

The Royal Borough of Kingston upon Thames

Report on the justification for introducing an Article 4 Direction for removing Class MA permitted development rights

September 2021

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1. Introduction

- 1.1 The purpose of this report is to set out a justification for the introduction of a non-immediate Article 4 Direction by the Royal Borough of Kingston upon Thames (Kingston Council) that removes permitted development rights for change of use from commercial, business and service use (Use Class E) to residential use (Use Class C3), as allowed under Class MA, of Part 3, of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO 2015).
- 1.2 The Direction was made on 30th July 2021 and, if confirmed, will come into effect on 1st August 2022. The areas covered by the Direction are the designated main town centres, local centres and industrial areas (as set out in Appendix 1). A final decision on whether to confirm the Direction will be taken by the Council's Place Committee after a public consultation has been carried out. The date of the next Place Committee where a report will be made is 11 November 2021. A public consultation on the Direction is taking place between 5th August 2021 and 1st October 2021.
- 1.3 Section 2 of this report sets out the relevant planning policy context for protecting the key locations where commercial, business and services are located in the borough.
- 1.4 Section 3 provides an overview for the relevant evidence base and strategies that provide justification for the areas covered by the Direction.
- 1.5 Section 4 sets out the specific justification for the areas covered by the Direction.
- 1.6 Section 5 of this report sets out how Kingston Council is seeking to support the delivery of additional housing in the borough.

2. Planning Policy Context

- 2.1 This section sets out the relevant planning policy context in relation to uses falling within Class E at the London and Borough level.

Planning policy requirements in the Development Plan

Strategically significant office locations beyond the Central Activities Zone

- 2.2 At the London level, the London Plan (2021) recognises that it is important to ensure that there is sufficient space to support the growth of new start-up companies and to accommodate SMEs, including lower-cost and affordable business space. Development Plans and development proposals should support the provision of space suitable for SMEs in light of strategic and local assessments of demand and supply.
- 2.3 Policy E1 outlines that improvements to the quality, flexibility and adaptability of office space should be supported by new office space, refurbishments and mixed-use developments. Policy E1 part E states that existing viable office floorspace capacity outside specific Central Activities Zone identified locations should be retained. The policy supports borough Article 4 Directions in locally identified office clusters, to ensure that office functions are not undermined by office to residential PDR and to protect local amenity or the wellbeing of an area.
- 2.4 Policy E2 encourages the provision and protection of Class B use at a range of sizes and rents to meet the needs of a range of enterprises and start-ups.
- 2.5 The London Plan recognises strategically significant office locations in the capital, including town centre office locations.
- 2.6 These office locations complement the Central Activities Zone (CAZ) and Northern Isle of Dogs (NIOD) and cumulatively are of strategic importance to London. Locally they provide an important source of employment and economic activity and contribute to the vibrancy and weekday spend of the town centres and high streets with which they are associated.
- 2.7 The London Plan identifies strategically significant office locations which are found in town centres beyond the CAZ and NIOD). The London Plan recommends specific approaches to offices in these locations informed by the London Office Policy Review and borough evidence
- 2.8 Table A1.1 and Figure A1.4 of the London Plan set out those town centres where specific approaches to offices are recommended, as informed by the London Office Policy Review and borough evidence. The following town centres in the Borough are recognised as strategic office locations (including recommended categorisations):
- Kingston Town Centre (Category B - Centres with mixed-use office development potential)

- New Malden, Surbiton and Tolworth District Centres (Category C - Centres with demand for existing office functions and need to protect small office capacity)

Protection of Industrial Land

- 2.9 The underlying principles of policies E4, E6 and E7, are to retain, enhance and provide additional industrial capacity across LSIS and non-designated industrial sites, through a plan-led approach.
- 2.10 Policy E4(G) states that “Boroughs should ensure that the need to retain sufficient industrial and logistics capacity is not undermined by permitted development rights by introducing Article 4 Directions where appropriate”.

