

COMMITTEE:	CABINET
DATE:	10 APRIL 2002
SUBJECT:	USE CLASSES ORDER – CONSULTATION ON POSSIBLE CHANGES TO THE USE CLASSES ORDER AND TEMPORARY USES PROVISIONS
REPORT OF:	DIRECTOR OF PLANNING, REGENERATION and AMENITIES
Ward(s):	ALL
Purpose:	To agree a response to the Department for Transport, Local Government and the Regions on its consultation on possible changes to the Use Classes Order and Temporary Use Provisions.
Contact:	Ian Hayes, Development Control Manager – tel: 01323 415215 or internally on ext. 5215.
Recommendations:	That the responses detailed in sections 3, 5, 6, 7, 8 and 9 of this report are this Council's comments on the Government's consultation on the Use Classes Order and Temporary Use Provisions.

1.0	<u>Background</u>
1.1	The Planning Green Paper, entitled "Planning: Delivering a Fundamental Change", in respect of which a report was considered by Cabinet on 6 March 2002, announced the Government's intention to review the Use Classes Order to ensure the maximum possible deregulation consistent with delivering planning policy objectives.

1.2	<p>The Use Classes Order (UCO) groups together similar uses within specified use classes and the Town and Country Planning Act 1990 excludes from the definition of development any change of use where the current use and proposed use fall within the same use class. In such cases planning permission is not required. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) provides further flexibility by classifying certain changes of use between different use classes as permitted development which is also not subject to planning control. Some uses, classed as “sui generis” do not fall within any of the specified use classes and therefore, with one exception (change of use from sale of motor vehicles to a retail shop), planning permission is required for change of use.</p>
1.3	<p>The current UCO is the Town and Country Planning (Use Classes) Order 1987 (as amended). The Order defines 11 separate use classes contained within four parts (A to D) of broadly similar character. Part A relates to uses which would be found in shopping areas and includes three use classes: A1 (shops), A2 (financial and professional services) and A3 (food and drink). Part B relates to business and commercial uses and contains classes B1 (business use), B2 (general industrial) and B8 (storage and distribution). Part C is concerned with uses of a mainly residential nature, but also includes uses where accommodation is provided for tourists. It comprises classes C1 (hotels and guest houses), C2 (residential institutions) and C3 (dwellinghouses) and, lastly, Part D relates to a variety of non-residential uses of a medical, cultural, education, entertainment and sporting uses, with just two use classes: D1 (non-residential institutions) and D2 (assembly and leisure). Appendix 1 contains the full list of use classes together with the definitions used in the UCO.</p>
1.4	<p>The Government’s consultation on the UCO ends on 24th April 2002. This report has been set out to provide a response to the questions posed in the Consultation Paper, although not necessarily in the same order. A copy of the Use Classes Order consultation paper is available in the Members Room.</p>
2.0	<p><u>Introduction</u></p>

2.1	<p>Early in 2000 the DTLR commissioned research to review the impact of the UCO in relation to the delivery of planning policy objectives. The consultants appointed by the DTLR discussed with the Local Government Association and other groups concerns which they had raised and sent out a questionnaire to all district and unitary authorities in England. They also considered the provisions of one of the classes of permitted development under the General Permitted Development Order (GPDO) which allows certain specified uses to take place for up to 14 or 28 days of the year without planning permission.</p>
2.2	<p>This consultation paper, which is the result of this research, seeks views on whether any changes are desirable to the current UCO and GPDO provisions and includes possible options for the future composition of the UCO and temporary uses provisions.</p>
2.3	<p>There is a variety of options that such a review could take, and these are:</p> <ul style="list-style-type: none"> · to leave the Orders as they are · to change some of the details so as to achieve more precision in the operation of the Orders as well as to update them in terms of the activities addressed · to change the way that activities are distributed among different Use Classes in the Orders · to change the provisions made in the GPDO for moves to take place between the Use Classes without the need for planning permission · to provide for locally determined policies to have a greater role
3.0	<p><u>Objectives</u></p>

