

Executive / Key Decision Report

<p>Decision maker and date of Leadership Team meeting or (in the case of individual Lead Member or Executive Director decisions) the earliest date the decision will be taken</p>	<p><i>Leadership Team meeting 7 July 2021</i> Date of report: 14 June 2021 Date of decision (i.e. not before): <i>7 July 2021</i> Forward Plan reference: <i>KD05922</i></p>	 <p>THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA</p>
<p>Report title</p>	<p><i>ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR CHANGES OF USE FROM COMMERCIAL, BUSINESS AND SERVICE (USE CLASS E) TO RESIDENTIAL (USE CLASS C3)</i></p>	
<p>Reporting officer</p>	<p><i>Sue Harris, Executive Director for Environment and Communities</i></p>	
<p>Key decision</p>	<p><i>Yes</i></p>	
<p>Access to information classification</p>	<p><i>Public</i></p>	
<p>Wards</p>	<p><i>All</i></p>	

1 EXECUTIVE SUMMARY

- 1.1 On 21 April 2021 the MHCLG amended the General Permitted Development Order (GPDO), removing the need for planning permission for changes of use from the new E class “*business, commercial and service use*” to residential, and replacing it with a system of prior approval. These uses include shops, restaurants, medical uses, indoor sports facilities, offices and workshops.
- 1.2 Officers are concerned that the issues they can consider when determining a prior approval application are narrow, and will lead to the loss of a significant amount of Class E floorspace. This loss will have a negative impact upon the local and the wider economy, the vitality of our town centres and upon valued local services.
- 1.3 The impact is likely to be significant. It is likely to result in the loss of at least 14,600 office jobs from the Borough as well as break up existing business

clusters and disrupt our nationally significant “*culture, media and entertainment*” sectors. It will hinder our ability to meet our objectively assessed need for between 50,000 sq m and 76,000 sq m of new office floorspace. It is also likely to threaten some 520 Class E commercial units in our neighbourhood centres and within the more peripheral parts of some of our larger centres.

- 1.4 In order to retain the ability to require planning permission for the change of use from Class E to residential (Class C3), the Leadership Team is recommended to make a “non-immediate Article 4 direction”. The non-immediate direction avoids the risk of payment of compensation. This is a two stage process, with the “confirmation” of the direction taking place 12 months after the initial making. Only when confirmed will planning permission be required for the change of use. This is further explained in paragraph 5.47 below
- 1.5 It is recommended that this direction covers the entire borough. This reflects the Borough’s unusual characteristics in so far as we are geographically the smallest borough in London (apart from the City of London) being less than 5 sq. miles in size and that our offices are not concentrated in a small number of areas. It is offices across the entire borough which form the clusters so essential to the local and to the wider economy. It also reflects the Council’s unique position of being given a borough-wide exemption in 2013 from the initial office to residential liberalisation. Little of substance has changed in the interim period in terms of the nature of the office sector, its value, and the pressure it is under from higher value residential uses.
- 1.6 In the same way, the Council recognises the importance of all of our town centres and the commercial uses within them. These uses are essential in maintaining the vitality of our centres and in meeting the needs of those who use them. All should be included within the non-immediate Article 4 direction area.
- 1.7 The Leadership Team is asked to note that there is a risk that the Secretary of State can issue a direction requiring that the Article 4 direction be either cancelled or amended. This risk will increase with the geographical extent of the direction. However, officers are satisfied that a borough-wide direction is appropriate.
- 1.8 Public consultation will take place at the “making” stage of the Article 4 direction. We hope to hear from our residents and our business occupiers as well as those in the property market. Any representations received will be considered before the Council decides whether to confirm the direction in the summer of 2022.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Leadership Team authorises the making of a non-immediate Article 4 direction, removing the permitted development rights ordinarily allowed under Class MA, Part 3 of Schedule 2 of the GPDO 2015 (as amended by the 2019 Regulations) for

“Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses)”

2.2 The Article 4 direction will relate to the entire Borough.

3 REASONS FOR DECISION

3.1 On 1 September 2020, a statutory instrument came into force which, amongst other things, inserted a new Class E (commercial, business and service uses) into The Town and Country Planning (Use Classes) Order 1987, as amended (“the UCO”). On 21 April 2021 the Government enacted a statutory instrument creating a new Class MA of Part 3 of Schedule 2 of the GPDO. This removes the need for planning permission for changes of use of the Class E “commercial, business and service uses” which meet certain criteria to “dwelling houses” within Class C(3) of the UCO. These criteria are set out in paragraph 4.8 below.

3.2 Planning permission will be replaced with a system of prior approval. When determining an application for prior approval the Council will only be able to consider a narrow suite of matters. These are set out in paragraph 4.7 below. Importantly, these matters do not normally allow a council to consider the impact on the local provision of the type of service being lost, or the contribution that the use being lost has upon the borough’s economy or upon the vitality and viability of a town centre it may lie within. The only exception is for registered nurseries or health centres.

3.3 The Council is concerned that, unfettered, the new system of prior approval will result in:

- the significant loss of the Borough’s stock of office floorspace, where the floorspace of the existing office building is of 1,500 sq m or less;
- development which will harm the vitality and viability of our town centres;
- the widespread loss of smaller shops within our neighbourhood centres and peripheral parts of some larger centres;
- a reduction in the diversity of uses in the Borough, so essential to its special character;
- the loss of employment opportunities within the retail and business sector across the Borough;
- the destruction of important business clusters; and
- the loss of 14,600 office jobs.

3.4 The likely impact is discussed in more detail in section 5 below.

3.5 A non-immediate Article 4 direction is recommended. Once confirmed this will remove the freedoms offered under Class MA of the GPDO and mean that

planning permission will continue to be required for changes of use of E class uses to residential. The non-immediate element avoids the Council being liable for compensation for any cost of loss of value to the relevant property as well as any other abortive expenditure such as costs arising from a refusal of planning permission for development that would otherwise be permitted under the GPDO.

- 3.6 Class MA2 of the GPDO states that an application for prior approval for development under Class MA may not be made before 1st August 2021. Class MA1 of the GPDO also states that development is not permitted by Class MA before 1 August 2022, if the proposed development is of a description falling within Class O of Part 3 of Schedule 2 to the GPDO (change of use from offices to dwellinghouses), 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 which is still in force. The Council already has a borough-wide Article 4 Direction in place (Article number 104) which removes permitted development rights allowing the change of use from offices to residential. The effect of these transitional arrangements means that Article number 104 will remain effective until August 2022. However, given we cannot confirm this new non-immediate direction until August 2022, there will be a twelve month period when planning permission will not be required for the change of use of **non-office** Class E uses to residential.
- 3.7 It is only by the use of the Article 4 direction, and through the requirement to seek planning permission, can the Council have regard to the relevant policies within its own Local Plan and within the London Plan. As such the Article 4 direction meets the legal test in Article 4(1) of the GPDO in in that the Council is *“satisfied that it is expedient that development... should not be carried out unless permission is granted for it on an application...⁴”*. It also meets the current test as set out in the National Planning Policy Framework, that it is, *“necessary to protect local amenity or the wellbeing of the area.”*
- 3.8 The Council has considered the spatial extent of the Article 4 direction. Given the geographical spread of the Borough’s office uses, and the nature of the existing clusters, the Council is seeking an Article 4 direction which covers the whole borough. (The distribution of existing E class uses is shown in Figures 5.6 and 5.8 (below).) This reflects the full borough exemption sought, and granted, to the original office to residential liberalisation in 2013, the current Article 4 direction confirmed in 2019, and the current characteristics of the Borough’s commercial and business sector.
- 3.9 This new borough-wide Article 4 direction also reflects the value that the Council places upon all of our town centres, both larger and smaller, and the role that they play in supporting our economy and in serving the day-to-day needs of our residents.

