

**South Oxfordshire District Council's note in response to Inspector's request for a note on the implications of the Use Classes Order changes, particularly in relation to retail. There are policies that will need to be looked at in order to make them effective in light of the new regulations.**

During the examination hearings the Government announced changes to the Use Classes Order. These changes will give certain businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities. The changes bring together A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single new E Use Class 'Commercial, Business and Service'. From 1 September 2020 changes of use between the different types of uses listed in the new Class E will not constitute development and so will not require planning permission. That means (for example) that retail units can be converted into offices (and vice versa) without the need for permission.

Other changes move some community uses like schools, museums and local shops to a new more protected use Class F. Some Use Classes are deleted and become 'Sui Generis' uses: A4 drinking establishments, A5 Hot food takeaways, and D2 cinemas, concert, dance, bingo halls.

A transitional period will apply until 31 July 2021 during which the former Use Classes will still apply to land and buildings for the purposes of the GPDO, so individual buildings and uses will be able to exercise the permitted development right they were entitled to on 31 August 2020.

We consider the immediate implications for the emerging South Oxfordshire Local Plan to be as follows:

1. References to A and B1 Use Classes in the Plan should be deleted or amended as these will no longer exist once the transitional arrangements are over. These will be proposed as main/ minor modifications.
2. The employment policies in Chapter 6 of the Plan (as modified in CSD13) remain valid, including the quantum of employment allocations in EMP1 and the site choices. The allocations are based on the evidence base in the Employment Land Review (ECO03) and ELR Addendum (ECO03.1). Even though offices and light industry will be in a different Use Class from general industry, storage and distribution from 1<sup>st</sup> September 2020, they are currently in different use classes (B1, B2, B8) so this is not a significant change. The market will still need a range of employment uses. The Plan is not prescriptive about particular use classes at the different allocations in EMP1. This provides flexibility for employment land to come forward on the allocated sites in the way the market decides.
3. The town centre policies in Chapter 10 remain valid. It is still appropriate to plan for new convenience and comparison goods floorspace in Policy TC1, and the policy does not refer to the A1 Use Class.

4. Policy TC5 on primary shopping areas already states “Where planning permission is required...” so it is compatible with the new Use Class and does not need changing. This wording makes it clear that the Council recognises that permission may not be required in all cases. The Plan can only regulate changes of use that require planning permission – so cannot prevent changes of use already allowed under the GPDO or within the new Class E. Policy TC5 still has value in setting a framework for other changes involving loss of retail not within Class E (like residential or Sui Generis uses like betting shops, tattoo parlours and nail bars).
5. Policy TC2 sets a requirement for a retail impact assessment for out of town proposals (outside the centres named in our retail hierarchy). The wording requires this for any retail, leisure and office development so is already a good match with new Class E. Out of town proposals achieved in future through pure conversion of buildings within the new Class E would not require planning permission (unless operational development is involved or they are subject of restrictive planning conditions) and would not be subject to this policy.
6. The new Use Class F provides greater protection for pubs and essential isolated shops by taking them out of the permitted development provisions of the GPDO. Permission will be required in all cases, and Plan Policy CF1 on safeguarding community facilities provides a policy with which to assess proposals.
7. Policies STRAT1, HEN1, TH1, WAL1 and EMP5-7 set out the framework for Town Councils to prepare bespoke employment and town centre policies in their neighbourhood plans. The neighbourhood plans will be well placed to respond to emerging changes resulting from the new Class E as the NDPs evolve over the next year.
8. The monitoring indicators in Chapter 12 on employment do not need to change because they refer to ‘employment uses’ already rather than the separate categories in the current Use Classes Order. The indicators on town centres need amending to delete references to A and D Use Classes.

In the short term, the impacts of the regulatory changes are uncertain, as are the effects on the economy of COVID-19, and how long the current COVID-19 restrictions will last. There is no justification to revise the plan significantly at this stage.

Looking ahead, we will need to see how the market responds to the new Class E Use Class. This will require monitoring and analysis of planning decisions and land use changes. For example, we may see existing employment sites become attractive options for retail provision and need to plan further office provision to offset losses. Equally we may lose retail as internet shopping and home delivery become more popular. Once the new changes have bedded down and we have a new evidence base, we can make further plans through the Oxfordshire Plan 2050 and the next South Oxfordshire Local Plan.

