

CHANGES TO THE USE CLASSES ORDER, IMPACT ON THE NEW SOUTHWARK PLAN AND THE COUNCIL'S RESPONSE

1. Introduction

- 1.1 This document has been prepared to accompany the Council's response to the Inspectors Matters, Issues and Questions as part of the New Southwark Plan Examination.
- 1.2 This document provides a summary of the key changes to the Use Classes Order which came into effect from 1 September 2020. The government's intention behind these changes is to provide greater flexibility for businesses to adapt and respond to unexpected economic challenges (e.g. the ongoing health crisis) through the deregulation of land uses, with particular focus on town centres and high streets.
- 1.3 The changes see the introduction of three new use classes: E, F.1 and F.2, which absorb use classes A, B and D. Sui generis use class has also been expanded to include some of the aforementioned uses. Further detail is provided in section 2.
- 1.4 These changes will have an impact on several policies in the New Southwark Plan. The purpose of this document is to provide clarity on the impacts to the plan and how the Council intends to respond. If the Inspector is minded to make modifications, the paper includes our suggested wording.
- 1.5 The plan needs to be consistent with the NPPF and in general conformity with the Publication London Plan (2020).
- 1.6 The NPPF sets out in paragraphs 8 and 9 that in order to achieve sustainable development there needs to be "*sufficient land of the right types [is] available in the right places and at the right time to support growth, innovation and improved productivity*" (NPPF 2019, paragraph 8).
- 1.7 Paragraph 20 requires plans to be prepared using strategic policies and an "*overall strategy for pattern, scale and quality of development, and make sufficient provision for: housing (including affordable housing), employment, retail, leisure and other commercial development;.. and .. community facilities (such as health, education and cultural infrastructure)*" (NPPF 2019, paragraph 20).
- 1.8 The Publication London Plan 2020 sets much of the strategic context for planning policies relating to the economy in London, including establishing a town centre hierarchy and defining requirement for employment land and industrial capacity.
- 1.9 The changes to the UCO presents a particular challenge to local planning authorities in respect of the NPPF and the Publication London Plan 2020, in that

changes of use within the same use class are not considered development which would be subject to development control. The amalgamation of several uses into one Use Class E means that change of use between retail, employment, industrial and some community services cannot be effectively monitored and controlled and therefore, planned for within the strategic objectives of the plan.

1.10 In order to address the consequences which will arise from the introduction of Class E and in order to plan positively in a way that is consistent with and meets all the requirements of the NPPF, and achieves general conformity with the London Plan, the Council considers that it will be necessary in some cases to use conditions and/or planning obligations to put restriction on uses within new Class E development. This will involve a minor amendment to several policies in the plan in order to ensure proposals are determined in accordance with the development plan. This caveat is included in the suggested modifications in Appendix 1.

2. Key changes to the Use Class Order (UCO)

2.1 On 21 July 2020, the government introduced changes to the Use Classes Order. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (2020 No. 757) came into effect.

2.2 Part A and Part D of the Schedule to the Use Classes Order 1987 are revoked and Part B has been modified. In summary, use classes A, D and B1 are now abolished as separate use classes and have been amalgamated into one use class. Use class D has been split between the three new use classes. Uses previously classed as A/D that do not fit into the new use classes have been added as sui generis.

2.3 The changes provide for three new use classes:

- Class E (Commercial, business and service)
- Class F.1 (Learning and non-residential institutions)
- Class F.2 (Local community)

2.4 Table 1 summarises the changes to the UCO.

Table 1: Changes to Use Class Order (UCO)

Use Class as of 1 September 2020	Description	Former Use Class
E (Commercial, business and service)	(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public	A1

	(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises	A3/A4
	(c) for the provision of the following kinds of services principally to visiting members of the public — (i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality	A2
	(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,	D2
	(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner	D1
	(f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public	D1
	(g) for— (i) an office to carry out any operational or administrative functions, (ii) the research and development of products or processes, or (iii) any industrial process	B1
F.1 (Learning and non-residential institutions)	Any use not including residential use— (a) for the provision of education, (b) for the display of works of art (otherwise than for sale or hire), (c) as a museum, (d) as a public library or public reading room, (e) as a public hall or exhibition hall, (f) for, or in connection with, public worship or religious instruction, (g) as a law court.	D1
F.2 (Local community)	a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where— (i) the shop's premises cover an area not more than 280 metres square, and (ii) there is no other such facility within 1000 metre radius of the shop's location,	A1
	a hall or meeting place for the principal use of the local community an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms, an indoor or outdoor swimming pool or skating rink	D2