3.1	Under the current system the UCO and GPDO act as deregulatory mechanisms and as such help to reduce the burden on local planning authorities. The consultation paper promotes the view that deregulation enables a more efficient use of resources available for the planning system.
3.2	The consultation paper suggests that the key principle which should govern any change to the present UCO is that the provisions of the Order and the GPDO should allow for the maximum deregulation possible having regard to planning policy and wider objectives such as protecting amenity.
3.3	<p>Consultation Question: Do you agree that the UCO and GPDO provisions should be constructed in a way which allows the maximum possible deregulation consistent with delivering planning policy and wider objectives, including protecting amenity?</p> <p>Proposed Response: The concept of maximum possible deregulation needs to be very carefully balanced against the objectives of planning policies, the primacy of the local plan and other considerations of acknowledged importance (such as amenity). In principle the Council is supportive of such a move. However, the Council is concerned that the proposed changes to the Use Classes Order have policy implications which are not reflected in the Consultation Paper.</p>
3.4	The consultation paper suggests that local authorities should be able to introduce greater flexibility by being able to relax the boundaries of the GPDO provisions.

3.5	<p>Consultation Question: Do you agree that local authorities should be able to relax the need for permission for changes of use in certain specified areas?</p> <p>Proposed Response: The introduction of locally agreed relaxations to certain change of use provisions could create complication and confusion and thereby hinder efficient planning. A standardised national system of Use Classes and changes of use provisions would be more transparent and less likely to lead to confusion.</p> <p>Consultation Question: Do you believe that this can be done through local orders as set out in the Planning Green Paper?</p> <p>Proposed Response: The Council is concerned that local orders could lead to inconsistency between and within local authority areas.</p>
3.6	<p>The government continues to believe that the use of planning conditions to limit the uses to which a building could change within its class should be discouraged, although it recognises that, in exceptional circumstances, the use of conditions in such cases may be appropriate to address a particular local issue, provided that issue is identified in the local plan.</p>

3.7	<p>Consultation Question: Do you agree that local authorities should be able to limit the scope for changes of use by the use of conditions only in exceptional circumstances?</p> <p>Proposed Response: The use of conditions to control a proposed use within a specified use class is rarely used by this authority. However, there are sometimes occasions when the nature of a particular use, unusual local circumstances or the need to secure an important planning policy objective will justify the use of such a condition. In general though this authority agrees that such conditions should only be used in exceptional cases, where they can be fully justified.</p>
3.8	<p>Consultation Question: Do you agree that this should be limited to circumstances which have been set out in an authority's local plan?</p> <p>Proposed Response: No matter how comprehensive local plan policies may be they could not reasonably be expected to anticipate every possible exceptional circumstance when a condition restricting the use of land or premises would be necessary. Therefore this authority does not agree that the use of such conditions should be limited to circumstances which have been set out in the local plan.</p>
4.0	<p><u>The Possible Options</u></p>
4.1	<p>The Consultation Paper examines the various concerns expressed as part of the consultation exercise referred to above and for each of the four parts of the UCO (Parts A to D, referred to in paragraph 1.3) suggests possible options for change together with the government's preferred options in each case.</p>
5.0	<p><u>The A Use Classes</u></p>
5.1	<p>The main changes suggested are to Classes A1-A3, which stems from concerns about current uses within the Part A use, in particular the following types of use (with the concerns in brackets):</p> <ul style="list-style-type: none"> · public houses and bars (noise from loud music, crime and anti social behaviour and the proliferation of large bars and “superpubs”); · fast-food takeaways (congregation of groups of

5.2	The recommendation of the researchers suggests five possible options for change to Part A of the current UCO, the details of which are indicated in Appendix 2.
5.3	Option 1, <u>which is the researchers' preferred option</u> , advocates greater flexibility within the A use classes on the basis that a mix of uses within a shopping centre should be primarily determined by the market. It is suggested that the current A1, A2 and A3 should be combined to form a single 'mixed retail' use class (Aa) with controls over certain uses which would be likely to give rise to greater impact. For example it is recommended that a maximum size threshold of 100 square metres be introduced in relation to changes of use from or to uses in the current class A3 (restaurants, pubs, cafes, etc). Below this threshold the use would fall within the new 'mixed retail' use. The new 'mixed retail' use class would also include internet shops/cafes where the primary function is the sale of access to internet services, sandwich shops and coffee shops if they are below the 100 square metre threshold and warehouse clubs
5.4	Separate use classes are recommended for food and drink establishments which exceed the threshold (class Ab) and establishments where the primary purpose is the sale of alcoholic drinks (class Ac). This latter use class would also include nightclubs as well as pubs and bars.
5.5	It is proposed that shops for the sale of hot food to take away (including drive through restaurants) should be sui generis and that GPDO should be amended to prevent the change of use without planning permission from shops selling or displaying motor vehicles to retail. These recommendations also prevail in respect of the remaining three options.