4 BACKGROUND

2013 exemption

4.1 In May 2013, national permitted development rights were amended to allow the change of use from an office use (former Class B1(a)) to residential (Class C3) through a 'prior approval' process rather than through the normal planning process. The Council was successful in securing a borough-wide exemption for this permitted development right.

2019 borough-wide Article 4 direction

4.2 The above exemption was removed by the Government in May 2019, with the enactment of a further statutory instrument. In order to ensure that planning permission continued to be required the Council confirmed a new borough-wide Article 4 direction in February 2019. This has ensured that there has been no time since 2013 when planning permission has not been required for the change of use of an office to residential anywhere in this Borough.

Creation of the E class

4.3 In September 2020 planning regulations changed again, and all "*commercial, business and service uses*" were put in the same use class, "Class E". This means that planning permission is not required for a change of use from one Class E use to another

4.4 The Class E uses include:

- most of the former town centre "Class A uses", uses such as shops, estate agents, cafes and restaurants;
- the former Class B uses, including offices and workshops;
- indoor sports facilities (including gyms); and
- medical and health services, creches and day nurseries.

Current changes

4.5 In December 2020 the Government consulted on a further set of proposals. Planning permission would no longer be needed for changes of use of Class E uses to residential. Planning permission would be replaced with a system of prior approval.

4.6 These proposals were brought forward into regulations which came into force on 21 April 2021,¹. These regulations will be used to determine most applications from 1 August 2021, or from 1 August 2022 when the proposed change of use is from an office to residential. This is only the case for Councils such as ours which have a pre-existing Article 4 direction protecting offices.

4.7 The only issues which the Council is able to consider through the prior approval process are:

- the impact of the development on safe site access, contamination and on flooding;

¹ [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 No. 428 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/2021/428)

- the provision of adequate nature of any natural light serving the newly created units;
- any noise impacts from commercial premises on the intended occupiers;
- when the development includes the loss of a registered nursery or a health centre, the impact of the proposal on the local provision of that type of service;
- where the property lies within a conservation area, the impact of the change of use of the whole or part of the ground floor use on the “*character or sustainability of the conservation area;*” and
- the impact on intended occupiers in an area the Council considers important for general or heavy industry, waste management or storage and distribution.

4.8 The criteria referred to in paragraph 3.1 above, relevant for this Borough, are that the Class E use in question cannot be in a listed building, the use of the building must have fallen within one of the Class E uses for a continuous period of at least two years prior to the application for prior approval, the building must have been vacant for a continuous period of at least 3 months immediately prior to the application for prior approval, and it must have a floor area of 1,500 sq m or less.

5 OPTIONS, ANALYSIS AND PROPOSALS

5.1 This section of the report quantifies the impact of the proposals on the Borough’s economy, its character and upon the function and the vitality of its town centres. It also explains the mechanism for making an Article 4 direction, the instrument that a council can use to continue to require planning permission for changes of use of commercial uses to residential.

What will be the impact of the proposed changes?

5.2 Our Borough is unusual in that it has some of the highest property values in the country. We are concerned the liberalisation will see the widespread loss of valuable commercial uses. This loss will be driven by the desire of landowners to benefit from the uplift in value rather than any long term inherent weakness of the commercial sector itself.

5.3 This potential loss will:

- include the wholesale loss of the Borough’s stock of office floorspace where the floorspace of an existing office building is 1,500 sq m or less in size;
- result in the potential loss of 14,600 office jobs
- result in the widespread loss of neighbourhood shops and harm to our network of neighbourhood centres;
- result in the degradation of the more peripheral parts of our larger centres, harming their overall function, vitality and viability;
- cause a loss of employment opportunities within the Borough;
- cause harm to the local and the wider economy; and

- have a detrimental impact on the diversity of uses in the Borough, so essential to its special character;
- 5.4 The likely impact of the proposal permitted development rights on the main Class E uses is outlined in more detail below.

Retail and other former A class town centre uses

- 5.5 The Article 4 direction will protect the vitality and viability of the network of town centres across the Borough, preventing the loss of ‘main town centres’ which continue to underpin the health and diversity of each centre.
- 5.6 Without an Article 4 direction, the sustained loss of main town centre uses to alternative residential floorspace threatens to have a detrimental effect on the longer term vitality and viability of town centres. This is contrary to policy, which supports the role of town centres in meeting the needs of retail, leisure, office and other main town centre uses.
- 5.7 Policy acknowledges that residential development can play an important role in ensuring the vitality of town centres, but not to the detriment of main town centre uses. An Article 4 direction will not preclude residential development, but will enable the local authority to make a considered decision in respect of the adverse impact on the role, vitality and viability of each individual town centre. The issues and circumstances will vary considerably on a case-by-case basis and should be considered individually.
- 5.8 An Article 4 direction will ensure the local authority retain active ground floor uses within a wider mixed-use scheme, with the conversion of upper floors to residential where appropriate. The Article 4 direction will support Local Plan Policy CF3 and the protection of ground floor uses.
- 5.9 The London Plan seeks to build strong and inclusive communities with access to good quality services and amenities. An Article 4 direction will prevent the loss of shops and services that underpin this concept of ‘good growth’, allowing the managed introduction of residential uses alongside, in appropriate locations. An Article 4 direction will prevent the blanket introduction of solely residential uses on an individual site, and encourage a vibrant mix of uses compliant with policy objectives for sustainable and inclusive communities.
- 5.10 The NPPF and Development Plan support mixed-use development, encouraging strong, resilient and inclusive town centres with a diverse range of uses – including residential. An Article 4 direction will support this policy aspiration within a carefully considered and managed framework, ensuring any change of use to residential does not have a detrimental impact on main town centre uses – particularly on the ground floor. Active ground floor uses should be retained.
- 5.11 The sustained loss of floorspace for retail and leisure uses will prevent the local authority from meeting any objectively assessed need within the network of

town centres. Whilst the market is currently challenging, the contraction of Primary Shopping Areas (where retail is concentrated) will reduce overall 'space' and force new floorspace to out-of-centre locations. This will have an additional adverse impact on town centres.