Additions to sui generis	a public house, wine bar, or drinking establishment	A4
	a drinking establishment with expanded food provision	A3/A4
	a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises	A5
	a venue for live music performance a cinema a concert hall a bingo hall a dance hall	D2

Material period

1. The legislation makes reference to a 'material period' which is a transitional period from 1 September 2020 to 31 July 2021.
2. During this period, any references in the General Permitted Development Order (GDPO) to the uses or use classes specified in the Schedule to the Use Classes Order are to be read as if those references were to the uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020 i.e. use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights until 31 July 2021.

2.5 Overview on the impact of the changes to the Use Classes Order on New Southwark Plan Policies

- 2.6 Changes to the Use Classes Order will have implications for a number of policies, in the emerging New Southwark Plan August 2020 (EIP27A). In particular, policies which sought to manage retail, Class A, employment, Class B, and community/social infrastructure, Class D, uses.
- 2.7 As mentioned, in the summary of key changes to the Use Classes Order; Part A and Part D of the Schedule to the Use Classes Order 1987 are revoked and Part B has been modified. In summary, use classes A, D and B1 are now abolished as separate use classes and have been amalgamated into one use class. Use class D has been split between the three new use classes. Uses previously classed as A/D that do not fit into the new use classes have been added as sui generis.
- 2.8 SP4 Strong Local Economy, Policies P28-43 and P44-47 are particularly affected by the changes to the Use Classes Order. Each of the site allocations set out site requirements stating which uses need to be delivered. Each of these site allocations may need to be reviewed to take into account the new use classes. This will be addressed under Matter 10. Appendix 1 sets out which policies will be most affected by the new UCO.
- 2.9 SP4 Strong Local Economy, sets out an overall strategy to make sure that Southwark has a strong economy where all of our existing and new residents, businesses and workers benefit. This policy identifies the strategic priorities, including the scale of development and targets within the plan period which will support a strong local economy. Policies P28-43 sets out the detailed requirements for development in order to achieve points 1-10 of SP4 Strong Local Economy.
- 2.10 The approach taken by policies P28-43, are generally as follows:
- The management of appropriate uses within identified locations in accordance with the Key Diagram (EIP27A), and Policies Map (NSP02), e.g. appropriate uses within SPIL, CAZ and Town Centres.
 - The management of the scale of employment and retail floorspace throughout the plan period, i.e. through retaining and/or increasing floorspace.
 - The description of the exceptional circumstances where losses of retail and employment may be acceptable.
 - The description of criteria necessary to support certain uses, e.g. co-location of employment floorspace with housing.
- 2.11 A number of the criteria outlined in policies P28-43 refer to use classes which have now been revoked. These policies have been positively prepared to meet the needs as set out in our evidence base. For example, SP412 – Southwark’s

Employment Land Review, SP413 – Southwark Industrial and Warehousing Land Study, SP419 – Southwark Retail Study Old Kent Road Update, SP422 – Affordable workspace in Southwark – Evidence of needs, amongst the wider evidence base on related topics to SP4 Strong Local Economy. As such, whilst these policies are positively prepared, some may require minor modifications to ensure soundness.

2.12 Changes of use within Class E no longer constitute development and therefore do not require planning permission. The approach of policies P28-43 to manage the retention and/or increase of specific uses, which are now agglomerated into Use Class E, requires amendments to ensure the plan meets the need identified in the evidence base. Additionally, the monitoring of development in the borough against strategic targets will need an amended approach following the introduction of the new Use Classes, which amalgamate the revoked classes into Class E and other uses within the new UCO.

2.13 The government published an Explanatory Memorandum which explains the policy background to these changes in a section titled: “what is being done and why?”

2.14 It states:

“7.1 The current Use Classes Order was introduced in 1987 and has been amended a number of times since. However, the government considers that it requires a complete overhaul to better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands. This is particularly important at the present time as town centres seek to recover from the economic impact of Coronavirus. Modern high streets and town centres have changed so that they now seek to provide a wider range of facilities and services, including new emerging uses, that will attract people and make these areas viable now and in the future.