Town Centres

- 2.11 The Mayor’s approach to town centres is set out in London Plan Policies SD6 to SD9. Policy SD6 states that the vitality and viability of London’s varied town centres should be promoted and enhanced by encouraging a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses. The policy also encourages strengthening the role of town centres as a main focus for Londoners’ sense of place and local identity in the capital. The policy seeks to ensure that town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy.
- 2.12 London Plan Policy SD9(D) states that “Boroughs should [...] introduce targeted Article 4 Directions where appropriate and justified to remove permitted development rights for office, light industrial and retail to residential in order to sustain town centre vitality and viability and to maintain flexibility for more comprehensive approaches to town centre housing and mixed-use intensification”.
- 2.13 London Plan Policy E9 sets out requirements for how Development Plans should support and manage provision of retail, including identifying future requirements and locations for new retail development.

Emerging New Local Plan

- 2.14 The emerging new Local Plan will include a review of the boundaries of all designated town centres and industrial areas. Policies in the emerging new Local Plan will identify the key areas for economic growth in the Borough, including office and industrial areas. There are a number of policies that will apply to proposals which come forward in these areas.

3. Evidence Base and Strategies

3.1 This section sets out recent evidence that provides supports for the Article 4 Direction.

Strategic evidence to support London Borough Article 4 Directions

3.2 In July 2021, the Mayor of London published [strategic evidence to support Article 4 Directions](#) related to Class E to residential permitted development (PD) rights.

3.3 The evidence supports a coordinated approach to Article 4 Directions to ensure that town centres and high streets remain vibrant places at the heart of local communities. The evidence also supports Article 4 Directions to safeguard industrial areas to support their important role in the London economy.

Town Centres and High Streets

3.4 London's high streets and town centres have shaped the fabric of the capital. They are a focal point for London's culture, communities and everyday economies.

3.5 Despite changes in consumer behaviour, technology and competition from out-of-centre development, they have shown their resilience by adapting and re-inventing themselves. They have diversified over time towards leisure uses and experiential, service retail uses. Vacancy rates in London's town centres and high streets are typically well below those experienced in other parts of the country. In 2019 the London average shop vacancy rate was 9% compared to an average of 12% for Britain as a whole.

3.6 To support London's economic and social recovery from the impacts of the pandemic, it is essential that there is space available for businesses to innovate, to start up and to create new jobs and this is central to the High Streets for All mission, part of the wider London Recovery Programme.

3.7 In some locations, the new PD rights, in the absence of targeted Article 4 Directions, could undermine the adaptation of London's town centres and high streets as vibrant, successful locations for a range of business, culture, civic and community activities complemented by well-planned housing and mixed-use development.

3.8 With the right support and with concerted national, London-level and local action, town centres and high streets are well placed to recover from the impacts of the pandemic, and it is essential that these actions are not undermined by permitted development. There is a strong case for targeted Article 4 Directions to remove Class E to residential PD rights to ensure that the social and economic functions of London's vibrant high streets and town centres are sustained and to support London's economic and social recovery.

Industrial Areas

- 3.9 London's industrial capacity can be impacted by Class E to residential PD rights both directly, through the loss of light industrial and creative production uses that fall within Class E, and indirectly, through the introduction of residential uses in industrial areas which can compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and their ability to operate on a 24-hour basis.
- 3.10 The strategic evidence indicates there may be particular justification for the use of Article 4 Directions to safeguard these areas. Examples of the circumstances where Article 4 Directions might be particularly appropriate include where it is necessary to mitigate against the negative impacts of Class E to residential PD rights on plan-led approaches to industrial intensification and co-location.