- 5.12 The network of town centres across Kensington & Chelsea are not generic 'clone' high streets – they are varied with unique characteristics from international brand retailing in Knightsbridge, to independent, specialist and eclectic markets in Portobello Road and Notting Hill. An Article 4 direction will prevent the individual and/or sustained loss of important premises for commercial town centre businesses to ensure a continued critical mass and 'destination' attraction.
- 5.13 There is particular concern as to the impact of the proposals on smaller neighbourhood centres, often on quieter roads, where premises can be more suited to conversion to residential. The centres under particular threat are set out in figure 5.1 below. These centres contain some 310 ground floor E class units.

Centre			
All Saints Road	Barlby Road	Clarendon Cross	Elystan Street
Finborough Road	Golborne Road (North)	Holland Park Avenue	Holland Road
Latimer Road Station	Ledbury Road	Lower Sloane Street	Lowndes Street
Napier Road	North Pole Road	Pembroke Road	Pont Street
St. Helens Gardens	Stratford Road	Talbot Road	Thackery Street
The Billings	Walton Street	Westbourne Grove	Westbourne Park Road

Figure 5.1: Smaller neighbourhood centres vulnerable to changes of use to residential

- 5.14 The impact of the permitted development right (PDR) on these smaller centres will have two strands. Firstly, there is the direct impact that the loss of the shops and other E class commercial uses will have upon the services being provided to the community. This is a loss driven by differential in land value rather than any weakness in the retail/ service sector itself. Secondly, is the more insidious impact that the introduction of new homes will have upon the function of these centres. The creation of dead frontage and the removal of uses which attract visitors and create footfall will initiate the decline of these centres, or when a centre is already struggling in the immediate aftermath of the Covid-19 restrictions, accelerate and compound that decline.
- 5.15 A useful proxy for the health of a centre is the level of vacancy. The most recently published figures for our town centres date to 2019, and the last town centre survey. Since 2015 vacancy rates has ranged from between 5.9% and 7.8%. The average vacancy rate is significantly lower than the London average of

9.1%. Many of our centres have either no vacant units at all, or just a very small number.

Neighbourhood Centre	Total Units	% Vacant units 2015	% Vacant units 2016	% Vacant units 2017	% Vacant units 2018	% Vacant units 2019
All Saints' Road	41	3	3	2	5	9
Barlby Road	8	17	33	43	13	14
Chelsea Manor Street	10	20	10	0	0	0
Clarendon Cross	18	11	11	6	6	6
Cromwell Road Air Terminal	23	0	0	0	0	0
Earl's Court Road (North)	17	0	6	0	0	0
Elystan Street	45	9	7	4	4	11
Fulham Road (Brompton Cemetery)	18	10	5	11	6	17
Fulham Road (Old Church Street)	35	3	13	15	18	9
Gloucester Road (North)	61	3	2	2	3	3
Gloucester Road (South)	50	3	0	0	0	0
Golborne Road	107	10	12	12	11	18
Golborne Road (North)	14	0	7	2	0	14
Holland Park Avenue	54	0	2	2	4	2
Holland Road	13	8	8	8	8	8
Kensington High Street (West)	6	17	0	0	0	0
Kensington High Street/ Warwick Road	6	-	-	-	0	0
Ladbroke Grove (North)	15	6	6	0	0	13
Ladbroke Grove Station	47	4	4	11	7	9
Latimer Road Station	13	-	-	-	23	10
Lower Sloane Street	31	6	9	14	10	7
Lowndes Street	12	8	0	0	0	17
Napier Road	7	0	0	0	0	0
North Pole Road	23	17	17	17	13	13
Old Brompton Road (East)	24	0	4	0	8	4
Old Brompton Road (West)	80	7	9	8	14	14
Pembroke Road	14	7	7	7	0	0
Pont Street	12	8	0	0	0	0
Sloane Avenue	11	8	0	8	0	0
St. Helen's Gardens	12	17	17	17	25	17
Stratford Road	19	0	5	11	11	11
Talbot Road	17	-	-	-	4	-
Thackery Street	24	5	0	8	4	4
The Billings	15	14	20	15	13	21
Walton Street	18	5	5	17	6	5
Westbourne Park Road	11	45	45	34	27	17
World's End	50	5	10	2	4	2
Total	1061	5.9%	7.2%	7.2%	6.6%	7.8%

Figure 5.2: Vacancy rates RBKC neighbourhood centres 2015 to 2019. Source AMR (2020)

- 5.16 A differential in land values will see the loss of units in otherwise healthy town centres.
- 5.17 Whilst the primary retail frontages within our larger centres are unlikely to see changes of use to residential, loss may be possible in the more peripheral areas. We estimate that this may be relevant for a further 250 E class ground floor units across the Borough. The impact will be similar to that on our neighbourhood centres: reducing the services provided, creating dead frontage and contributing to the decline of a centre.
- 5.18 It is worth noting that vacancy rates in our larger centres are also very low. This also indicates centres that are thriving rather than centres which are in a terminal decline. The last column is particularly telling as indicates the number of units which were in the process of being redeveloped. Whilst technically “vacant” they show centres which are benefiting from investment and renewal.

Centre	2015	2016	2017	2018	2019 (Vacant)	2019 (Redev't)
Brompton Cross	12.3%	11.1%	15.9%	11.7%	14%	1.6%
Earl's Court Road	1.3%	2.7%	2.7%	5.5%	7.1%	0.7%
Fulham Road (West)	5.4%	2.7%	4.5%	7.1%	2.7%	0.5%
Kensington High Street	9.7%	13.6%	10.8%	9.1%	8.2%	3.7%
King's Road (East)	7.6%	6.7%	7.2%	3.7%	5.6%	0.7%
King's Road (West)	8%	5%	7.9%	10.3%	4.1%	2.1%
Knightsbridge	9%	9.4%	16.1%	10.1%	12.9%	2.8%
Notting Hill Gate	5.6%	6.6%	9%	6.5%	7.5%	3.6%
Portobello	3.6%	5%	5.8%	6.5%	5.6%	2.3%
South Kensington	4.9%	4.4%	2.4%	5.3%	4.3%	1%
Westbourne Grove	6.9%	7.1%	5%	4.6%	1.4%	2.7%
Average	7.4%	7.8%	8.7%	7.4%	7.3%	2.0%

Figure 5.3: Vacancy rates RBKC Higher Order Centres 2015 to 2019. Source AMR (2020)

- 5.19 The loss of retail units will also have an impact on the employment opportunities offered by the retail sector. Even the loss of a small proportion of the 23,000 people employed in the Borough's retail sector across would be regrettable as it

is a sector which provides flexible and lower skill jobs which meet a particular employment need of some of our residents.