7.2 These Regulations amend and simplify the system of use classes in England.

7.3 They create a new broad ‘Commercial, business and service’ use class (Class E) which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices (B1) use classes. Uses such as gyms, nurseries and health centres (previously in use classes D1 Non-residential institutions and D2 Assembly and leisure) and other uses which are suitable for a town centre area are also included in the class. This new class allows for a mix of uses to reflect changing retail and business models. It therefore, recognises that a building may be in a number of uses concurrently or that a building may be used for different uses at different times of the day. Changes to another use, or mix of uses, within this class do not require planning permission. Bringing these uses together and allowing movement between them will give businesses greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities.”

- 2.15 The Explanatory Memorandum explains the intention of the government behind this change to the Use Classes Order. Through providing greater flexibility, town centres and high streets will be further supported in their ongoing adaptation and diversification, to meet consumer needs, changing demands, and structural shifts within the wider retail sector. As such, the changes have sought to limit the ability of local planning authorities to manage town centre uses or take a prescriptive approach to the management of the scale of employment and retail floorspace.
- 2.16 As such, conditions and planning obligations will be used to secure specific uses on planning applications where there is a clear justification, and it would meet all the relevant tests of conditions in the NPPF. This approach has two purposes:
- Where regional or local policy requires specific uses to meet demand based on evidence; or
 - Where there is clear demonstration that other uses within Class E would be harmful.
- 2.17 Suggested modifications to the employment, town centre and community use policies, and their rationale, are set out in Appendix 1.

2.18 Impact on Article 4 directions

2.19 The updated Use Class Order (UCO) 2020 states that:

“If prior to commencement of the material period, the Secretary of State or the local authority made a direction under article 4(1) of the GPDO which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, those references are to continue to be read as references to those uses or use classes.”

2.21 Southwark has several article 4 directions to remove permitted development rights in certain parts of the borough. The relevant Article 4 directions are summarised in Table 2.

2.22 The directions remain valid until July 31 2021. A review of the existing directions will be necessary in order to ascertain which modifications will be required depending on changes to the GPDO.

Table 2: Southwark Article 4 directions

Article 4 Direction	What is covered under this direction	Effect of new Use Class Order
Railway arches	Removes the right for railway arches to be converted to residential dwellings (Land	A and B1 use classes listed now fall within the new use class E.

	Use Class C3) from A1, A2, B1a, B1c, B8.	Direction remains valid until 31 July 2021.
Public Houses	Remove permitted development rights for the change of use, demolition or alteration of pubs.	Pubs are now SG use but the principle of the Article 4 should remain unaffected. Direction remains valid until 31 July 2021.
Light Industrial	Remove permitted development rights for the change of use of B1c (light industrial) to residential (C3)	B1c is now E use class. Direction remains valid until 31 July 2021.
Central Activities Zone	Removes permitted development rights for the change of use of B1a (offices) to residential (C3) in the CAZ.	B1a is now E use class. Direction remains valid until 31 July 2021.

2.23 Government consultation on extension of Permitted Development Rights

2.24 In December 2020, a government consultation sought views on: a proposed new permitted development right for the change of use from Commercial, Business and Service use to residential to create new homes, measures to support public service infrastructure through the planning system, and the approach to simplifying and consolidating existing permitted development rights following changes to the Use Classes Order.

2.25 Changes to the Use Classer Order from the 1 September 2020, introduced three new use classes, including Class E (commercial, business and service). This went some way to achieve the government's aim of 'greater freedom for buildings and land in our town centres to change use without planning permission'.

2.26 The Council considers that the proposed new PDR for a change of use from the new Commercial, Business and Service Use Class E, to Residential C3, could have negative impacts upon town centre vitality and viability. In particular, through the loss of retail, offices and other employment floorspace, health services and other social infrastructure.

2.27 This proposed right would reduce the active frontages in town centres, high streets and key employment locations. Significant stretches of inactive frontages (with aesthetically incongruous former shop fronts) will undermine their long-term sustainability, vitality and viability, and diminish the ability of local planning authorities to ensure quality place-making. The reduction in active ground floor uses, would have a negative impact on the public realm, footfall and economic renewal.

- 2.28 Housing produced through permitted development has been evidenced to produce poor quality accommodation, chronic space shortage; the ignoring of basic standards of light and ventilation; and inappropriate locations for housing. The negative impacts of this proposed right would be disproportionately experienced by already disadvantaged groups, including BAME communities, young people, and those from lower socio-economic backgrounds.
- 2.29 The proposed permitted development rights would create a loss of affordable housing delivery, and contributions to infrastructure and public services through Community Infrastructure Levy (CIL) and S106.
- 2.30 The Council has responded to the consultation outlining the concerns discussed here and following any further changes to legislation, policies will be kept under review to adapt and modify our approach where necessary.

