

Decision Maker: RENEWAL, RECREATION AND HOUSING PORTFOLIO HOLDER

FOR PRE-DECISION SCRUTINY AT THE RENEWAL, RECREATION AND HOUSING POLICY DEVELOPMENT AND SCRUTINY COMMITTEE AND DEVELOPMENT CONTROL COMMITTEE

Date: DCC: 20 May 2021
RR&H PDS: 16 June 2021

Decision Type: Non-Urgent Non-Executive Key

Title: PROPOSED NON-IMMEDIATE ARTICLE 4 DIRECTIONS TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR USE CLASS E TO RESIDENTIAL USE

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Ward: Bickley; Biggin Hill; Bromley Common and Keston; Bromley Town; Chelsfield and Pratts Bottom; Chislehurst; Clock House; Copers Cope; Cray Valley East; Cray Valley West; Crystal Palace; Darwin; Farnborough and Crofton; Hayes and Coney Hall; Kelsey and Eden Park; Mottingham and Chislehurst North; Orpington; Penge and Cator; Petts Wood and Knoll; Plaistow and Sundridge; West Wickham

1. Reason for report

- 1.1 This report recommends that the Council makes 46 non-immediate Article 4 Directions to withdraw the Part 3, Class MA permitted development (PD) rights which allows premises in Use Class E to change to residential use. These Directions would apply to a number of designated retail, service, office and industrial areas set out in the Bromley Local Plan. The Directions would come into force at least 12 months after being made, subject to confirmation by the Renewal, Recreation and Housing Portfolio Holder after taking account of representations received.
- 1.2 The areas selected for the Directions are locations identified in the Local Plan which help ensure provision of retail in the Borough is maintained and protect office and industrial floorspace. Protecting these areas will help ensure provision of floorspace for jobs growth and

for provision of essential retail and services for the Borough's residents, workers and visitors. The Article 4 Directions would have a positive benefit on local amenity and wellbeing.

2. RECOMMENDATION(S)

- 2.1 That Members endorse the making of 46 'non-immediate' Article 4 Directions (covering the areas described in paragraph 3.41 of this report) to withdraw the permitted development rights granted by Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2.**
- 2.2 That Members refer the matter to the Renewal, Recreation and Housing Policy Development and Scrutiny Committee for pre-decision scrutiny.**
- 2.3 That Members note that the Portfolio Holder for Renewal, Recreation and Housing will be asked to authorise the making of 46 non-immediate Directions (covering the areas described in paragraph 3.41 of this report) to withdraw the permitted development rights granted by Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2. The Directions will come into force 12 months from the day on which they are made, if they are subsequently confirmed following public consultation.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: None

Corporate Policy

1. Policy Status: N/A
2. BBB Priority: Vibrant, Thriving Town Centres Regeneration:

Financial

1. Cost of proposal: No Cost
2. Ongoing costs: No Cost
3. Budget head/performance centre: Planning Policy and Strategy
4. Total current budget for this head: £0.568m
5. Source of funding: Existing Revenue Budget for 2021/22

Personnel

1. Number of staff (current and additional): 10fte
2. If from existing staff resources, number of staff hours: N/A

Legal

1. Legal Requirement: Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. Call-in: Applicable: Further Details – Portfolio Decision

Procurement

1. Summary of Procurement Implications: None

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background and planning policy context

- 3.1. Extensive changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the UCO”) were introduced on 1 September 2020. The most significant change was the introduction of the new ‘Class E’ which merged a number of previously separate use classes into one. Further details on the UCO changes were detailed in a report to Development Control Committee on 24 September 2020¹.
- 3.2. The Government subsequently consulted on changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”), including the introduction of a new ‘Class E to residential’ permitted development (PD) rights. This consultation ran from 3 December 2020 to 28 January 2021. Details of this consultation were detailed in a report to Development Control Committee on 28 January 2021².
- 3.3. Amendments to the GPDO were then made on 30 March 2021 and came into force on 21 April 2021. The new PD right – Part 3, Class MA of the GPDO - was mostly as proposed in the consultation, although some changes were made including the introduction of a size threshold and a transition period during which existing ‘office to residential’ Article 4 Directions would continue to apply – the Government’s response to the consultation provides further detail on the consultation outcome³.
- 3.4. In terms of the specific detail of the PD right itself, the Class E to residential PD right is not permitted:
 - unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
 - unless the use of the building fell within Use Class A1, A2, A3, B1, D1(a),D1(b) or D2(e) (based on the UCO prior to 1 September 2020) or Use Class E (based on the UCO on or after 1 September 2020), for a continuous period of at least 2 years prior to the date of the application for prior approval;
 - if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
 - if land covered by, or within the curtilage of, the building is or forms part of a
 - site of special scientific interest;
 - listed building or land within its curtilage;
 - scheduled monument or land within its curtilage;
 - safety hazard area; or
 - military explosives storage area.
 - if the building is within an area of outstanding natural beauty;
 - if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
 - before 1 August 2022, if the proposed development is of a description falling within Part

¹ Development Control Committee report, 24 September 2020, PLANNING LEGISLATION UPDATE – PERMITTED DEVELOPMENT RIGHTS AND CHANGES TO THE USE CLASSES ORDER, available from: <https://cde.bromley.gov.uk/documents/s50083418/PLANNING%20LEGISLATION%20UPDATE%20-%20PERMITTED%20DEVELOPMENT%20RIGHTS%20AND%20CHANGES%20TO%20THE%20USE%20CLASSES%20ORDER.pdf>

² Development Control Committee report, 28 January 2021, PLANNING LEGISLATION UPDATE - SUPPORTING HOUSING DELIVERY AND PUBLIC SERVICE INFRASTRUCTURE, available from: <http://cdslbb/documents/s50085743/PLANNING%20LEGISLATION%20UPDATE%20-%20SUPPORTING%20HOUSING%20DELIVERY%20AND%20PUBLIC%20SERVICE%20INFRASTRUCTURE.pdf>

³ MHCLG, Supporting housing delivery and public service infrastructure: government response (31 March 2021), available from: <https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure/outcome/supporting-housing-delivery-and-public-service-infrastructure-government-response>

3, Class O of the GPDO (i.e. office to residential PD rights) as that Class had effect immediately before 1st August 2021; and the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of an article 4 direction.

