



Rutland County Council

Rutland Local Plan Examination

Council response to the Inspector's Initial
Observations regarding
Amendments to the Use Classes Order

26th May 2021

RUTLAND COUNTY COUNCIL
AMENDMENTS TO THE USE CLASSES ORDER
RESPONSES TO INITIAL OBSERVATIONS

1. The Inspector's Observations

- 1.1 *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. Given that a number of policies, supporting text, and appendices to the Plan rely upon Use Classes which no longer exist, the Council should look at all relevant policies, allocations, supporting text and appendices within the Plan and suggest modifications to take account of the changes to the Use Classes Order.*

2. The Council's Response

- 2.1 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amends the Town and Country Planning (Use Classes) Order 1987 (UCO) and introduces significant changes to the system of use classes. The changes came into effect on 01 September 2020, subject to certain transitional provisions.
- 2.2 The core changes include the review of the classification of uses of property. Classes A, B1 and D1, applicable to retail, office and non-residential institutions and assembly and leisure uses respectively, have been removed and three new use classes have been introduced in their place:
- i. Class E (Commercial, business and service) is the new town centre use. This new class allows for a mix of retail, leisure and business uses to reflect changing retail and business models. It recognises that a building may be in a mix of uses at once (clothes shop and beauty salon) or be used for different uses at different times of the day (office and gym);

- ii. Class F.1 (Learning and non-residential institutions) is for uses where there is generally wider public use such as schools, libraries and art galleries; and
- iii. Class F.2 (Local community) class groups together community halls and meeting spaces, uses which provide for physical group activities and small local shops.

2.3 In addition, some uses which were previously given their own use class have been moved into the 'sui generis' category. Changes to and from these uses will be subject to full local consideration through the planning application process. The residential (C classes), industrial (B2) and storage and distribution (B8) use classes remain unchanged in practical terms.

2.4 The reasons behind these changes are:

- i. to promote the vitality and viability of town centres by allowing typical high street uses (the new Class E uses) to merge or switch without planning permission, this gives greater flexibility to allow businesses to respond to rapid changes in the retail and leisure sectors;
- ii. to provide protection against the loss of learning, non-residential and community facilities (the new Class F.1 and Class F.2), including museums public halls and local shops;
- iii. to protect community assets by taking them out of their own classes and making them 'sui generis', meaning that planning permission would be needed to change to a different use.

2.5 The Council has sought advice on the policy approach for the Council's emerging Local Plan in respect of retail and town centres. The Final Report has had regard to recent changes in national planning policy and, of particular significance, the introduction of Use Class E in September 2020. It has also considered the introduction of new Permitted Development Rights, including the recently confirmed significant changes which allow the change from class E to residential use under permitted development, subject to satisfaction of a limited number of criteria. These permitted development rights will come into effect as of 1st August 2021. This report has only recently been received and so has not been made public as yet or subjected to consultation. We would welcome the Inspector's view on whether it is appropriate to include this within the Local Plan Examination Library.

2.6 The changes made to the UCO result in the following changes to planning policies and allocations and supporting text set out in the table below:

Policy	UCO changes on policies / allocations	Reasons
<p>Policy H3</p>	<p>Criterion C) which reads '<i>Provides a local neighbourhood centre comprising community and leisure uses, appropriate local retail, service and food and drink facilities (use classes A1 to A5, B1, D1 and D2)</i>'</p> <p>should be updated to '<i>Provides a local neighbourhood centre comprising community and leisure uses, appropriate local retail, service and food and drink facilities (use classes E, F.1, F.2 and Sui generis)</i>'</p>	<p>A Class uses and Class B1 uses are now subsumed into the new Class E</p> <p>Class D1 uses are now Class E and F.1</p> <p>Class D2 uses are now Class E and Sui Generis</p>
<p>Paragraph 6.13</p>	<p>Paragraph 6.13 reads '<i>In accordance with the NPPF, Economic Development is defined as development, including those within the B Use Classes*, public and community uses and main town centre uses</i>'</p> <p>should be updated to '<i>In accordance with the NPPF, Economic Development is defined as development, including those within the E, B2 and B8 Use Classes*, public and community uses and main town centre uses</i>'</p> <p><i>*B use classes are office, research and development, light industrial, general industrial and storage and Distribution</i></p> <p>Should be updated to: <i>*E use classes are office, research and development, B2 and B8 are light industrial, general industrial and storage and Distribution</i></p>	<p>Class B1 uses are now subsumed into the new Class E</p>
<p>Paragraph 6.14</p>	<p>Paragraph 6.14 reads '<i>The Council recognises that employment generation does not only relate to the B Use Classes, and therefore proposes that a range of employment generating uses may be appropriate on existing and proposed employment sites.</i>'</p>	<p>Class B1 uses are now subsumed into the new Class E</p>

	<p>Should be updated to read <i>'The Council recognises that employment generation does not only relate to the E Use Class offices and light industrial and the B2 and B8 Classes, and therefore proposes that a range of employment generating uses may be appropriate on existing and proposed employment sites.'</i></p>	
Policy E3	<p>The Policy reads 'The following key employment sites and areas will be safeguarded for B Class uses:'</p> <p>Should be updated to read <i>'The following key employment sites and areas will be safeguarded for E Use Class offices and light industrial and B2 and B8 Class uses:'</i></p> <p>The second part of the Policy reads <i>'Proposals for non-B Class uses on existing areas of employment will only be supported where it is demonstrated that:'</i></p> <p>Should be updated to read <i>'Proposals for non-B2 and non-B8 Class uses on existing areas of employment will only be supported where it is demonstrated that:'</i></p>	<p>Class B1 uses are now subsumed into the new Class E</p>
Paragraph 6.61	<p>Last sentence of paragraph 6.61 reads <i>'It is important to manage the proportion of non-A1 uses in the primary shopping areas to ensure that they support, and do not come to dominate, the predominantly A1 retail function of this area.'</i></p> <p>Should be updated <i>to reflect the changes made to the Use Classes Order and delete this sentence</i></p>	<p>All Class A uses are now in Class E</p> <p>Less emphasis on retail as the key attraction of the town centres</p>
Paragraph 6.62	<p>Paragraph 6.62 reads <i>'Non-retail A1 uses (see Glossary) which may be appropriate in the primary shopping areas are banks, building societies and other financial services covered by A2 Use class, A3 uses such as restaurants and cafés, some A4 and A5 uses such as public houses and hot food takeaways which complement the function of the area and do not compromise the amenity of surrounding residents. Outside of A Use Class, other main town centre uses will usually be more appropriate elsewhere within the town centre boundaries where a more diverse mix of uses is encouraged.'</i></p> <p>Should be updated to read <i>'Non-E Class uses</i></p>	<p>All Class A uses are now in Class E</p> <p>Pubs or drinking establishment and take away's are now Sui Generis</p> <p>Following the changes to the UCO, with retail and other main town centre uses now included in the same Use Class E, distinction between</p>

