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CONSULTATION PAPER

POSSIBLE CHANGES TO THE USE CLASSES ORDER

COMMENTS FROM THE INSTITUTION OF ENVIRONMENTAL SCIENCES

Introduction

1. This note contains the comments of the Institution of Environmental Sciences on the above Consultation Paper issued by the Department of Transport, Local Government and the Regions (DTLR) in December 2001.
2. We welcome the invitation to contribute on the issues raised by the proposals to change the Use Classes Order. This is an important topic in terms of managing development, and is in need of reform given changes in the economy and society over the last decade.
3. The structure of our note follows the ordering of the Consultation Paper. As relevant we have referred to the paragraph numbers in the Consultation Paper, and in general we have only commented upon key issues.

Objectives

4. We support the principle outlined in the Consultation Paper that the UCO and GPDO provisions should be constructed in a way that allows possible deregulation, consistent with delivering wider objectives (Question 1, para 3.3). This has underlain the formulation of our responses.
5. We can see benefits in using local orders as a means of relaxing planning permission changes of use. This would particularly be helpful in certain rural areas. In broad terms, therefore, we would support the views outlined in Questions 2 and 3 under para 3.5.
6. We believe it is important for local authorities to retain the flexibility to use conditions in relation to changes of use, but would agree that this should only be in exceptional circumstances (Question 4, para 3.6). We **do not** believe that this should be solely limited to matters that have been set out in an authority's local plan, as situations

may arise that fall outside of what a plan could reasonably be expected to cater for. Nevertheless, we strongly urge that the local plan should specify the circumstances that would **normally** be considered subject to the imposition of conditions.

Proposals for the A Use Classes

7. In terms of Use Class A, having considered the various options outlined, our preference would be to support Option 1. However, we would recommend that nightclubs should not be included in Use Class Ac, but should be a separate class. Whilst we are sympathetic to 'mixed use' developments in certain rural areas – such as combined pub/post office services – we would be concerned to avoid the effective sidelining of one activity by another (e.g. post office function being marginalized within a public house). In that context, the ability of a local authority to introduce local order would be a possible means of treating this issue sensitively.
8. We would recommend the use of a threshold to help distinguish between use class activities. The 100 sq m GLA appears reasonable. Most sandwich shops and cafes serving under 100 sq m would be of the sort that would help maintain the mixed use of a high street, particularly during the daytime.

Proposals for the B Use Classes

9. In terms of Use Class B we support Option 1 in broad terms. We have two key concerns, however. The first relates to the ability for B8 use to change the use of up to 235 sq m of floorspace to Ba use. Whilst this is effectively reflecting conditions as they currently stand within the Use Classes, there are concerns – particularly in larger urban areas – of the loss of such activity types upon the effective operation of urban areas. This includes examples such as office equipment service agents – who typically operate from such space – being pushed further away from their service market due to shortage of such premises. Therefore, the ability to change the use of B8 space to Ba may exacerbate this matter in certain areas.
10. A second concern relates to the size threshold for changes between Bb and B8. The proposal is that this should be limited to 235 sq m. We would suggest that consideration be given to having **no threshold limit** on changes between these uses. A common concern is over the possibility of fewer jobs being associated with B8 use when compared with Bb use. In practice, however, larger distribution uses may be as labour intensive as modern 'clean production' uses, which typically are highly automated compared with even a decade ago. On this basis we do not see strong grounds for restricting use between these activity types, particularly as larger distribution activities are generally over 5,000 sq m. However, there may be other policy issues driving the need for limiting the size change between Bb and B8 use.

Proposals for the C Use Classes

11. In terms of Use Class C, on balance we believe that changes to the current arrangement would not materially help in securing the government's objectives as set out in para 6.1 of the consultation paper. Many of the issues raised in this area, such as the range of activities that can fall within the residential institutions use class (C2),

are best dealt with by planning conditions imposed by local authorities. Any national system would be bound to be less sensitive to local requirements.

Proposals for the C Use Classes

12. In terms of Use Class D we would support Option 2 as outlined in the consultation paper. Separating out nightclubs as a distinct use class – as we recommend in paragraph 7 above – would allow Use Class D2 to be more comparable. We believe there is still a need to keep dance and concert halls within Use Class D2, but that an appropriate definition be applied for distinguishing nightclub activities.