Kingston upon Thames Employment Land Review 2021

- 3.11 Kingston Council commissioned consultants Lichfields to undertake an Employment Land Review (ELR) for the Borough. The purpose of the study is to provide an up-to-date evidence base for employment policies and allocations as part of the new Local Plan covering the period between 2019 and 2041.
- 3.12 The report presents an updated position of the existing employment supply in the Borough, provides updated market demand intelligence, quantifies the employment space requirements based on a series of econometric forecasts and assesses the emerging supply position. A detailed assessment of the quality of existing employment sites in the Borough has also been undertaken.
- 3.13 As part of the study, consultation has been undertaken with a range of local and sub-regional commercial property agents and various stakeholders to gather commercial viewpoints and up-to-date intelligence regarding the current local commercial property market in and around RBK.
- 3.14 Synthesising the analysis, it is considered that the employment requirements which better reflect the borough's economic context, trends and potential total 59,050 sq.m or 8.77 ha. This is a combined requirement of the different needs identified by each employment use, including:
- **Offices:** The commercial market only reported modest levels of activity in recent years and has been characterised by significant losses/conversions of older office accommodation. A shift towards greater home-working in the aftermath of the Covid-19 pandemic may also impact the future scale of requirements. However, a view of longer term growth potential over the Local Plan period is required, and the London Plan does support the development of office activity in Kingston (particularly if Crossrail 2 is delivered). It is considered 42,750 sq.m represents an appropriate planning basis for future office requirements.

- **Light industrial:** The commercial market has reported significant demand for industrial units up to c. 300 sq.m. On this basis, it is considered that 5,620 sq.m represents an appropriate planning basis for future light industrial requirements.
- 3.15 The ELR highlights that the demand-supply position is highly sensitive to the achievability of employment site intensification across some of the Borough's employment areas, and their ability to deliver the quantum and type of employment floorspace that has provisionally been identified by the exploratory exercise.
- 3.16 It suggests that proactive intensification of some of the Borough's existing employment areas will be an important part of the strategy for accommodating the Borough's economic and market needs over the Plan period, and further work should be undertaken by the Council to refine specific opportunities to intensify and co-locate business uses across the employment areas. This approach is in line with principles set out in the London Plan.

Offices

- 3.17 Kingston Town Centre is the most preferable location among the office occupiers followed by Surbiton, where recently there has been an increased demand from office-based occupiers due to mainly its high accessibility levels. Other centres such as New Malden and Tolworth tend also to concentrate some demand but these are mainly considered as locations for secondary office activity.
- 3.18 The market across Kingston and Surbiton centres was defined as strong and steady pre-pandemic. The longer-term effects of Covid-19 on the office market are still unclear, but the market view is that there will eventually be recovery alongside the sector adjusting to more flexible models based on how different occupiers make use of offices in the future and, ultimately, how much space they need. This is also evident through the most recent economic forecasts that expect a rebound in office-based sectors within the next couple of years.

Industrial Locations

- 3.19 The ELR finds that the Borough is perceived as a reasonable industrial location with relatively strong levels of demand and low levels of vacancy, reflecting the limited supply of industrial space in the Borough, particularly of a good quality modern space.
- 3.20 Commercial agents reported that demand for industrial space in the Borough has increased, particularly for small and medium workshops and warehouses of good quality up to 300 sq.m. Small scale industrial and distribution units will continue to play an important role in supporting the Borough's local business base and providing locally-based services for the Borough's residents.
- 3.21 Vacancy rates are generally very low across all the employment areas reflecting the strong demand levels for industrial premises in the area. Increasing rental growth supports the fact that there is unsatisfied demand in the market, with industrial rents growing in recent years.

