



Report of: Executive Member for Housing and Development

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SUBJECT: Confirmation of Article 4 Directions to withdraw Permitted Development right for change of use from shops to financial and professional services

1. Synopsis

- 1.1 This report proposes that three non-immediate Article 4 Directions made by the Council on 26 May 2016 are confirmed to come into force on 26 May 2017. These Directions will withdraw the permitted development right which allows A1 shops to change to A2 financial and professional services without planning permission.
- 1.2 The three Directions cover (i) Town Centres, (ii) Local Shopping Areas and (iii) the rest of the borough (to ensure that dispersed shops are protected). The Directions are considered necessary as the permitted development right has significant potential harm on local amenity and wellbeing; in particular it could lead to a loss of essential services and accessible retail for local residents, and could affect the vitality and viability of retail areas which jeopardises the long-term future of local businesses.

2. Recommendations

- 2.1 To agree to confirm three Article 4 Directions that will withdraw the permitted development right which allows A1 shops to change to A2 financial and professional services without planning permission. The three Directions will come into force on 26 May 2017 and cover the following areas:
- (i) Town Centres;
 - (ii) Local Shopping Areas; and
 - (iii) The rest of the borough, i.e. any area not designated as a Town Centre or Local Shopping Area.

3. Background

- 3.1 In April 2015, the government amended the Town and Country Planning (General Permitted

Development) (England) Order (the GPDO) to grant new permitted development (PD) rights to allow Class A1 uses (shops) to change use to a Class A2 uses (financial and professional services). Unlike other PD rights, there are no restrictions to using the PD right, with no requirement for prior approval of any details, or even to notify the Council of the change of use. The Council has power to withdraw this right by Article 4 of the GPDO, if it is satisfied that it is expedient that development should not be carried out unless planning permission is granted on the application. In determining whether it is expedient the Council should have regard to material considerations including its Local Plan, the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG)

Article 4 Directions – background and process

- 3.2 Article 4 Directions (A4Ds) allow local planning authorities to remove PD rights that would otherwise apply by virtue of the GPDO. An A4D does not prohibit the development to which it applies, but instead requires that planning permission is 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 local planning policies and other material considerations, and to apply conditions.
- 3.3 Government policy/guidance (as set out in the NPPF and PPG) is that 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 the direction is intended to address should be clearly identified. For the proposed Directions, this is set out below.
- 3.4 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. It is open to a local planning authority to make a number of different directions specifying particular areas. In this case the three directions together cover the entire borough. PPG advises that a direction which covers a wide area such as an entire local authority area should have particularly strong justification.
- 3.5 A4Ds can be made with immediate effect or following a defined period of notice. The Council ‘made’ three Directions on 26 May 2016, and subsequently consulted on these Directions. Planning regulations require that any Directions that are ‘made’ must be confirmed before they can come into force. This report recommends that the Council confirms three non-immediate A4Ds with a 12 month notice period (which started when the Directions were ‘made’), in order to remove the Council’s liability to compensate landowners affected by the removal of PD rights. This is discussed further in the legal implications section below
- 3.6 During the 12-month notice period, the A1 to A2 PD rights would continue to apply. Following this period, the PD right would be withdrawn by the Article 4 Direction, and a specific grant of planning permission by the Council would be required for the change of use.
- 3.7 The Secretary of State for Communities and Local Government has the power to revoke or modify Article 4 directions at any time.

Policy and material considerations

- 3.8 In deciding whether an Article 4 Direction is expedient, regard has been had to various national, London-wide and local planning policies and considerations.
- 3.9 Islington is the most densely populated local authority area in the UK, with further significant increases in population projected in future years. Islington is also an important centre for employment; the 2016 Employment Study projects an increase of approximately 50,000 jobs in the borough between 2016 and 2036. The Retail Study which underpins the Local Plan identifies a significant need for new retail in the borough. Islington is also a popular tourism destination. Retail uses provide an important service for residents, business and visitors, for example, a good level of retail can be a key draw for businesses looking to locate in certain areas.
- 3.10 In order to facilitate sustainable population and employment growth, and to maintain and improve the

wellbeing of the borough's residents and businesses, the Council needs to ensure that sufficient land is available for different land uses, including retail floorspace. This is currently done through the planning system, and the implementation of Local Plan policies.