5.6

In the first four options the change of use from pubs, bars, nightclubs and hot food take-aways to mixed retail uses or restaurants/cafes would be permitted by the GPDO.

5.7

Consultation Question:

If a size threshold were introduced in the way recommended by the researchers, do you think that 100 sq m would be appropriate? In your view, what would be the effect of setting such a threshold on the mix of uses in:

- (a) town and city centres? And
- (b) local/neighbourhood centres?

Proposed Response: The Council is concerned that the relaxation of control over smaller food and drink uses (currently falling within Class A3) could seriously undermine its planning policy objectives for the town centre, district and neighbourhood centres. The viability and vitality of some of the more marginal shopping areas in the town centre, where a significant proportion of properties are within the 100 square metre threshold, would be seriously at risk without the current level of control. There are also a number of smaller premises in the allocated primary retail areas (ie. the Arndale Centre) which could be lost to retail if this relaxation were accepted. The same would apply to the district, local and neighbourhood centres within the Borough.

5.8	As an alternative, Option 2 proposes merging use classes A1 and A2 into a single 'mixed retail' class, but keeps all food and drink uses separate with no threshold. Restaurants and cafes of whatever size would fall into one use class (Ab) and uses involving the sale of alcohol would be in a separate class (Ac), as with option 1.
5.9	The third option places all the current class A uses, with the exception of pubs and bars into a 'mixed retail' use, which would include all restaurants and cafes, irrespective of size. As with Options 1 and 2, premises for the sale of alcoholic drinks would be in a separate use class, but under this option, nightclubs are excluded.
5.10	Option 4 combines the present use classes A1 and A2 and retains the current class A3 ,including uses where the sale of alcoholic drink is the predominant nature of the business, but excluding hot food take-aways.
5.11	A fifth option is suggested which modifies options 2, 3 or 4, but with the sale of hot food to be included in the sale of food class.
5.12	<p>Consultation Question: Which option for Use Class A do you think would most meet the objectives set out at paragraph 4.2 of the Consultation Paper (sustain the vitality and viability of town centres/safeguard and strengthen existing local centres) with regard to both town and city centres and to local/neighbourhood centres? Would you prefer to leave Use Class A as it currently is (the 'do nothing' option)? Would you prefer an alternative option not set out in this paper? Why do you prefer your chosen option?</p> <p>Proposed Response: Some elements of the proposed options are worthy of support, but no one option, without modification, would be acceptable to the Council. For example, the Council would support the proposed Ac class (referred to in Option 2) as it groups together uses which raise similar considerations in terms of impact on local amenity and issues of late night disturbance (excluding night clubs which can have greater impact in respect of crime and disorder because of their later opening hours). The proposed Class Ab use is also supported in principle but it is considered that there should be no threshold in respect of restaurant and café uses for the reasons given in the response to the previous consultation question. The Council is also concerned about the inclusion of A2 uses within the same class as retail shops as this too could have significant policy implications and would render many of the emerging Borough Plan policies (ie, TC4, TC5 and SH7) impossible to implement. The current A1 Use Class provides the appropriate level of protection to the retail hierarchy and is consistent with PPG6 (Town Centres and Retail Developments). The Council therefore strongly urges the Government to retain the unique distinction afforded to retail uses by the present Class A1. The Council supports the</p>

6.0	<u>The B Use Classes</u>
6.1	A review of the B Use Classes is considered necessary, largely as a result of concerns about the use of industrial land for office development under the provisions of the current UCO, which allows the change from light industrial to offices (both being with class B1) and under the GPDO, which permits changes of use from general industrial use (B2) to B1 office space. This concern stems mainly from transport issues, as the creation of office space on industrial land on the outskirts of towns could lead to increased car travel to work.
6.2	The problem with the current B1 use class is that it takes no account of scale, traffic generation or parking problems and there is concern that it acts against the government's policy of promoting office development in town centres where there is a readily accessible public transport infrastructure.
6.3	Views are invited on whether more use should be made of the existing sub-divisions of the B1 Use Class, such as splitting them into separate use classes, and whether this would help or hinder policy objectives.
6.4	Only two options are set out in respect the B Class, the second of which is the 'do nothing' approach. Details of the first option are contained in Appendix 3.
6.5	This option, <u>which is the researchers' recommended option</u> , divides the current Class B1 into two new use classes: Class Ba (offices and research and development) and Class Bb (clean production) which is similar to the old light industrial use. Classes B2 and B8 remain as at present (with a slight name change of Class B2 from 'General Industrial' to 'General Production').

