

London Borough of Bromley

Report No.
[ELS05137]

PART 1 - PUBLIC
<Please select>

Agenda
Item No.

9

Title: **THE USE CLASSES ORDER 2005**

Decision Maker: **Development Control Committee** Decision Date: **14th Jun 2005**

Decision Type: Non-Urgent Non-Executive Non-Key

Budget/Policy Framework: Within policy and budget

Chief Officer: Chief Planner

Contact Officer: Rita Westlotorn, , Head of Planning Project Management
Tel: 020 8313 4582 E-mail: rita.westlotorn@bromley.gov.uk

Ward: N/A

1. SUMMARY

- 1.1 Modifications have been made to the Town and Country Planning (Use Classes) Order to enable Local Planning Authorities to have more control over changes of use, especially in town centres.
- 1.2 The amended Order retains the four broad classifications of the 1987 Order. These generally correspond with (A) high street or shopping area uses; (B) other business and industrial uses; (C) residential uses; and (D) social and community uses of a non-residential kind.
- 1.3 The main amendment covers the sub-division of the A3 Use Class for food and drink establishments. Under the old arrangements restaurants, pubs, cafes, wine bars and shops that sell hot food for take away all fell within the same use class. This is no longer the case as now only restaurants and cafes will retain their A3 classification.
- 1.4 The government states that local planning authorities will still need to treat applications on their merits with regard to the potential environmental impacts but the new, more specific, use classes will, however, mean greater clarity in determining the effects on amenity of particular uses. The new use classes are intended to enable local planning authorities to secure a satisfactory balance in an area between the numbers of restaurants/cafés, pubs and bars, and takeaways/fast food premises. This will help to ensure that one use does not predominate to the detriment of local amenity or the vitality of the area permission to change between them might be considered as overly burdensome.

2. RECOMMENDATIONS

- 2.1 Members note the changes to the Use Classes Order which came into effect on the 21st April 2005.

3. COMMENTARY

- 3.1 The Town and Country Planning (Use Classes) Order has remained largely unaltered since 1987. Now, following extensive consultation, about the changes considered necessary to reflect current circumstances and to ensure the Use Classes Order remains an effective tool, amendments have been made for certain uses of land.
- 3.2 The cumulative impact of development related to the night-time economy can be a key consideration in planning proposals so now there are three classes formed by the sub-division of the former A3: *Food and Drink* use class. Only restaurants and cafes will retain their A3 classification, with a permitted change to A1, A2, pubs and bars will be reclassified as Use Class A4, with a permitted change to A1, A2 or A3. Takeaways are reclassified to Use Class A5, also with a permitted change to A1, A2 or A3. Nightclubs, previously not specified in the Order, but which can have significant impacts on local communities, are confirmed as not being in any class of the Order, and are therefore *sui generis* (of its own kind).
- 3.3 These changes have been made in order to enable local planning authorities to manage the mix of uses in town centres, to tackle the environmental impact of the evening economy and to clarify the position on the classification of nightclubs under the 1987 Order. The separate use classes will enable the Council to exert more influence over the broad composition of shopping areas in terms of land use. In particular, the disaggregation of the former A3:*Food and Drink* use class will give the Council a greater degree of precision in making development control decisions, with a clearer view of the likely and continuing impact of those uses.
- 3.4 In addition, retail warehouse clubs involving the sale or display for sale of good only to members of a club are confirmed as *sui generis*. Motor vehicle showrooms are to remain outside the use classes order, as before, however they will no longer enjoy permitted development rights to change to A1: (retail shops). Internet cafes have been reclassified as A1.
- 3.5 In conclusion the reforms now mean that restaurants and take-aways can no longer re-invent themselves as bars without going through the planning system whereby the community are consulted. Whilst reform is largely limited to food and drink premises the government have not ruled out making further changes.

4. POLICY IMPLICATIONS

- 4.1 The sustainability of vibrant town centres is one of the Council's key priorities. The changes to the Use Classes Order will enable tighter control over the use of town centre premises and will compliment licensing objectives. The Area Action Plan that is currently being devised for Bromley Town Centre will also, as part of the Local Development Framework, include an approach to the evening and night-time economy which will compliment and integrate with existing Council strategies.

Non-Applicable Sections:	FINANCIAL IMPLICATIONS LEGAL IMPLICATIONS PERSONNEL IMPLICATIONS
Background Documents: (Access via Contact Officer)	Town & Country Planning (Use Classes) (Amendment) (England) Order 2005