

<b>Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken</b>	Cllr Ahern, Cabinet Member for Planning and Transport	 THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
	Date that decision is implemented (i.e. not before): 23 June 2017	
	Forward Plan reference: 04982/17/P/A	
<b>Report title (decision subject)</b>	<b>THE CONFIRMATION OF THE NON-IMMEDIATE ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS FOR CHANGES OF USE FROM LIGHT INDUSTRIAL (CLASS B1(c)) TO RESIDENTIAL (CLASS C3) WITHIN SELECTED PARTS OF THE BOROUGH</b>	
<b>Reporting officer</b>	Graham Stallwood, Executive Director, Planning and Borough Development	
<b>Key decision</b>	Yes	
<b>Access to information classification</b>	Public	

## 1. EXECUTIVE SUMMARY

1.1 On 23 September 2016 the Council "made" a non-immediate Article 4 direction for properties:

- within St Helen's, Golborne, Notting Dale and Colville wards;
- within the Lots Road Employment Zone; and
- the following vehicle repair garages outside of these areas:
  - 17-19 Edge Street, W8 7PH
  - 7 Russell Gardens Mews, W14 8EU
  - 13-14 Osten Mews, SW7 4HW
  - 14-17 Astwood Mews, SW7 4ED
  - 4, 5, 8, 9 and 23 Astwood Mews, SW7 4ED
  - 16a Portobello Mews, W11 3DG
  - Chelsea Cloisters, Sloane Avenue, SW3 3DZ

where in a B1(c) light industrial use.

1.2 This initiated the process of removing the permitted development rights which will come into being on 1 October 2017, which will ordinarily be allowed under Class PA of Part 3 of Schedule 2 of the GPDO (as amended) or the change of use of "premises in light industrial use to dwelling houses."

1.3 The Council has until 1 October 2017 to confirm the Article 4 direction if it is to become permanent. It is only when confirmed will the provisions of the Article 4 direction will be able to come into effect and the specific permitted development rights be removed.

1.4 Having had regard to the representations received in response to the consultation regarding the initial "making", the Cabinet Member for Planning and Transport is **recommended to confirm the non-immediate Article 4 direction for the properties and areas in question. The Article 4 direction shall come into force on 1<sup>st</sup> October 2017.**

## 2. RECOMMENDATION

2.1 The Cabinet Member for Planning and Transport is recommended to confirm a non-immediate Article 4 direction, removing the permitted development rights ordinarily allowed under Class PA, Part 3 of Schedule 2, of the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended) ('the GPDO') for the change of use of "premises in light industrial use to dwelling houses."

2.2 The Article 4 direction should relate to B1(c) light industrial uses:

- within the St Helen's, Golborne, Notting Dale and Colville wards;
- within the Lots Road Employment Zone; and
- the following premises outside of these areas:
  - 17-19 Edge Street, W8 7PH
  - 7 Russell Gardens Mews, W14 8EU
  - 13-14 Osten Mews, SW7 4HW
  - 14-17 Astwood Mews, SW7 4ED
  - 4, 5, 8, 9 and 23 Astwood Mews, SW7 4ED
  - 16a Portobello Mews, W11 3DG
  - Chelsea Cloisters, Sloane Avenue, SW3 3DZ

where in a B1(c) light industrial use.