6.6	<p>The argument in favour of the second option (ie. the current situation) is that it would retain the flexibility and simplicity of the present B1 Use Class. A major disadvantage is that it may have implications for meeting the planning policy objectives set out in the Consultation Paper, which are:</p> <ul style="list-style-type: none"> · to promote more sustainable transport choices for both people and moving freight · to promote accessibility to jobs by public transport, walking and cycling · to reduce the need to travel, especially by car · to focus office development in city, town and district centres and near to major urban public transport interchanges
6.7	<p>Consultation Question: Do you think that allowing more use to be made of the existing sub-divisions of the B1 Use Class (for example by splitting them into separate Use Classes) would help or hinder the policy objectives (referred to in paragraph 6.6, above)?</p> <p>Proposed Response: It is not considered that there would be any significant benefit from further sub-dividing the existing Class B1 Use Class. Such a move could make the present system more complex and would create an additional and largely unnecessary level of regulation.</p>
6.8	<p>Consultation Question: Do you think that either of the options set out above for Use Class B would meet the objectives set out in paragraph 6.6, above? Would you prefer an alternative option not set out in this paper? Explain why you prefer your chosen option.</p> <p>Proposed Response: There are some advantages in the proposals suggested in Option 1, particularly with regard to the control over the location of office developments in respect of transport and travel issues, but this Council has not experienced any problems with the current operation of Use Class B and therefore would also support the 'no change' option suggested by Option 2.</p>

7.0	<u>The C Use Classes</u>
7.1	<p>The Government's main planning policy objective relevant to Class C uses is that:</p> <ul style="list-style-type: none"> · the Government intends that everyone should have the opportunity of a decent home. Its aim is to widen housing opportunity and choice, and secure a better mix in the size and type of housing than is currently available, including those in need of affordable and special needs housing.
7.2	<p>Concerns about the current uses within the C Class are summarised as follows:</p> <ul style="list-style-type: none"> · lack of clarity between the definition between a hotel and hostel (this has particular significance for resort towns like Eastbourne and has been evident in recent appeal decisions where inspectors' reasoning has blurred the distinction between the two uses) · the definition of Class C2 is too wide, encompassing diverse uses such as care homes for people with special needs and student halls of residence · the problems created by houses in multiple occupation, especially student houses where the use of a single dwelling by up to six students sharing facilities usually does not involve a material change of use but can significantly impact on neighbours in terms of noise, disturbance and parking problems · the use of private dwellings for housing care in the community patients · the loss of permanent homes for short-term housing lets for business or other visitors

7.3	<p>Despite the above concerns, <u>no recommendations are made for changes to the C Use Classes</u>, on the grounds that the current UCO and GPDO are considered to be working reasonably well in this area and, where concerns existed, it is considered that there are no obvious alternatives that would be better.</p>
7.4	<p>Consultation Question: Do you consider that a change to the C Use Class would better meet the objectives set out in paragraph 7.1, above?</p> <p>Proposed Response: Other than a clearer definition of Class C1 uses, the Council does not consider that any change to the C Use Classes is necessary.</p>
7.5	<p>Consultation Question: If yes, what would you recommend and what do you consider would be the benefits?</p> <p>Proposed Response: n/a</p>
8.0	<p><u>The D Use Classes</u></p>
8.1	<p>The Government's planning policy objectives relevant to these uses are:</p> <ul style="list-style-type: none"> · focus major generators of travel demand in city, town, district and local centres · city and town centres will be most appropriate for uses serving large catchments (eg. museums, libraries, etc.) · district and local centres are most appropriate for servicing local catchments (eg. clinics, health centres, etc.) · some types of uses may be appropriate in either type of centre (eg. swimming pools)
8.2	<p>The D Use Classes are seen as 'default' categories into which uses are placed that are not specific to any other Class, rather than being similar in nature and impact.</p>

