

REPORT TO COUNCILLOR CAFER MUNUR, CABINET MEMBER FOR PLACE SHAPING – 10 DECEMBER 2024

CONFIRMATION OF THE NON-IMMEDIATE ARTICLE 4 DIRECTION TO CONTROL THE CHANGE OF USE UNDER CLASS MA OF THE GPDO 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

Decision ref. PS05-24/25

ISSUES

The Government extended permitted development rights (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. This means that other than a 'prior approval' process, where the Council can adjudicate on a limited number of issues 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 buildings converted through PDR, local planning authorities can use Article 4 Directions to reestablish planning control - thereby enabling them to resist or manage relevant development proposals.

As there was local evidence suggesting that such harm has and will continue to arise the Council made a Non-Immediate Article 4 Direction on 22 November 2023 on land within its designated industrial locations.

The purpose of this report is to seek confirmation of the Non-Immediate Article 4 Direction that removes the PDR under Class MA of the Town and Country Planning (General Permitted Development) Order (GPDO) now that the statutory notification period has completed.

The extent of the Direction covers the land shown shaded in red within the borough's designated strategic industrial locations (SIL) (edged blue) and locally significant industrial sites (LSIS) (edged green) in the areas mapped at **Appendix A** attached to this report.

Confirmation of the Direction will bring it into force, subject to meeting the requirements of Part 1 (procedure for article 4(1) directions without immediate effect) of Schedule 3 of the GPDO.

OPTIONS

- (a) That the Cabinet Member for Place Shaping approves the confirmation of the Non-Immediate Article 4 Direction, made on 22 November 2023, that restricts changes of use from Class E to Class C3 under Class MA (Part 3 of Schedule 2 of the GPDO) to the Land shown shaded red (e.g. the extent of the Direction)) within the borough's designated SIL and LSIS as set out in the maps attached at **Appendix A**.
- (b) That amendments are made to Schedule 2 of the Direction, to the Land shown shaded red (e.g. the extent of the Direction) within the borough's designated SIL

and LSIS prior to confirming the Non-Immediate Article 4 Direction restricting the change of use from Use Class E to Use Class C3.

- (c) That the Cabinet Member for Place Shaping chooses not to proceed with the Non-Immediate Article 4 Direction restricting the change of use from Use Class E to Use Class C to the Land shown shaded red within the borough's designated SIL and LSIS.

DECISIONS

That the Cabinet Member for Place Shaping resolves to:

- (a) Consider the representations and comments that have been made in respect of the statutory consultation and the consideration of these
- (b) Approve the confirmation of the Non-Immediate Article 4 Direction (made on 22 November 2023), including issuing the formal statutory notices associated with confirming a non-immediate article 4 direction, restricting Class MA of the Town and Country Planning (General Permitted Development) Order, as amended, in the borough's industrial locations as set out in the maps attached at **Appendix A**

REASONS

The 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 industrial locations (SIL and LSIS, defined on the Bexley Local Plan Policies Map) and prejudice the ability to intensify industrial uses in such areas through the agent of change principle. This will conflict with the aims of the Council's adopted Bexley 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 growth set out in the plan and, thereby, lead to wholly unacceptable harm.

Signed: Councillor Cafer Munur
Cabinet Member for Place Shaping

Date: 16 December 2024

LAST DATE FOR CALL-IN: 2 January 2025