- 3.11 Islington's Local Plan is made up of several documents which provide the basis for assessing planning applications in the borough; the Local Plan includes the Core Strategy (adopted February 2011), Development Management Policies, Finsbury Local Plan and Site Allocations (all adopted June 2013). The Local Plan is up-to-date and is fully consistent with the NPPF.
- 3.12 Islington's Local Plan policies positively promote sustainable development to ensure that social, environmental and economic goals are achieved across the lifetime of the plan. One of the fundamental Core Strategy objectives, which underpins Islington's entire Local Plan, is to promote neighbourhoods which support a sense of wellbeing. Unrestricted ad-hoc loss of shops (A1 uses) and development of A2 uses could undermine the sustainable development of the borough, particularly in terms of economic and social sustainability, and impact negatively on local amenity and wellbeing.
- 3.13 The Local Plan retail policies aim to maintain and enhance retail provision in the borough; specific policies which link to the justification for each proposed Article 4 Direction are discussed in relevant sections below. However, the A1 to A2 PD rights further erode one of the few mechanisms the Council can use to protect important retail uses across the borough; they inhibit the Council's ability to ensure that Town Centres and local shopping areas retain a sufficient critical mass of retail provision accessible by walking, cycling and sustainable transport modes. This is particularly important for the wellbeing of a growing population.
- 3.14 Islington has a diverse retail character with a strong emphasis on small and independent shopping. It is important to ensure that the vitality and viability of Islington's retail hierarchy – Town Centres, Local Shopping Areas and dispersed A1 shops - is not adversely affected, and that these centres and other stand-alone shop units and small parades across the borough are able to continue to provide a diverse range of services (including everyday essential services) to safeguard amenity for local residents, local businesses and visitors to the borough.
- 3.15 Policy CS14 of Islington's Core Strategy aims to provide a healthy retail and service economy by providing a good range of goods and services for people who live, work and study in the borough. This supports economic development and also ensures people can shop locally. The Core Strategy also has a number of key area policies, several of which cover Town Centres, Local Shopping Areas and dispersed shops. These key area policies generally support the protection and enhancement of retail. Map 3.9 of the Core Strategy shows the spread of retail provision across the borough (at [http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/\(2012-03-03\)-Core-Strategy-February-2011.pdf](http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Quality-and-performance/Reporting/2011-2012/(2012-03-03)-Core-Strategy-February-2011.pdf)).
- 3.16 At the national level, paragraph 23 of the NPPF directs Local Planning Authorities (LPAs) to develop planning policies which are positive, promote competitive town centre environments and set out details of the management and growth of centres over the plan period.
- 3.17 Paragraph 70 of the NPPF directs LPAs to prepare policies which:
- plan positively for the provision and use of community facilities (such as local shops) and other local services to enhance the sustainability of communities and residential environments;
 - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and
 - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- 3.18 The PPG notes the importance of a positive vision or strategy for town centres, articulated through the Local Plan; this is key to ensuring successful town centres which enable sustainable economic growth and provide a wide range of social and environmental benefits. The PPG notes that once adopted, a Local Plan, including any town centre policy that it contains, will be the starting point for any decisions on individual developments.

- 3.19 At the London level, the London Plan (consolidated with alterations since 2011) identifies London's town centres as a key spatial priority as they provide access to a range of services and enable all parts of London to make a greater contribution to London's economic success. This spatial priority should be reflected in local policies and decisions.
- 3.20 Policy 2.15 of the London Plan highlights that neighbourhood/local centres can play a key role in addressing areas deficient in local retail and other services
- 3.21 Policy 4.7 notes that the availability of accessible local shops and related uses meeting local needs for goods and services (including post offices and public houses) is also important in securing 'lifetime neighbourhoods' – places that are welcoming, accessible and inviting to everyone regardless of age, health or disability and which provide local facilities available to all. Policy 7.1 expands on this, stating that people should be able to live and work in a safe, healthy, supportive and inclusive neighbourhood with which they are proud to identify, where access to public transport, basic amenities, local shops, cultural facilities, places to meet and relax, and green and open spaces are within easy reach of homes.
- 3.22 Policy 4.8 highlights that the Mayor will, and boroughs and other stakeholders should, support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of the London Plan. Local planning policies should take a proactive approach to planning for retailing and related facilities and services; provide a policy framework for maintaining, managing and enhancing local and neighbourhood shopping and facilities which provide local goods and services; and develop policies to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping
- 3.23 The Town Centres Supplementary Planning Guidance (July 2014) expands on the London Plan policies identified above, in particular providing further guidance on the Mayor's aspiration to support and retain small shops. Small shops can improve consumer choice and convenience to the communities they serve, benefit the local economy in terms of local employment and income generation, and enhance the character and vibrancy of town centres. However, the number of small shops in London has fallen by 20 per cent in the past decade due to a number of factors. The SPG encourages boroughs to set out appropriate local policies for protecting and promoting small shops in their areas, for example policies to mitigate the loss of small shops.