8.3	<p>Other concerns about the D Use Classes are:</p> <ul style="list-style-type: none"> · the inclusion within Class D2 of dance halls, which can include nightclubs and a variety of other forms of dance clubs, with the associated problems that can arise · the loss of cinemas (especially in town centres) to other uses in Class D2, as new multiplex cinemas are being developed, often in out-of-town locations · that theatres are not currently included in Class D2, but are sui generis.
8.4	<p>The only change recommended by the researchers (referred to as Option 1) is the removal of nightclubs above 100 square metres lettable area from Class D2 and their placing within the Class A Uses, as mentioned in Section 5 of this report.</p>
8.5	<p>Option 2 proposes that nightclubs should be in a Class of their own, either under the D Class (where a change to Class D2 could be permitted) or under the A Class (where a change of use to pubs, restaurants or mixed retail use could be permitted).</p>
8.6	<p>Option 3 suggests that there is little to be gained from distinguishing between Class D1 and D2 uses and therefore proposes an amalgamation of the two to form one 'Assembly and leisure' class, excluding theatres, amusement arcades and fun fairs, which would continue to be sui generis. The details of Option 3 are shown in Appendix 4.</p>

8.7	<p>Consultation Question: Which option for Use Class D do you think would most meet the objectives set out in paragraph 8.1, above? Would you prefer to leave Use Class D as it currently is (the 'do nothing' option)? Would you prefer an alternative not set out in this paper? Why do you prefer your chosen option?</p> <p>Proposed Response: The Council is concerned about the suggested amalgamation of Class D1 and D2 Uses as this would compromise a number of policies in the Borough Plan, particularly in respect of areas considered suitable for community based D1 uses. In many cases these sites or premises would not be appropriate for uses currently in Class D2. The Council supports the removal of nightclubs from the D2 Use Class, but is otherwise satisfied that the current arrangement of the D Use Class works reasonably well and does not need any further refinement.</p>
8.8	<p>Consultation Question: What treatment do you prefer for nightclubs? Why do you prefer your chosen option?</p> <p>Proposed Response: By the very nature of the use, including the hours of operation and the potential issues of crime and disorder, together with late night disturbance, the Council considers that nightclubs pose their own unique problems which merit special consideration. The Council is therefore supportive of the move to remove nightclubs from Class D2, but it does not support the proposed inclusion of nightclubs in the recommended Class Ac suggested by Option 1 in part 4 of the Consultation Paper. Having regard to the above issues arising from the establishment of nightclubs, it is considered that there is a strong case for full planning control and therefore it is this Council's view that nightclub uses should be sui generis.</p>
8.9	A summary table of the proposed new Use Classes Orders is attached as Appendix 5.
9.0	<u>Temporary Uses</u>
9.1	Part 4 of the GPDO permits the temporary use of any land for almost any purpose for up to 28 days in any calendar year (some specified uses such as markets are restricted to 14 days) without the benefit of planning permission. This provision is intended to be beneficial to the community by allowing infrequent and fund raising events to proceed often at short notice without the impediment of planning control. Generally these uses are harmless in nature but there are some forms of temporary use which give cause for concern. In particular, these are:

9.2

The following six options for change are set out in the Consultation Paper, five of which would require amendments to the GPDO. The options are:

Option 1 – retain the current temporary use provisions. Some control is available under the current system through Article 4 directions which can be used to remove specified permitted development rights, but the drawback is that compensation is payable and consequently such directions are rarely used;

Option 2 – temporary use provisions be removed for all temporary uses. Whilst it is acknowledged that many temporary uses cause no harm and some are beneficial to local communities, the only way to address the problems caused by some temporary uses is to completely remove permitted development rights from temporary uses (this is the option recommended by the Government’s researchers);

Option 3 – remove permitted development rights for temporary markets, all motor sports and clay-pigeon shooting;

Option 4 – reduce the number of days on which temporary markets, all motor sports and clay-pigeon shooting can operate without planning permission to 7 days in any one year. It is considered that this option would not allow local planning authorities to control the adverse effects of such uses or overcome the situation whereby markets are held on a numbers of closely linked sites in the same location;

Option 5 – introduce a size threshold above which permitted development rights would be removed for temporary markets, all motor sports and clay-pigeon shooting. Different thresholds would have to be established for each and it would inevitably create difficulties of enforcement;

Option 6 – introduce a notification procedure whereby event organisers could ask the authority whether they need planning permission in advance. A drawback with this procedure is that it would be very time consuming and create uncertainty, especially for ‘one off’ events for the organisers to be advised some time after submitting their prior notification that planning permission was required.