- 5.20 In recent years, trends in the retail and commercial leisure sectors have presented challenges to town centres in the form of global economic fluctuations, uncertainty around Brexit and subsequent trade deals, and the growth in on-line shopping.
- 5.21 Town centres in the Borough are, however, substantially more resilient to these wider national trends, demonstrated by the consistently low vacancy rates, the role and retention of individual and unique identities, and strong levels of national and international tourists substantially surpassing any other London Borough. An Article 4 Direction will help ensure the town centres remain healthy, vital and viable through a continued vibrant mix of uses, and the retention of unique destinations. An Article 4 Direction will ensure future resilience to market challenges presented.
- 5.22 The consistently low vacancy rate demonstrates that – unlike many town centres across the UK – there is not an over-supply of retail/town centre floorspace in the Borough, and the existing level of provision is meeting demand and should be protected for commercial uses. An Article 4 Direction will help retain the current supply of retail and leisure floorspace, which is satisfactorily meeting demand.
- 5.23 The Covid-19 pandemic has presented the most recent challenge to the network of town centres. The pandemic led to the shutting of high streets for long periods of time during 2020 and 2021, leading to severe financial uncertainty for retail and leisure operators. For many town centres across the UK, the impacts will be more acute than for others, but the Borough town centres are performing well and proven to be resilient. The status, role and destination attractions of each town centre must be protected through the post-lockdown recovery period. An Article 4 Direction will assist in this recovery and ensure the opportunity to ‘bounce back’ to pre-Covid trading levels.

Offices and other business uses

- 5.24 The Council has appointed Icen Projects to work with BNP Paribas to estimate the likely impact that the forthcoming PDR will have upon the Borough’s business sector. This forms part of the larger piece of evidence intended to inform the forthcoming Local Plan. The initial report is included as Appendix A.
- 5.25 The Icen study has considered the need for additional office floorspace over time. This is set out in figure 5.4 below.
- 5.26 This forecast has taken account of the uncertainty associated with changing working patterns associated with the Covid-19 pandemic, offering a scenario when there is a reduction of 30% floorspace need associated with remote working. Overall this generates a range in office requirements from 60,000 to 86,000 sq. m. This reflects the nature of the sectors in which the Borough is

particularly well represented. These include those which are expected to experience significant growth. This includes the “*professional, scientific and technical*” sectors, a sector which provided a quarter of all jobs within the Borough.

	FTEs	SQM @ 10 SQM/FTE	SQM @ 30% inc remote working
Offices	7,201	86,417	60,492
Industry	190	8,453	8,453
Warehouse	-19	-1,357	-1,357
Other	9,556	n/a	n/a

Figure 5.4: Projected FTE an SQM change by premises 2021-2043

Source: Cambridge Econometrics, Icen Projects

- 5.27 Icen have considered long term vacancy rates, and the ability of vacant units to accommodate the identified need over time. They conclude that that once vacant floorspace has been filled, “*a residual future need of 50,000 sq m to 76,000 sq m of office floorspace*” remains. This is not inconsiderable. The Council is satisfied that this need will not begin to be met unless we can protect the office floorspace which we have. The Article 4 direction is essential if this is to be achieved.
- 5.28 Icen have also demonstrated that the Borough remains home to a number of nationally important specialist sectors which support high levels of employment and contribute not only to the economy of the Borough but also London as a whole. They note that sound recording and music publishing activities are particularly prominent, with 11.1% of the UK’s employment in this sector being in the Borough. Jobs in this sector are estimated to generate over £900 million in GVA each year.
- 5.29 The large majority of these firms are small enterprises occupying premises below the 1,500 sq m threshold. The impact of the PDR on this sector alone is likely to be severe.
- 5.30 Icen have also mapped the distribution of office based industries across the Borough. This is based on the latest IDBR data. What is most striking is how evenly distributed these premises are across the Borough.

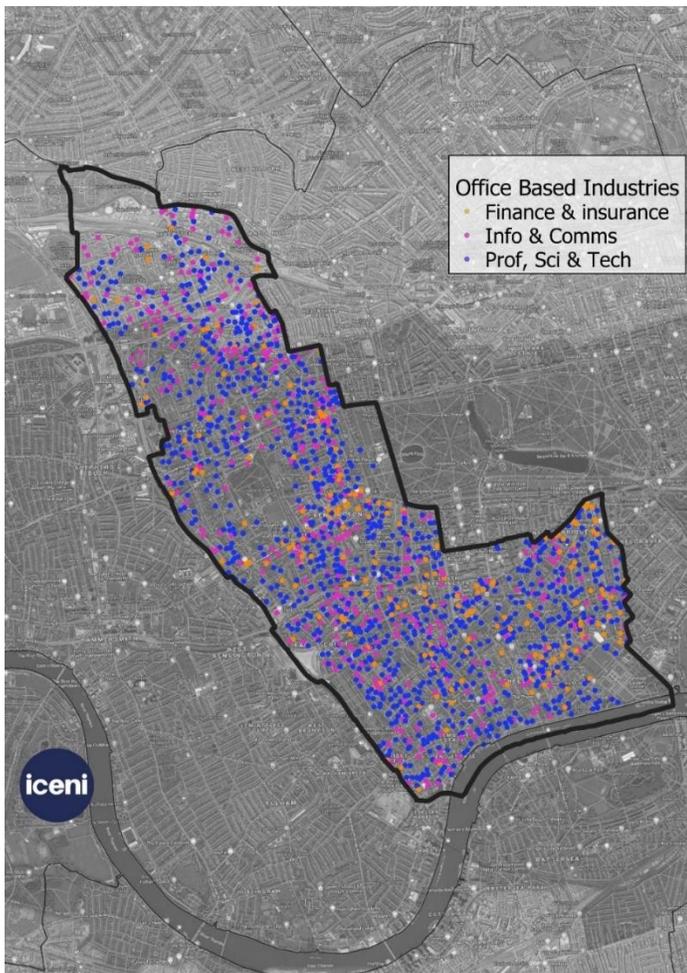


Figure 5.6: Distribution of office based industries
 Source: Icen analysis of IDBR data

- 5.31 BNP Paribas has worked with Icen projects and have undertaken viability assessments of the conversion of offices to residential. The details area provided in Appendix B. This allows us to consider the likelihood of conversion to residential.

Harm to existing clusters due to ingress of incompatible uses

- 5.32 Many of the occupiers of the Borough's office premises have chosen to locate where they have in order to take advantage of relationships with others in the area. By locating close to one another businesses benefit from agglomeration economies – the external benefits that arise when economic activity takes place in a concentrated space. If offices are allowed to convert to residential, the very reason for the Borough's competitive advantage will be threatened.
- 5.33 The harm is likely to take two forms. First, there is the immediate physical effect of the building no longer being able to be used for an office use, which

diminishes the opportunities for increased agglomeration. Secondly, there is the impact that the initial office to residential conversion has on the potential for future office development. Regardless of the merits of any case, residential users often perceive office and light industrial uses as un-neighbourly, associated with traffic deliveries and unsocial operating hours. Complaints to environmental health teams and objections to new planning applications can drive out existing uses. The negative domino effect can be further exacerbated by the increasing hope values for remaining commercial uses associated with the new residential properties.

