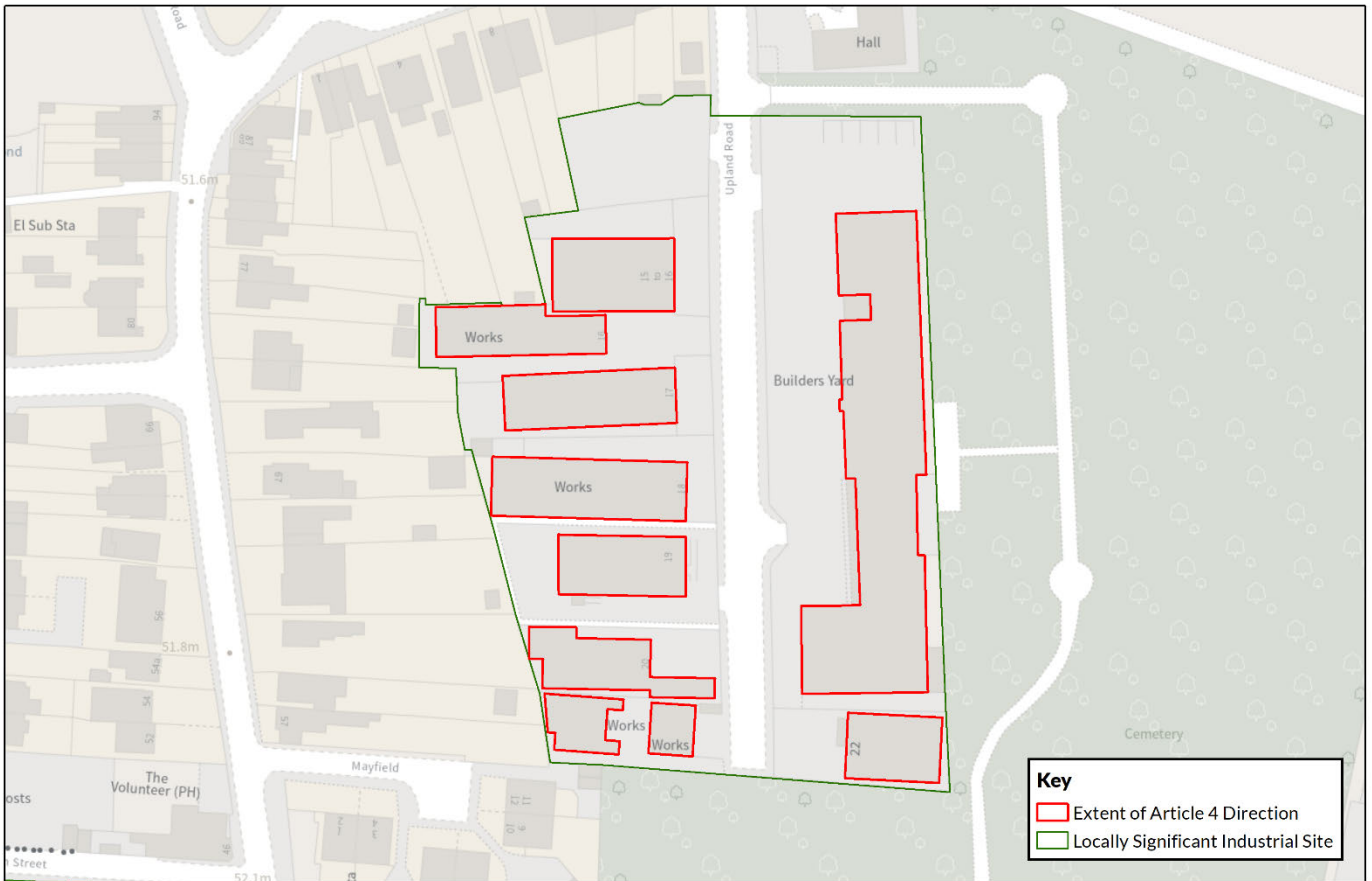
Scale: 1:1,000





Map 13 - Princes Street Employment Area Article 4 Direction