- 3.22 The lack of supply limits the potential for expansion of existing firms, whilst it may also lead to potential economic opportunities being diverted from the Borough as firms cannot be accommodated within its boundaries. The market feedback suggested that current demand is sufficient to justify speculative industrial development, and that the market would welcome new industrial development opportunities within the Borough, particularly as the existing employment designations are viewed as having limited redevelopment opportunities.
- 3.23 Considering these factors, it is considered that the Experian forecasts possibly underestimate the industrial and distribution activity in the Borough and therefore the most positive forecasts for industrial and distribution uses, i.e. past trends for industrial and labour supply for distribution, are considered to best align with the qualitative factors and market signals. As a result, the combined requirement for industrial and distribution space is estimated at c. 11,000 sq.m (2.75 ha) of space. This is equivalent to 3.5% of the existing industrial stock recorded by the VOA (as in April 2020). Against the emerging supply, this results in a shortfall of 13,040 sq.m (see Table 7.3).
- 3.24 This outstanding requirement could be fully accommodated within the existing employment designations if the intensification opportunities identified in the Part 2 study come forward during the Plan period. If those opportunities are delivered entirely, there would be a surplus of 22,130 sq.m that could potential accommodate some of the office requirements under flexible accommodation scheme provision, although the sites are within less central locations and are potentially likely to be less attractive to office occupiers.
- 3.25 In this context, it is considered that there should continue to be policy protection afforded to employment uses within the existing designations, namely the two Strategic Industrial Land and eight Locally Significant Industrial Sites areas.
- 3.26 The only designated industrial area for which it is recommended that the boundary be amended is the St John's LSIS, which the ELR recommends should be amended to reflect the recent residential and student accommodation developments across Kingston Road. Based on the review prepared as part of this study, there does not appear to be any need for alterations to the boundaries of the other designated areas.

Designated Industrial Areas

- 3.27 The ELR includes an assessment of existing industrial areas and which indicates that the Borough contains a good range of employment sites of differing quality and type, totalling around 69 ha of designated areas. All the sites appear to function well with generally high occupancy rates. The overall quality of existing employment sites corresponds well to local needs with all sites of at least average quality.
- 3.28 The ELR concludes that all the designated industrial areas perform effectively and contribute to the Borough's economic functionality. Therefore, it is considered that these areas should continue being protected for employment uses and their boundaries should remain unchanged, apart from St John Industrial Area's boundary that should be amended to exclude the residential and student accommodation developments that were delivered in the past few years.

Kingston upon Thames Local Centres Survey 2021

- 3.29 The Local Centres Survey 2021 provides an update on the current use for all of the units within the borough's designated Local Centres. The results in Figure 3.1 (below) demonstrate that, of the 25 Local Centres, eight are exclusively in a non-residential (or town centre) use and 22 have at least 75% of units in a non-residential use.
- 3.30 The overall vacancy rates for the Local Centres is relatively low, with 18 of the 25 Local Centres having vacancy rates of under 10%.
- 3.31 The overall use of units in residential use is also relatively low, with only 9 of the Local Centres having any dwellings occupying the main shopping frontage. 21 of the 25 Local Centres have either no dwellings or fewer than 10% of units in residential use.
- 3.32 These results demonstrate that the Local Centres are in relatively good health overall, with even the worst performing Local Centres still providing essential shops and services to their respective local communities.