Social and community uses

- 5.34 Planning permission will no longer be required for the change of use of gyms, doctor's surgeries, health centres and nurseries to residential. We will, however, be allowed to consider, "*the impact on the local provision of the type of service lost*" for a nursery or a health centre as part of the prior approval process.
- 5.35 As such the prime impact of the liberalisation is likely to be on gyms or other indoor sports facilities.
- 5.36 Whilst we do protect these uses as a "social and community use" the impact of the change to the planning regulations on this Borough, and upon its residents, may not be significant.
- 5.37 The update to the Retail and Leisure Needs Assessment in 2016² considered the provision of such uses. It noted that there are some 1,440 "fitness stations" across the Borough, or 9.2 stations per 1,000 people. This is broadly the level expected in a Borough such as ours. A gym is a use that (save for Council run gyms) are not subsidised and charge the market rates for use. These can be considerable and we do not expect a wholesale loss of such uses to residential.
- 5.38 In addition, we note that gyms and other indoors sports facilities are often located on upper floors within town centres. This differs from retail uses which rely on ground floor frontages. As such any loss to residential, whilst regrettable in its own terms, will not create the dead frontage which will further jeopardise the ongoing viability of the centres.

An Article 4 direction

What is an Article 4 direction?

- 5.39 An Article 4 direction is a direction under Article 4 of the GPDO which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights. In this instance the right to be removed would be one of those introduced by Class MA of Part 3 of Schedule 2 to the GPDO, namely, the change of use from a class E commercial, business and service use to residential.

² [RBKC Retail and Leisure Needs Study. NLP \(2016\)](#)

- 5.40 This would mean that planning permission would continue to be required for the change of use of a Class E use to residential.

Immediate or non-immediate Article 4 direction

- 5.41 Article 4 directions can take immediate effect (an immediate Article 4 direction), or they can take effect after a period of one year (non-immediate). An immediate Article 4 direction can render the Council liable to compensation. Compensation can be claimed on “*abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.*” [NPPG \(ID: 13 para 042\)](#). This can include any loss of value to the property as well as the costs of making a planning application. Taken together these costs could be significant, with an office unit likely to be worth more than a launderette or alternative social and community use.
- 5.42 It is important to note that given the nature of the non-immediate Article 4 direction process there will be some time when planning permission will not be needed for a **non-office** Class E change of use to residential. The GPDO will apply to non-office applications for prior approval as of 1st August 2021, whereas the non-immediate Article 4 direction will not come into effect until the summer of 2022. This is unavoidable.

The process

- 5.43 The making of a non-immediate Article 4 direction is a two stage process: making and confirming the direction.

Stage one: Making the non-immediate Article 4 direction

- 5.44 The Leadership Team make a Key Decision to authorise the making of the Article 4 direction.
- 5.45 Whilst Schedule 3 of the GPDO requires notice to be served on every owner/occupier within the Borough, it also states that the Council need not serve individual notices if “*the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.*” For a borough-wide Article 4 direction this would be the case. However, the Council must give notice of the making of the direction by local advertisement and by site display at no fewer than 2 locations within the area to which the direction relates, for a period of not less than 6 weeks. A copy of the notice must also be sent to the Secretary of State.
- 5.46 The notices must include a description of the development, the area to which it relates, a statement of the effect of the direction, and specify the date on which it is proposed that the direction will come into force. The notices must also explain that all interested parties have at least three weeks in which to send any comments on the direction to the Council. A copy of the notice must also be sent to the Secretary of State.

Stage two: Confirming the Article 4 direction

- 5.47 As stated above, the Council would need to wait at least a year from the date of notification that the Article 4 direction has been made, before confirming the direction if it is to avoid payment of compensation. The Council would take any representations into account before making a decision as to whether it would be appropriate to confirm the direction.
- 5.48 As soon as practicable after a direction has been confirmed, the Council would have to give notice of such confirmation (in the same manner described above in relation to making the direction) and send a copy of the direction as confirmed to the Secretary of State. The Secretary of State does not have to formally approve Article 4 directions, but has the power to modify or cancel a direction made by an LPA at any time before or after its confirmation. However, the NPPG is clear that the Secretary of State “*will only intervene when there are clear reasons for doing so*” (NPPG ID: 13 para 050).
- 5.49 The regulations which set out this process in full are those within Schedule 3 of the GPDO, “[Procedures for Article 4 directions](#).”⁴”

Appropriateness of the Article 4 direction

- 5.50 A Council cannot make an Article 4 direction without a good reason for doing so. The legal requirement is that the Council is “*satisfied that it is expedient that development... should not be carried out unless permission is granted for it on an application...*”³”.
- 5.51 By the same measure, the Council should also be satisfied that the making of the Article 4 direction is in accordance with the guidance within the NPPF in being “*necessary to protect local amenity or the wellbeing of the area.*”
- 5.52 The Government is in the process of amending the NPPF. This includes changing the tests that a local planning authority should use when deciding on the extent of an Article 4 direction. Both suggested options raise the current bar, be this to “*be limited to situations where this is essential to avoid wholly unacceptable adverse impacts*” or “*where this is necessary in order to protect an interest of national significance.*” In both cases the amendments are likely to include the need for any Article 4 direction to, “*apply to the smallest geographical area possible.*”
- 5.53 Whilst at the time of writing the MHCLG have not confirmed which of the suggested amendments will be taken forward, it is understood that an amendment will be made and that any local planning authority will have to demonstrate that the smallest possible geographical area for the direction has been chosen. The Government has stated that a decision will be made later this year.

³ Subsection (1) of Article 4 of the GPDO 2015 (as amended)

- 5.54 Officers are satisfied that the proposed Article 4 direction meets these tests. In particular officers are satisfied, for the reasons given in section 5, that the removal of planning permission and its replacement with prior approval will see the loss of a significant amount of Class E floorspace. This will both harm the vitality of the Borough and be directly contrary to the policies within the London Plan, the Council's Local Plan and within the St Quintin and Woodland's Neighbourhood Plan. It will also run counter to the ambitions within the Government's own NPPF. Officers are also satisfied that it would comply with the likely new tests, in that it is essential to *avoid wholly unacceptable adverse impacts* and will be *the smallest geographical area possible*.
- 5.55 These policies/ guidance which can only be relied upon if an Article 4 direction is in place are summarised below.

Planning policy support to protect office uses

- 5.56 The planning policies/guidance of particular relevance include:

Local Plan

- Local Plan Policy CF5. This policy recognises the role that a range of business premises play in supporting the Borough's economy and in maintaining its diversity and its character. In essence the policy sets out the presumption against the loss of office premises across the Borough, including those few circumstances when office floorspace will not be protected. *"The Council will ensure that there is a range of business premises within the Borough to allow businesses to grow and thrive."* To deliver this the Council will, *"protect offices and office floorspace."*
- Local Plan Policy CF6. This policy is concerned with the promotion and protection of the work-spaces needed to support the creative and cultural industries.