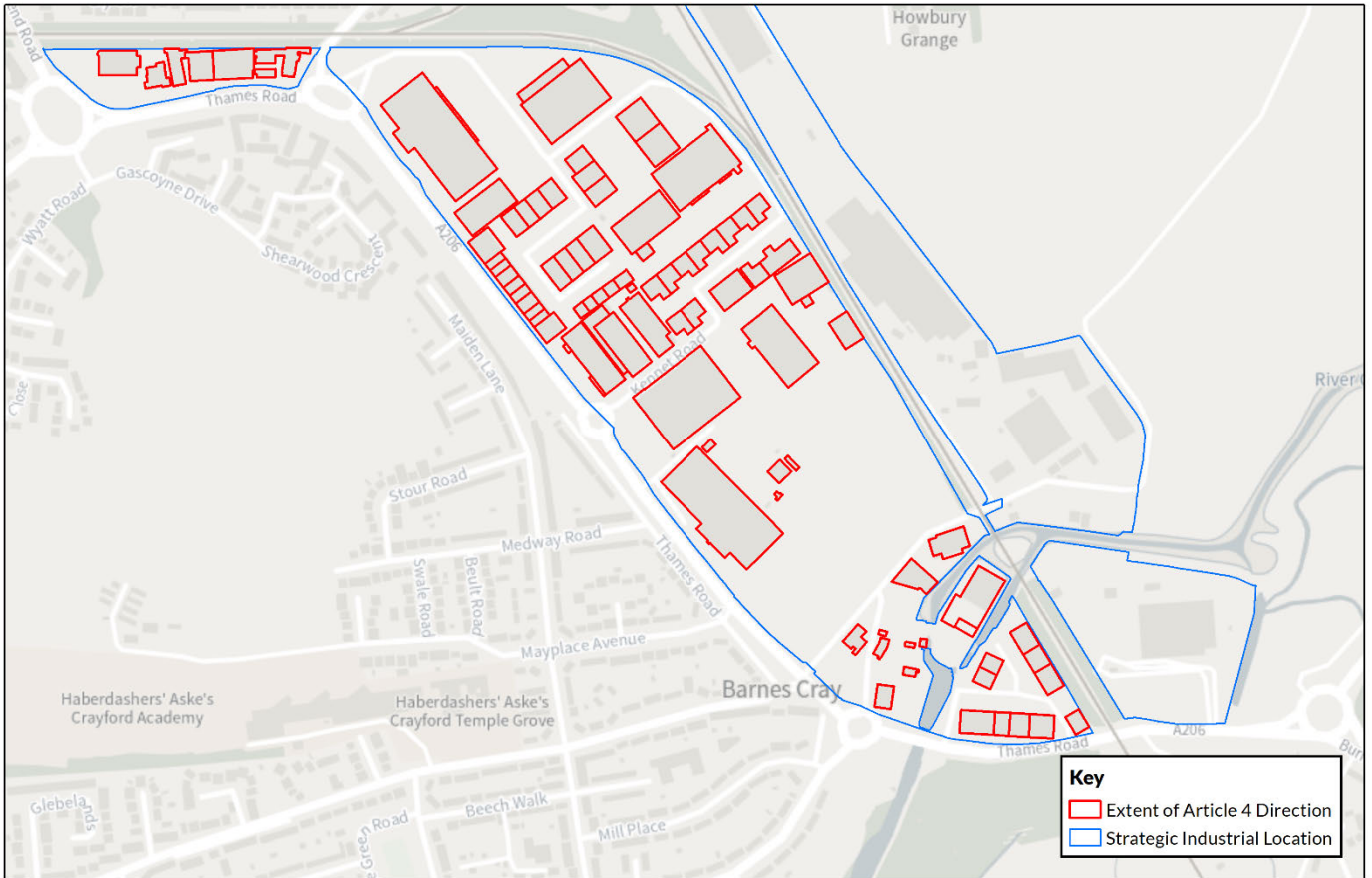
Scale: 1:500



Map 14 - Upland Road Employment Area Article 4 Direction

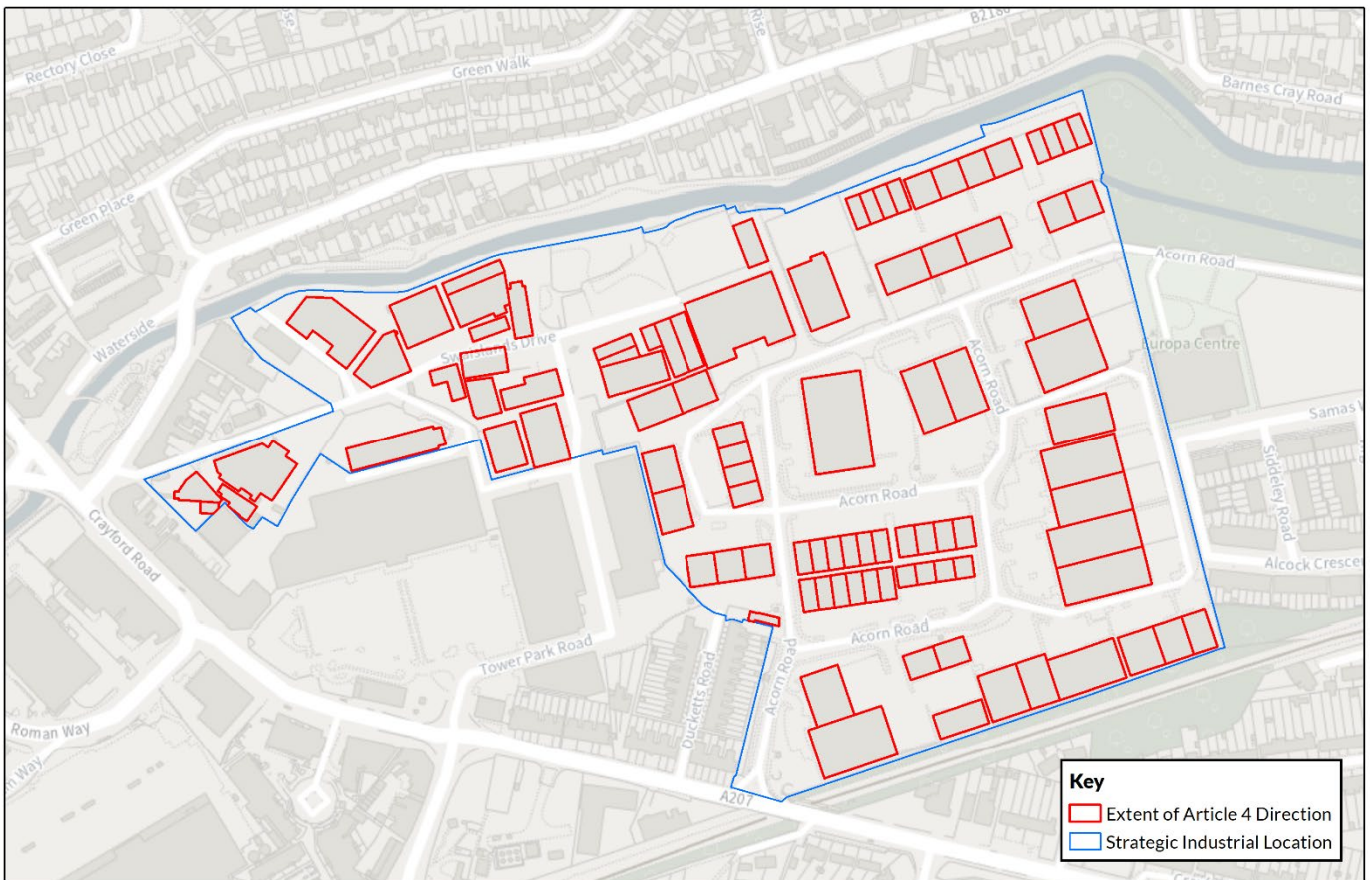