- 3.5. A key point to note from the above list is that existing Article 4 Directions which remove 'office to residential' PD rights (i.e. those Directions in force by 31 July 2021) will continue to apply until 31 July 2022. There are six such Directions in Bromley, covering the three Business Improvement Areas in Bromley Town Centre and three designated office clusters⁴ in the Local Plan.
- 3.6. The 1,500sqm limit will restrict full conversion of some larger buildings but it is a very large threshold (being the approximate size of a small supermarket) and will mean that the majority of buildings will be able to utilise the Class MA PD right to fully convert to residential use.
- 3.7. The vacancy requirement is quite limited and does not explicitly require active marketing evidence, as sought by the Development Plan in relation to several of the sub-classes of Use Class E; that said, some Development Plan policies may be material to the prior approval assessment, which could mean that marketing evidence could be sought on certain applications. Post-COVID, it could be expected that vacancy levels may be higher than normal periods, hence the prior approval category is not a particularly high bar and certainly offers less incentive for landlords to actively seek new commercial occupants for vacant premises.
- 3.8. Prior approval of the following details is required:
- transport impacts of the development, particularly to ensure safe site access;
 - contamination risks in relation to the building;
 - flooding risks in relation to the building;
 - impacts of noise from commercial premises on the intended occupiers of the development;
 - where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
 - the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - the impact, on intended occupiers of the development, of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
 - where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.
- 3.9. An application for prior approval for development under Class MA may not be made before 1 August 2021. Development must be completed within a period of 3 years starting with the prior approval date. Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
- 3.10. Bromley's Development Plan policies can be a material consideration where they are related to the prior approval considerations; for example, policies relating to conservation areas may be

⁴ Confirmation of the three office cluster Directions has been approved by the Portfolio Holder for Renewal, Recreation and Housing; at the time of writing, the Directions are awaiting formal legal confirmation, as per the procedure set out in the GPDO.

relevant when assessing the impact of any change of use on the character or sustainability of a conservation area.

- 3.11. Bromley has experienced significant losses of offices as a consequence of the existing office to residential PD right; In total, approximately 53,000sqm of office floorspace has been granted approval since May 2013. As noted above, to limit the impact of the PD right, Article 4 Directions were made and came into force in 2015; these Directions removed the PD right in designated Business Improvement Areas in Bromley Town Centre. Further Directions have also been made to remove the PD right in designated office clusters; these Directions will come into force in July 2021.
- 3.12. The Class E to residential PD right could lead to large losses of retail, services and office floorspace. Existing PD rights covering these uses, - e.g. Part 3, Class M – have more restrictions, particularly a much smaller size threshold and exemptions for conservation areas. The new Class MA PD right has fewer restrictions, hence uptake is likely to be significantly greater than the previous PD rights.

Article 4 Directions - background

- 3.13. Article 4 Directions allow authorities to withdraw PD rights that would otherwise apply by virtue of the GPDO. An Article 4 Direction does not prevent the development to which it applies, but instead requires that planning permission be first obtained from the local planning authority for that development. This gives a local planning authority the opportunity to consider a proposal in more detail, i.e. assessing against policies in the Development Plan. The Class E to residential PD right requires prior approval of certain issues, but this determination is limited and does not allow for full consideration against adopted Development Plan policies.
- 3.14. As set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), the use of Article 4 Directions should be limited to situations where they are necessary to protect local amenity and / or the wellbeing of the area. These criteria are not further defined in the NPPF or the PPG. The PPG notes that the potential harm that a Direction is intended to address should be clearly identified. For the Directions proposed in this report, justification is set out in the following sections.
- 3.15. The Government consulted on changes to the NPPF in early 2021⁵, which included strengthening the justification required for Article 4 Directions. These changes have not yet been adopted and therefore no regard has been had to them in this report. If the NPPF changes are adopted as proposed, the new requirements will be considered prior to confirming the Directions.
- 3.16. Provided that the local authority considers it expedient, an Article 4 Direction can cover an area of any geographic size, from a specific site to a local authority-wide area. PPG advises that any Direction covering a wide area or removing PD rights where prior approval powers are available to control PD should have particularly strong justification.
- 3.17. Article 4 Directions removing Part 3 PD rights can be made with immediate effect or to take effect following a period of notice (non-immediate). The PPG says that an immediate Direction can be made where the development presents an immediate threat to local amenity or prejudices the proper planning of an area, but in all cases the local planning authority must have already begun the consultation processes towards the making a non-immediate Article 4 Direction (although the PPG does not specify particular steps in the consultation processes which must be reached). This report recommends that the Council issues 46 non-immediate

⁵ MHCLG, National Planning Policy Framework and National Model Design Code: consultation proposals, available from: <https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

Article 4 Directions with a 12-month notice period, in order to reduce the Council's liability to compensate landowners affected by the removal of PD rights. This is discussed further in the legal implications of this report.

- 3.18. Prior to coming into force, the Council must confirm whether it intends to proceed with the Directions, based on consideration of representations received. The decision on whether to confirm will be taken by the Portfolio Holder for Renewal, Recreation and Housing.
- 3.19. During the 12-month notice period, the PD rights would continue to apply (except for in the six areas where the existing Directions would continue to apply, as discussed in paragraph 3.5). If the Directions are confirmed, following this notice period, any change of use from Class E to residential use within the areas covered by the Directions would require full planning permission.
- 3.20. The Secretary of State for Housing, Communities and Local Government has the power to revoke or modify Article 4 Directions at any time.

Proposed Article 4 Directions –policy context

- 3.21. There is a range of national, London and local planning policies that are considered material to any decision of whether it is expedient to make an Article 4 Direction.
- 3.22. At a national level, paragraph 80 of the NPPF sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 3.23. Paragraph 81 sets out a number of requirements which apply to the development of planning policies, including a need to set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; and to set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. The policies set out in the Bromley Local Plan, including the policies identifying Business Improvement Areas, Strategic Industrial Locations, Local Significant Industrial Locations and office clusters, are consistent with these aspects of the NPPF.
- 3.24. Paragraph 81 also states that policies should be flexible enough to accommodate needs not anticipated in the plan, and to enable a rapid response to changes in economic circumstances. The policies set out in the Local Plan are considered sufficiently flexible to respond in such instances.
- 3.25. The PPG requires local planning authorities to prepare a robust evidence base to understand existing business needs, which will need to be kept under review to reflect local circumstances and market conditions. Bromley's Development Plan is underpinned by robust evidence of need (discussed below).
- 3.26. The NPPF, paragraph 85, states that in regard to ensuring the vitality of town centres, planning policies should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Paragraph 85a requires a network and hierarchy of town centres to be defined. The Bromley Local Plan sets out a hierarchy of Metropolitan, Major, District, Local and Neighbourhood centres. The centres are classified according to their existing role and function and each performs a different but complementary role. The hierarchy is important in providing a range of services and facilities across the Borough.