St Quintin and Woodlands Neighbourhood Plan

- The St Quintin and Woodlands Neighbourhood Plan forms part of the development plan for the St Quintin and Woodlands area. It contains policies which relate to uses within the Freston/Latimer Road Employment Zone north of the Westway. These seek to protect the (now) Class E class uses in much of the area, where these contribute to the street and to the wider neighbourhood.

London Plan

- London Plan Policy E1. This policy supports the provision of new offices. It refers to Kensington and Chelsea as a, *"nationally significant office location"* where *"unique agglomerations and dynamic clusters of world city businesses, should be developed and promoted."* It goes on to note that boroughs such as Kensington and Chelsea should, *"introduce Article 4 Directions to ensure....[they] are not undermined by office to residential permitted development rights."*

- London Plan Policy E2 is concerned with the provision of suitable business space. It supports the provision of new space and resists its loss unless it can be demonstrated that it is no longer needed

The National Planning Policy Framework (NPPF)

- A central strand of the NPPF is to achieve sustainable development. Paragraph 8 sets out the three strands, or overarching objectives, which must be addressed if sustainable development is to be achieved: the economic, the social and the environmental. The first, the economic is of direct relevance to business and employment uses.

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;”

- Paragraph 11 of the NPPF refers to the need to apply a presumption in favour of sustainable development. For plan-making this means that, *“plans should positively seek opportunities to meet the development needs of their area,”* and should, *“as a minimum, provide for objectively assessed needs for housing and other uses.”*
- Paragraph 20 of the NPPF considers strategic policies. These should set out an overall strategy for the pattern, scale and quality of development. Importantly paragraph 20 also states that *“sufficient provision”* must also be made for *“employment, retail, leisure and other commercial development”*.

Planning policy support to protect retail uses

5.57 The planning policies/guidance of particular relevance include:

Local Plan

- Local Plan Policy CF2 considers retail development within town centres. The ambition is to, *“promote vital and viable town centres and ensure the character and diversity of the Borough’s town centres is maintained.”* Central to this is to, *“require the scale and nature of development within a town centre to relate to the size, role and function of that town centre, to reflect the position of the centre within the retail hierarchy and to assist in the implementation of the vision for that centre.”* The loss of town centre use to residential within existing frontages will be at odds with this ambition.
- Local Plan Policy CF3 states, *“the Council will secure the success and vitality of our town centres by protecting, enhancing and promoting a diverse range of shops and by ensuring that these uses will be supported, but not dominated by, a range of complementary town centre uses”*. Again the introduction of residential uses at ground floor level will directly conflict with this objective.

London Plan

- London Plan Policy SD6: Town centres and high streets seek to promote and enhance the vitality and viability of town centres. Whilst residential uses may be appropriate they must not be provided at the expense of the vitality of a centre.
- London Plan Policy SD9 considers the introduction of residential uses into town centres, stating that, *“borough’s 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...”*

The National Planning Policy Framework (NPPF)

- In same way that the NPPF requires local authorities to plan for the offices needed, paragraph 8 requires a council to address the need for new retail floorspace. A council must ensure, *“that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.”* Paragraph 20 is also as relevant for retail as for office use as it requires *“sufficient provision”* made for *“retail, leisure and other commercial development”*.
- Paragraph 85 reiterates the need for Council’s to *“meet anticipates needs for retail, leisure, office and other main town centres uses.”*
- Section 7 of the NPPF is titled, *“Ensuring the vitality of town centres.”* Whilst this notes that *“residential development often plays an important role in ensuring the vitality of centres”*, it should only be supported on *“appropriate sites”*. There is no suggestion that the introduction of residential uses at ground floor level, where it breaks up existing commercial frontages will be *“appropriate.”*

Extent of the Article 4 direction

- 5.58 Whilst it is for a local planning authority to decide on the area an Article 4 direction will cover, the Secretary of State has the power to modify or cancel a direction made by a local planning authority. This can be done at any stage of the process, including once the direction has been confirmed, a year down the line.
- 5.59 We must recognise that the risk of a direction is not merely theoretical. The Secretary of State has directed local planning authorities to amend such directions in the past, and we fully expect him to do so again in the future. This reflects the Government’s ambitions to reduce red tape and to free up the planning system to help drive housing delivery. The measured use of Article 4 directions must also be seen in the context of recent proposals (within an amended National Planning Policy Framework) to raise the bar for when it is suitable for a local planning authority to make an Article 4 direction, or as noted above, demonstrate that the direction is essential to avoid wholly unacceptable adverse impacts and will be the smallest geographical area possible.

- 5.60 It should be noted that a local planning authority can make a borough-wide Article 4 direction if there are compelling reasons to do so. The current National Planning Practice Guidance ‘NPPG’ (ID: 13 – 036) states that an Article 4 direction can be used to withdraw specified permitted development rights across a defined area. Paragraph 037 notes that “*provided that there is justification for both its purpose and extent*” an Article 4 direction “*can cover an area of any geographic size, from a specific site to a local authority-wide area.*”
- 5.61 The NPPG goes on to state (ID: 13-038) “*The potential harm that the direction is intended to address will need to be clearly identified*” and that, “*there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to: a wide area (e.g. those covering the entire area of a local planning authority.)*”
- 5.62 Officers have had regard to both the existing and possible future tests and are satisfied that we have a strong justification for a borough-wide Article 4 direction. This justification is discussed further below.

Nature of the commercial, business and service uses in the Borough

- 5.63 As noted above, the Borough is small in area and densely developed, with a vibrant, closely related set of interconnected business clusters.
- 5.64 There are areas where *commercial, business and service uses* are more concentrated, such as within the larger town centres and within the three Employment Zones. However, business premises in particular are also widely spread through the otherwise residential areas, for example within the commercial mews and in and near smaller local centres. The distribution of all E class uses is shown in figure 5.8, below.