9.3	<p>Consultation Question: Which option for temporary use provision do you most favour? Would you prefer an alternative option not set out in this paper? Why do you prefer your chosen option?</p> <p>Proposed Response: Temporary uses currently allowed by the GPDO can give rise to problems of traffic generation and have an adverse impact on residential amenity, particularly at weekends when such event tend to be held. It is acknowledged that monitoring and effective enforcement of such uses creates difficulties and therefore the Council supports the recommendation in the Consultation Paper that current permitted development rights be removed for these temporary uses.</p>
10.0	<u>Human Resource Implications</u>
10.1	No human resource implications are identified as a result of this report.
11.0	<u>Financial Implications</u>
11.1	There are no financial implications arising from the Consultation Paper.
12.0	<u>Human Rights Implications</u>
12.1	It is not envisaged that there will be any negative human rights implications provided any deregulation proposed in a revised UCO and GPDO have due regard to the effect on the amenities of local residents and other with an interest in the planning process.
13.0	<u>Other Implications</u>
13.1	There are no youth, environmental, anti-poverty or community safety implications as a direct result of this report.
14.0	<u>Conclusion</u>

14.1	The Government has prepared a Consultation Paper on the proposals to change the Use Classes Order and General Permitted Development Order. The suggested responses are detailed under section 3, 5, 6, 7, 8 and 9 of the report. It is recommended that these form the Council's response, which needs to be sent to the Government by 24 April 2002.
Author: Ian Hayes, Development Control Manager	
Background Papers: The Background Papers used in compiling this report were as follows: Use Classes Order: Consultation on possible changes to the Use Classes Order and Temporary Uses Provisions – produced by Department for Transport, Local Government and the Regions (January 2002) To inspect or obtain copies of background papers please refer to the contact officer listed above.	
ish/2002 planning reports/Use Classes Order consultation	

APPENDIX 1

TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987

(AS AMENDED)

Schedule

Part A

Class A1. Shops

Use for all or any of the following purposes -

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,

- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,]
- (j) for the reception of goods to be washed, cleaned or repaired,]

where the sale, display or services is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of -

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,

where the services are provided principally to visiting members of the public.

Class A3. Food and drink

Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.

Part B

Class B1. Business

Use for all or any of the following purposes -

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use 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.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Part C

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

- (a) Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- (b) Use as a hospital or nursing home.
- (c) Use as a residential school, college or training centre.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) -

- (a) by a single person or by people living together as a family, or
- (b) by not more than six residents living together as a single household (including a household where care is provided for residents).

Part D**Class D1. Non-residential institutions**

Any use not including a residential use -

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction.

Class D2. Assembly and leisure

Use as -

- (a) a cinema,
- (b) a concert hall,
- (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Definitions:

"care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

"day centre" means premises which are visited during the day for social or recreational purposes or for the purposes of rehabilitation or occupational training, at which care is also provided;

["hazardous substance" and "notifiable quantity" have the meanings assigned to those terms by the Notification of Installations Handling Hazardous Substances Regulations 1982;]

"industrial process" means a process for or incidental to any of the following purposes: - (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording); (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or (c) the getting, dressing or treatment of minerals; in the course of any trade or business other than agriculture, and other than a use carried out in or adjacent to a mine or quarry;

"Schedule" means the Schedule to this Order;

"site" means the whole area of land within a single unit of occupation.

No class specified in the Schedule includes use -

(a) as a theatre,

(b) as an amusement arcade or centre, or a funfair,

[(c) as a launderette,]

(d) for the sale of fuel for motor vehicles,

(e) for the sale or display for sale of motor vehicles,

(f) for a taxi business or business for the hire of motor vehicles,

(g) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles,

(h) for any work registrable under the Alkali, etc. Works Regulation Act 1906,

(i) as a hostel,

(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex IIA to Directive 75/442/EEC under heading D9), or landfill of waste to which Directive 91/689/EEC applies.]