Scale: 1:1,000





Map 15 - Thames Road Industrial Area Article 4 Direction

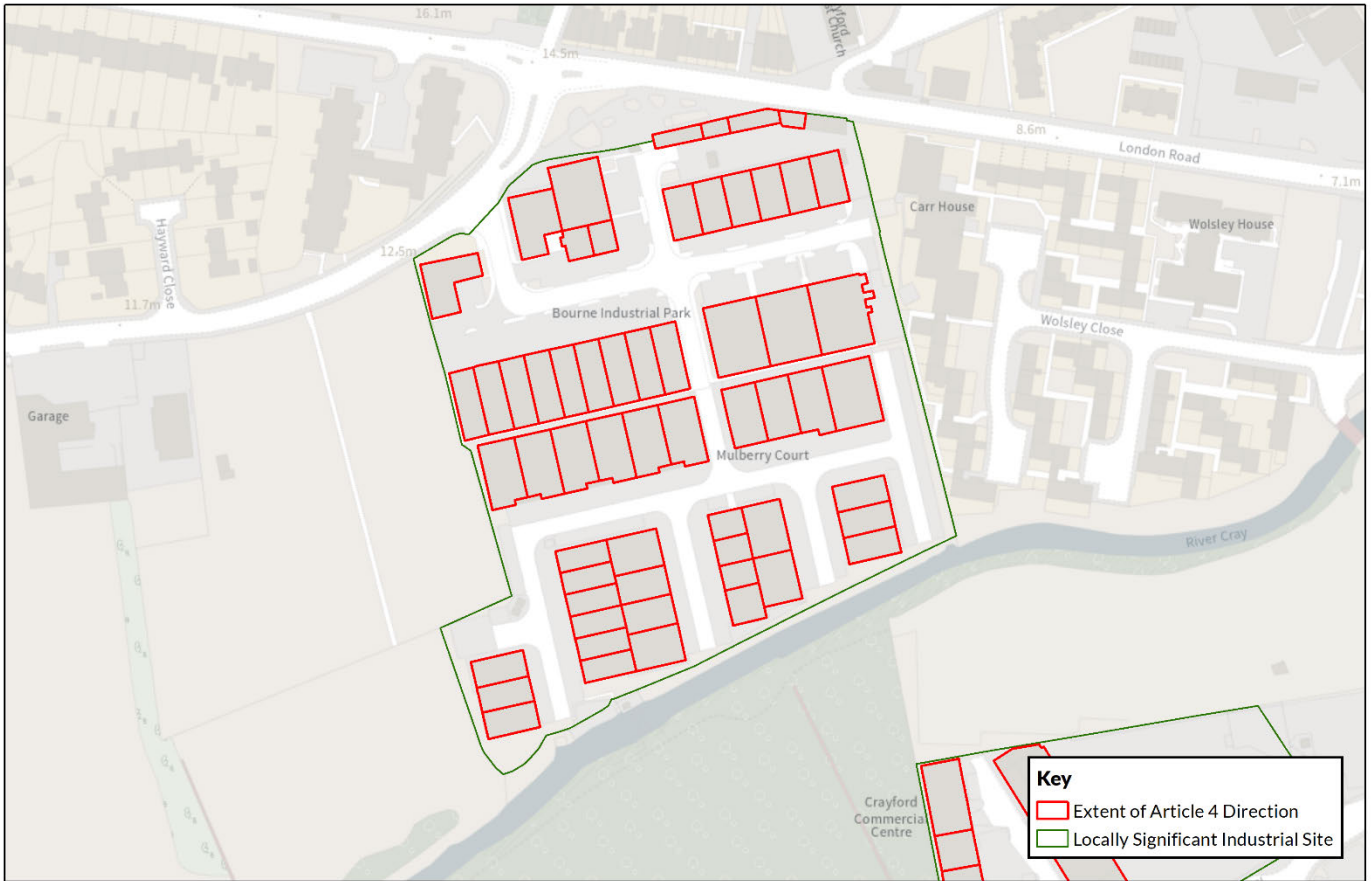
Scale: 1:5,750