2.3 The Article 4 direction shall come into force on 1 October 2017.

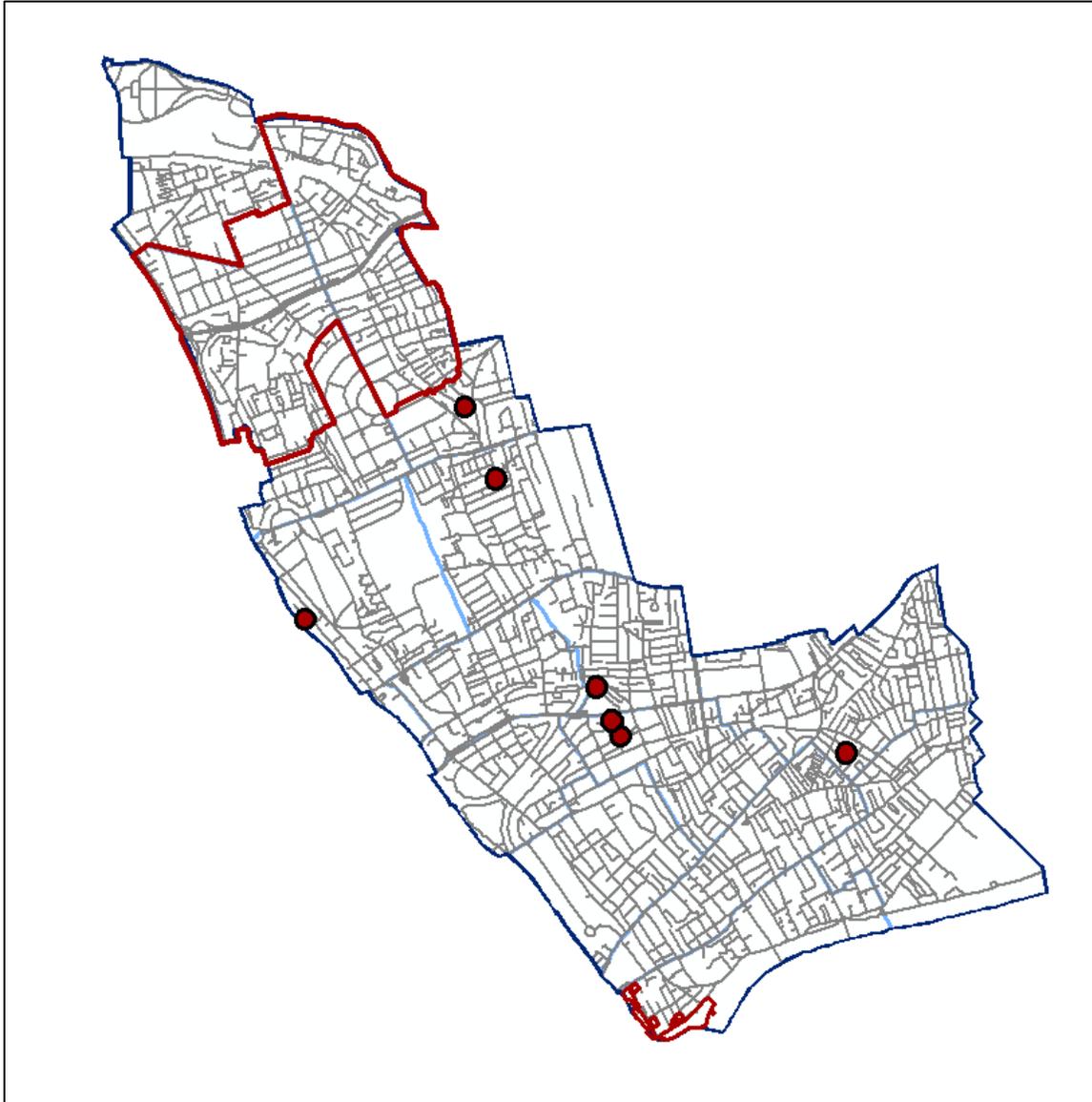
2.4 Map 1 shows the area and properties to be covered by the Article 4 direction.

### **3. BACKGROUND AND THE MAKING OF THE ARTICLE 4 DIRECTION**

3.1 On 6<sup>th</sup> April 2016 the Government enacted a statutory instrument which will replace the need for planning permission for changes of use of light industrial uses (Class B1(c) uses) to residential (Class C3) (Class PA, Part 3 of Schedule 2 of the GPDO) with a system of 'prior approval'. 'Prior approval' only allows the Council to consider a narrow suite of issues when considering whether or not to grant the proposed change of use. These include:

- transport and highways impact of the development;
- contamination;
- flooding risks; and
- the impact that the introduction of a residential use will have upon the "sustainability of the provision of those services", but only where the building is in an area "that is important for providing industrial services".