Appendix 1 – Analysis of the impact of the UCO changes on policies within the Proposed Changes to the submitted New Southwark Plan August 2020.

Emerging Policy	Purpose of Policy	How will this be affected by the new Use Class Order	Proposed Amendments Track Changes
P28 Strategic protected industrial land	Protect industrial uses on SPIL including SG industrial use classes	B1c use class has now become E use class. Policy may need to be altered to reflect this. If B1c can change to any other of the E class use without permission within the SPIL this would undermine the protection of industrial areas.	<p>1. On strategic protected industrial land (SPIL):</p> <p>1. Only industrial uses (<u>E(g)(ii), E(g)(iii), B2, B8, and sui generis industrial use classes</u>) (B1b, B1c, B2, B8, sui generis industrial use classes) and uses ancillary to the industrial uses, will be permitted; and</p> <p>2. Development must retain, grow and <u>or</u> intensify industrial uses including increasing the number of Jobs.</p> <p><u>3.10 Industrial uses which fall within Use Class E(g)(ii) and (iii) will be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.</u></p> <p>2. The area of SPIL which is host to the Integrated Waste Management Facility (IWMF) will be retained as SPIL unless the criteria of policy P62 are fulfilled.</p>
P29 Office and business development	Policy aims to retain or increase employment uses.	B1a-c use class has now become E use class. May not be possible to protect offices and industrial uses specifically unless conditions can be attached.	<p>1. In the Central Activities Zone, town centres, opportunity areas and individual development plots within site allocations where employment re-provision is required, development must:</p> <p>1. Retain or increase the amount of employment floorspace on site (Gross Internal Area (GIA) of <u>E(g), B2, B8 B</u> class use or sui generis employment generating uses); and</p>

			<p>2. Promote the successful integration of homes and employment space in physical layout and servicing in areas that will accommodate mixed use development. This will include a range of employment spaces including freight, logistics, light industry, co-working, maker spaces and offices; and</p> <p>3. Provide a marketing strategy for the use and occupation of the employment space to be delivered to demonstrate how it will meet current market demand.</p> <p>2. In exceptional circumstances the loss of employment floorspace may be accepted in the Central Activities Zone, town centres, opportunity areas and where specified in site allocations where the retention or uplift in employment floorspace on the site is not feasible. This must be demonstrated by a marketing exercise for two years immediately prior to any planning application. This should be for both its existing condition and as an opportunity for an improved employment use through redevelopment which shows there is no demand.</p> <p>3. Development that results in a loss of employment floorspace anywhere in the borough must provide a financial contribution towards training and jobs for local people.</p> <p>4.10 <u>Employment uses required by this policy (Use Class E(g)) will be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.</u></p>
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<p>P30 Affordable workspace</p>	<p>Policy aims to retain or increase small business space with developments over 500sqm B use class providing 10% affordable workspace.</p>	<p>B1a-c use class has now become E use class. The policy requires affordable workspace to be delivered on schemes proposing employment floorspace. The requirements of other policies such as P29 must be met.</p>	<p>1. Development must:</p> <ol style="list-style-type: none"> 1. Retain small and independent businesses (B <u>E(g)</u> class uses). Where existing small and independent businesses are at risk of displacement from a development there should be full consideration of the feasibility of providing affordable and suitable space for existing occupiers in the completed development. Replacement business space should be like for like in terms of floorspace or bespoke to suit the requirements of the business; and 2. Explore the opportunities for long term management of employment space and the delivery of affordable workspace by workspace providers. <p>2. Developments proposing 500sqm GIA or more employment floorspace (B-class-use) must:</p> <ol style="list-style-type: none"> 1. Deliver at least 10% of the proposed gross employment floorspace as affordable workspace on site at discount market rents; and 2. Secure the affordable workspace for at least 30 years; 3. Provide affordable workspace of a type and specification that meets current local demand; and 4. Prioritise affordable workspace for existing small and independent businesses occupying the site that are at risk of displacement. Where this is not feasible, affordable workspace must be targeted for small and independent businesses from the local area with an identified need; and 5. Collaborate with the council, local businesses, business associations and workspace providers to identify the businesses that will be nominated for occupying affordable workspace.
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P31 Small shops	Policy aims to retain small shops and ensure they are provided in larger retail schemes.	A1 use class has been revoked. The new UCO now regards small shops either as Use Class E(a) or F.2(a). P31 recognises small shops as retail units less than 80sqm. Conditions would be	1. Development must retain small shops (A-Class) where existing small shops are at risk of displacement from a development. There should be full consideration of the feasibility of providing affordable and suitable space for existing occupiers in the completed development. Replacement shops should be like for like in terms of floorspace or bespoke to suit the requirements of the