- 3.27. Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses, to focus main town centre uses in town centres, then in edge of centre locations; only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Paragraph 89 states that local planning authorities should require an impact assessment if the development is out-of-centre and over a gross floorspace threshold of 2,500sqm.
- 3.28. Paragraph 91 of the NPPF states that planning policies should aim to achieve healthy, inclusive and safe places which, inter alia:
- promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through... strong neighbourhood centres; and
 - enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of... local shops.
- 3.29. At the London level, the London Plan (2021) expects that Outer London will see growth in office and light industrial employment and notes the importance of ensuring sufficient space to support the growth of new start-up companies and to accommodate SMEs. Development Plans and development proposals should support the provision of space suitable for SMEs in light of strategic and local assessments of demand and supply.
- 3.30. Policy E1 outlines that improvements to the quality, flexibility and adaptability of office space should be supported by new office space, refurbishments and mixed-use developments.
- 3.31. Policy E1 Part E states that existing viable office floorspace capacity outside specific Central Activities Zone identified locations should be retained. The policy supports borough Article 4 Directions in locally identified office clusters, to ensure that office functions are not undermined by office to residential PDR and to protect local amenity or the wellbeing of an area.
- 3.32. Policy E2 encourages the provision and protection of Class B uses at a range of sizes and rents to meet the needs of a range of enterprises and start-ups.
- 3.33. Policy E4 requires the provision and maintenance of a sufficient supply of land in London to meet the current and future demand for industrial and other related functions. Policies E5 and E6 relate to SIL and LSIS land respectively and encourage the proactive management of these designated areas to continue to sustain them as London's largest concentrations of industrial land and the intensification of the use of these sites for industrial purposes is encouraged. It is noted that policies E5 and E6 are subject to Directed Changes by the Secretary of State. The main impact of these changes is the removal of the principle of 'no net loss' of industrial uses within SIL and LSIS; and the removal of the Borough industrial land categories. The changes do not affect the underlying principles of policies E4, E5 and E6, which aim to retain, enhance and provide additional industrial capacity across SIL, LSIS and non-designated industrial sites, through a plan-led approach.
- 3.34. The adopted London Plan protects industrial land in SIL and LSIS but allows for some release in line with benchmarks set out in the Land for Industry and Transport SPG. The scale of release allowed depends on specific borough groupings; Bromley is identified as a 'restricted transfer' borough; Boroughs in this category are encouraged to adopt a more restrictive approach to the transfer of industrial sites to other uses and set appropriate evidence based criteria to manage smaller non-designated sites. The Bromley Local Plan policies noted below were deemed consistent with this approach.
- 3.35. In relation to retail, London Plan policies SD6, SD7, SD8 and SD9 provide the strategic framework for the preparation of Local Plans. Policy SD6 sets out clear, overarching principles

for how London's town centres and high streets should be promoted and enhanced and gives strategic direction for the range of uses that should be accommodated in town centres, with Policy SD7 setting out specific requirements for Local Plan policies. Policy SD8 (and Annex 1 of the draft Plan) identifies London's town centre network and sets out how the network should be successfully managed.

- 3.36. Policy SD9 addresses the need for partnership working, town centre strategies and other implementation tools to support town centres. Part D of the policy states that Boroughs should introduce targeted Article 4 Directions where appropriate and justified to remove permitted development rights for office, light industrial and retail to residential in order to sustain town centre vitality and viability and to maintain flexibility for more comprehensive approaches to town centre housing and mixed-use intensification.
- 3.37. Policy E9 sets out requirements for how Development Plans should support and manage provision of retail, including identifying future requirements and locations for new retail development. The policy also directs Development Plans to:
- bring forward capacity for additional comparison goods retailing particularly in Metropolitan and Major town centres;
 - support convenience retail in all town centres, and particularly in District, Local and Neighbourhood centres, to secure inclusive neighbourhoods and a sustainable pattern of provision where there is less need to travel;
 - provide a policy framework to enhance local and neighbourhood shopping facilities and prevent the loss of retail and related facilities that provide essential convenience and specialist shopping; and
 - identify areas under-served in local convenience shopping and related services and support additional facilities to serve existing or new residential communities.
- 3.38. Local planning policy set out in the Bromley Local Plan identifies the key areas for economic growth in the Borough, including office and industrial areas. There are a number of applicable policies which will apply to proposals which come forward in these areas (e.g. Local Plan Policies 80-85). Business Improvement Areas and Office Clusters (which are already subject to Article 4 Directions as noted above) are two Local Plan designations which seek the retention and promotion of office premises and floorspace. SIL and LSIS each have applicable policies within the Local Plan that seek to safeguard industrial uses that fall within Use Class B use in these areas.
- 3.39. The Local Plan also has a number of relevant policies (policies 90 to 100) related to retail and Town Centres. There are specific policies covering each of the Town Centre classifications from Metropolitan to Neighbourhood Centres, Local Parades and Individual Shops; the thrust of these policies is similar, in that they aim to protect the vitality and viability of the centres and ensure continued provision of floorspace to support the type of retail and services relevant for each centre. This approach is consistent with the national and London policy approach set out above.
- 3.40. Policies 97 and 99 relate to residential development within Town Centres. Residential use may be acceptable on upper floors in Town Centres, provided that it is compatible with adjacent/adjoining uses; and provides a satisfactory living environment and standard of accommodation. Proposals for residential use of ground floor premises in Town Centres must:
- not undermine the retail vitality and viability of the centre;
 - not be within the primary or secondary shopping frontage of a Metropolitan, Major or District Centre;
 - show lack of demand for the premises through provision of vacancy evidence and demonstrate that no other commercial or community use is interested in occupying the

- unit; and
- be designed to be in keeping with the character of the centre.