- 3.2 This is a time limited provision, starting on 1 October 2017 and ending on 1 October 2020. This liberalisation will relate to light industrial uses which were solely in use as such on 19 March 2014 and those units with a floor area of less than 500 sq m.



Map 1: The area and properties to be covered by the Article 4 direction

- 3.3 The Council can consider the impact of the loss of a light industrial use, but only when the building is in an area “*that is important for providing industrial services*”. By inference the loss of a light industrial use cannot be resisted, whatever the harm, when the unit is not in an area important for providing industrial services. This is not to say the harm will be in anyway less real or significant. Incremental loss can, for example, harm employment opportunities, see the loss of uses of

particular value, or jeopardise the viability of the Borough's Employment Zones.

- 3.4 Given the narrow scope of what can be considered the Council is concerned that, unfettered, the new system of prior approval will result in the loss in a significant amount of the Borough's remaining light industrial stock.
- 3.5 This would have a detrimental impact on the diversity of uses in the Borough, so essential to its special character. It will also have a significant impact upon employment opportunities within the Borough, the local and wider economy and upon the continued character and on-going viability of the Borough's Employment Zones. The possible loss of vehicle repair garages will also have a direct impact upon facilities which support the residential function of the Borough.
- 3.6 As such the Council was satisfied that the removal of these permitted development rights through an Article 4 direction was appropriate due to there being a real and specific threat posed. Furthermore, it decided that it was "expedient that development described... should not be carried out unless permission is granted for it on an application" (Article 4(1) of the GPDO 2015 (as amended)). By the same measure, the Council was also satisfied that the making of the Article 4 direction is in accordance with the policy within the National Planning Policy Framework (NPPF, paragraph 200) and guidance within the National Planning Practice Guidance (NPPG) on 'When is permission required?' (ID: 13-038) in being "necessary to protect local amenity or the wellbeing of the area."
- 3.7 An Article 4 direction covering just four wards: Golborne, St Helen's, Notting Dale and Colville, and the three Employment Zones would ensure that the majority (84%) of the Borough's light industrial floorspace would require planning permission to change use to residential and be subject to the Council's Local Plan. Of the three Employment Zones only one, Lots Road, does not lie within one of these four named wards. Those seven car repair units which do not lie within these wards, and which do not already benefit from a planning permission allowing loss to residential, could be offered specific protection through the Article 4 process. Such an approach would be targeted, with the "Article 4 direction areas" being only 17% of the Borough area. 83% of the Borough would be unaffected.
- 3.8 A non-immediate Article 4 direction was made by the Council on 23<sup>rd</sup> September 2016 to ensure that planning permission would continue to be required for the change of use of the named areas and addresses when the national provisions come into being. The proposal had also

been considered by the Public Realm Scrutiny Committee of 12<sup>th</sup> September 2016, where no objections were raised.

- 3.9 The Council can confirm the Article 4 direction at any time between the completion of the consultation (see next section) on the making of the direction and 2 years after the Article 4 direction was made. Only after confirmation will the provisions of the Article 4 direction come into being, and the permitted development rights removed. A year must elapse between making and the direction coming into effect if the Council is not to be liable for compensation associated with the Direction.

#### **4. CONSULTATION ON THE ARTICLE 4 DIRECTION**

- 4.1 As part of the process of making the Article 4 direction the Council has consulted the public and local amenity groups, the Secretary of State, and in case of the named garages, the individual owners/occupiers. This consultation period ended on 4 November 2016. The Council must take account of all the representations received before deciding whether it is appropriate to confirm the Article 4 direction.