## Proposed Mods relating to forthcoming changes to the Use Classes Order

Ref	Policy No.	Para No./Section	Page No.	Modifications	Reasoning	Main or Minor
1	STRAT3		39	Policy STRAT3: Didcot Garden Town  Provision is made for employment at identified employment sites across Didcot in line with Policy EMP1 The Amount and Distribution of New <del>B-class</del> Employment Land and EMP4 Employment Land in Didcot.	To update for forthcoming Changes to the Use Classes Order	Main
2		6.12	125	6.12 the 2015 South Oxfordshire's Employment Land Review (ELR) reports, that within South Oxfordshire employment land comprised approximately: <ul style="list-style-type: none"> <li>• 40.7 hectares (234,100sqm) of gross office floorspace (<del>use class b1a</del>), and</li> <li>• 265.1 hectares of gross industrial land</li> <li>• approximately a third of this industrial land is light industrial type (<del>B1c</del>) or general industrial (<del>B2</del>), with the majority characterised by warehousing and distribution use (<del>B8</del>).</li> </ul>	To update for forthcoming Changes to the Use Classes Order	Minor
3		6.13	126	6.13 the 2015 ELR undertook a review of the quality and characteristics of employment land in the District, identifying where these existing employment areas have capacity for expansion. The 2015 ELR went on to make recommendations for the potential locations and approximate amounts of additional office, research and development ( <del>B1a/b</del> ) space:	To update for forthcoming Changes to the Use Classes Order	Minor
4		6.14	126	The 2015 ELR also makes recommendations for the potential locations and approximate amounts of additional industrial land ( <del>b1c/b2/b8</del> ):	To update for forthcoming Changes to the Use Classes Order	Minor
5	EMP1	1	128	To facilitate the provision of additional office, manufacturing and distribution jobs ( <del>'B-class jobs' * refer to Appendix 1</del> ), between 2011 and 2034 <del>5</del> <del>the requirement for 34.7 hectares and 37.5</del> 39.1 hectares of <del>B-class</del>	To update for forthcoming Changes to the Use Classes Order	Main

				employment land will be provided. Employment land will be provided at the following locations:		
6	Town Centres	10.4	213	This plan seeks to build on the District's improved retail offer and achieve a good balance of mixed uses in our town and village centres in order to meet the needs of those who live, work, shop and spend leisure time here <sup>37</sup> . The policies in this section provide the Council's proposed way forward for focusing growth, by recognising development already taking place in its town centres, particularly within Didcot. <b>Changes to the Use Classes Order in 2020 provide enhanced flexibility for the use of buildings to switch between commercial, business and service uses in Class E.</b> While all market towns also perform a leisure function, it is Henley on Thames which has a greater dual retail and leisure offer.	To update for forthcoming Changes to the Use Classes Order	Main
7	Monitoring and Review	7. Town Centres	240	Policy TC2: Retail Hierarchy Indicator: <del>Retail A and D</del> use class development permitted by settlement hierarchy	To update for forthcoming Changes to the Use Classes Order	Minor
8	Monitoring and Review	<del>7.</del> 8. Community Facilities	240	Policy CF1: Safeguarding Community Facilities Indicator: Number of community facilities* lost  * These include use facilities under <del>a1, a2, a3, a4, a5, D1 and D2 use classes</del> <b>Use Class F2 Local Community Uses (shops smaller than 280 m<sup>2</sup> and without another shop in 1,000 m<sup>2</sup>, a hall or meeting place for the principal use of the local community, outdoor sport or recreation locations, and swimming pools or skating rinks), Use Class F1 Learning and non-residential institutions, and the following Sui Generis uses: drinking establishments, cinemas, concert/dance/bingo halls, theatres.</b>	To update for forthcoming Changes to the Use Classes Order	Minor

9	Glossary		244	<p><del>B1, B2, B8 use classes</del>  <del>Business uses as defined in the Town and Country Planning (Use Classes) Order 1987.</del>  <del>-B1 covers offices, research and development and light industrial.</del>  <del>-B2 covers general industrial.</del>  <del>-B8 covers storage or distribution.</del></p> <p><b>Employment Uses</b>  <b>Commercial, Business and Service uses as defined in Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.</b></p>	To update for forthcoming Changes to the Use Classes Order	Minor
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