

Annex 3 Survey of local authorities

Introduction

A postal survey was circulated to all 390 local planning authorities including unitary, district and metropolitan councils as well as the transport authorities of the county councils to uncover their views on the current operation of parts of the UCO (1987) and GPDO (1995). An initially poor response (10%) prompted contact with relevant officers by phone reaching some 70% of those who had not replied. This instigated a final response to the survey of 25%.

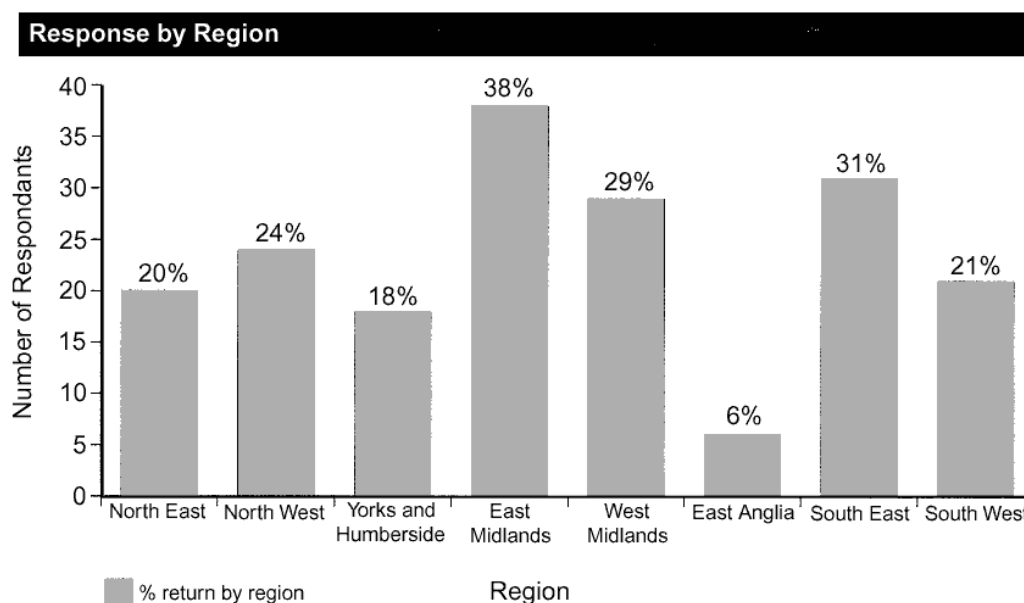
The questionnaire consisted of 3 forms and supporting documentation and was designed to provide the study with the range and extent of the issues implicated by the UCO and the GPDO. Form 1 sought information on the changes in activity enabled by the Orders which were seen as beneficial or which were giving rise to concern. These findings demonstrate the scale and the geographical distribution of concerns.

Where a positive or negative interpretation of change was held (form 1), respondents were encouraged to provide further detail on forms 2 and 3 on the types of issues and locations/premises involved; means of control that have been exercised to prevent future land use change; research undertaken and desire for permitted development to be brought back under planning control. It should be noted that not all Local Planning Authorities completed forms 2 and 3.

