



Transport Briefing Note

# Use Classes Order Changes





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The Government last week (21st July 2020) published regulations which amend Use Classes Order. The new regulations will come into effect on 1st September 2020 and represent one of a number of significant changes the Government is introducing in the planning system (the other notable one being a significant expansion in the scope of Permitted Development rights).

The Use Classes system was originally implemented to provide opportunities to regulate the nature of development through the planning system. Recently however, there have been calls from a wide range of stakeholders (think tanks, architect forums, developers, local authorities) to provide greater flexibility in the planning system.

One motivation behind this change is to afford more flexibility to the high street to change uses without planning permission 'red tape'. This market-led approach aims to diversify high street commercial land use provision, allowing for more market-responsive changes to what is on the high street.

The main effect of this change is to bring together a number of currently separate land use classes into a singular use class, **Class E**. This merges 'commercial, business and service' land uses into a singular use class. Classes A1 (shops), A2 (professional services), A3 (restaurants), B1 (offices), some parts of D1 (medical health) and D2 (indoor sports/fitness) will now be subsumed to the new Class E, and a new Class F will subsume parts of the Class D land use, which will be discontinued.

Planning applications will no longer be required for Changes of Use between a wide range of retail and commercial uses, as they will all sit within the new Class E, marking a major deregulation of the planning system. Furthermore, the concept of 'part use' is brought into the regulations, which would allow for the change of part of a building within use Class E without requiring permission.

This briefing note sets out Momentum's understanding of what the changes to Use Classes will bring to the way we plan and design for transport in urban environments.

## New and refurbishment schemes have many operational and design demands. How many cycle parking spaces should be provided? What provision should be made for delivery yards and waste stores? How wide do the surrounding footways need to be to accommodate increased pedestrian footfall?

Over the past years, these questions have become increasingly complex to answer with a myriad of bespoke, non-traditional, flexible demands for commercial and retail spaces, as well as rapid changes in travel patterns and customers' preferences.

A large amount of the technical work that sits behind a planning application from a transport perspective is related to floor areas and land uses. Establishing the impact of development, the pillar of technical work behind transport assessments in planning applications, will likely need further review and guidance in light of the Use Classes Order changes.

For instance, the **travel patterns generated by an office differ quite significantly to those of a restaurant, or café, or shop.** In each case, people will arrive at different times, and their trips may or may not be 'linked' to nearby other trips, determining whether or not they are assessed as being related to the development and therefore linked trips, or new one-off trips.

Furthermore, the back of house design and operation of buildings are fundamentally related to the nature of use. For example, food retail units generate substantially more delivery trips per sqm than offices or gyms, by a factor of around 10. Likewise, the establishment of waste generation, and therefore the amount of storage to provide, may become a challenge to forecast appropriately in the context of heightened land use flexibility. For example, developments designed as offices may not have sufficient back of house facilities for restaurants.

Car and cycle parking are currently determined using standards that relate to and differ by land use. Offices need provision of a relatively large amount of long-stay cycle parking for employees, whereas food retail needs far fewer long-stay spaces, but better short-stay provision for visitors.

Local planning authorities, and Transport for London and other regional planning authorities, all of a sudden have seemingly very little ability to ensure that transport facilities are appropriate for the proposed land use. With the changes to Use Classes, we no longer know what that land use will be. Best practice will need to quickly react to ensure that thoughtfully and appropriately designed schemes are promoted, which can provide for future users as well as assuage concerns local planning authorities may have about the level of impact a scheme may have.

Where this major change leaves forthcoming Local Plans, as well as the Intend to Publish London Plan, is unknown. It could be the case that as they no longer align with national regulations, they will need to be rewritten or amended in some way, and that provide opportunity to clarify guidance and best practice, but these amendments will take a long time which will slow down this "responsive" land-use class change.

**There are two obvious immediate responses to the challenges in assessing transport impact and the back of house provision for new and refurbishment schemes:**

### **Blended standards and rates**

New standards would need to be created for Class E for cycles, cars and waste, and new trip rates determined for person and delivery vehicle trips. By encapsulating a number of quite different land uses, the difference between the forecast trips and actual trips could be much higher than currently. Further regulation may come in the form of planning conditions or licences.

### **Notional retail/commercial splits.**

Realistic possible breakdowns are provided in planning applications, and schemes are assessed on that basis, allowing for a more accurate forecast of the transport impact and a more appropriate provision of transport infrastructure. This would be a circumvention of sorts, but it's likely this would enable planning authorities to assess schemes with more confidence.

**Changes to the planning system are being introduced faster than ever before and developers and their professional teams will need to remain abreast of these changes to ensure that schemes can be compliant as well as providing high-quality, end-of-trip and back-of-house facilities.**

There is no longer a requirement on developers and landowners to comply with different standards for different land uses if they change the use of their building within the new Class E. Some, though, may well want to upgrade their facilities for new users, and the onus is shifted to the developer or landowner to establish this provision and act on it.

Practice will change quickly and there will be a large amount of 'learning by doing' both for applicants and planning authorities. A collaborative and open approach will likely provide the best outcomes through planning applications.

Momentum has developed detailed servicing trip rate models for the logistics and waste management needed for each type of land-use, and can also assess the proposed consolidation strategies, last-mile distribution and potential for cargo-bikes and other alternative modes for each land-use now within Class E.

As well as on-site long-stay cycle parking and short-stay on-street visitor cycle parking there will now also be new trips on e-scooters that the DfT has recently approved on the public highway using approved hire schemes. Momentum is at the fore-front of understanding how these micro-mobility options will change the future planning of our urban environments, for the better, and how we can bring these benefits through for improved public realm and shared-street space environments.

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