



BEDFORD
BOROUGH COUNCIL

Planning Policy Briefing Note

February 2021

Local Plan 2030 and the revised Use Classes Order 2020

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1st September 2020. The aim of the regulations is to reform and simplify the Use Classes Order to make it easier for town centre uses to change use without the need for a planning application.

New classes E (Commercial, business and service), F1 (Learning and non-residential institutions) and F2 (Local community) have been created, while previous A4 (Drinking establishments) and A5 (Hot food takeaways) classes have become sui generis uses. Further details are given in Appendix 1.

The implications for local plan allocations and planning permissions of the inclusion of former classes B1, D1 and D2 within the new class E remain uncertain.

Certain policies in Local Plan 2030 (see Appendix 2) seek to control changes of use, particularly in relation to retail and town centre uses. The effect of the revised Use Classes Order on these policies is considered below.

Note that certain permitted development rights grant planning permission allowing changes of use between the former use classes without the need to submit a planning application. Transitional provisions retain the effect of the permitted development rights based on the former classes and will remain in place until 31 July 2021 when new, revised permitted development rights will be introduced.

Policy 15 – Town centre uses

This policy aims to prevent the change of use of former class A1 uses to any other uses at ground floor level within the defined primary shopping frontages. The creation of new class E means that changing a former class A1 use to any of former class A2, A3, B1, D1 or D2 uses would not constitute development and no planning application would therefore be required. As a result, this part of Policy 15 can now only be used to control changes from former class A1 uses (now class E) to non-class E uses.

Policy 15 also permits a range of uses within defined secondary shopping frontages provided that they contribute to the vitality, viability and diversity of the town centre, and avoid the concentration of similar uses which might have an adverse cumulative impact. This part of the policy remains operable.

Policy 16 – Bedford High Street

This policy seeks to improve the environment of the High Street and avoid the concentration of similar uses which might have an adverse cumulative impact. This part of the policy remains operable.

Policy 16 also aims to prevent further changes of use at ground floor level to former class A3, A4 or A5 uses or nightclubs. Former A4 and A5 uses are now sui generis uses, along with nightclubs, so this aspect of the policy is unchanged. Former class A3 uses are now in class E, therefore the policy can only prevent the creation of further former class A3 uses if the existing use is not within class E.

Policy 80 – Kempston district centre – changes of use

This policy aims to limit the change of use of former class A1 uses to any other uses at ground floor level within the defined primary shopping frontage. The creation of new class E means that changing a former class A1 use to any of former class A2, A3, B1, D1 or D2 uses would not constitute development and no planning application would therefore be required. As a result, this part of Policy 80 can now only be used to control changes from former class A1 uses (now class E) to non-class E uses.

Policy 80 also permits a range of uses within defined secondary shopping frontages provided that: they contribute to the vitality, viability and diversity of the town centre; alternative essential local shops are available; and avoid the concentration of similar uses

which might have an adverse cumulative impact. This part of the policy remains operable (but see comment on Policies 82 and 83 below concerning essential local shops).

**Policy 82 – Local centres (including rural key service centres) – changes of use; and
Policy 83 – Neighbourhood centres and individual shops – changes of use**

These policies seek to control the change of use of essential local shops (as defined in the policies) to other uses. Most of the defined essential local shop types now fall within class E although hot food takeaways and public houses are now sui generis.

The creation of new class E means that changing a defined essential local shop that falls within class E to any other use within class E would not constitute development and no planning application is therefore required. As a result, this element of Policies 80, 82 and 83 can now only be used to control changes of defined essential local shops to other uses where the change is to a different use class or sui generis use.

Note that some essential local shops may now fall within new class F2 depending on their size and proximity to similar shops. This may increase the level of control possible, as a planning application would be required to change a class F2 use to any other use.

Policy 84 – All shop units

This policy aims to maintain the availability of shop units in areas where there is an under-provision of shopping facilities. A shop unit should now be interpreted as including elements of new class E together with certain sui generis uses (public houses and hot food takeaways) ie a physical unit that could function as a retail use. The creation of new class E means that changing a shop unit to a former class B1, D1 or D2 use would not constitute development and no planning application would therefore be required.

As a result, Policy 84 can now only be used to control changes from former classes A1 to A5 uses (now class E plus public houses and hot food takeaways) to non-class E uses.

Note that some essential local shops may now fall within new class F2 depending on their size and proximity to similar shops. This may increase the level of control possible, as a planning application would be required to change a class F2 use to any other use.

New Use Classes

Class E

A new single Commercial, Business and Service use class which subsumes the previous A1, A2, A3, B1 and selected D1 and D2 classes (which include retail, food, financial services, indoor sport and fitness, medical or health services, nurseries, offices and light industry). Class E also includes a new category of 'other services which it is appropriate to provide in a commercial, business or service locality'.

Class F1

A new Learning and Non-Residential Institutions use class which embraces the remaining parts of the previous D1 class that are not included within the new class E. This includes education, non-commercial galleries, law courts, libraries, museums, places of worship and public halls.