Proposed Article 4 Directions – justification and evidence

3.41. The proposed Article 4 Directions will cover the following areas, where protection of Use Class E floorspace is vital to protect local amenity and wellbeing. Officers consider that Local Plan designations generally offer the strongest basis for justifying Directions:

- the BIA areas within Bromley Town Centre;
- the remaining part of Bromley Town Centre (excluding the BIAs)
- Orpington Major Town Centre
- District Town Centres - Beckenham, Crystal Palace, Penge, Petts Wood and West Wickham
- Local Town Centres – Biggin Hill, Chislehurst, Hayes, Locksbottom and Mottingham
- Neighbourhood centres and local parades that support the provision of essential daily goods and services, in areas that are not in reasonably close proximity to other Town Centres;
- the majority of the SIL with the exception of the Foots Cray/Ruxley Corner section as this has only a small floorspace of relevant Class E uses (which would formerly have been B1a, B1b and B1c uses), and therefore is not considered to justify the making of a Direction;
- LSISs across the Borough which have significant amounts of Use Class E floorspace – this is all LSIS except for Biggin Hill and Oakfield Road which do not contain much/any Use Class E floorspace;
- All three office clusters. Each of the clusters falls within an identified renewal area; Masons Hill falls within the Bromley Common renewal area, and Crayfield Business Park and Knoll Rise both fall within the Cray Valley renewal area. The Local Plan (policies 13 and 14) seeks to maximise opportunities for enhancement and improvement of the renewal areas and requires developments in renewal areas to maximise their contribution to economic, social and environmental improvements. Policies 16 and 17 relate specifically to the Bromley Common and Cray Valley renewal areas respectively.

3.42. A map showing the locations of the proposed Article 4 Direction areas can be found at Appendix 1. This map presents the locations as ‘point data’, primarily to show the spatial distribution of the areas. The actual boundaries for the Directions will be derived from the relevant adopted Local Plan boundaries.

Office and light industrial use

3.43. Class MA PD rights have the potential to significantly undermine planning policies to promote economic growth and could lead to a diminution of office and light industrial stock in the Borough. The PD right does include a number of restrictions which could help mitigate the impact to some degree, especially compared to previously introduced office to residential PD rights; the introduction of these rights in 2013 had very limited restrictions and uptake was significant and led to huge losses of office floorspace. However, the restrictions do not adequately mitigate the potential impacts.

3.44. As noted above, Article 4 Directions can be put in place to remove PD rights in certain areas, but they will require strong justification where prior approval powers are available. Officers consider that there is justification to introduce the following Article 4 Directions to remove Class MA rights in areas which correlate with various office and industrial designations in the Local Plan:

- BIAs within Bromley Town Centre – these areas provide good quality purpose-built offices

to create a high quality business environment for the retention of existing businesses and new business development. The BIAs cover part of London Road, Bromley North Station and Elmfield Road/Bromley South. The BIAs currently comprises approximately 60,000 sqm of office floorspace.

- SILs - although the SILs are primarily industrial B2 and B8 areas, together the SILs in Bromley comprise approximately 6,000 sqm of office floorspace and 6,500 sqm of light industrial floorspace.
- LSISs – directions are proposed for LSIS that contain significant amounts of Class E (formerly B1a, B1b and B1c floorspace); the only LSISs which have little/no Class E floorspace are Biggin Hill and Oakfield Road. Collectively the areas comprise approximately 5,500 sqm of office floorspace, 600 sqm of research floorspace and 6,000 sqm of light industrial floorspace.
- Office Clusters at Masons Hill, Knoll Rise and Crayfields Business Park. These office Clusters comprise approximately 24,000 sqm of office floorspace.

3.45. The Directions are considered necessary as the PD right has the potential to cause significant harm to local amenity and wellbeing. The areas identified above contribute significantly to the borough's commercial function. The PD rights compromise the ability of the Council to plan properly to ensure that uses which contribute significantly to economic growth are protected, and to ensure that local wellbeing is maintained. In practical terms, without the Directions there is a very real potential for the loss of jobs and the loss of employment capacity to accommodate future employment need, which is projected to increase over the lifetime of the Local Plan and London Plan (2021). This is not just due to the loss of individual premises but also the cumulative impacts from loss of multiple premises, which would undermine the core business function of the commercial areas in question.

3.46. The Local Plan was supported by an evidence base including several economic and employment land studies, which remain relevant and which support the justification for the proposed Directions. These studies included the following employment-based requirements for additional floorspace for the borough:

- Bromley Retail, Office Industry and Leisure Study (DTZ 2012)⁶: projected need for 121,000 sqm of office floorspace, between 2006 and 2031. The findings of the study are approaching a decade old but updated regional evidence suggests that there continues to be a strong requirement for new office space in the Borough. The study suggests a decline in demand for warehousing/manufacturing space with a surplus of such space against demand. However, updated regional evidence paints a different picture; in the years since the study was produced, demand for such space has increased significantly, as has its importance to the local and regional economy.
- Stimulating the Economy Study (GL Hearn 2013)⁷: potential requirement for over 250,000 sqm of office floorspace, between 2011 and 2031. The study considers that there will be a net requirement for additional industrial/warehouse land over the same period.
- Planning for Growth in Bromley – Cray Business Corridor Study (URS 2014)⁸: 28,800 sqm net additional office floorspace required in the Cray Business Corridor, between 2013 and 2031 (based on a medium growth scenario). The study projects a loss of industrial space in the area over the same period, but also notes that *“the Cray Corridor displays good strategic characteristics for accommodating industrial and logistical businesses and there is significant occupier demand for space at this location as evidenced through*

⁶ Available from: https://www.bromley.gov.uk/download/downloads/id/1590/retail_office_industry_and_leisure_study_-_final_report_march_2012.pdf

⁷ Available from: https://www.bromley.gov.uk/download/downloads/id/1589/stimulating_the_economy_study_-_final_report_january_2013.pdf

⁸ Available from: https://www.bromley.gov.uk/download/downloads/id/2187/planning_for_growth_-_cray_valley_corridor_study.pdf

consultations and surveys... therefore there is not expected to be a significant net loss of B1c/B2/B8 land or space within this study area location over the plan period.”