Results

Response by region

RESULTS

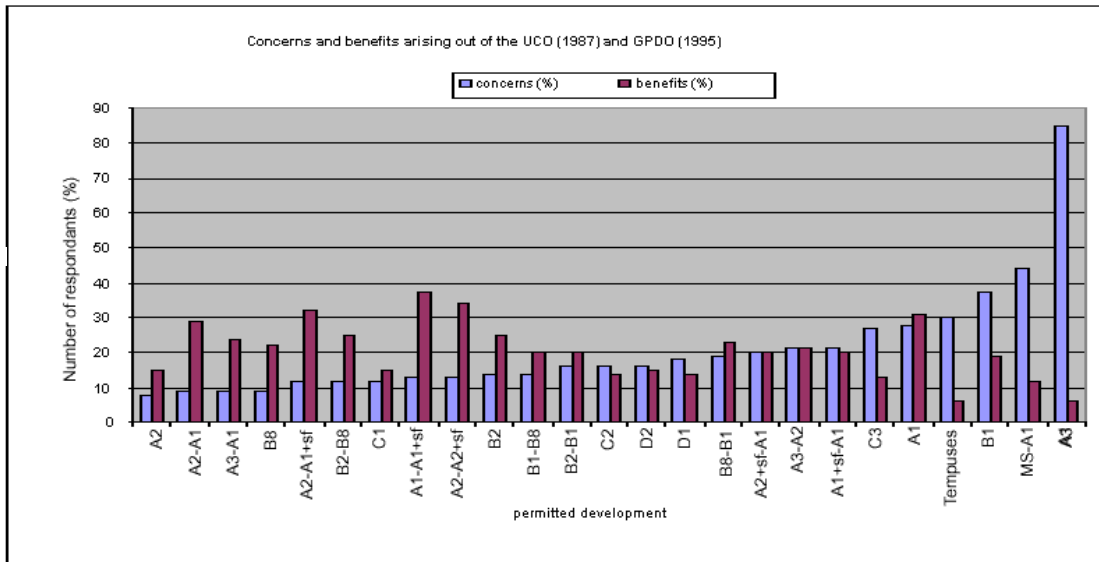


Graph showing response to survey as a % of the total number of authorities in each region

The results demonstrate a diverse response rate from each region ranging from just 6% in the East of England to over 30% in the East Midlands and the South East. The North West, South West, North East and Yorkshire and Humberside are all within 2 or 3% of the average response rate. Very often, action, through a questionnaire response, is driven by the desire to influence change. From this one might deduce that the Use Classes Order creates more problems for those authorities in the Midlands and South East.

Findings

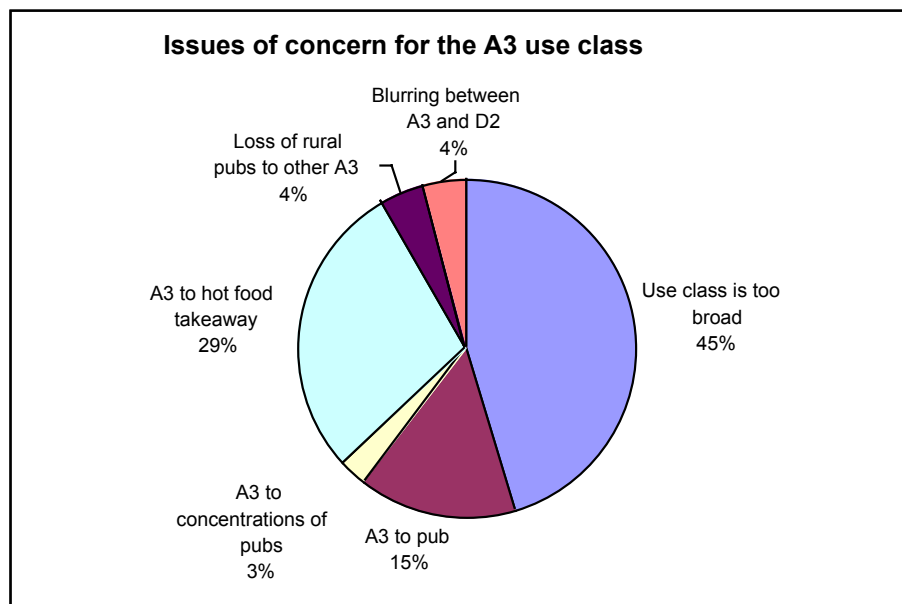
A summary of the results arising from the local authority survey can be found in the graph below. The text which follows goes on to discuss the findings for each change of activity permitted by the Orders.



A Classes

The A3 use class creates the most problems for LPAs with 85% of respondents expressing concern.

The main issue LPAs are uneasy with (45%) is the breadth of class A3, feeling that the amenity impacts of cafes, restaurants, takeaways and pubs are all quite different. 29% were specifically concerned about the intensification of A3 to takeaways and 18% to pubs.