APPENDIX 2

OPTIONS FOR "A" USE CLASSES

OPTION 1		
Use Class	Use	Whether change permitted
Aa 'Mixed Retail' Uses	<p>Sale or provision of goods and services to visiting members of the public including:</p> <ul style="list-style-type: none"> · sale of goods and cold food, including through warehouse clubs; · financial and professional services (including the sale of access to internet services), excluding health and medical services; and · sale of food and drink for consumption on premises, including sandwich shops and coffee shops, subject to a maximum GLA of 100 sq m. 	Change to Aa plus single flat allowed.
Ab Restaurants and Cafés	Sale of food and drink primarily for consumption on the premises, but including sandwich shops and coffee shops, where the GLA of the enclosed floorspace is greater than 100 sq m.	Change to Aa allowed.
Ac Public Houses, Bars and Nightclubs	Sale of drink and food for consumption on premises where the primary purpose is the sale and consumption of alcoholic drink, where the GLA of the enclosed floorspace is greater than 100 sq m.	Change to Aa and Ab allowed.
Sui Generis	Shops for the sale of hot food to be taken away (including drive-through restaurants).	Change to Aa and Ab allowed.
	Shops selling or displaying motor vehicles for sale; launderettes, taxi businesses, car hire businesses, filling stations, scrapyards.	No change of use allowed.

OPTION 2		
Use Class	Use	Whether change permitted
Aa 'Mixed Retail' Uses	Sale or provision of goods and services to visiting members of the public, including: <ul style="list-style-type: none"> · sale of goods and cold food, and · financial and professional services (including the sale of access to internet services), excluding health and medical services. 	Change to Aa plus single flat allowed.
Ab Restaurants and Cafés	Sale of food and drink primarily for consumption on the premises, but including sandwich shops and coffee shops.	Change to Aa allowed.
Ac Public Houses and Bars	Sale of drink and food for consumption on premises where the primary purpose is the sale and consumption of alcoholic drink.	Change to Aa and Ab allowed.
Sui Generis	Shops for the sale of hot food to be taken away (including drive-through restaurants).	Change to Aa and Ab allowed.
	Shops selling or displaying motor vehicles for sale; launderettes, warehouse clubs, taxi businesses, car hire businesses, filling stations, scrapyards.	No change of use allowed.

OPTION 3		
Use Class	Use	Whether change permitted

<p>Aa 'Mixed Retail'</p> <p>Uses (including Restaurants and Cafés)</p>	<p>Sale or provision of goods and services to visiting members of the public, including:</p> <ul style="list-style-type: none"> · sale of goods and cold food, and · financial and professional services (including the sale of access to internet services) excluding health and medical services · sale of food and drink primarily for consumption on the premises. 	<p>Change to Aa plus single flat allowed.</p>
<p>Ab Public Houses and Bars</p>	<p>Sale of drink and food for consumption on premises where the primary purpose is the sale and consumption of alcoholic drink.</p>	<p>Change to Aa allowed.</p>
<p>Sui Generis</p>	<p>Shops for the sale of hot food to be taken away (including drive-through restaurants).</p>	<p>Change to Aa allowed.</p>
	<p>Shops selling or displaying motor vehicles for sale; launderettes, warehouse clubs, taxi businesses, car hire businesses, filling stations, scrapyards.</p>	<p>No change of use allowed.</p>

OPTION 4		
Use Class	Use	Whether change permitted

Aa 'Mixed Retail' Uses	Sale or provision of goods and services to visiting members of the public including; <ul style="list-style-type: none"> · sale of goods and cold food, and · financial and professional services (including the sale of access to internet services) excluding health and medical services. 	Change to Aa plus single flat allowed.
Ab Food and Drink	Sale of food and drink (including alcohol) primarily for consumption on the premises, including sandwich shops and coffee shops.	Change to Aa allowed.
Sui Generis	Shops for the sale of hot food to be taken away (including drive-through restaurants).	Change to Aa and Ab allowed.
	Shops selling or displaying motor vehicles for sale; laundrettes, warehouse clubs, taxi businesses, car hire businesses, filling stations, scrapyards.	No change of use allowed.

OPTION 5

(see paragraph 5.11 of the report)

APPENDIX 3

OPTIONS FOR "B" USE CLASSES

OPTION 1		
Use Class	Use	Whether change permitted
Ba Offices and R&D	Offices, other than financial and professional services providing for the visiting members of the public. Research and development.	Change to B8 (only up to 235 m ² of floor space) permitted.