Proposed Article 4 Directions – general justification

- 3.24 Islington has a diverse range of retail in various areas across the borough. Based on the Council's latest survey information, A1 uses are the predominant use in Islington's shopping areas, particularly within the four designated Town Centres and the majority of the 40 Local Shopping Areas; there are also a significant number of dispersed A1 local shops across the borough. The adopted Local Plan has several policies which aim to maintain and promote A1 uses in order to ensure healthy retail areas. The amendment to the GPDO (see paragraph 4.1) means that A1 uses can change use without the need for planning permission. This could lead to a diminution of A1 uses, and could harm local amenity and wellbeing.
- 3.25 The potential impacts provide significant justification for implementing Article 4 Directions to remove A1 to A2 PD rights. There is evidence of a significant rise in estate agents in Islington since early 2015 and within A2 use class¹ in the borough, estate agents represent the single biggest element. The Islington Gazette² reported a 26% increase (based on industry sources) over this period - meaning that Islington, the second smallest local authority area in London, now has 111 estate agents, the second highest number of all London boroughs - and highlighted the impact this can have on local shops and the vitality of retail areas.
- 3.26 While the A1 to A2 PD right might be beneficial in areas with high A1 vacancy - by introducing a degree

¹ A2 uses include estate agents, banks, professional services (such as solicitors offices) and employment agencies.

²http://www.islingtongazette.co.uk/news/number_of_estate_agents_in_islington_up_26_per_cent_in_a_year_1_4430481

of flexibility to appeal to a wider range of occupiers - it is likely to have the opposite effect and adversely impact the vitality, viability and diversity of successful retail areas such as Islington where vacancy is low. This is likely to compromise the ability of the Council to plan properly for these areas and ensure valuable local services are protected and local wellbeing is maintained. Loss of valuable A1 local services poses a threat to the achievement of sustainable development in the borough.

- 3.27 Given that other PD rights exist which allow change of use to A2 use (namely from A3, A4 and A5 to A2), and that change within the A2 use class itself is not restricted (e.g. change from a bank to an estate agent), the level of A2 in the borough is likely to fluctuate which makes it difficult to establish a precise number of A2 uses at any point. The July 2015 survey³ shows that A2 uses make up a significant proportion of overall uses in Islington's retail areas. Across both Town Centres and Local Shopping areas, there is a high ratio of A2 to A1 units.
- 3.28 Although the A2 use class includes a number of types of use such as banks, it is estate agents which are the most common A2 use. Estate agents⁴ do not attract footfall in the same way as A1 uses or even in the same way as other A2 uses, and could undermine vitality and viability of retail areas.
- 3.29 The following Article 4 Directions are proposed. These are considered necessary because of the likely adverse impacts that the PD rights will have on local amenity and wellbeing, as outlined (in addition to the general justification above).

Article 4 Direction for Town Centres – potential harm to local amenity and wellbeing