Graph showing the issues of concern raised the A3 use class order (%)

Movement in the A classes from A3 to A2 and A1 is generally noted to be beneficial because the types of new use is not considered to be contentious. However, of the 21% concerned about movement of change from A3 to A2, the main issue is with the loss of cafes and other food and drink uses to banks and building societies where over-concentration is considered to detract from town centre vitality. Rural authorities were also concerned about the loss of village pubs to other A3 as well as movement of change from A3 to A2 and A3 to A1 which involves the loss of a vital community facility.

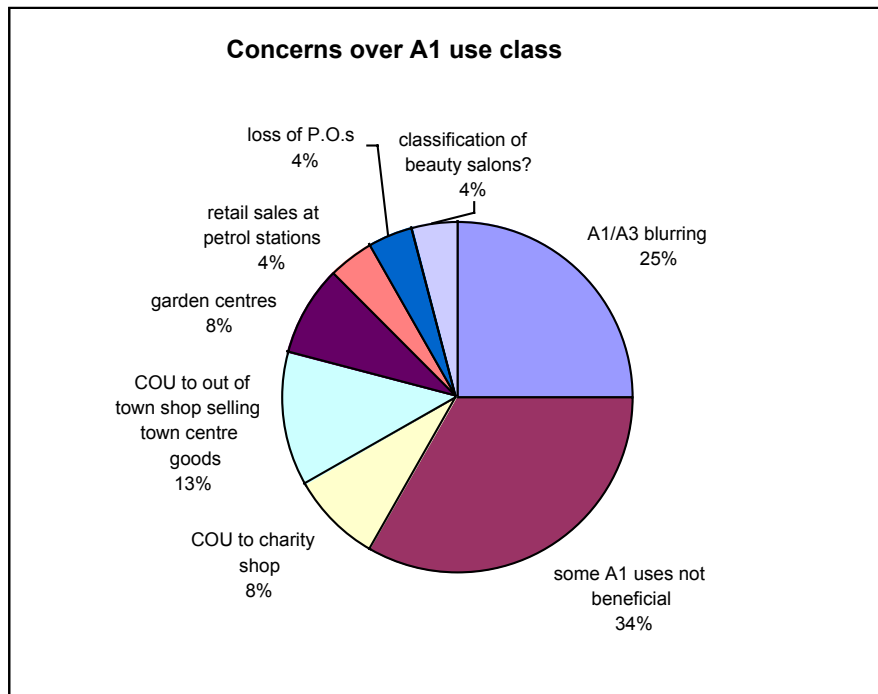
Nevertheless, the difference between those citing benefits and concerns is fairly even and our results show that such flexibility will bring benefits in some instances and disbenefits in others.

Although a small response (4%), there appears to be some confusion over the classification of pubs (A3) where a dance floor (D2) makes up a small proportion of the pub. The impacts of a pub solely selling drink and one with a late license and dance facility will create increased noise disturbance and may attract larger numbers of people later into the evening. Although difficult to prove, the ambience created by loud music can encourage greater consumption of alcohol and behavioural nuisance. Local Planning Authorities have no control over intensification within A3.

70% of those who completed the questionnaire filled in a form 2 for A3. Of those 70%, 93% requested that control be returned to planning authorities; 33% had used non planning mechanisms (nb 11% felt that it wasn't effective) and 42% had withheld permitted development rights at one point or another (in the form of conditions on new A3 apps).

Movement of activity from a car showroom to A1 retail is permitted by the GPDO (1995). Whilst the results show that over 40% of respondents had concern over such change, only 3% could identify actual cases where this had taken place. Nevertheless, the potential for future exploitation of this permitted movement is causing anxiety amongst local planning authorities.

A1 is also an area of considerable concern (28%), yet the number of those citing benefits is found to be slightly greater (30%). The A1 use class is found to be particularly beneficial, especially for town and district centres in minimising the number of vacant units and enabling rapid change in the occupation of premises. However, flexibility also permits change in a way that may be inconsistent with the objectives of shopping centre strategies. This includes loss of local services (ie for low order goods); proliferation of new uses which don't provide a 'browsing' element for shoppers (eg, phone shops, travel agents) and an influx of charity/discount stores. Whilst these changes are not desirable, it is purely a reflection of market forces; thereby, the UCO enables the nature of the A1 use to change but it does not cause it to happen.