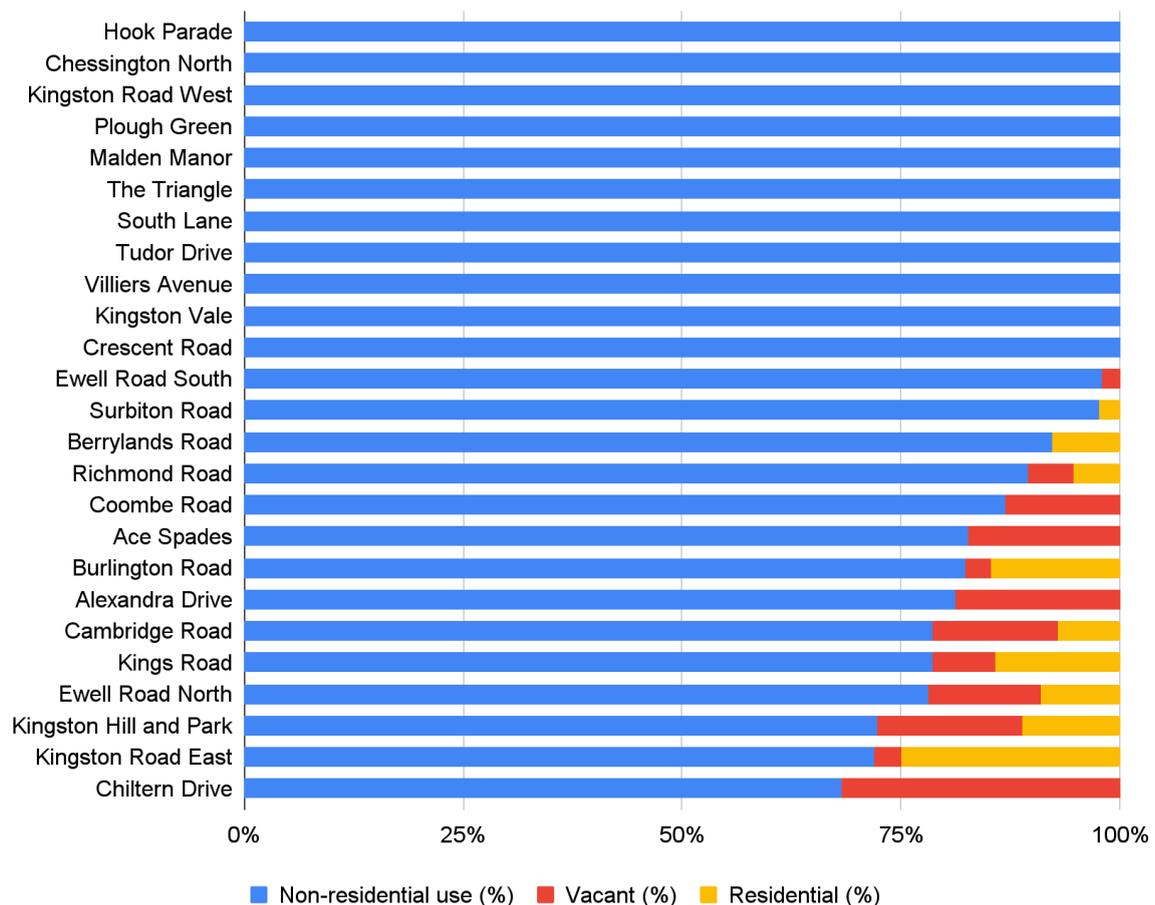


Figure 3.1: Chart showing the breakdown of general uses for all units in Local Centres.

4. Justification for areas covered by the Direction

- 4.1 The purpose of this section is to set out the justification for specific areas covered by the Direction and to demonstrate how it fulfils national planning policy requirements.
- 4.2 Article 4 of the GPDO 2015 allows local planning authorities to consult with their local communities about whether to withdraw particular permitted development rights over a specified area. Schedule 3 to the GPDO 2015 states that a local authority may apply a direction where it considers development “would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area”.
- 4.3 Paragraph 53 of the National Planning Policy Framework (NPPF) 2021 sets out that the use of Article 4 directions to remove national permitted development rights should - where they relate to change from non-residential use to residential use - be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre). In all cases, be based on robust evidence, and apply to the smallest geographical area possible.
- 4.4 Paragraph 038 of the Planning Practice Guidance section titled ‘When is permission required?’ sets out that the NPPF advises that all Article 4 Directions should be applied in a measured and targeted way and that they should be based on robust evidence, and apply to the smallest geographical area possible. It also sets out that where an Article 4 Direction relates to a change from non-residential use to residential use, it should be limited to situations where an Article 4 Direction is necessary to avoid wholly unacceptable adverse impacts. In addition, it sets out that the potential harm that the Article 4 Direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to: a wide area; or an area extending beyond the essential core of a primary shopping area.