		required to secure the use as retail specifically.	<p>business, including provision of storage and servicing space.</p> <p>2. Developments proposing 2,500 sqm GIA or more of retail space shall provide at least 10% of this space as small shops.</p> <p><u>2.1 Small shops (Use Class E(a) and F.2(a)) will be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.</u></p>
P33 Railway arches	Provide commercial activity in railway arches and industrial uses in SPIL as well as promoting the delivery of the Low Line.	Most town centre uses and B1 use classes are now classified as E. This policy ambition remains relatively unaffected by the changes with the exception of requiring industrial uses in SPIL. Flexible uses are permitted in the railway arches provided other policy requirements are met. Clarity is added to ensure no residential uses are permitted in railway arches. Evidence is provided in the council's Article 4 Direction for railway arches.	<p>Development within railway arches must:</p> <p>1. Provide commercial <u>activities or community activities. No residential uses will be permitted, including business uses (B Use Classes), main town centre uses (A1, A2, A3 and A4 Use Classes) and community facilities (D Use Classes and sui generis);</u> and</p> <p>2. Provide industrial uses in Strategic Protected Industrial Land; and</p> <p>3. Promote the delivery of Low Line walking routes by providing active frontages and safe and accessible spaces for pedestrians.</p>
P34 Town and local centres	Ensure the provision of town centre uses	A1-A3 use class now class E. This policy will no longer be effective in	<p>1. Development must:</p> <p>1. Ensure main town centre uses including markets, community, civic, leisure and cultural uses are located</p>

	and retain or replace retail uses.	retaining retail classes in town centres unless conditions are applied.	<p>in town centres and local centres; and</p> <p>2. Be of a scale and nature that is appropriate to the role and catchment of the centre; and</p> <p>3. Retain retail floorspace (A Use Class) or replace retail floorspace with an alternative use that provides a service to the general public, and would not harm the vitality and viability of the centre; and</p> <p>4. Not harm the amenity of surrounding occupiers or result in a concentration of uses that harms the vitality and viability of the centre; and</p> <p>5. Provide an active use at ground floor in locations with high footfall; and</p> <p>6. For large schemes for main town centre uses that are 1,000 sqm or more provide free public toilets, public drinking fountains and public seating.</p> <p><u>2. On new development in the Central Activities Zone, Opportunity Areas, Action Area Cores, Major and District Town Centres, retail uses (Use Class E(a), (b), (c)) will be secured through the implementation of conditions and/or planning obligations which will restrict change of use within Use Class E.</u></p>
P36 Protected shopping frontages	Aims to protect A1 use class specifically.	A1 use class now is now within use class E and planning applications are no longer required to change use of shops. If the Inspector considers modifications are required, this is our suggested wording.	<p>Change of use in protected shopping frontages must:</p> <p>1. Ensure the proportion of shops in A1 Use Class in primary and secondary frontages does not fall below the percentages set out in Table 8 below; and</p> <p>2. Where the existing use is A1, demonstrate with evidence that the premises has been marketed for A1 Use Class for two years, immediately prior to any planning application, for both its existing condition and as an opportunity for improved shopping; and</p>

			<p>3. Provide uses within the A Use Class or an alternative use that provides a service to the general public, that would not harm the vitality and viability of the centre.</p> <p><u>-In protected shopping frontages, development must:</u></p> <ol style="list-style-type: none"> <u>1. Provide active ground floor uses which provide a service to the general public, that would not harm the vitality and viability of the shopping frontage.</u> <p>{TABLE 8}</p>
P37 Shops outside protected shopping frontages, town and local centres	Aims to prevent a loss in A1 use that may provide a local service outside of the main shopping areas.	<p>A1 use class now is now within use class E and planning applications are no longer required to change use of shops.</p> <p>F2 now includes shops of under 280sqm and where there are no other shops within a 1000 metre radius. This radius is much larger than the policy requirement which is more relevant to the London context. Therefore some shops which would fall into this policy scope would be Class E(a) and could be lost to other uses.</p>	<p>Development must not result in the loss of shops (A1 Use Class) outside Protected Shopping Frontages, Town and Local Centres. In exceptional circumstances a change may be permitted where:</p> <ol style="list-style-type: none"> 1. There is no market demand for the shop use. This must be demonstrated by a marketing exercise for two years, immediately prior to any planning application, for both its existing condition and as an opportunity for an improved shop; and 2. Evidence is provided that there are alternative A1 Use Class shops within a 400 metre walking distance.