Graph showing issues of concern over the A1 use class order (%)

The difficulty in differentiating between an A1 sandwich bar use and A3 food and drink use is something which 25% of LPAs have had considerable problems with. All those highlighting this issue called for improved clarification of what constitutes a coffee shop and cold food takeaway in relation to other food and drink establishments.

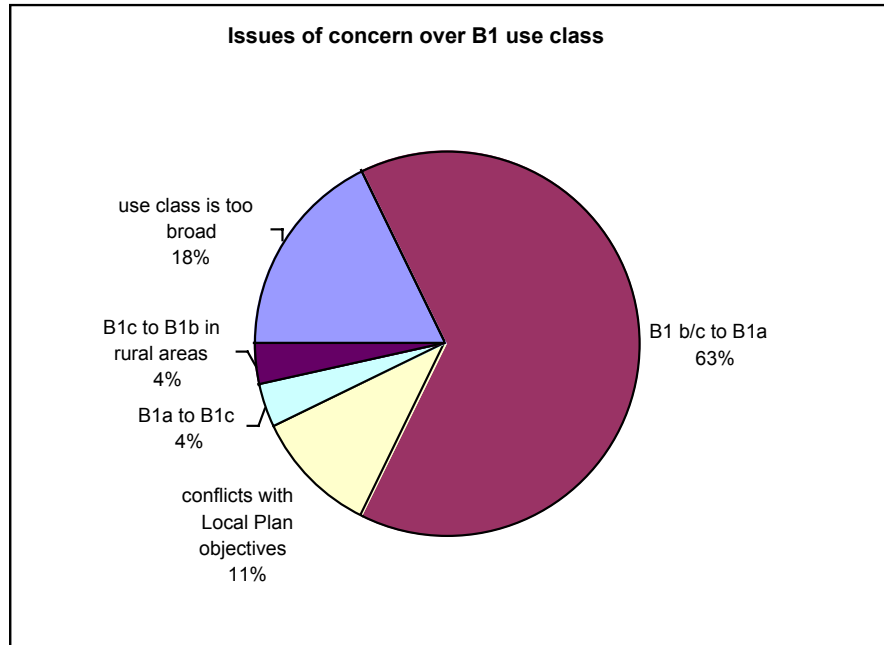
Other concerns involve the inclusion of funeral parlours in A1 (13%); change in character of out of town A1 uses (eg former sale of bulky goods) to those which sell town centre goods (eg, factory outlet centres) (13%); expansion of type of retail good sold at garden centres following their classification as A1 (8%) and the adverse effect of the expansion of retail sales at petrol stations on convenience shops in rural areas (4%).

The results demonstrate that the greatest benefits and fewest concerns arising out of the UCO has been the freedom of movement between shops (A1) and financial and professional services (A2) which include an element of living accommodation. This has facilitated an increase in the use of residential space above shops in town and district centres and is considered to contribute towards the vitality of urban

centres. However, when this movement is reversed and residential space is lost to retail, LPAs view this as less than favourable.

The B Classes

The B1 use class is the third greatest area of concern to LPAs (37%) behind motor sales to A1, and A3.



Graph showing the issues of concern over the B1 use class order (%)

Once again, respondents (18%) noted the broadness of the use class and the ranging impacts arising out of B1(a) (office), B1(b) (research and development) and B1 (c) (industrial process which can be carried out in a residential area). However, the primary concern is with the intensification of B1(b) and (c) type uses to B1(a) offices (63%) owing to the loss of light industrial units and the impacts that arise out of increased employment densities. This is also true of movement of change from B2-B1 and B8-B1 (even given the area restrictions). Problems become more pronounced in decentralised locations where the predominant means of access is by car. Clearly, this is environmentally unsustainable and is inconsistent with national planning policy guidance.

The planning system has sought to control the location of business in line with the objectives of sustainable development. Generically speaking, for B1(a) type uses this has involved focusing development within the urban envelope, preferably in the city centre where accessibility by public transport is likely to be greatest. However, whilst this is possible for some types of industry (eg, back office functions) for others, (eg, hi-tech, research and development) prestigious business parks in greenfield locations can be a fundamental factor in identifying locations from which to operate. Therefore, planning authorities often promote policies which provide for the different requirements of business through the allocation of employment land.