Bb Clean production	Clean production processes.	Change to B8 (only up to 235 m ² of floor space) permitted.
B2 General production	General production processes.	Change to Bb or B8 (B8 (only up to 235 m ² of floor space) permitted.
B8 Storage and distribution	Storage and distribution.	Change to Ba and Bb (only up to 235 m ² of floor space) permitted.
Sui Generis	Work registerable under Alkali etc, Works Regulation Act.	No change of use permitted.

OPTION 2

(No change)

APPENDIX 4

OPTIONS FOR "D" USE CLASSES

OPTION 1

(see paragraph 8.4 of the report)

OPTION 2

(see paragraph 8.5 of the report)

OPTION 3		
Use Class	Use	Whether change permitted

D1 Assembly and leisure	Clinics, health centres, creches, day nurseries, day centres, consulting rooms (not attached to doctor's house); museums, libraries, art galleries, public and exhibition halls; non-residential schools, colleges and other educational centres; public worship or religious instruction; cinemas, dance and concert halls; swimming pools, skating rinks, gymnasiums; other indoor and outdoor sports and leisure uses, bingo halls, casinos.	No change of use permitted.
Sui Generis	Theatres, amusement arcades and centres, fun fairs.	No change of use permitted.

APPENDIX 5

SUMMARY TABLE OF PROPOSED NEW USE CLASSES ORDERS

Use	Revised Use Classes Order	Revised GPDO
<p>Sale or provision of goods and services to visiting members of the public including:</p> <ul style="list-style-type: none"> · sale of goods and cold food, including through warehouse clubs, and including sandwich shops · financial and professional services (including the sale of access to internet services) excluding health and medical services · sale of food and drink for consumption on premises subject to a maximum GLA of 100 sq m. 	<p>Aa 'Mixed Retail'</p> <p>Uses</p>	Change to Aa plus single flat allowed.
<p>Sale of food and drink primarily for consumption on the premises, but including sandwich shops, where the GLA of the enclosed floorspace is greater than 100 sq m.</p>	<p>Ab Restaurants and Cafés</p>	Change to Aa allowed.

Sale of drink and food for consumption on premises where the primary purpose is the sale and consumption of alcoholic drink (including nightclubs) where the GLA of the enclosed floorspace is greater than 100 sq m.	Ac Public Houses, Bars and Nightclubs	Change to Aa and Ab allowed.
Shops for the sale of hot food to be taken away (including drive-throughs).	Sui generis	Change to Aa and Ab allowed.
Shops selling or displaying motor vehicles for sale.	Sui generis	No change of use allowed.
Launderettes, taxi businesses, car hire businesses, filling stations, scrapyards	Sui generis	No change of use allowed.
Offices other than financial and professional services provided for visiting members of the public. Research and development.	Ba Offices and R&D	Change to B8 (only up to 235 sq m of floor space) allowed.
Clean production processes.	Bb Clean production	Change to B8 (only up to 235 sq m of floor space) allowed.
General production processes.	B2 General production	Change to Bb allowed.
Storage and Distribution	B8 Storage and distribution	Change to Ba and Bb (only up to 235 sq m of floor space) allowed.
Work registerable under Alkali etc. Works Regulation Act	Sui generis	No change of use allowed.

Use	Use Classes Order 1987	GPDO 1995

Hotels, boarding and guest houses, provided that care is not provided.	C1 Hotels	No change of use allowed.
Residential accommodation for provision of care, e.g. old age homes. Residential schools and colleges and training centres. Hospitals and nursing homes.	C2 Residential Institutions	No change of use allowed.
Dwelling houses for individuals, families and up to six individuals living as a single household.	C3 Dwelling houses	Subdivision of dwelling houses into two or more dwelling houses not allowed.
Clinics, health centres, creches, day nurseries, day centres, consulting rooms (not attached to doctor's house). Museums, libraries, art galleries, public and exhibition halls. Non-residential schools, colleges and other educational centres. Public worship or religious instruction.	D1 Non residential institutions	No change of use allowed.
Cinemas, dance and concert halls. Swimming pools, skating rinks, gymnasiums. Other indoor and outdoor sports and leisure uses, bingo halls, casinos.	D2 Assembly and leisure	No change of use allowed.
Theatres, amusement arcades and centres, fun fairs.	Sui generis	No change of use allowed.