P45 Leisure, arts and Culture	Policy aims to protect Leisure, Arts, and Cultural facilities.	Different community uses now fall across the three new use classes, and Sui Generis as set out in Table 1 including use class E. Class E also contains retail and employment uses. There is the potential impact that D class community facilities which are now in Class E could be changed to retail or employment.	See new Fact Box below
P46 Community uses	Policy aims to retain community facilities.	Different community uses now fall across the three new use classes, and Sui Generis as set out in Table 1 including use class E. Class E also contains retail and employment uses. There is the potential impact that D class community facilities which are now in Class E could be changed to retail or employment.	<ol style="list-style-type: none"> 1. Development must: <ol style="list-style-type: none"> 1. Retain community facilities; or 2. In exceptional circumstances, community facilities can be replaced by another use where they are surplus to requirements. This needs to be demonstrated by a marketing exercise for two years immediately prior to any planning application, for both its existing condition and as an opportunity for an improved community facility at market rates. 2. An Equalities Impact Assessment will be required for any proposed loss of community facilities in predominant use by protected characteristic communities as defined by the Equality Act 2010. 3. Development will be permitted where: <ol style="list-style-type: none"> 1. New community facilities are provided (Use Class D1, D2 and Sui Generis) that are accessible for all members of the community.

			<p>Fact Box – Leisure, Arts, Culture and Community Uses</p> <p>Leisure, Arts, Culture and Community Uses are important components of social infrastructure. Social infrastructure covers a range of services and facilities that meet local needs and contribute towards a good quality of life. It includes health provision, education, community, play, youth, early years, recreation, sports, faith, criminal justice and emergency facilities.</p> <p>Changes to the Use Classes Order 1987 from 1 September 2020, have meant these uses, previously D1 and D2, fall across class E, F.1, F.2 and Sui Generis, as below (although non-exhaustive).</p> <p>E Commercial, business and service E(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public; E(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner; E(f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public.</p> <p>F1 Learning and non-residential institutions (a) for the provision of education, (b) for the display of works of art (otherwise than for sale or hire),</p>
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			<p>(c) as a museum, (d) as a public library or public reading room, (e) as a public hall or exhibition hall, (f) for, or in connection with, public worship or religious instruction, (g) as a law court.</p> <p>F2 Local community F2(b) Halls or meeting places for the principal use of the local community F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms) F2(d) Indoor or outdoor swimming pools or skating rinks</p> <p>Sui Generis Uses that do not fall into a specific use class such as: a venue for live music performance a cinema a concert hall a bingo hall a dance hall</p>
P47 Hot food takeaways	Provides criteria for when a hot food takeaway use is permitted	A5 use class abolished and is now sui generis use class. Responses to Matter 1 Q1.9 explain the reasons for editing point 3 relating to primary schools to comply with the Publication London Plan 2020.	New hot food takeaways (A5 Use Class) will only be permitted where: 1. The number of <u>A5 hot food takeaway</u> premises are not more than 5% of the total number of units in the protected shopping frontage; and 2. The concentration of <u>A5 hot food takeaway</u> premises would not be above 1 per 21 premises (10 on either side of the proposal); and

			<p>3. The proposed location is further than 400 metres from any <u>existing or proposed primary or</u> secondary school's boundary; and</p> <p>4. Grease traps are installed to prevent the build-up of food deposits in sewers and drains;</p> <p>5. Within the takeaway, the kitchen extraction system is designed to control cooking odours, where the discharge stack is installed in accordance with the following hierarchy:</p> <ol style="list-style-type: none"> 1. Not less than one metre above the roof ridge of any building within 20 metres of the building where the commercial kitchen is located; 2. Not less than one metre above the roof eaves or dormer window of the building where the commercial kitchen is located, supported by additional odour control measures; 3. An exceptionally high level of odour control measure, where low level discharge should be avoided. <p>[Reasons: remove reference to Use Class A5]</p>
P52 Cycling	Table 10 sets out the cycle parking requirements which new developments will have to implement in order to contribute to the overall objective of encouraging sustainable travel	No impact on the policy itself	The table will need updating to reflect the new use classes. This will be edited in advance of the examination (see answer to Matter 1 Q1.9).