- 4.2 Twenty two representations were received. These and the Council's response can be broken down as follows:

##### *Non place-specific comments about the Article 4 direction*

- 4.3 Eight consultees supported the making of the Article 4 direction as they valued the function that light industrial uses have. This included the specific services they offer, their contribution to the economy and the employment opportunities that they provide.
- 4.4 Representations were received from the St Quintin and Woodlands Neighbourhood Forum. No objection was raised. The purpose of the Article 4 direction is not to resist the loss of all light industrial uses, but to allow the Council to consider a proposal using all the policies within its Development Plan. This will include those within the SQWNP and the Local Plan.
- 4.5 One consultee sought clarification as to whether the Article 4 direction related to B1(c) light industrial uses only, or whether it also sought to restrict changes of use within the B class uses. Another suggested that the Article 4 direction be amended to ensure that planning permission is required for changes of use from a light industrial to an office use, as well as to residential use.

4.6 The function of the Article 4 direction is specific. It is to ensure that planning permission is required for a change of use from a light industrial use to residential. The Council does not wish to control changes of use within the B class. It is a long established freedom which allows business uses to evolve. In addition the Council notes that a change of use within the same use class is not development, and does not, and cannot require planning permission.<sup>1</sup> B1(a), (b) and (c) uses all fall within the same use class.

*Astwood Mews*

- 4.7 Representations were received from six residents of Astwood Mews, objecting to the Article 4 direction covering the garages within the mews. These residents were concerned that there had been a progressive intensification of the existing garages, an intensification which makes these uses incompatible with the adjoining residential properties. The "un-neighbourliness" relates to parking problems and congestion, to noise and disturbance through the use of the garages, concerned about the "health and safety" of the operations being carried out and about waste disposal. This situation leads to an ongoing conflict between neighbours and the operators of one of the two garages, with residents being compelled to complain about bad practice. Whilst a car repair garage is a valuable use, these consultees are of the view that Astwood Mews is not a suitable location.
- 4.8 There was also concern from one resident of the mews that the Article 4 direction will support the expansion of light industrial uses, to the detriment of residents.
- 4.9 The owners of one of the two garages within the mews also objected to the Article 4 direction. Whilst he restates his desire to continue to operate in the mews he was of the opinion that parking restrictions, and the robust enforcement of these restriction, means the operation of the permitted use is becoming "impractical and unviable." In addition he states that the nature of the business, a business which have been here for at least 60 years, is now "directly at odds" with the expectations of those living within mews. He suggest that the Article 4 direction is a "condemnation rather than a means of protection of the use." The rigid enforcement of parking controls means that it is now nearly impossible for the business to continue to operate.

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<sup>1</sup> NPPG Paragraph: 012 Reference ID: 13-012-20140306

- 4.10 One letter of support was received from a resident of the mews. This supported the provision of a mix of uses and noted the contribution that the garages have in “bringing an element of liveliness” to the mews as well as the “enormous value” of the service that the garages provide. Such uses also provide much needed employment opportunities. The consultee also noted that there was a responsibility of the garage owners to respect the needs of local residents.
- 4.11 The Council recognises that there is a conflict between the operational needs of one of the two garages within Astwood Mews and the expectations of many of the mew’s residents. However, the Council is not of the view that the two uses are inherently incompatible. Discussions with colleagues within the Parking Enforcement team would suggest that the garage could operate without undue disturbance to neighbours if managed differently.
- 4.12 It is important to note that the Article 4 direction does not in itself preclude a change of use. Its function is simple, it is to require an application for planning permission for a change of use from a light industrial use to residential. When determining a planning application, the Council will have regard to the policies within the Development Plan as well as any other material considerations when considering whether the change of use would be appropriate. If the applicants, or indeed neighbours, can demonstrate that the continued use of the garage is incompatible with the surrounding residential uses, then a change of use may be appropriate.
- 4.13 There will be circumstances where the loss of a B1(c) garage may be appropriate. The presumption should, however be, that this loss is to an office, an alternative B class use, rather than to residential. Small offices usually successfully coexist with residential uses, and have many of the same benefits as light industrial use. Without the Article 4 direction the B1(c) use could be lost to residential, and the opportunity to change to a business use will be lost.
- 4.14 The Council is interested to note that, in the view of some residents, it is the actual garage use that is incompatible with the neighbouring residents, and not merely the parking associated with it. This would suggest that the use may not be “light industrial”, a use defined within the Use Classes Order as “any industrial premises ... which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.” If this is the case, the proposed Article 4 direction may not be relevant as it only relates to the named garages “where in a B1(c) light industrial use.” The garages may be in a B2 (general