Map 16 - Crayford Industrial Area Article 4 Direction

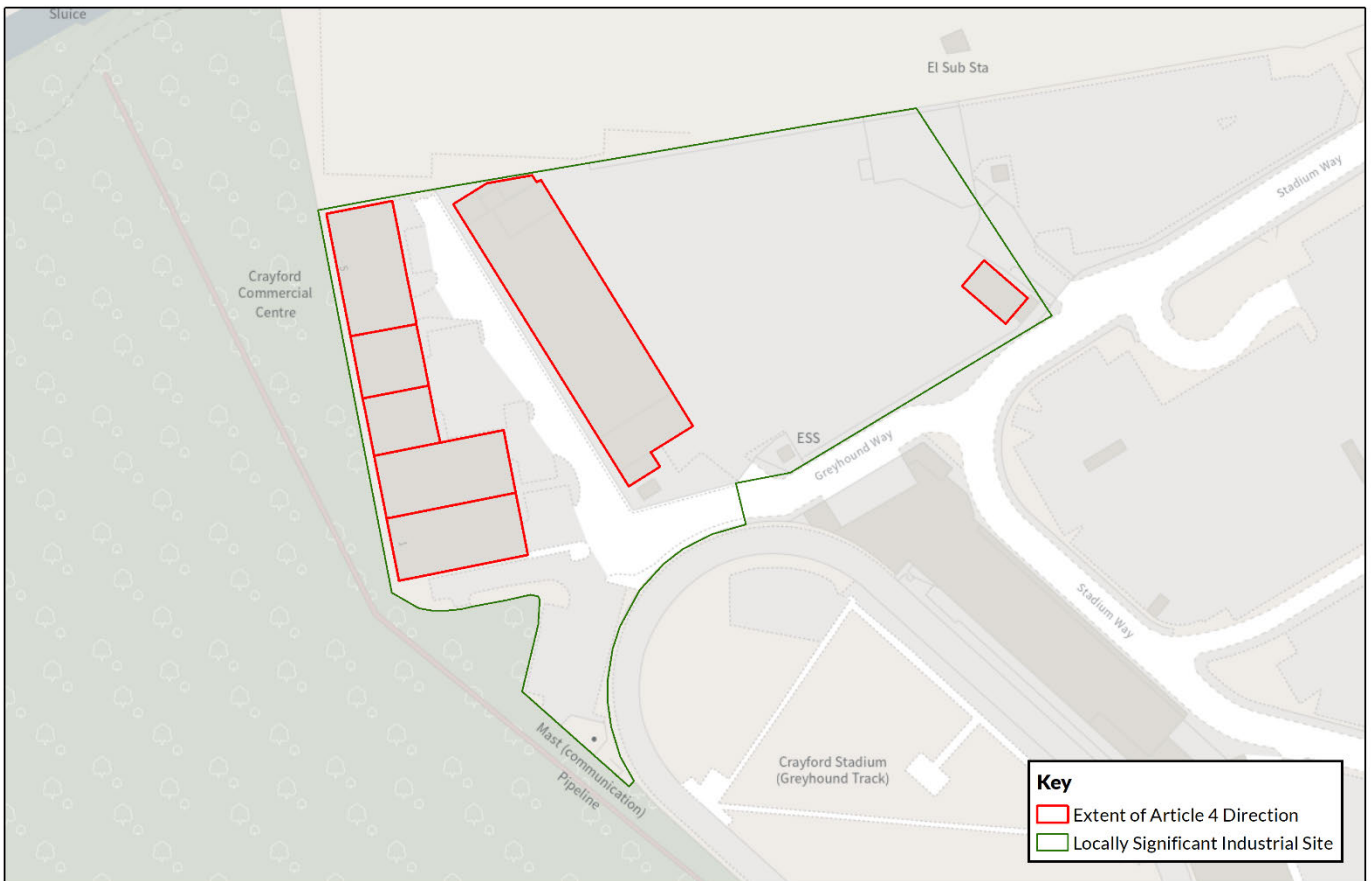
Scale: 1:3,000





Map 17 - Bourne Industrial