3.47. In addition to this local evidence base, studies are routinely prepared at a strategic level to inform the Greater London Authority’s planning work including the London Plan (2021). Recent studies have included the following floorspace requirements specific to Bromley borough:

- London Office Floorspace Projections (Peter Brett Associates 2014)⁹: projects a range of 78,000 - 103,000 sqm of office floorspace required (depending on employment densities and use of frictional vacancy rates), between 2011 and 2036. These projections informed the Further Alterations to the London Plan adopted in 2015.
- London Industrial Land Supply and Economy Study (2015) (AECOM)¹⁰: this study underpins the protective approach toward industrial land set out in the London Plan (2021), as opposed to the approach in the adopted London Plan which sets out specific benchmark levels for releasing industrial land between 2011-2031. Figure 2-17 and table 2-8 of the study highlights the actual release of industrial land compared to the adopted London Plan benchmark, showing it to be considerably more than the cumulative annual benchmark over 2010-2015, and over two-thirds of the total benchmark up to 2031. Bromley has a significantly lower vacancy rate (5.4%) than the London average (9.8%) which suggests that available space is at a premium (supported by table 4-7 which shows a large increase in industrial rental values, which exceeds the increase in office rental values). Bromley’s vacancy rate is below the usual frictional vacancy level of 8% which allows for effective operation of the market, i.e. churn of businesses vacating space and new businesses moving in.
- GLA Economic Evidence Base for London (GLA Economics, 2016)¹¹: found that Bromley’s contribution to construction, distribution, transport, accommodation and food services remains strong as a proportion of London’s overall output.
- London Office Policy Review (LOPR) 2017 (CAG and Ramidus 2017)¹²: the 2017 LOPR is the principal evidence base document which underpins the office policies in the London Plan (2021). It projects a demand for 122,009 sqm (GIA) of office floorspace in Bromley between 2016 and 2041, based on projected office-based employment levels. This is a significant increase on the previous LOPR (published in 2012) which projected around 80,000sqm between 2011 and 2036. These projections are not disaggregated within the borough but it is considered that a significant proportion would be delivered in designated areas set out in the Local Plan, where office use is prioritised. It is noted that the identified office supply in the borough only totals a quarter of the projected employment-based office floorspace projections. The LOPR 2017 also includes trend based forecasts, which project a loss of floorspace; however, it is important to note that any past trends are skewed by the policy framework of the time and also the office to residential PD rights which have led to significant losses of office floorspace (as paragraph 6.2.18 of the LOPR recognizes). Much of the losses that have informed the trend-based approach involved the loss of occupied premises; figure 7.13 shows that PD approvals in Bromley (as of the end of the 2015 FY) involved the loss of over 10,000 sqm of occupied space which disrupted/displaced over 1,000 jobs. The LOPR highlights that vacancy rates in Bromley have been consistently low (under 5%) and availabilities have remained low up to 2015. The LOPR outlines that small office units in particular should be protected in Bromley (figure 6.4).

⁹ Available from: <https://www.london.gov.uk/file/18777/download?token=9lnaCBW>

¹⁰ Study available from: https://www.london.gov.uk/sites/default/files/industrial_land_supply_and_economy2015.pdf;
Appendices available from: https://www.london.gov.uk/sites/default/files/appendices_-_london_industrial_land_supply_economy_study.pdf

¹¹ Available from: https://www.london.gov.uk/sites/default/files/economic_evidence_base_2016.compressed.pdf

¹² Available from: https://www.london.gov.uk/sites/default/files/london_office_policy_review_2017_final_17_06_07.pdf

- London Industrial Land Demand report (CAG, 2017)¹³: this report outlines a strong demand and tight supply of industrial land across London; the report informs the London Plan (2021) industrial policies, particularly those policies which seek retention of industrial land. The report projects a reduction in demand for floorspace across London between 2016-2041, based on both employment and trend-based projections. However, in Bromley there is a projected increase in industrial floorspace using both methods, highlighting the importance such space has for the local economy. The report recommends that Local Authorities include stronger policies and utilise Article 4 Directions to protect important industrial areas as part of their long-term planning strategy.
- London Employment Sites Database (LSED) (CAG, 2017)¹⁴: LSED is a database that records recently completed employment developments and those in the pipeline in London. It is therefore a useful mechanism for identifying whether capacity exists to accommodate projected jobs projections. Table 5.1 identifies a total capacity to accommodate 6,600 jobs, 2,600 of which are office jobs.

3.48. Despite the variety of projections in local and regional studies, they all show a consistently strong employment-based demand for additional office and light industrial floorspace, for the life of Bromley's Local Plan.

3.49. At a national level, the Government's Industrial Strategy (2018)¹⁵ sets out a framework to co-ordinate a wide range of economic policies to respond to a series of 'grand challenges'. Meeting these challenges is essential in order to increase productivity and to meet the needs of future industries. The Industrial Strategy proposes a series of Local Industrial Strategies that build on local strengths and deliver economic opportunities. The Evidence Base for London's Local Industrial Strategy (2020)¹⁶ presents clear, robust and comprehensive evidence on London's economy with a view to supporting the overall objective of achieving inclusive growth in London. The report highlights London's employment growth over the past 10 years, including a 4.9% increase in jobs from 2015-2018 and an increase in labour productivity of 1.6% and GVA increase of 23.7% from 2010-2017. Business start-up rates remain high in London, with cheaper outer London locations being important for SMEs. Bromley has been, and will continue to be, an important contributor to London's economic output.

3.50. Overall, the designated areas to be covered by the Directions contain around 110,000 sqm of office and light industrial floorspace. Further loss of space in the designated areas could reduce opportunities for fledgling businesses to secure space and could also mean that existing businesses looking to grow are not retained as they may be forced to look outside the borough for additional space. It also means that any potential agglomeration benefits are likely to be lost, which could have a significant impact on the local economy. It is noted that there is a prior approval category which allows the local planning authority to assess the impact of residential uses on areas considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. However, this is a significantly weaker protection than those in adopted Development Plan policies.

3.51. The introduction of residential premises could also pose a threat as it increases the risk of noise and disturbance complaints due to locating incompatible uses next to one another, and hence causing negative impacts on the amenity of these businesses. While there is a prior approval category relating to the assessment of noise from commercial premises, this does not allow for the same detailed considerations as an assessment against Development Plan policy.