industrial) or sui generis, (not sitting within any particular use class) use. A change of use of a sui generis or a general industrial use to residential is not affected by the 2016 liberalisation, and will always require planning permission.

#### *Osten Mews*

- 4.15 A comment was received from a resident of Osten Mews. This objected to the Article 4 direction for the garages at 13/14 Osten Mews on the grounds that the garage was “incongruous.” He was concerned that the garage caused parking problems and that vehicles serving the garage damage the properties in the mews. The consultee was also concerned that the operation of the light industrial use could have a catastrophic effect on the surrounding residential properties, and on the London Underground line below it.
- 4.16 As with Astwood Mews, the Council recognises that there may be a conflict between the operation of the garage and the amenity of its residential neighbours. However, for the same reasons, it considers the planning application process to be appropriate place to assess the inherent suitable/ unsuitability of the use.
- 4.17 The Council notes the view that the garage is “incongruous”. The Council welcomes the juxtaposition of commercial and residential uses, as such uses add to the character of the Borough.
- 4.18 The potentially catastrophic impact of a fire and subsequent explosion is dealt with under separate legislation and cannot be taken into account when considering the suitability of an Article 4 direction.

#### *41 Paradise Walk*

- 4.19 One representation was made which suggested extending the extent of the Article 4 direction to include 41 Paradise Walk, Chelsea. The consultee noted that the property is currently in a light industrial use, and that a future change of use to flats will increase congestion and parking pressure.
- 4.20 Council records indicate that the authorised of the property is as an office and not a light industrial use. This is confirmed by a planning appeal heard in 2016. The Article 4 direction relates only to light industrial and not to office uses. Whether the Council chooses to make an Article 4 direction later in 2019 when the Borough’s current exemption to the office/ residential permitted development rights expires will be the subject of a future key decision. The Borough’s residents will be consulted at this time.

### *Secretary of State*

- 4.21 The Secretary of State was notified of the Article 4 direction, through the National Planning Casework Unit. The Secretary of State confirmed, in a letter dated 8 November 2016, that no objection was raised.

## **5. CONFIRMATION OF THE ARTICLE 4 DIRECTION**

- 5.1 Once the non-immediate Article 4 direction has been confirmed by the Council, the Council must, as soon as practicable, give notice of its confirmation by way of local advertisement, site notices, letters to the relevant owner/ occupier affected (where possible) and send a copy of the direction to the Secretary of State.
- 5.2 This can be done immediately upon a Key Decision, as it is now more than 28 days after the initial notice to “make” the Article 4 direction was served.
- 5.3 The Council must specify the date on which the Article 4 direction will come into force. It must be within 2 years of the date of the initial “making”. For the Council not to be liable for compensation for the “*abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights*” there must be at least a 12 month “notice period” between the initial making and the taking effect of the Article 4 direction.<sup>2</sup>
- 5.4 The notice of confirmation is just that – it is not a further period of consultation.

## **6. EQUALITY, FINANCIAL, LEGAL AND RESOURCE IMPLICATIONS**

- 6.1 The equality, financial, legal and resource implications were considered as part of the decision making process for the making of the non-immediate Article 4 direction. These have been repeated/ updated to reflect the confirmation below.