Metropolitan Town Centre and District Centres

- 4.5 As highlighted in section 2 of this report, the London Plan recognises that the town centre office locations beyond the Central Activities Zone (CAZ) and Northern Isle of Dogs (NIOD) cumulatively are of strategic importance to London. Locally they provide an important source of employment and economic activity and contribute to the vibrancy and weekday spend of the town centres and high streets with which they are associated. The following town centres in the Borough are recognised as strategic office locations (including recommended categorisations):
 - Kingston Town Centre (Category B - Centres with mixed-use office development potential)
 - New Malden, Surbiton and Tolworth District Centres (Category C - Centres with demand for existing office functions and need to protect small office capacity)

- 4.6 The London Plan also sets out that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging a diverse range of uses that meet the needs of Londoners and encourages the strengthening the role of town centres as a main focus for Londoners' sense of place and local identity in the capital. In recognition of their strategic importance Policy SD9(D) states that "Boroughs should [...] introduce targeted Article 4 Directions where appropriate and justified to remove permitted development rights for office, light industrial and retail to residential in order to sustain town centre vitality and viability and to maintain flexibility for more comprehensive approaches to town centre housing and mixed-use intensification".
- 4.7 The need to protect town centres is clearly highlighted by the strategic evidence published by the Mayor of London that highlights that the absence of targeted Article 4 Directions, could undermine the adaptation of London's town centres and high streets as vibrant, successful locations for a range of business, culture, civic and community activities complemented by well-planned housing and mixed-use development. It is therefore essential that these actions are not undermined by PD rights in order to ensure that the social and economic functions of London's vibrant high streets and town centres are sustained and to support London's economic and social recovery.
- 4.8 The Direction covers the full extent of the designated Kingston Town Centre boundary, as shown in the [adopted Policies Map](#). Whilst this area extends beyond the Primary Shopping Area, it reflects the wider sub-regional importance this town centre plays as a retail and leisure destination, as well as a strategic office location, as demonstrated by [Unilever's decision to base their worldwide headquarters in the town centre](#).
- 4.9 The Direction also covers the full extent of the designated District Centres of New Malden, Surbiton and Tolworth, as shown in the [adopted Policies Map](#). The Primary Shopping Area for these town centres is considered to align with the full extent of the designated District Centre boundaries. Therefore, it is considered appropriate and justifiable for the Direction to cover the entirety of the boundaries of these town centres to reflect the key role these town centres play at the borough level in providing retail, leisure and other main town centres uses. The loss of main town centres uses at the ground floor level to residential use along the high streets of these town centres has the potential to undermine their vitality and viability, which could undermine future investment opportunities to revitalize town centres. For example, in Tolworth the development of 950 new homes on the site of former Government Offices and the new UK Headquarters for Lidl has the potential to act as catalysts for additional footfall and attract new businesses within the next few years.

Local Centres

- 4.10 The Borough's 25 Local Centres provide essential shops and services across all of the Borough's neighbourhoods. They have been essential throughout the Covid-19 pandemic, with many regular commuters rediscovering them and boosting local businesses. This is reflected in the results of the recent Local Centres Survey 2021, which demonstrates that the clear majority of Local Centres are performing very well, with even the worst performing Local Centres still performing relatively well.

- 4.11 To undermine these Local Centres through allowing the potential loss of vital shops and services facilities at a time when many businesses have been struggling could affect their attractiveness, result in lower footfall and therefore impact upon their long-term future. The extent of the Local Centre areas covered by the Direction is relatively small and is strictly limited to the designated Local Centre frontage in the adopted Policies Map.