However, the UCO (1987) does not support control of different types of B1 uses with 11% specifically highlighting the conflicts between the UCO and the realisation of development plan objectives. It is less straightforward to protect environmentally

superior employment sites for use by those businesses for whom such a prestigious location is a priority.

There is some concern over other movements of change in the opposite direction ie B1(a) to B1(c) especially where this takes place in close proximity to residential areas (1 respondent). However, this is much less pronounced given that market forces support a direction of change towards uses of a higher land value ie, office and research and development.

It was also noted by one respondent (4%) that the change of activity from B1(c) to B1(b) in rural areas was an issue (presumably for loss of low to medium skilled jobs for local people).

For the other permitted movements involving the other B sub classes, whilst there were some concerns, overall responses considered change to be beneficial.

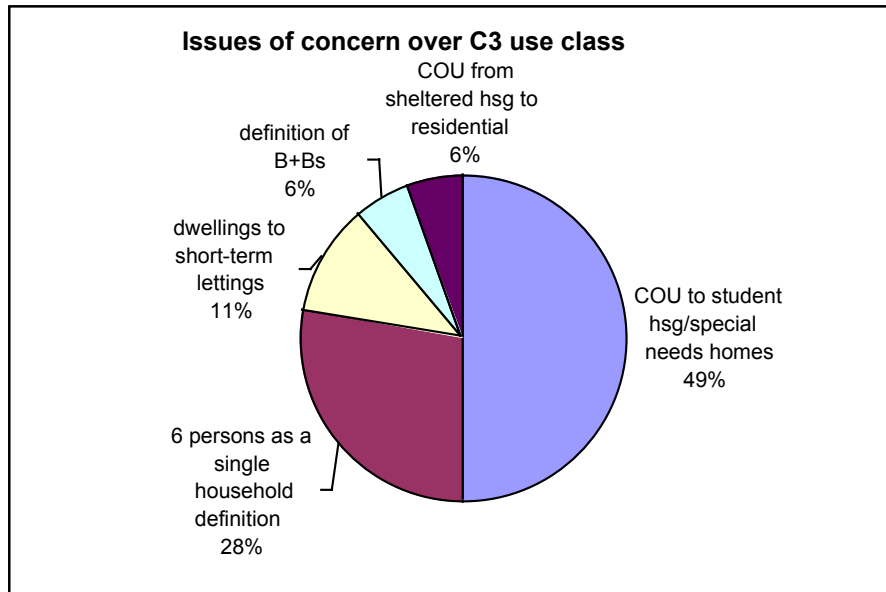
The inclusion of special industrial sub classes (B3-B8) with general industrial uses in a newly amalgamated B2 class (1994) has caused some amount of concern amongst local authorities (14%). However, this is more over the broad nature of the use class and the potential for what is considered to be a change towards more environmentally damaging industrial processes. One should have regard to the justification for this change. This is that industrial processes are now subject to more stringent environmental controls which is considered to be a more effective means of safeguarding public amenity than the planning system; besides which the survey provided no specific examples where actual change in activity enabled by the Order had resulted in amenity problems.

Again, whilst benefits exceed disbenefits for B1 to B8 and B2 to B8, it is useful to look at some of the problems emanating from such changes. The issues are all quite general ones. From 8 responses they include concerns over increases in traffic movements (should the total storage area increase) (38%) and the loss of jobs (as B8 uses are generally less employment intensive) (38%). It must be highlighted that permitted development to B8 is subject to a maximum of 235 m² and it is not known whether the person completing the questionnaire paid due regard to this figure and the true scale of the impact they are citing (ie is it negligible?). Whilst the threshold is held at 235 m², it was noted in one response that the subdivision of units has been employed as a means of overcoming area constraints, enabling incremental change to take place. Cumulatively, this can amount to a significant degree of change and the impacts much more pronounced.

Three of the 4 responses to concerns over B8 include the differing levels of intensity of the use. For example, they can range from a storage warehouse to a distribution depot. However, benefits outweigh the concerns and generally, change is not seen to be contentious.