¹³ Available from: https://www.london.gov.uk/sites/default/files/ilds_revised_final_report_october_2017.pdf

¹⁴ Available from: https://www.london.gov.uk/sites/default/files/lesd_final_report_may_2017.pdf

¹⁵ Available from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf

¹⁶ Available from: <https://www.london.gov.uk/sites/default/files/lis-evidence-base-final.pdf>

Town centres

- 3.52. Class MA PD rights could lead to significant losses of retail and service floorspace in the Borough. The network of Town Centres and Local Centres is central to the quality of life and well-being of Bromley's communities, providing a wide range of services and facilities. This hierarchy of centres is important in providing a range of services and facilities across the Borough. Residential uses in close proximity to commercial uses can affect their future commercial operation, for example by restricting the ability of certain types of businesses to operate due to concerns about noise and amenity impacts.
- 3.53. As with office and industrial uses discussed above, the PD right does include a number of restrictions which could help mitigate the impact to some degree, but the impact is still expected to be significant in terms of the scale of loss of retail uses.
- 3.54. As noted above, Article 4 Directions can be put in place to remove PD rights in certain areas, but they will require strong justification where prior approval powers are available. Officers consider that there is justification to introduce the following Article 4 Directions to remove Class MA rights in areas which correlate with various retail designations in the Local Plan:
- Bromley Town Centre (excluding the BIAs at London Road, Bromley North Station and Elmfield Road/Bromley South). Bromley Town Centre is the largest retail centre in the Borough and caters for the wider community in terms of retailing and leisure opportunities; it is also the only Metropolitan Town Centre within the Borough. In total, there is approximately 182,000sqm of Class E floorspace within Bromley Town Centre¹⁷. Vacancy rates in Bromley Town Centre (based on 2019 information) are at 12%, which is less than the national average for comparable centres.
 - Orpington Major Town Centre is the second largest retail centre in the Borough and the only Major Centre. In total, there is approximately 85,000sqm of Class E floorspace within Orpington Town Centre¹⁸. Vacancy rates in Orpington Town Centre (based on 2019 information) are at 11%, which is less than the national average for comparable centres.
 - District Town Centres at Beckenham, Crystal Palace, Penge, Petts Wood and West Wickham. The role and function of the Borough's five District Centres varies from centre to centre. Some centres have high footfalls during the day and little evening economy whilst some centres are busy during the day and have an active night-time economy. In total, there is approximately 117,000sqm of Class E floorspace within five District Centres¹⁹. Vacancy rates in these centres (based on 2018 and 2019 information and not including Crystal Palace) range from 3% to 10% and are all individually less than the national average for comparable centres.
 - Local Centres at Biggin Hill, Chislehurst, Hayes, Locksbottom and Mottingham. These centres provide a range of shops and services to meet the needs of local communities. In total, there is approximately 34,000sqm of Class E floorspace within five Local Centres²⁰. Vacancy rates are available for Biggin Hill and Chislehurst only; these centres have vacancy rates of 10% and 6% respectively (based on 2017 and 2018 information). The figures for both centres less than the national average for comparable centres.
 - Neighbourhood centres and local parades that support the provision of essential daily goods and services in areas that are not in reasonably close proximity to other Town Centres. The full list of centres and parades is set out in Appendix 10.9 of the Local Plan. For the purposes of scoping potential Article 4 Directions and assessing what centres and

¹⁷ Based on VOA ratings data. This data is categorised under the former Use Classes. For the purposes of this report, it has been assumed that A1, A2, A3, D1 and D2 uses equate to Class E. Former Class B Uses within the BIAs are not included; figures for these areas are set out above.

¹⁸ Ibid. Former Class B Uses within the Knoll Rise Office Cluster (which is within the Town Centre) are not included; figures for these areas are set out above.

¹⁹ Ibid

²⁰ Ibid

parades are considered to be in ‘reasonably close proximity’, officers ruled out centres/parades which were around 1,000 metres (as the crow flies) from Metropolitan, Major, District and Local Town Centres; this was considered to be a reasonable proxy for an accessible walking distance. Consideration was also given to the spread of centres/parades, particularly in areas where shopping provision is more dispersed. Officers consider there are 16 centres/parades which should be specifically protected to ensure continued reasonable access to shopping facilities for residents across the Borough, as set out in Table 1 below. These areas are largely in the North East and South of the Borough, where coverage of Metropolitan, Major, District and Local Town Centres is more limited; Appendix 1 maps these locations. In total, the 16 areas have around 20,500sqm of Class E floorspace²¹; the level of floorspace varies significantly from centre to centre, with the smallest having 175sqm of floorspace and the largest almost 6,000sqm.

Table 1: Neighbourhood centres and local parades proposed for Article 4 Directions

Name	Addresses within area
Cotmandene Crescent, St Pauls Cray	59-129(o), 52-90(e) Cotmandene Crescent
Crescent Way, Green Street Green	Crescent Way 1-22(c); Pinewood Drive, The Buff Public House
Grovelands Road, St Paul’s Cray	66-80(e) Grovelands Road
Hastings Road, Bromley Common	129-149(o), 153 Hastings Road
Heathfield Road, Keston Village	Heathfield Road 13-19(o), 4; Fox Hill The Fox Public House
High Street, Down Village	7-11(o), 24-26 High Street
High Street, Farnborough Village	113-149(o) High Street
High Street, Green Street Green	Brittenden Parade 1-5(c); High Street 1-11(o), 15-19(o), 23-33(o), 33a, 35, 37, 37a, 39-61(o), The Queen’s Head Public House, 38-40 (e), 44-48(o), 52, 76; Worlds End Lane, 3-7 (o)
Leith Hill, St Pauls Cray	25-39(o) Leith Hill
Main Road, Biggin Hill	10a-d Main Road
Main Road, St Pauls Cray	1, 2, 4-10(c) Main Road
Old Hill, Chislehurst	49-65(o) Old Hill
Sevenoaks Road, Pratts Bottom	1-5(c), 7 Sevenoaks Road
Southborough Lane, Bromley Common	Southborough Lane 121-123(o) 123a; Salisbury Road 2-4(e)
Southborough Road, Bickley	12-20(e), 18b Southborough Road
Windsor Drive, Chelsfield	1-51(o) Windsor Drive

3.55. The Directions are considered necessary as the PD right has the potential to cause significant harm to local amenity and wellbeing. The areas identified above contribute significantly to the borough’s retail and service function. The PD rights compromise the ability of the Council to plan properly to ensure that uses which contribute significantly to retail and service provision are protected, and to ensure that local wellbeing is maintained. In practical terms, without the Directions there is a very real potential for significant diminution of the role of Bromley’s retail areas, which is a significant driver of economic growth and jobs, a key draw in terms of attracting visitors to Bromley and a vital source of services for local communities. This is not just due to the loss of individual premises but also the cumulative impacts from loss of multiple premises, which would undermine the core function of centres on each rung of the retail hierarchy.