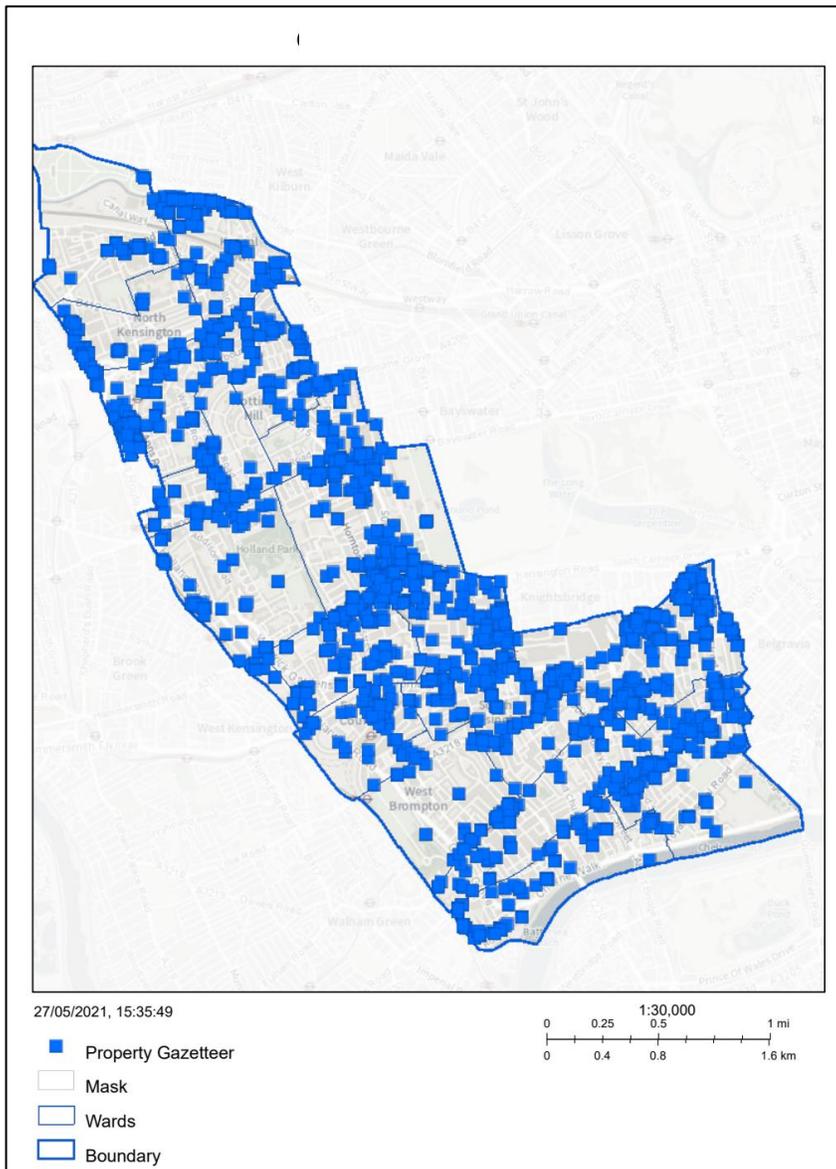


Figure 5.8: Distribution of Class E commercial uses , 2021
 Source RBKC Land use Gazetteer. ⁴

5.65 Many of these units have functional links to the nationally important clusters. Given the very high occupancy of the Borough’s office premises there would be potential for harm to these clusters if the area for exemption were more narrowly defined. It is also these out of centre or out of Employment Zone premises which tend to fall below the 1,500 sq. m threshold, with an estimated 80% of all offices in the Borough having a floor areas of less than 1,500 sq. m. The exclusion of any of this wider cluster of uses from the Article 4 direction would have a wholly unacceptable adverse impact on the sector.

⁴ This data may differ slightly from the data plotted in figure 5.6 which is based upon IDBR data for businesses only.

- 5.66 This map does indicate that any attempt to narrow the spatial extent of the Article 4 direction would exclude significant numbers of commercial and business premises and harm the function of the extended cluster.

Size of the Borough

- 5.67 With an area of just 4.6 sq miles Kensington and Chelsea is the second smallest borough in the country. A borough-wide Article 4 direction for Kensington and Chelsea (or 4.6 sq m) would be just a small part of most other boroughs. Reducing the exemption still further would merely exclude those uses which are valued.

2013 Borough-wide exemption

- 5.68 The special character of the Borough has already been recognised by the Government in the granting of the borough-wide exemption to the 2013 liberalisation. We were one of only two boroughs to be granted this exemption.
- 5.69 In granting the 2013 exemption in the (then) Department for Communities and Local Government (DCLG) accepted the argument that the Borough's entire office sector warranted protection as it was a sector characterised by interconnected business clusters, located across the Borough and not merely within lightly defined areas. The argument for the borough-wide exemption in 2013 was summarised as follows:

“The broad distribution of office premises and interlinked business clusters across Kensington and Chelsea supports the case for an exemption for the whole borough. The borough is small in area, densely developed and there is a strong argument that the whole borough represents a vibrant, interconnected set of closely related business clusters. It can be seen from the map that there are bands where offices are more concentrated, such as along the high streets. However, business premises are also widely spread through the residential areas, for example 40 within the commercial mews and in and near smaller local centres. Many of these have functional links to the nationally important clusters. Figure 3.1 demonstrates that the distribution of the fashion and music industries and the other creative industries also follows a relatively dispersed pattern. Given the very high occupancy of the borough's office premises there would be potential for harm to these clusters if the area for exemption were more narrowly defined. This is the case for both those offices which are “locally significant” and those that are “nationally significant””

- 5.70 The DCLG accepted that the Council's case for a borough-wide exemption as was very strong. The DCLG devised a method to score all submissions to ensure transparency and consistency. The Borough's submission as scored 39 out of 40 in terms of being able to demonstrate both the local and national impact of the liberalisation. The robustness of the case of a borough-wide exemption was scored a maximum 5. This was the highest score given to any local authority in the country.

- 5.71 The scores awarded are reproduced below, with a copy of the original letter from Department of Communities and Local Government confirming the exemption included in Appendix C. Full details of the 2013 submission can be viewed on the [Council's website](#).
- 5.72 It is important to note that the situation has not changed. We are still characterised by interconnected business clusters, located across the Borough and not merely within lightly defined areas. Residential values are still significantly higher than business values and the long term need for office floorspace remains.

	Scale of impact		Significance of impact		Likelihood of predicted impact		Proposed area of exemption smallest area necessary?		Total
	Strength of case	Robustness of evidence base	Strength of case	Robustness of evidence base	Strength of case	Robustness of evidence base	Strength of case	Robustness of evidence base	
National (Category A)	5	5	5	5	5	5	4	5	39
Local (Category B)	5	5	5	5	5	5	4	5	39

Figure 5.9: Department for Communities and Local Government (DCLG) Scoring matrix, 2013 exemption

- 5.73 The Council recognises that in the wave of the Covid-19 crisis the current demand for offices is deflated. However, our ongoing Employment Study shows that this demand will return in the longer term and office floorspace must be protected if we are to meet our objectively assessed need for offices. As noted above, assuming that some office need will be accommodated by current vacancies, there will still be a residual future need 2021-2043 of between 50,000 sqm to 76,000 of office floorspace.
- 5.74 The other difference between the 2013 liberalisation (and exemption) and the current situation is the threshold above which the permitted development rights no longer exist. It is important to note that in this borough the average size of an office premises is just 226 sq m⁵ and some 80% of all premises are estimated to be below the 1,500 sq m threshold. An office building with a floorspace of more than 1,500 sq m is considered in this borough to be of “corporate size”. These are largely confined to the Kensal and Freston Road Employment Zones with a small number in and around Kensington High Street. The “scatter” of out of centre commercial and business uses shown in figure 5.6 are not of this corporate size.

The 2019 Article 4 direction

⁵ Market and Viability Assessment, Frost Meadowcroft, 2014

- 5.75 With the removal of the 2013 exemption the Council confirmed a borough-wide Article 4 direction in May 2019. This direction also explicitly re-considered the extent of the direction, before deciding that the borough-wide exemption remained appropriate.