- 3.30 Development Management Policy DM4.4 seeks to maintain and enhance the retail and service function of the borough's Town Centres. These areas cover a wider-than-local catchment and draw visitors from further afield, not just from the rest of the borough but from other parts of London, e.g. Angel Town Centre's range of independent shops is considered a destination for tourists and residents from other parts of London. Islington's Town Centres also increase the attractiveness of the borough as an employment location, as they include numerous uses which support offices and provide facilities for employees. Policy DM4.5 identifies primary and secondary frontages within Town Centres; proposals in these frontages must meet certain criteria, including meeting a minimum proportion of A1 uses.
- 3.31 Islington's Town Centres are the core retail areas in the borough as they contain the greatest quantum of A1 uses. Islington's Town Centres all have a specific shopping function with a high concentration of A1 uses. This draws people to these centres and gives them access to important shopping facilities and services; and enables these centres to maintain their vitality and viability and to remain vibrant, which benefits local businesses. Cumulatively, the level of A1 across Town Centres is a significant positive factor in maintaining a good level of local amenity and in achieving a sense of wellbeing across the borough as a whole. The A1 to A2 PD right poses a real risk to Islington's Town Centres, as it removes the Council's ability to properly assess the impacts of changes of use from A1 to A2; this could significantly undermine the level of A1 and therefore pose significant potential harm to local amenity and the wellbeing of residents and businesses in these areas.
- 3.32 All recent surveys of Islington's four Town Centres (the latest dated July 2015) show that, on the whole, these areas can be considered very healthy, with a low vacancy level relative to the national average. The following table identifies the proportion of A1, A2 and vacancy for various levels of Town Centres, both overall and for primary and secondary frontages⁵. There is approximately an 1:4.5 ratio of A2 to A1 across Town Centres, which effectively means that for every four or five A1 units within Town Centres,

³ The survey counted betting shops and payday loan shops as A2 units. This is appropriate as these units remain lawful A2 use, hence they can be occupied by A2 uses such as estate agents or banks at any time. Betting shops and payday loan shops who occupied these units prior to the reclassification of use can continue to operate from the units, as reclassification of a use does not amount to development within the meaning of the TCPA 1990 and hence there is no material change which triggers requirement for planning permission.

⁴ The A2 use class uses the term estate agencies. There can be some confusion between estate agents (who are focused on selling property) and letting agents (who are focused on rental properties). Where this report refers to estate agents, it means both these subsets, and agents who offer both functions.

⁵ A3, A4, A5, B1, D2 and some Sui Generis uses are also classed as main Town Centre uses, but the percentage of these uses is not given here as it is not relevant to the Article 4 Direction.

there is also an A2 unit. This is considered a high frequency.

Level of retail hierarchy	Percentage of A1	Percentage of A2	Percentage of vacant units
Primary and Secondary Frontages (within Town Centres)	56%	9.3%	6.6%
Town Centres overall	46%	10%	8.1%

- 3.33 The unfettered loss of A1 units in Town Centres could affect retail provision in the borough and deprive local communities of important retail services, including specialised shopping. Development Management Policy DM4.9 seeks to protect and promote the role of specialist shopping areas in the borough, particularly Camden Passage in Angel Town Centre and Fonthill Road in Finsbury Park Town Centre. Both of these areas have a very high proportion of specialist A1 uses and attract visitors from outside the borough.
- 3.34 The PD right is therefore a significant potential harm to the amenity of these specialist shops, in terms of businesses continuing to trade effectively, and in terms of impact on footfall and wider Town Centre vitality, viability and vibrancy. Businesses in Town Centres often depend on agglomeration of similar uses, from which they can draw trade. The PD right offers no certainty to local businesses that a critical mass of A1 units can be maintained, and actually increases the risk that A1 uses will deteriorate over time.
- 3.35 The presence of A2 uses (particularly where these uses are clustered together) can also have significant adverse amenity impacts, in reducing the attractiveness of Town Centres, via less active frontages which do not generate passing trade and visual interest in the same way as A1 uses.
- 3.36 Also, change of use to A2 could have cumulative impacts and lead to an over-concentration of A2 uses which could affect amenity; this is exacerbated by other longstanding PD rights (which allow A3, A4 and A5 uses to change to A2) and change within the A2 use class itself which is not restricted (e.g. change from a bank to an estate agent). The Development Management Policies Local Plan document, in policy DM4.3 (supplemented by the Location and Concentration of Uses Supplementary Planning Document) aims to ensure this does not happen. These PD rights could compromise the objectives of this policy and mean that adverse cumulative impacts on amenity and wellbeing cannot be properly prevented or mitigated. This is a borough-wide concern, although it is noted that there are existing prominent concentrations of A2 uses in some Town Centres, notably Angel (as was raised by two respondents to the consultation exercise, see Appendix 2).