Strategic Industrial Locations and Locally Significant Industrial Sites

- 4.12 As highlighted through the Mayor of London's strategic evidence in section 3 of this report, London's industrial capacity can be impacted by Class E to residential PD rights both directly, through the loss of light industrial and creative production uses that fall within Class E, and indirectly, through the introduction of residential uses in industrial areas which can compromise the integrity or effectiveness of these locations in accommodating industrial-type activities and their ability to operate on a 24-hour basis.
- 4.13 The strategic evidence indicates there may be particular justification for the use of Article 4 Directions to safeguard these areas. Examples of the circumstances where Article 4 Directions might be particularly appropriate include where it is necessary to mitigate against the negative impacts of Class E to residential PD rights on plan-led approaches to industrial intensification and co-location.
- 4.14 Furthermore, Policy E4(G) states that "Boroughs should ensure that the need to retain sufficient industrial and logistics capacity is not undermined by permitted development rights by introducing Article 4 Directions where appropriate".
- 4.15 The Borough's designated industrial areas comprises two Strategic Industrial Locations (SIL) and eight Locally Significant Industrial Sites (LSIS). The full extent of all 10 areas, as shown on the [adopted Policies Map](#), are covered by the Direction.
- 4.16 The Kingston upon Thames Employment Land Review 2021 identifies an unmet need for light industrial units in excess of 5,000 sqm. Any loss of light industrial uses through PD rights could compromise the ability to help meet this need across the Borough and affect the sustainability of industrial locations.
- 4.17 The ELR concludes that all designated industrial areas are performing well. It concludes that the only boundary that is recommended for amending is the St John's LSIS. Whilst it is recognised that the St John's LSIS area covered by Direction includes land that is now in residential use, it would be premature to define a more specific area ahead of the publication of the draft new Local Plan.

Future reviews of designated town centres and industrial areas

- 4.18 The Council is committed to reviewing the Direction in future to reflect any future changes to the designated town centres and industrial areas following changes to the adopted Policies Map as part of any future Local Plan review.
- 4.19 In relation to town centre boundaries, the Council recognises that the continued trend of online shopping and professional services is resulting in fewer traditional retail and

professional services being provided within town centres. Therefore bringing residential uses into peripheral parts of the town centres could potentially be an effective use of land and help deliver additional homes. However, the way this approach is best managed will be as part of a Local Plan review, thereby allowing a sensible and objective evidence-based approach to managing changes to town centres, rather than the alternative of having individual units within the heart of town centres potentially changing to residential use and thereby risking the vitality and viability of town centres.

- 4.20 As with the town centres, the Council is committed to reviewing the industrial areas covered by the Direction should the boundary of any designated industrial area change in the adopted Policies Map following the next Local Plan review.

5. Work to support the delivery of housing and revitalisation of town centres and high streets

- 5.1 The Government's recent changes to the Use Classes system and the introduction of the Class MA PD rights are a continuation of the policy of successive governments since 2013 of using PD rights to speed up housing delivery. Whilst the intention behind residential PD rights is to increase housing delivery, the recent extensions to PD rights appear to contradict the increased focus on plan-led development and local democratic involvement, and to fatally undermine the role of local authorities in place-making.
- 5.2 It is recognised that the Government supports the revitalisation of high streets and town centres, however, the new class MA PD rights could undermine attempts to do so. The current requirement that properties need only have been vacant from three months could put viable businesses at risk of being evicted by landlords seeking a profit from residential conversions. This resulting loss of businesses could have a negative effect on footfall. A viable business will attract more footfall than a residential conversion. Footfall will not be boosted if high street shops, which serve local workers and visitors, are replaced by flats.
- 5.3 Instead, the Council has identified various work programmes to help support the delivery of housing and to support the revitalisation of town centres.

Work to support the delivery of housing

- 5.4 The Council is preparing a new Local Plan, which it intends to adopt by 2023 (as set out in the [Local Development Scheme 2021-24](#)). It will set out a strategy for the delivery of at the London Plan target of delivering at least 964 homes per year. This represents a 50% increase on the previous target of 643 homes per year (2015 Further Amendments to the London Plan). Therefore, the Council is committed to significant step-change in housing delivery.
- 5.5 The new Local Plan will set out policies that will help enable the delivery of well-designed and sustainably built homes, which is something that the new PD rights are unlikely to deliver.

Work to support the revitalisation of town centres

- 5.6 In 2020, the Council established a new 'Economic Recovery Task Force' as part of the emergency response to adverse impacts of the COVID-19 pandemic, which focuses on COVID-19 business recovery and support measures, skills and employment support initiatives as well as targeted mitigation/investment for recovery. The ERTF key objective is to coordinate and maximise its effectiveness as a partnership to achieve as rapid economic recovery as safely as possible. By doing so, this will help shape the form of a renewed economy, focused on growth sectors, that will allow residents and businesses to adapt and thrive sustainably in the 'new normal' post

pandemic world. The ERTF will guide, coordinate and support Kingston's economic recovery from the impact of the current pandemic, aiming to create a more resilient borough, would include being a major employer, having expertise in education and skills, enabling influence with public funding bodies and expertise in key professions, eg. transport, economy, development.