	<i>(see Glossary) which may be appropriate in the primary shopping areas are Sui Generis Uses such as public houses and hot food takeaways which complement the function of the area and do not compromise the amenity of surrounding residents.'</i>	retail and other town centre uses is now unclear. There is a less emphasis on retail as the key attraction of the town centres.
Paragraph 6.63	<p>Paragraph 6.63 reads <i>'The Town and Country Planning (General Permitted Development) (England) Order 2015 has introduced greater flexibility to enable a more straight forward change of use within shopping frontages. Of particular relevance, the amendments allow permitted change from retail premises (A1) to financial services (A2), and restaurants and cafes (A3) without a time limit on that change of use.'</i></p> <p>Should be updated to read <i>The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amends the Town and Country Planning (Use Classes) Order 1987 (UCO) and has introduced a new Use Class E, it has amalgamated A1, A2, A3, B1a, B1b, B1c and part D1 and D2 uses into one use class, to promote the vitality and viability of town centres by allowing typical high street uses (the new Class E uses) to merge or switch without planning permission, this greater flexibility allows businesses to respond to rapid changes in the retail and leisure sectors.</i></p>	To reflect changes made to the UCO
Paragraph 6.64	<p>Paragraph 6.64 reads 'The Council's policy framework has effectively protected and enhanced the primary shopping area in recent years. If it is considered the permitted development changes of use are having a detrimental impact on the primary shopping areas i.e. the dilution of A1 uses underpinning footfall and connectivity across the town centres, then the Council may consider the use of Article 4 directions necessary to assist in the protection of primary shopping areas for Oakham and Uppingham town centres. The use of an Article 4 direction would prevent such a change of use where considered inappropriate and harmful to the vitality and viability of the shopping frontage.'</p> <p>Update and delete paragraph 6.64.</p>	<p>All Class A uses are now in Class E</p> <p>Pubs or drinking establishment and take away's are now Sui Generis</p> <p>Following the changes to the UCO, with retail and other main town centre uses now included in the same Use Class E, distinction between retail and other town centre uses is now unclear. There is less emphasis on retail as</p>

		<p>the key attraction of the town centres.</p> <p>Therefore, the changes to the UCO would to some extent restrict the role of Policy E10 to protect against retail losses in the Primary Shopping Areas.</p>
Policy E10	<p>Policy E10 reads 'A1 retail uses will be supported within the Primary Shopping Area. Proposals for non-retail uses in the primary shopping frontages will only be permitted where it is demonstrated that the proposal:</p> <p>a) will not result in an adverse cluster of non-retail A1 uses in the primary shopping area;'</p> <p><i>Update to read 'Commercial, business and services (Use Class E) uses will be supported within the Primary Shopping Area. Proposals for non-commercial, business and services uses which fall outside of Use Class E will only be permitted where it is demonstrated that it will not result in an adverse cluster of non-commercial, business and services uses (Use Class E) in the primary shopping area'.</i></p>	<p>Reflects changes to Use Classes Order, which removes class A1 and introduces Class E 'Commercial, Business and Service'</p> <p>Following the changes to the UCO, with retail and other main town centre uses now included in the same Use Class E, distinction between retail and other town centre uses is now unclear. There is a less emphasis on retail as the key attraction of the town centres.</p> <p>Therefore, the changes to the UCO would to some extent restrict the role of Policy E10 to protect against retail losses in the Primary Shopping Areas.</p>
Policy E11	<p>Policy E11 reads 'To meet the identified need for new retail development proposals for Non-food retail - Use Classes A1 at ground floor level with other appropriate town centre or residential uses at upper floors will be supported in the following location (as shown on the Policies Map).'</p>	<p>Class A uses are now in Class E</p> <p>Pubs or drinking establishment and take away's are now Sui Generis</p>

	Update to read ' <i>To meet a need for a neighbourhood centre, proposals for small scale developments within Use Class E will be supported in the following location (as shown on the Policies Map);'</i>	Following the changes to the UCO, with retail and other main town centre uses now included in the same Use Class E, distinction between retail and other town centre uses is now unclear.
Table 2: Minimum Parking Standards for Non-Residential Uses	Delete and replace with update parking standards including the new UCO's	To reflect changes made to the UCO
Table 5: Cycle parking standards set within the Rutland Local Plan	Delete and replace with updated cycle parking standards including the new UCO's	To reflect changes made to the UCO
Table 6: Electric vehicle charging	Delete and replace with the new UCO's	To reflect changes made to the UCO
Glossary: Use Classes Table	Delete and replace with updated new UCO's	To reflect changes made to the UCO
Page 229: Use Classes Table	Delete and replace with a new table setting out the UCO's (September 2020)	To reflect changes made to the UCO