Article 4 Direction for Local Shopping Areas – potential harm to local amenity and wellbeing

- 3.37 Development Management Policy DM4.6 identifies 40 Local Shopping Areas across the borough. Proposals within Local Shopping Areas will only be permitted where an appropriate mix and balance of uses, which maintains and enhances the retail and service function of the area, is retained. Local Shopping Areas within the Finsbury Local Plan area must maintain a percentage of A1 above 35%.
- 3.38 Local Shopping Areas serve smaller catchment areas than Town Centres but play a critical role in the borough’s retail hierarchy. Local Shopping Areas vary in size from a few units to 100+ units but they all play a role in servicing local communities, including, but not limited to, essential services and provision of everyday goods. Local Shopping Areas are predominantly A1 in nature although they often have a distinct leisure offer, notably cafes and restaurants. Even a small change in the quantum of A1 through the PD right could drastically alter the role and function of these areas and endanger their long-term future. Such adverse impacts could affect local amenity and wellbeing of communities across the borough, in particular the ability of local residents to have convenient access to essential services and for local businesses to continue to trade.
- 3.39 The unfettered loss of A1 units could affect retail provision in the borough and deprive local communities of important accessible provision of everyday essential services. It could also compromise clusters of retailers evident in many Local Shopping Areas and adversely affect the vitality and viability

of retail areas. It also makes it impossible to ensure the achievement of the Local Plan policy aim of maintaining at least 35% A1 uses in Local Shopping Areas in the Finsbury Local Plan area.

- 3.40 All recent surveys of Islington’s 40 Local Shopping Areas (the latest dated July 2015) show that, on the whole, these areas can be considered very healthy, with a low vacancy level relative to the national average. The following table identifies the proportion of A1, A2 and vacancy for Local Shopping Areas⁶. There is approximately a 1:5 ratio of A2 to A1 across Local Shopping Areas, which effectively means that for every five A1 units within Local Shopping Areas, there is also an A2 unit. This is considered a high frequency of A2 uses for a Local Shopping Area.

Level of retail hierarchy	Percentage of A1	Percentage of A2	Percentage of vacant units
Local Shopping Areas	40%	7.7%	8.0%

- 3.41 As with Town Centres above, change of use to A2 could have cumulative impacts and lead to an over-concentration of A2 uses which could affect amenity. This is exacerbated by other longstanding PD rights (which allow A3, A4 and A5 uses to change to A2) and change within the A2 use class itself which is not restricted (e.g. change from a bank to an estate agent). The Development Management Policies Local Plan document, in policy DM4.3 (supplemented by the Location and Concentration of Uses Supplementary Planning Document) aims to ensure this does not happen. These PD rights could compromise the objectives of this policy and mean that adverse cumulative impacts on amenity and wellbeing cannot be properly prevented or mitigated. This is a borough-wide concern, although there are a number of Local Shopping Areas with several existing A2 uses, particularly along Holloway Road and Caledonian Road.
- 3.42 The presence of A2 uses (particularly where these uses are clustered together) can also have significant adverse amenity impacts, in reducing the attractiveness of Local Shopping Areas, for example, via less active frontages which do not generate passing trade and visual interest in the same way as A1 uses.

Article 4 Direction for the rest of the borough – potential harm to local amenity and wellbeing

- 3.43 Development Management Policy DM4.7 protects dispersed A1 units (i.e. those outside designated retail areas) from change of use. This general protection is necessary as protecting specific addresses/premises would be ineffective given that dispersed shops can close for site specific reasons and another shop that might open in undesignated premises after the production of the Local Plan policy would not benefit from any policy protection. Policy DM4.1 also places great weight on the need to retain small shops.
- 3.44 Outside of designated retail areas, dispersed shops play a vital, distinct role in Islington’s retail hierarchy, largely delivering essential day-to-day services which serve the most basic needs (e.g. corner-shops) of the local population and which are more readily accessible to these local communities (i.e. within a very short walking distance). Without the ability to assess applications involving the loss of these important facilities, there is a distinct risk of harm to local amenity and wellbeing. The proposed Article 4 Direction covers a wide area but this is necessary as individual designation would not be possible or effective.
- 3.45 The dispersed shops policy protects individual local shops and small shopping clusters/parades which did not warrant designation as a Local Shopping Area due to their size. Given this, and the fact that dispersed shops can often be located close to designated retail areas, change of use from A1 to A2 through PD could have cumulative impacts and lead to an over-concentration of A2 uses which could affect amenity; this is exacerbated by other longstanding PD rights (which allow A3, A4 and A5 uses to change to A2) and change within the A2 use class itself which is not restricted (e.g. change from a bank to an estate agent). The Development Management Policies Local Plan document, in policy DM4.3 (supplemented by the Location and Concentration of Uses Supplementary Planning Document) aims to