The C Classes

Of the C classes, C3 produced a large negative response (27%); this being what has been referred to as 'arbitrary' use of the figure 6 persons as defining a household. The main issue has been the change from residential to student housing and small special needs homes (78% of 18 returns).



Graph showing issues of concern over the C3 use class order (%)

16% of total respondents recognised C2 as being an issue with 7 respondents noting the broadness of the class defined by the level and type of care provided (eg, care home for those with special needs, nursing homes for the elderly, halls of residence). Noise, transport and general activity, as well as public acceptance are all found to be quite different. Freedom to change activity permitted by the UCO can promote ill feeling amongst neighbouring residents, especially when they feel they have been denied the opportunity to make representations on the issue to the planning authority for these uses. However, whilst taking on these concerns, one also has to acknowledge the comparable level of benefits cited by respondents (14%) for C2.

Change within C1 is found to create wider benefits than concerns. Of the 12% who cite concerns, the main issue (given by 2 out of 3 respondents) is for the lack of clarity over the precise definition of a hotel and a hostel, making it difficult to differentiate between the 2.

The D Classes

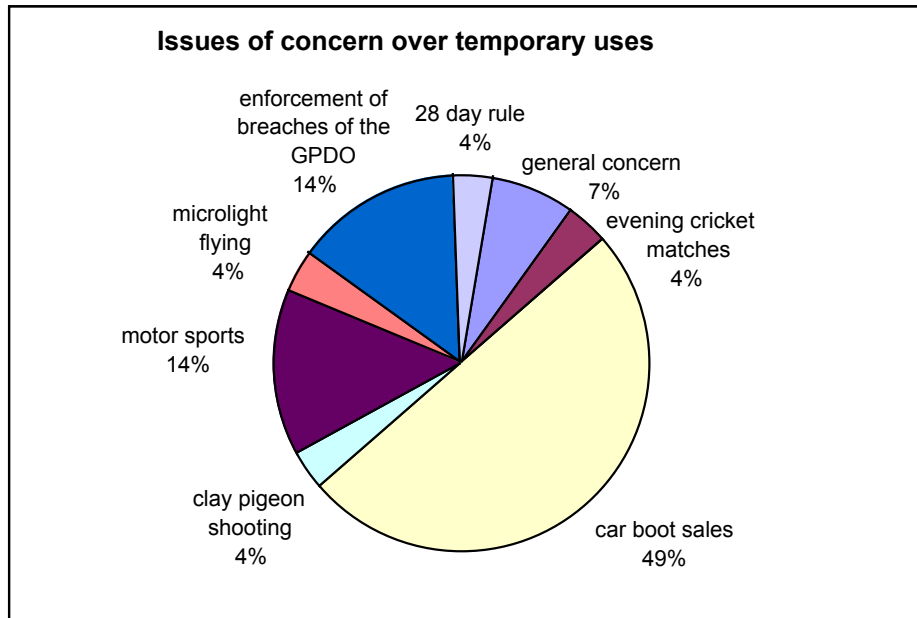
Use class D1 creates problems for 18% of respondents. The main issues are broadness of the category (50% of 10 responses), with specific examples being the change in the nature of the D1 use to a nursery (30%) and to a place of worship (10%).

D2 created difficulties for 16% of respondents primarily due to the broadness of the use class (38%) and distinguishing between a pub (A3) and a pub with an ancillary dance facility (nightclubs are classified in D2) – (see discussion under A3). There is also a potential to change from D2 uses (which are generally of large scale) to uses

which may not be considered appropriate (eg, cinema to bingo hall (1 respondent, 12%) and bingo hall to nightclub (12%)).

Temporary Uses

Temporary uses were the 4th largest area of concern (30%) and the second least beneficial (6%). Whilst enforcing breaches of the GPDO were problematic for 14%, this is not a legislative issue which the Order can address. The greatest specific concern is over car boot sales (49%), while others include motor sports (14%), clay pigeon shooting (4%), evening cricket matches (4%) and micro light flying (4%).



Graph showing issues of concern over temporary uses (%)