Park Article 4 Direction

Scale: 1:1,750



Map 18 - West Crayford Industrial Area Article 4 Direction

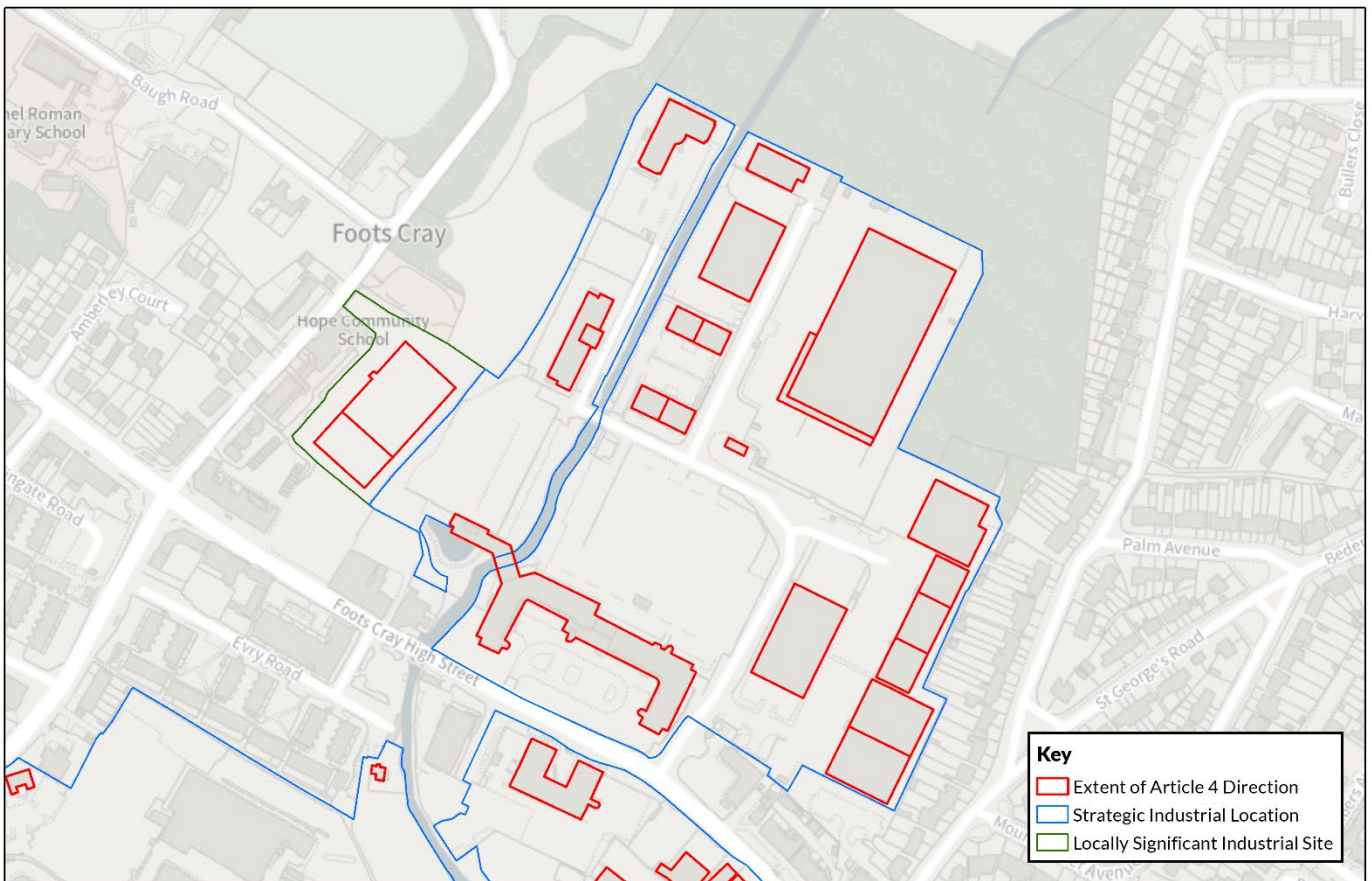