⁶ A3, A4, A5, B1, D2 and some Sui Generis uses are also classed as main Town Centre uses, but the percentage of these uses is not given here as it is not relevant to the Article 4 Direction.

ensure this does not happen. These PD rights could compromise the objectives of this policy and mean that adverse cumulative impacts on amenity and wellbeing cannot be properly prevented or mitigated. This is a borough-wide concern.

Consultation on Article 4 Directions

- 3.46 In line with planning regulations, the Council consulted on the three Article 4 Directions from 26 May 2016 (the day the Directions were made) to 7 July 2016, a period of six weeks. This is double the minimum period specified in the regulations. In deciding whether to confirm the Directions, the local planning authority must take into account any representations received during the period.
- 3.47 Seven responses were received (see Appendix 2). Three responses (two local organisations and one local resident) expressed support for the Directions in order to prevent an adverse effect on available retail and shopping habits; to enable a continued strategic view of planning for retail in the borough; and to retain vibrancy of areas (particularly areas with an existing high proportion of A2).
- 3.48 The City of London Corporation response noted that there is likely to be no impact on the City of London as a result of the Directions. The remaining three responses were from national organisations and did not offer any comments on the Directions.
- 3.49 The responses received reinforce the justification for the Directions set out in section 3 of this report. No issues were raised during the consultation which would affect the decision to confirm the Directions.

4. Implications

Financial implications:

- 4.1 Any applicants submitting applications for planning permission which would have been unnecessary, prior to an Article 4 Direction removing PD rights are entitled to apply for planning permission without paying standard application fees. The Article 4 Directions are therefore likely to lead to an increase in the number of planning applications for which planning application fees will not be applicable.
- 4.2 If a local planning authority makes an Article 4 Direction, it may be liable to pay compensation to those whose PD rights have been withdrawn in the event that planning permission is refused for such development. However, no compensation is payable if the following procedure is followed, as set out in section 108 of the Town and Country Planning Act:
- The planning permission withdrawn is of a prescribed description as set out in the Town and Country Planning (Compensation) (England) Regulations 2015 (as amended). Part 3, Class D Permitted Development rights are included in this list.
 - The permitted development right is withdrawn in the prescribed manner.
 - Notice of withdrawal is given in the prescribed manner:
 - not less than 12 months before it takes effect.
 - not more than the prescribed period (two years)
- 4.3 The process followed by the council with regard to these Directions means that no compensation will be payable once the Direction comes into force on 26 May 2017.
- 4.4 Costs associated with publishing the confirmation of the Article 4 Directions will be met from the Spatial Planning and Transport Team budget.

Legal Implications:

- 4.5 Legal implications are contained within the body of this report. An Article 4 Direction removes the specified PD right and means that an express grant of planning permission will be required for the change of use. If the non-immediate procedure is followed then the Article 4 Directions would, if confirmed, come into force one year from the date of the publication of the notice, so that the council would not be liable to pay compensation should planning permission be refused or granted subject to conditions.

- 4.6 Legal Services are advising on the form of the notice and linked procedures which are specified in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Secretary of State has power to withdraw or modify the direction at any time. The council has power to cancel the direction by subsequent direction.
- 4.7 If confirmed by the Executive, the local planning authority must, as soon as practicable, give notice of the confirmation and the date on which the Directions will come into force; and send a copy of the confirmed Directions to the Secretary of State. Any notice given must follow the same process as the notice given when the Directions were made. Therefore, the confirmed Directions will be publicised via the press (local advertisement), site notices and by serving notice on affected properties. To identify affected properties, data held on the Council's Business Rates database will be used as a starting point and a Use Class will be attributed to individual premises' records. Reasonable efforts will be made to capture all properties which are likely to be affected by the Directions. All the addresses on the business rates database will be written to where it appears that the premises are in A1 use.