### *Equality*

- 6.2 An Equalities Impact Assessment (EqIA) was undertaken for the original Core Strategy (now known as the Local Plan) in 2010. Whilst the Article 4 direction will allow the Council to implement its adopted policies for the majority of relevant premises across the borough, it is

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<sup>2</sup> The Town and Country Planning Act 1990 (as amended) s108 (3B) (a) and (3C).

unlikely to have a significant impact upon any “protected characteristic group.”

- 6.3 The Council has carried out an Equalities Impact Assessment (EqIA) for the initial key decision to “make” the Article 4 direction. This has been reviewed as part of the process to consider whether it is appropriate to “confirm” the direction. Given that the result of the Article 4 direction will be a continuation of existing powers (i.e. that planning permission will continue to be required for a change of use of a light industrial 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. The Equality Impact Analysis Tool is included as Appendix A.
- 6.4 The Council has fulfilled its public sector equality duty contained in section 149 of the Equality Act 2010.

*Legal implications*

- 6.5 The legal implications are explained in the report as are the processes to be followed to confirm the Article 4 direction. The notice of confirmation will be drafted by the Legal Services Team.

*Financial and resource implications*

- 6.6 Confirming the non-immediate Article 4 direction could have an additional cost to the Council in that applicants will be exempt from paying the planning application fees. This impact is not likely to be significant given the strong policy presumption against such changes of use, a policy presumption which is likely to discourage speculative applications.
- 6.7 The Council will not be liable for compensation where the Article 4 direction comes into force 12 months after being made.

*Sustainability implications*

- 6.8 The original iteration of the Local Plan (the Core Strategy) was subject to a Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA). This included consideration of the protection of light industrial uses. The use of an Article 4 direction will allow the Council to continue to make use of the policies within the Local Plan. It allows the positive impact to continue to be implemented.

- 6.9 In particular, an Article 4 direction which allows the Council to continue to protect light industrial uses would directly support the SA Objective 3, to *"support a diverse and vibrant local economy to foster sustainable economic growth."* Given the links between employment opportunities and social inclusion, this approach will also directly support SA Objective 4, to *"encourage social inclusion, equality, the promotion of equality and respect for diversity."*
- 6.10 The protection of named local car garages will have the benefits set out above but may also have a slight positive impact on SA Objective 10, *"promote traffic reduction"* as will allow residents to service cars in the vicinity and not have to travel further afield to do so. By the same token the relationship with SA Objective 12 may be positive, if one is to recognise the protection of *"facilities which serve a local need."* This must be weighed against the negative impact that such an approach may have upon housing supply (SA Objective 13) *"to aim that the housing needs of the Borough's residents are met"*. The Council does, however, note that it is currently meeting its identified housing need, both over the next five years and over the lifetime of the plan. This includes the 20% buffer. This is set out within the Monitoring Report 2016.

## 7. OPTIONS

- 7.1 **Recommended:** Confirm the non-immediate Article 4 direction, to come into force on 1 October 2017, for B1(c) light industrial uses:
- within the St Helen's, Golborne, Notting Dale and Colville wards;
  - within the Lots Road Employment Zone; and
  - the following premises outside of these areas:
    - 17-19 Edge Street, W8 7PH
    - 7 Russell Gardens Mews, W14 8EU
    - 13-14 Osten Mews, SW7 4HW
    - 14-17 Astwood Mews, SW7 4ED
    - 4, 5, 8, 9 and 23 Astwood Mews, SW7 4ED
    - 16a Portobello Mews, W11 3DG
    - Chelsea Cloisters, Sloane Avenue, SW3 3DZ
- where in a B1(c) light industrial use.
- 7.2 **Rejected option:** Amend the properties included within the Article 4 direction. Rejected for the reasons set out above.
- 7.3 **Rejected option:** Do not confirm the non-immediate Article 4 direction. Rejected for the reasons set out above.