“The Council had also considered the geographic extent of the Article 4 direction. Given the geographical spread of the Borough’s office uses, and the nature of the existing clusters, the Council is seeking to confirm the non -immediate Article 4 direction which covers the whole of the Borough. This reflects the full Borough exemption, sought, and granted, to the original office to residential liberalisation in 2013”

- 5.76 It should be noted that the Secretary of State, through the National Planning Casework Unit, was notified of this direction, as required by the GPDO, but chose not to intervene. This clearly demonstrated that he was satisfied that a borough-wide direction was appropriate at this time.

London Plan

- 5.77 The Borough’s unique position is also highlighted by Policy E1 in the London Plan. Kensington and Chelsea is identified as a borough as a “*nationally-significant office location*” and the only named borough where an Article 4 direction should be introduced, to ensure that the “*viable strategic and local office clusters...are not undermined by office to residential permitted development rights.*”

- 5.78 The GLA are in the process of putting together a representation support an Article 4 direction for all nationally significant office locations.

Importance of all town centres

- 5.79 The Council does recognise that given the nature of Class MA, there is little value in an Article 4 direction protecting only some of the Class E uses in certain areas. Given that changes of use within the same use class is not development, there is nothing to stop one “protected” Class E use changing to another “un-protected” Class E use over time, thus nullifying the effectiveness of the Article 4 direction.
- 5.80 As such for any Article 4 direction to be effective it must cover all Class E uses and the area with the widest distribution of that Class E use. In our case that relates to office uses.
- 5.81 This is not to detract from the immense value of all of our town centres to the economy and to our residents. Notwithstanding the overwhelming evidence justifying a borough-wide Article 4 direction for Class E(c) (office uses) there is also a clear need to protect the 2,560 ground floor E class uses within our town centres.

Housing supply

- 5.82 The Council recognises that it is prudent to consider the likelihood of meeting its housing target when considering the nature and extent of an Article 4 direction. The Government published the results of the 2020 Housing Delivery Test in January 2021. This indicated that the 814 new houses built and delivered over the last three years is just 49% of those required by the Borough's agreed housing targets. As such the Council has not passed the test and the "presumption" in favour of sustainable development now applies.
- 5.83 This presumption does not preclude the making of an Article 4 direction. The NPPF rightly notes the importance of considering the need to "*consider any adverse impacts*" of providing housing at the expense of meeting the objectively assess need for non-housing uses, and that that such proposals should be refused were these adverse impacts "*significantly and demonstrably outweigh the benefits, when assessed against the policy in this Framework taken as a whole.*" Paragraph 20 sets out how the provision of a range of Class E commercial, business and service uses are important.
- 5.84 Also important is the need to look forward and to consider the impact that the requiring planning permission for changes of use of Class E uses to residential will have upon the ability of the Council to demonstrate a five year housing supply.
- 5.85 The housing supply requirement for the first five years is 2,688 homes. This is made up of a supply target of 448 dpa. Adding a 20% buffer to this results in the overall figure of 2,688 homes. The Council can demonstrate a supply of 2,821 homes over this period with a surplus of 133 homes or in other words 5.3 years' supply. Full details are available in the Council's Monitoring Report.⁶ This is not dependent on the loss of Class E uses to residential

6 CONSULTATION AND COMMUNITY ENGAGEMENT

- 6.1 The enacting of an Article 4 direction is a two stage process: making the direction, followed by its confirmation. We will consult on our intention to make the direction as part of the process. All comments received will be reported to the decision maker as part of the process to decide whether the Council chooses to confirm the direction in a year's time.
- 6.2 The Kensington Society are greatly concerned about the possible implications of the reforms to the GPDO and have indicated, informally, that they would support the making of an appropriate Article 4 direction. They, along with other amenity groups and other stakeholders, will be able to formally comment as part of the Article 4 direction process.

⁶ [Planning and Place Monitoring Report \(April 2021\)](#)

7 LEGAL IMPLICATIONS

- 7.1 The legal implications are explained in this report as are the processes to be followed to make, advertise and confirm the Article 4 direction. The Article 4 direction itself and the relevant notice will/has been drafted by the Legal Services Team.

8 FINANCIAL, PROPERTY, IT AND ANY OTHER RESOURCES IMPLICATIONS

- 8.1 Historically, an local planning authority has not been able to charge a planning fee to assess an application for a proposal which only required planning permission due to the existence of an Article 4 direction. However, in December 2017 this changed and the Council is now able to charge the appropriate fee. As such costs to the planning department of making the Article 4 direction would be minimal, relating only to the cost of the making/confirmation process itself. These costs would be contained within the existing service budget.
- 8.2 The Council would not be liable for compensation where the Article 4 direction comes into force 12 months after being made, as it would in this case. This is due to the regulations which came into force on 21 April 2021 which have confirmed that the new class MA of Part 3 of Schedule 2 to the GPDO is one of the permitted development rights for which compensation on withdrawal of the right is limited in various ways, as provided in the Town and Country Planning (Compensation) (England) Regulations 2015. This includes avoiding compensation liability by publicising an intention to make an Article 4 direction at least one year, (and not more than two years), ahead of the Article 4 direction taking effect

9 HUMAN RESOURCES IMPLICATIONS

- 9.1 The making of the Article 4 direction does not have any particular Human Resource implications.

10 EQUALITIES IMPLICATIONS

- 10.1 The Council has carried out an Equalities Impact Assessment (EqIA) for this Article 4 direction. (Appendix D) Given that the result of the Article 4 direction being confirmed will be a continuation of existing powers (i.e. that planning permission will continue to be required for a change of use of an office use to residential), no specified groups will be disadvantaged. The Article 4 direction is likely to have a positive impact upon the Borough's employment opportunities, but this impact will not be skewed for (or against) any specific protected group.

- 10.2 The Article 4 direction will also have a positive impact on protected groups having access to the range of shops and other services which lie within Class E of the UCO.
- 10.3 The Council has fulfilled its public sector equality duty contained in section 149 of the Equality Act 2010.

Amanda Reid
Director of Planning & Place

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report

[Note: Please list only those that are not already in the public domain, i.e. you do not need to include Government publications, previous public reports etc.]

Contact officer(s): *[Insert name, post title, authority and both email/telephone contact details of the report author or someone who is able to answer questions about the report.]*

Mandatory clearance requirements for all Key and Executive Decision reports

Cleared by <u>Corporate</u> Finance (officer's initials)	[HG]
Cleared by Director of Law (officer's initials)	[LB]
Cleared by Communications (officer's initials)	[NT]

Appendix A: Initial Stage 1 Report – Article 4 Inputs, Icen Projects (June 2021)

Appendix B: Initial Report – Article 4 direction viability, BNP Paribas (June 2021)

Appendix C: Letter from DCLG to RBKC confirming exemption (May 2013)

Appendix D: Equality Impact Assessment (June 2021)