²¹ Based on VOA ratings data. This data is categorised under the former Use Classes. For the purposes of this report, it has been assumed that A1, A2, A3, B1a, D1 and D2 uses equate to Class E.

- 3.56. The Local Plan was supported by specific retail evidence - the Retail, Office, Industry and Leisure Study (DTZ, 2012)²² - which remains relevant and which supports the justification for the proposed Directions. This study reported a number of key findings and recommendations relating to Bromley Town Centre, Orpington Town Centre and the District and Local Centres. It concluded that all centres could accommodate capacity for further retail uses, albeit capacity was limited in some centres. This demonstrates that these centres have been 'healthy' for a significant period of time. As noted above, the centres collectively accommodate a large amount of retail floorspace.
- 3.57. The Economic Development and Employment Land Study (GV, 2010)²³ identified that the retail sector is of large importance to the borough, employing 13,600 people when the study was prepared. More up-to-date figures from 2019²⁴ show that retail jobs now total 16,000 and are the largest individual industry in the Borough by job numbers.
- 3.58. The Council's Regeneration Strategy (2020)²⁵ sets out the importance of Bromley Town Centre, Orpington Town Centre and smaller Town Centres which host clusters of businesses, as well as local conveniences, including shops and wellbeing services which are within walking distance of their surrounding communities. The document gives an overview of the retail economy, noting that Bromley Town Centre has the 25th most retail spend potential of shopping areas in England. The Strategy also notes the importance of the other Major, District and Local Centres and local parades; it recognises the role of these centres is changing and that a mix of uses (including residential) could be appropriate, but it specifies that each area is unique and needs a bespoke approach to supporting retail. Without Article 4 Directions, this bespoke approach could not be implemented.
- 3.59. One of the key priorities of the document is to strengthen our Town Centres and local economy. The document states:
- “Our town centres and local economy are crucial to the financial health of the borough, which in turn supports wellbeing through employment, volunteering opportunities, and the provision of local amenities. Town centres are changing, they need to provide more than access to goods which may be more easily purchased online, they need to be attractive places to visit with activities and a good food and beverage offer.”*
- 3.60. In addition to this local evidence base, studies are routinely prepared at a strategic level to inform the Greater London Authority's planning work including the London Plan (2021). Recent studies have included the following information relevant for Bromley:
- The London Town Centre Health Check Analysis Report (2017)²⁶, which informed the policies of the London Plan (2021), sets out a range of statistics for Town Centres across London. Figure 5 shows that Bromley has a significant amount of occupied floorspace compared to other Metropolitan Town Centres across London. Figure 84 shows that Bromley is the 12th largest Town Centre in London by night-time economy floorspace.
 - High Streets for All (GLA, 2017)²⁷ – this study looks at the social value of London's high streets. It has a number of key findings, highlighting the multi-functional role that high

²² Available from:

https://www.bromley.gov.uk/download/downloads/id/3083/sd62_retail_office_industry_and_leisure_study_2012.pdf

²³ Available from:

https://www.bromley.gov.uk/download/downloads/id/3082/sd61_economic_development_and_employment_land_study_2010.pdf

²⁴ ONS, Labour Market Profile – Bromley, available from:

<https://www.nomisweb.co.uk/reports/lmp/la/1946157264/report.aspx#tabjobs>

²⁵ Available from: <https://cds.bromley.gov.uk/documents/s50083012/RegenerationStrategy.pdf>

²⁶ Available from:

https://www.london.gov.uk/sites/default/files/2017_london_town_centre_health_check_analysis_report_-_final.pdf

²⁷ Available from: https://www.london.gov.uk/sites/default/files/high_streets_for_all_report_web_final.pdf

streets can have, including being significant places of employment and social infrastructure provision. With regard to housing, the report notes that considerable effort is being directed towards finding capacity and space to build more homes in London, which means that employment space is increasingly threatened by the prospect of housing redevelopment. This is particularly true on high streets, where the housing pressures facing individual boroughs, coupled with perception of high street and retail decline, can pose a threat to the survival of high street activities. The report sets out a number of recommendations which set out how high street stakeholders should work together to deliver inclusive, shared and locally responsive growth on London's high streets through policy, investment and advocacy. The PD rights would significantly undermine the ability to fulfil these recommendations.

- 3.61. In summary, the retail areas noted above all perform an important function and ensure the provision of vital retail and services across the Borough. They are performing well, with a total of approximately 450,000sqm of Class E floorspace in the areas based on survey data; also, there is no evidence of entrenched vacancy. Local and regional evidence and projections suggest that these areas will continue to be important over the plan period of the Local Plan and London Plan, both for local communities and in terms of their contribution to the local economy. Without the proposed Directions, a significant amount of floorspace could be lost, which would likely lead to significant impacts on local amenity and wellbeing.
- 3.62. Similar to the issue of compatibility of residential and commercial uses raised in paragraph 3.51, the introduction of residential premises could also pose a threat to retail and service uses as it increases the risk of noise and disturbance complaints due to locating incompatible uses next to one another, and hence causing negative impacts on the amenity of these businesses. While there is a prior approval category relating to the assessment of noise from commercial premises, this does not allow for the same detailed considerations as an assessment against Development Plan policy.

4. POLICY IMPLICATIONS

- 4.1 As set out in the main body of this report, there could be significant adverse impacts on local amenity resulting from the loss of retail and employment areas designated in the Local Plan. If the proposed Article 4 Directions are not put in place, this could undermine elements of the Development Plan. The PD right has the potential to fundamentally alter the face of high streets and local economies across the country, with the likely loss of a significant amount of economic and retail floorspace. This would undermine the ability of local authorities to deliver on economic growth aspirations set out in the adopted Local Plan and other strategies.
- 4.2 The proposed Directions will restrict housing supply to a degree, but this is likely to be of limited impact in terms of restricting the amount of new residential units created, and hence the effect on the Council's ability to meet housing targets is considered to be limited. The Council currently do not have a five-year housing land supply but there are a number of allocated and non-allocated 'developable' sites which could come forward in the short to medium term to address the current undersupply²⁸. The potentially significant impacts on local amenity and wellbeing, identified in this report, would outweigh this potentially limited impact on housing supply, in terms of the deciding whether it is expedient to pursue Article 4 Directions in the areas proposed.
- 4.3 It is recognised that the amendments to Class E will allow many units in the proposed Article 4 Direction areas to change to another use within Class E. However, the resulting unit would remain in commercial use which will naturally be more in-keeping with the function of the areas,

²⁸ Bromley Housing Trajectory (September 2020), Table 3 and paragraphs 4.3 to 4.5, available from: https://www.bromley.gov.uk/download/downloads/id/6455/bromley_housing_trajectory.pdf

and will be more likely to address Local Plan objectives in terms of economic growth and provision of important services.