Class F2

A new Local Community use class which comprises part of the previous A1 and D2 classes and includes small corner shops, local community halls, outdoor recreational areas and swimming pools.

Sui Generis

Public houses, wine bars and other drinking establishments, drinking establishments with expanded food provision, hot food takeaways, live music venues, cinemas, concerts, bingo and dance halls are added to the list of sui generis uses so a change from one to another would require planning permission if there is a material change in use. There are significant potential uncertainties with this, for example, what the difference between a restaurant and a 'drinking establishment with expanded food provision' such as a gastropub might be.

Other Use Classes

Use classes C (residential), B2 (general industrial) and B8 (storage and distribution) remain unchanged in all material respects.

Local Plan 2030 adopted policies

Policy 15 – Town centre uses

Within the primary shopping frontages proposals for new Class A1 retail use will generally be supported. Changes of use from Class A1 to other uses at ground floor level will not be supported.

Within the secondary shopping frontages a range of uses will be supported provided that:

- i. They contribute to the vitality, viability and diversity of the town centre, and;
- ii. They avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour.

Acceptable uses within secondary shopping frontages are likely to include: retail, food and drink, office, community and educational uses (subject to addressing any harmful impacts).

Residential use will be supported above ground floor level throughout the town centre, provided that the use would have safe and convenient access and would not inhibit the functioning of the ground floor use.

Policy 16 – Bedford High Street

In considering planning applications in Bedford High Street weight will be given to the following objectives:

- i. High quality and distinctive shop fronts and signage that has full regard to the architecture and heritage of the buildings.
- ii. Refurbishment of buildings which contribute positively to the character and heritage of Bedford.
- iii. Reoccupation of upper floors.
- iv. Improvements to the public realm.
- v. Reducing vehicular traffic.
- vi. Retaining active frontages at ground floor level which maintain the vitality of the street.
- vii. Avoiding the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or would increase the risk of anti-social behaviour.

Planning permission will not be granted for further changes of use at ground floor level to restaurants and cafés (class A3), drinking establishments (class A4), hot food takeaways (class A5) or nightclubs.

Policy 80 – Kempston district centre – changes of use

Primary and secondary shopping frontages are shown on the Policies Map. Within the primary shopping frontage changes of use from Class A1 to other uses at ground floor level will be supported provided that about 60% of the units remain in Class A1 use.

Within the secondary shopping frontages a range of uses will be supported provided that:

- i. They contribute to the vitality, viability and diversity of the district centre; and
- ii. Alternative essential local shops are available within the centre so that all four different essential local shop types remain available. If the centre does not currently support all four different essential local shop types, the number of types should not be reduced further; and
- iii. They avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour.

Acceptable uses within secondary shopping frontages are likely to include: retail, food and drink, office, community and educational uses (subject to addressing any harmful impacts).

Essential local shops types are:

Type 1 - food shops, such as: small supermarkets, butchers, greengrocers.

Type 2 - newsagents and confectionery shops.

Type 3 - pharmacies and dispensing chemists.

Type 4 - cafes, restaurants, hot food takeaways and public houses.

Policy 82 – Local centres (including rural key service centres) – changes of use

In local centres the Council will only grant planning permission for the change of use of essential local shops to other uses when:

- i. Alternative essential local shops are available within the centre so that all four different essential local shop types remain available. If the centre does not currently support all four different essential local shop types, the number of types should not be reduced further; and
- ii. The applicant can demonstrate to the satisfaction of the Council that the current (or last) use is no longer economically viable (including in appropriate circumstances financial information); this can best be demonstrated by providing evidence that the property has been actively marketed; and
- iii. The applicant can demonstrate to the satisfaction of the Council that the vitality and viability of the centre would not be adversely affected; and
- iv. The use would avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour.

Essential local shops types are:

Type 1 - food shops, such as: small supermarkets, butchers, greengrocers.

Type 2 - newsagents and confectionery shops.

Type 3 - pharmacies and dispensing chemists.

Type 4 - cafes, restaurants, hot food takeaways and public houses.

Policy 83 – Neighbourhood centres and individual shops – changes of use

The Council will only grant planning permission for the change of use of essential local shops within neighbourhood centres or individual essential local shops to other uses when:

- i. There are other essential local shops within 10 minutes walking time (half a mile) providing a similar service; and
- ii. The applicant can demonstrate to the satisfaction of the Council that the current (or last) use is no longer economically viable (including in appropriate circumstances financial information); this can best be demonstrated by providing evidence that the property has been actively marketed; and
- iii. The use would avoid the concentration of similar uses whose cumulative impact would be to the detriment of environmental quality, amenity or parking, or would increase the risk of anti-social behaviour.

Essential local shops are: food shops, such as: small supermarkets, butchers, greengrocers; newsagents and confectionery shops, pharmacies and dispensing chemists; cafes, restaurants, hot food takeaways and public houses.

Policy 84 – All shop units

The Council will only grant planning permission for the change of use of a shop unit within Classes A1 to A5 to a use outside of these classes when there is evidence that there is no under-provision of shopping facilities in that area, taking account of the potential role and function of the shop unit or centre in the retail hierarchy.