Scale: 1:1,000





Map 19 - Old Bexley Employment Area Article 4 Direction

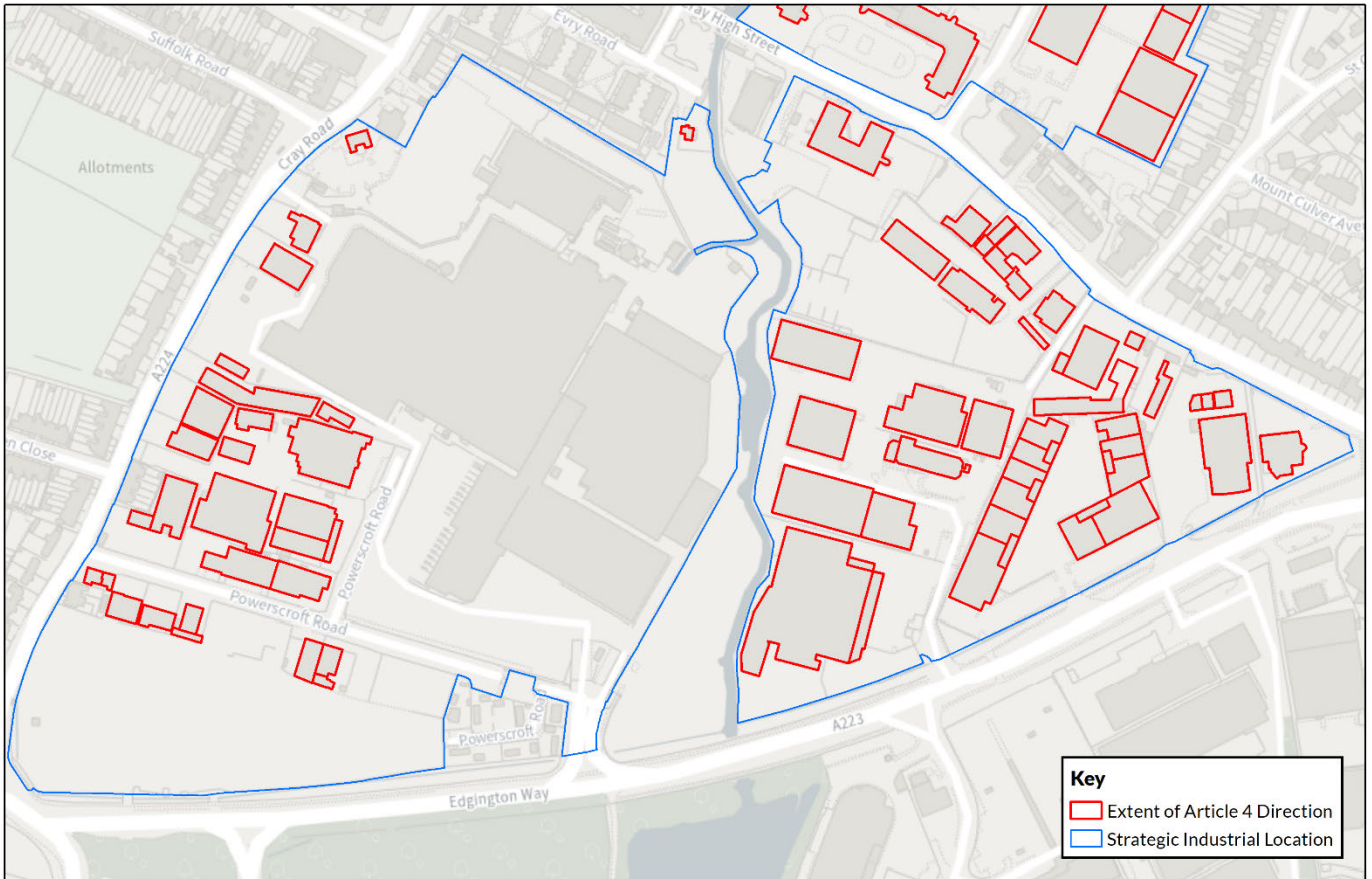
Scale: 1:750