- 5.7 The Council has also established a High Street Recovery Fund to help high streets respond positively to the COVID-19 pandemic, to adapt to new realities and re-engage their communities. This funding is intended to help deliver this.

6. Conclusion

- 6.1 This report demonstrates that the Article 4 Direction that the Council has introduced meets the requirements of the legislation, national planning policy and national planning practice guidance.
- 6.2 The specific requirements of paragraph 53 of the NPPF have been met as the areas covered by the Direction are considered necessary to protect in order to avoid wholly unacceptable adverse impacts which would seriously undermine the vitality and viability of these town centres and industrial areas. The report references robust evidence prepared at both the regional (London) and Borough level that demonstrates the key roles all these locations play in contributing to the local economy and providing essential shops and services to the local communities.
- 6.3 In accordance with Paragraph 038 of the Planning Practice Guidance section titled 'When is permission required?', the Direction has been applied in a measured and targeted way to the smallest geographical area possible. The report sets out the potential harm that could be caused by the PD rights to sustainability of the town centres and industrial area, and therefore their future ability to meet the wider strategic objectives of delivering additional homes and revitalising high streets.
- 6.4 It should be noted that the Council is committed to reviewing the Direction to reflect any changes to the designated town centres and industrial areas following any changes to the adopted Policies Map as part of any future Local Plan review. The Council intends to adopt the new Local Plan by the end of 2023, so any potential changes could potentially come forward relatively soon in relation to when the Direction would come into effect (i.e. 1st August 2022).

Appendix 1 - List of areas covered by the Article 4 Direction

Metropolitan Centres:

- Kingston Town Centre

District Centres:

- New Malden
- Surbiton
- Tolworth

Local Centres:

- Tudor Drive
- Richmond Road
- Kings Road
- Kingston Vale
- Crescent Road
- Ewell Road (South)
- Kingston Hill and Park Road
- Coombe Road
- Cambridge Road
- The Triangle
- Kingston Road (West)
- Kingston Road (East)
- Burlington Road
- South Lane
- Chiltern Drive
- Malden Manor
- Plough Green
- Ewell Road (North)
- Berrylands Road
- Villiers Avenue

Strategic Industrial Locations:

- Barwell Business Park
- Chessington Industrial Area

Locally Significant Industrial Sites:

- St Johns Industrial Area
- Cambridge Road and Hampden Road
- Silverglade Business Park
- Red Lion Road
- Fairfield Trade Park
- Canbury Park
- London Road
- St George Industrial Estate

Appendix 2 - Results of the Local Centres Survey 2021

Local Centre Name	Non-residential use	Vacant	Residential	Total
Hook Parade	35	0	0	35
Chessington North Parade	21	0	0	21
Kingston Road West	21	0	0	21
Plough Green	18	0	0	18
Malden Manor	12	0	0	12
The Triangle	10	0	0	10
South Lane	8	0	0	8
Tudor Drive	7	0	0	7
Villiers Avenue	7	0	0	7
Kingston Vale	6	0	0	6
Crescent Road	6	0	0	6
Ewell Road South	49	1	0	50
Surbiton Road	41	0	1	42
Berrylands Road	12	0	1	13
Richmond Road	17	1	1	19
Coombe Road	20	3	0	23
Ace Spades	19	4	0	23
Burlington Road	28	1	5	34
Alexandra Drive	13	3	0	16
Cambridge Road	11	2	1	14
Kings Road	11	1	2	14
Ewell Road North	43	7	5	55
Kingston Hill and Park Road	13	3	2	18
Kingston Road East	23	1	8	32
Chiltern Drive	15	7	0	22