*Graham Stallwood*

***Executive Director for Planning and Borough Development***

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

**Contact officer(s):** *Chris Turner, Senior Planning Officer, Royal Borough of Kensington and Chelsea. Tel: 020 7361 3236. Email: [chris.turner@rbkc.gov.uk](mailto:chris.turner@rbkc.gov.uk)*

Cleared by Finance (officer's initials)	AS
Cleared by Legal (officer's initials)	LLM

## **Appendix A: Equality Impact Assessment for Article 4 for light industrial land (Confirmation)**



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

### **Borough Equality Impact Analysis Tool**

#### **Conducting an Equality Impact Analysis**

An EqIA is an improvement process which helps to determine whether our policies, practices, or new proposals will impact on, or affect different groups or communities. It enables officers to assess whether the impacts are positive, negative or unlikely to have a significant impact on each of the protected characteristic groups.

The tool has been updated to reflect the new public sector equality duty (PSED). The Duty highlights three areas in which public bodies must show compliance. It states that a public authority must, in the exercise of its functions, have due regard to the need to:

- 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under this Act;**

- 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;**
- 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

Whilst working on your Equality Impact Assessment, you must analyse your proposal against the three tenets of the Equality Duty.

### **General points**

1. In the case of matters such as service closures or reductions, considerable thought will need to be given to any potential equality impacts. Case law has established that due regard cannot be demonstrated after the decision has been taken. Your EIA should be considered at the outset and throughout the development of your proposal, it should demonstrably inform the decision, and be made available when the decision is recommended.
2. Wherever appropriate, the outcome of the EIA should be summarised in the Cabinet/Cabinet Member report and equalities issues dealt with and cross referenced as appropriate within the report.
3. Equalities duties are fertile ground for litigation and a failure to deal with them properly can result in considerable delay, expense and reputational damage.

4. Where dealing with obvious equalities issues e.g. changing services to disabled people/children, take care not to lose sight of other less obvious issues for other protected groups.
5. If you already know that your decision is likely to be of high relevance to equality and/or be of high public interest, you should contact the Equality Officer for support.
6. Further advice and guidance can be accessed from the separate guidance document (link), as well as from your service or borough leads:

**RBKC**

Corporate Equalities Officer: [angela.chaudhry@rbkc.gov.uk](mailto:angela.chaudhry@rbkc.gov.uk)

020 7361 2654

## Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
<b>Financial Year and Quarter</b>	2017/18 Q1
<b>Name and details of policy, strategy, function, project, activity, or programme</b>	<p><b>Article 4 direction for light industrial uses in named locations in the borough. (Confirmation)</b></p> <p>The Council has made a non-immediate Article 4 direction for named parts of the borough in order to allow the Council to continue to require planning permission for changes of use of light industrial premises (with a floor area &lt;500 sq m) to residential. Following consultation the Council has confirmed this Article 4, so it will come into force on 1 October 2017.</p>
<b>Lead Officers</b>	<p><b>RBKC</b></p> <p>Name: Chris Turner            Position: Senior Planning Policy Officer            Email: chris.turner@rbkc.gov.uk            Telephone No: 020 7361 3236</p>
<b>Lead Borough</b>	Chris Turner
<b>Date of completion of final EIA</b>	4 May 2017

Section 02	Scoping of Full EIA
<b>Plan for completion</b>	<p>Timing: July – September 2017            Resources: Planning Policy Team</p>

**Analyse the impact of the policy, strategy, function, project, activity, or programme**

Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral or negative impact on equality, giving due regard to relevance and proportionality.

<b>Protected characteristic</b>	<b>Impact:</b> Positive, Negative, Neutral
Age	Neutral
Disability	Neutral
Gender reassignment	Neutral
Marriage and Civil Partnership	Neutral
Pregnancy and maternity	Neutral
Race	Neutral
Religion/belief (including non-belief)	Neutral
Sex	Neutral
Sexual Orientation	Neutral

**Human Rights or Children’s Rights**

If your decision has the potential to affect Human Rights or Children’s Rights, please contact your Borough Lead for advice

**Section 03**

**Analysis of relevant data**

Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.