Map 20 - Five Arches Business Centre Article 4 Direction

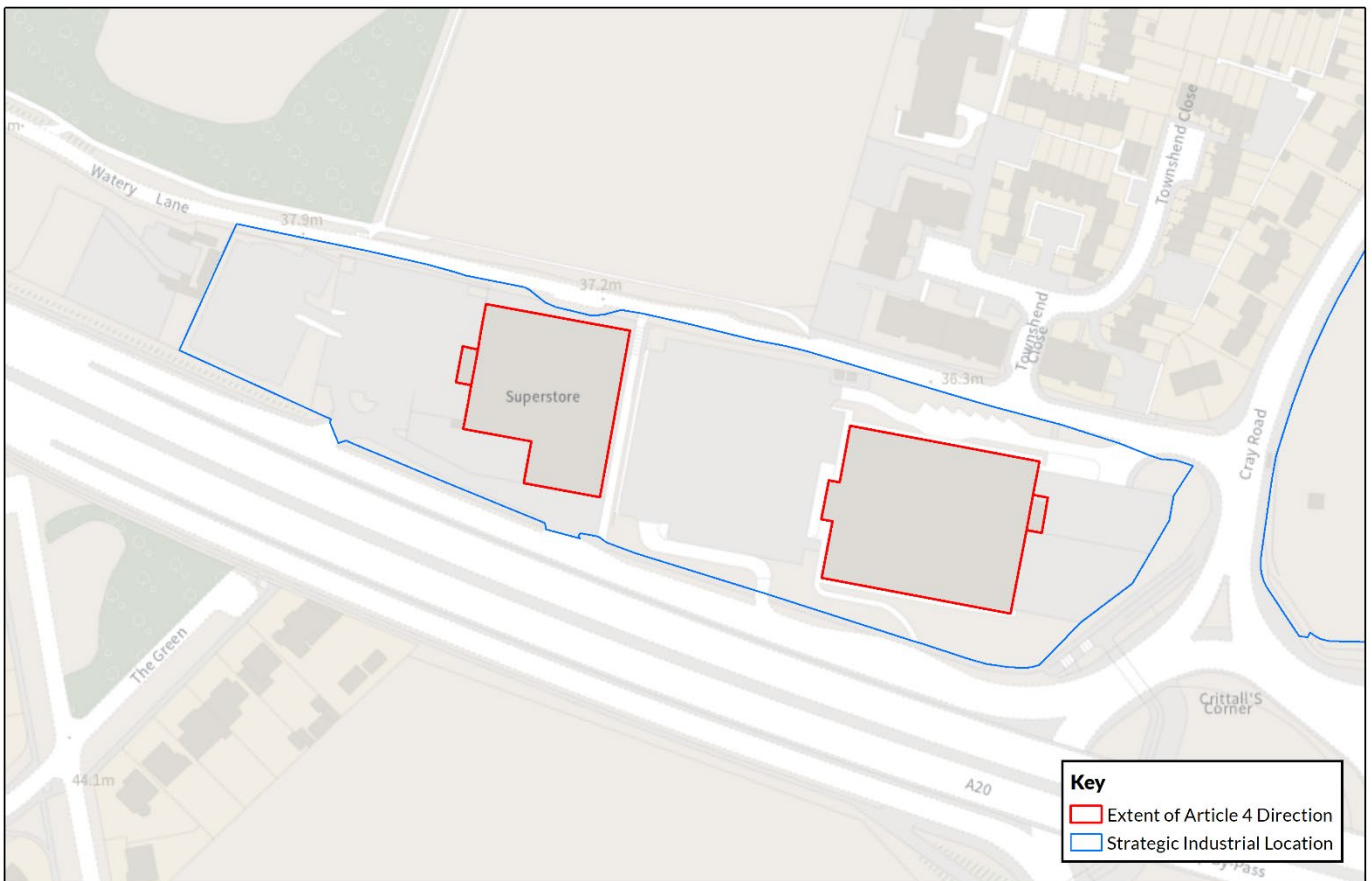
Scale: 1:2,750





Map 21 - Foots Cray Business Area (1) Article 4 Direction

Scale: 1:3,000



Map 22 - Foots Cray Business Area (2) Article 4 Direction

Scale: 1:1,500