- 4.4 The quality of the housing created must also be considered alongside any impact on housing supply. The creation of new housing is not just a numbers game; it is essential that new housing is fit for purpose in order to ensure sustainable development, for example ensuring appropriate sustainable design measures to mitigate climate change. PD rights have become synonymous with poor quality, small homes. As Article 4 Directions would require planning permission to be secured for such developments in the future, this will ensure delivery of higher quality residential units and assist with the delivery of sustainable development in the borough. It is recognised that minimum space standards are required for new housing developed through PD rights, but, important as these standards are, this will not by itself guarantee the development of high quality housing; only full application of Development Plan policy can do this.
- 4.5 Prior approval permissions have often been used as a 'fallback' position, whereby developers secure prior approval permission and then subsequently apply for full planning permission for a more comprehensive development on the same site, noting that if this permission was not granted then there is an extant prior approval that can be delivered. Fallback positions can be material considerations in the determination of planning applications although the weight given would depend on whether the applicant has secured the prior approval permission; it is not enough to just highlight that prior approval permission could be sought, as there is no guarantee prior approval will be granted. Where prior approval permission has been granted, an applicant would also need to demonstrate that there is a realistic intention to implement the prior approval, for the fallback to be given weight. It is noted that development granted through the PD right must be completed within three years of the date of grant of prior approval, which will factor into any consideration of the weight given to a fallback position.
- 4.6 The impacts of the COVID-19 pandemic are currently uncertain, but it is noted that it could have significant impacts on housing supply in particular. However, such impacts are not yet evident, for example through higher commercial vacancies or impacts on housing delivery statistics. If impacts do materialise, this does not necessarily have implications for the Directions, as these impacts could be a material consideration in a future planning application. However, the PPG notes that it is important for local planning authorities to monitor any Article 4 Directions regularly to make certain that the original reasons the Directions were made remain valid. Therefore, the impact of the COVID-19 pandemic, as well as other positive and negative impacts, will be an ongoing consideration to help determine whether the Directions should remain in place.
- 4.7 The areas proposed have been carefully considered and relate specifically to certain designations in the Local Plan. This balances the desire to protect important retail and economic uses with the need to ensure that the Directions are as focused as possible.

5. FINANCIAL IMPLICATIONS

- 5.1 This report recommends 46 non-immediate Article 4 Directions which will ensure that compensation liability is removed. This requires a 12-month notice period to be given, before the Directions come into effect. During this period, the PD rights would apply (except where the transitional arrangements allow the existing 'office to residential' Article 4 Directions to operate until 31 July 2022), and landowners might take advantage of these rights. However, if the Council were to remove these rights with immediate effect, any refusal of planning permission could result in compensation liability. Compensation can be claimed based on abortive expenditure or other loss or damage directly attributable to the withdrawal of PD rights; this could include differences in land value between Class E and residential use, which could be substantial.

5.2 Costs associated with publishing and consulting on the Article 4 Directions will be met by Planning Policy and Strategy and the Council's legal services department.

6. LEGAL IMPLICATIONS

- 6.1 Article 4 (1) of the GPDO allows local planning authorities to withdraw certain PD Rights. The procedure for putting in place an Article 4 Direction is set out in Schedule 3 of the GPDO. The Planning Policy and Strategy and legal services department will be responsible for making and publicising the Directions, in line with the statutory requirements set out in the GPDO.
- 6.2 This includes serving notice on owners and occupiers of every part of land within the areas to which the Directions relate, unless the local planning authority considers that the number of owners or occupiers within the area to which the direction relates makes individual service impracticable. The proposed Directions together encompass several thousand properties (which includes instances where there are numerous properties within a single building). This level of notification is considered to be impracticable, hence individual notice will not be given. Notice will be given by local advertisement and site notice, as per the other requirements of the GPDO.
- 6.3 The GPDO requires notice of the proposed Directions to be given as soon as practicable. Due to the current COVID-19 restrictions, it may not be practicable to give notice as per the GPDO requirements. In such instances, the Council will seek to issue notice following the lifting of the COVID-19 restrictions. This is considered to be a practical and pragmatic approach as advocated in the Chief Planners Letter of 20 March 2020²⁹.

<p>Non-Applicable Sections:</p>	<p>IMPACT ON VULNERABLE ADULTS AND CHILDREN</p> <p>PERSONNEL IMPLICATIONS</p> <p>PROCUREMENT IMPLICATIONS</p>
<p>Background Documents: (Access via Contact Officer)</p>	<p>Bromley Local Plan 2019 - https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</p> <p>London Plan (adopted 2 March 2021) - https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</p> <p>National Planning Policy Framework (February 2019), available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p> <p>Development Control Committee report, 24 September 2020, PLANNING LEGISLATION UPDATE – PERMITTED DEVELOPMENT RIGHTS AND CHANGES TO THE USE CLASSES ORDER - https://cds.bromley.gov.uk/documents/s50083418/PLANNING%20LEGISLATION%20UPDATE%20-%20PERMITTED%20DEVELOPMENT%20RIGHTS%20AND%20CHANGES%20TO%20THE%20USE%20CLASSES%20ORDERP.pdf</p> <p>Development Control Committee report, 28 January 2021, PLANNING LEGISLATION UPDATE - SUPPORTING HOUSING DELIVERY AND</p>

²⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875045/Chief_Planners_Newsletter_-_March_2020.pdf

	<p>PUBLIC SERVICE INFRASTRUCTURE - <a href="http://cdslbb/documents/s50085743/PLANNING%20LEGISLATION%20UPD
ATE%20-
%20SUPPORTING%20HOUSING%20DELIVERY%20AND%20PUBLIC%2
0SERVICE%20INFRASTRUCTURE.pdf">http://cdslbb/documents/s50085743/PLANNING%20LEGISLATION%20UPD ATE%20- %20SUPPORTING%20HOUSING%20DELIVERY%20AND%20PUBLIC%2 0SERVICE%20INFRASTRUCTURE.pdf</p>
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