Environmental Implications:

- 4.8 The Article 4 Directions are likely to have a positive environmental impact as, by re-introducing the need for planning permission for certain proposals, they will allow relevant planning policies to be applied – in particular the Core Strategy, Development Management Policies and Finsbury Local Plan. Islington's planning policies look to achieve a high level of environmental standards.
- 4.9 The loss of local shops can have an adverse environmental impact, as it leads to local residents having to travel further in order to buy goods or use services, which in turn may increase vehicular emissions (CO₂ and NO_x) and congestion. Withdrawing the PD right for change of use from shops to financial and professional services could help ensure that local shops are less likely to be lost, resulting in less adverse impacts from possible changes of use.

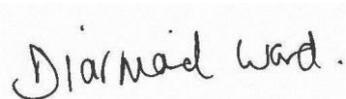
Resident Impact Assessment:

- 4.10 The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.
- 4.11 A Resident Impact Assessment (RIA) has been completed and has shown that there are no specific equalities implications relating to the Article 4 Directions.
- 4.12 The assessment of equality impacts is an iterative process and has been considered throughout the development of the Directions. The initial screening for a Resident Impact Assessment (RIA) was completed on 7 April 2016, in respect of the Article 4 Directions which were then consulted on. This screening did not identify any specific equalities implications.
- 4.13 The RIA was been revisited in August 2016 following the consultation on the Directions. The representations received raised no negative equality impacts and the conclusions of the April 2016 RIA remain relevant.

5. Reasons for the recommendations

- 5.1 Islington has a diverse range of retail shops in various areas across the borough. The A1 to A2 PD right poses significant potential harm to local amenity and the wellbeing of the borough. In order to ensure proposals in these areas are fully considered against adopted policies, and therefore that local amenity and wellbeing considerations are properly taken into account, we propose that three Article 4 Directions are confirmed to cover these retail areas. These Directions are justified taking into account adopted planning policy and other material considerations and address the criteria for Article 4 Directions set out in the NPPF and PPG, as follows:
- 5.2 **Town Centres** - Islington's Town Centres are the core retail areas in the borough as they contain the greatest quantum of A1 uses. Islington's Town Centres all have a specific shopping function with a high concentration of A1 uses. This draws people to these centres (including residents from other London boroughs and tourists) and gives them access to important shopping facilities and services; and enables these centres to maintain a good level of vitality and viability and to remain vibrant, which benefits local businesses. Cumulatively, the level of A1 across Town Centres is a significant positive factor in maintaining a good level of local amenity and in achieving a sense of wellbeing across the borough as a whole. The A1 to A2 PD right poses a real risk to Islington's Town Centres, as it removes the Council's ability to properly assess the impacts of changes of use from A1 to A2; this could significantly undermine the level of A1 as well as lead to overconcentration of A2 uses. It therefore poses significant potential harm to local amenity and the wellbeing of residents and businesses in these areas.
- 5.3 **Local Shopping Areas** – Local Shopping Areas serve smaller catchment areas than Town Centres but play a critical role in the borough's retail hierarchy. Local Shopping Areas vary in size from a few units to 100+ units but they all play a role in servicing local communities, including, but not limited to, essential services and provision of everyday goods. They also often have a distinct leisure offer, notably cafes and restaurants. Local Shopping Areas are predominantly A1 in nature; even a small change in the quantum of A1 through the PD right could drastically alter the role and function of these areas and endanger their long-term future. Such adverse impacts could affect local amenity and wellbeing of communities across the borough, in particular the ability of local residents to have convenient access to essential services; and for local businesses to continue to trade.
- 5.4 **Rest of the borough** - dispersed shops play a vital, distinct role in Islington's retail hierarchy, largely delivering essential day-to-day services which serve the most basic needs (e.g. corner-shops) of the local population and which are more readily accessible to these local communities (i.e. within a very short walking distance). Without the ability to assess applications involving the loss of these important facilities, there is a distinct risk of harm to local amenity and wellbeing.

Signed by:



10 October 2016

Executive Member for Housing and Development

Date

Appendices

1. Maps of areas to be covered by each Article 4 Direction
2. Summary of representations received during consultation (26 May 2016 to 7 July 2016)

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