**Documents and data reviewed**

**RBKC:** See EqIA for original Core Strategy (adopted 2010 available from [www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy). Also see 2011 Census Briefing available from <https://www.rbkc.gov.uk/council/consultation/2011-census-briefings>

<b>New research</b>	If new research is required, please complete this section <b>RBKC:</b> None
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<b>Section 04</b>	<b>Consultation</b>
	Complete this section if you have decided to supplement existing data by carrying out additional consultation.
<b>Consultation in each borough</b>	<b>RBKC:</b> Public Realm Scrutiny Committee consulted on 12 September 2016. 6 weeks public consultation ended on 4 November 2016.
<b>Analysis of consultation outcomes for each borough</b>	<b>RBKC:</b> Set out in some detail in the final decision to 'confirm' the Article 4 Direction.

<b>Section 05</b>	<b>Analysis of impact and outcomes</b>
<b>Analysis</b>	<p>What has your consultation (if undertaken) and analysis of data shown? You will need to make an informed assessment about the actual or likely impact that the policy, proposal or service will have on each of the protected characteristic groups by using the information you have gathered. The weight given to each protected characteristic should be proportionate to the relevant policy (see guidance).</p> <p><b>RBKC:</b> The confirmation of the Article 4 direction will allow the Council to continue to require planning permission for changes of uses of small light industrial premises (&lt;500 sq m) to residential uses. The Article 4 direction will only cover a small part of the borough (just 17%) but within this area includes nearly 85% of all the borough's light industrial land.</p>

	<p>Whilst this proposal is likely to result in the protection of a particular sector of the local economy it is unlikely to have any specific impact upon wider equality issues, other than to help maintain employment opportunities for a wide range of people.</p> <p>Similarly, the proposed Article 4 direction may have a modest effect on the provision of new housing, as light industrial premises will be protected from changes of use to residential. This impact will be minimal as it will not hinder the Council meeting its wider housing targets. No particular sector of society will be more, or less, affected than any other.</p> <p>The spatial element of the Article 4 direction will also have no particular impact, as the intention is to protect the majority of light industrial land across the Borough. Again no specific protected characteristic group will be impacted more than any other or more than the general population.</p>
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<b>Section 06</b>	<b>Reducing any adverse impacts and recommendations</b>
<b>Outcome of Analysis</b>	<p>Include any specific actions you have identified that will remove or mitigate the risk of adverse impacts and / or unlawful discrimination. This should provide the outcome for each borough, and the overall outcome.</p> <p><b>RBKC:</b> None. The Council monitors trends in development in its Monitoring Report on an annual basis. <a href="https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report">https://www.rbkc.gov.uk/planning-and-building-control/planning-policy/monitoring-report</a></p>

<b>Section 07</b>	<b>Action Plan</b>
<b>Action Plan</b>	<p>Note: You will only need to use this section if you have identified actions as a result of your analysis</p>

	Issue identified	Action (s) to be taken	When	Lead officer and borough	Expected outcome	Date added to business plan	
	Monitoring development trends	Monitoring Report	Annual	Chris Turner, Senior Planning Officer, RBKC	Ongoing	Ongoing	

<b>Section 08</b>	<b>Agreement, publication and monitoring</b>
<b>Chief Officers' sign-off</b>	<b>RBKC</b> Name: Jonathan Wade Position: Head of Forward Planning Email: jonathan.wade@rbkc.gov.uk Telephone No: 020 7361 2027
<b>Key Decision Report (if relevant)</b>	<b>RBKC</b> Date of report to Cabinet/Cabinet Member: 15/06/17 Key equalities issues have been included: Yes
<b>Lead Equality Manager (where involved)</b>	