

## **Calderdale Council Local Plan Examination**

### **Stage 2 Hearings**

#### **Matters 12,13,14**

### **Consideration of Changes to the Use Classes order**

#### **CC85 Task List**

**Matter 12 Task 73:** SD5 and SD6 with regards to new Use Classes Order. Council to determine approach and outline potential modifications required.

**Matter 13 Task 88:** Council to reflect on potential implications of Use Classes Order changes for all Employment Sites and on Policy EE1 (Note including any necessary modifications).

**Matter 14 Task 98:** Reflect on Use Classes Order changes for all Mixed Use sites

#### **Council's Response – 12 March 2021**

1. The Inspector has requested the Council to consider the potential implications of the recent changes to the Use Classes Order to the proposed policies and allocations for Employment and Mixed Use in the draft Local Plan, and for proposed land allocations. The potential issue was raised in the separate Hearing Sessions for Matters 12, 13, and 14 the Council considers it appropriate to address the separate tasks (73, 88, 98) within a single comprehensive Note, to cover all the implications of the change in the Use Classes Order.
2. The new Town and Country Planning (Use Classes) (Amendment) (England) Regulations came into force on 1<sup>st</sup> September 2020 and makes transitional provisions regarding existing buildings.
3. The introduction of changes is to allow more flexibility in uses on the high street, ie a focus on town centres. However the specific changes regarding the former B type uses and the introduction of a new, wider scoping E use class have potential implications for the Employment policies and allocations in the Local Plan The original uses within the B classes have been separated and are now included in two different use Classes.

- The former uses of B1 business uses - B1a (offices), B1b (research and development), and B1c (light industrial) have been brought together with A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions) and D2 (assembly and leisure) into a single E use class for 'Commercial, Business, and Service'.
- B2 (General Industrial) and B8 (storage and distribution) have retained their designations

#### Potential implications

4. **The assessment of the land requirement** undertaken in the Employment Land Study was carried out in accordance with the guidance and good practice current at the time. The Study assessed the land requirements for employment uses in the former 'B' Use class. The assessment for the specific uses within this category, i.e. office, research and development, light industry, general industry and storage and distribution remain valid in this context, and reflect the objective of meeting the land requirements for businesses to attain the potential growth in jobs and productivity. It will be necessary to review and amend the specific 'Appropriate Uses' identified in Appendix 1 for each Employment and Mixed use site.
5. The former B1 business uses have been incorporated into the new E Use class of Commercial, Business and Services. It is noted that the other uses within the Use Class, whilst not previously considered in the assessment of the Employment Land requirement, are still 'employment generating' uses. The role of such uses will be reflected in the review of 'Appropriate uses' on sites, and within Policy EE1 in relating to existing employment areas.
6. The identification of a new, wider ranging use class will provide more flexibility for those sites that are on the margins of viability, often brownfield, mixed use and on the edge of the town centres. Several of these sites may benefit from regeneration initiatives, directly or indirectly, in the future and a reference to the new E use class will be included if appropriate.
7. **Current Policies SD 6, SD 7 and EE1** refer to uses within the former B Use Class. It will be necessary to amend the wording of the supporting text, Policies, and Glossary to reflect the new Use Classes. Where appropriate, reference will be made to either the E and/or B use classes or to specific uses within the wider Use class. Reference will also be made to the expectation that planning permission granted on allocated sites will be conditioned to limit future changes of use under permitted development rights.

8. **Change of use of premises in existing employment use**, to other uses within the E use class. A possible implication of introducing flexibility for the change of use of existing employment premises, could be a future loss of employment usage, possibly within the designated Primary Employment Areas, to other uses within the E class. However, because of the nature and characteristics of many of the existing established and historical employment areas in the borough this is considered unlikely to be significant. A future loss of current employment land is factored into the assessment of the land requirement, and an additional margin of flexibility was also included and is considered at this time, to be sufficient to accommodate any such changes.
9. **Change of use of existing premises in the former use classes A1, A2, A3 , D1** to ‘employment’ uses. Whilst there is a potential to gain employment floorspace through the change of use of high street premises, a significant benefit in terms of additional floorspace to meet the land requirements is considered unlikely. The type and nature of existing premises are not generally suitable for firms currently looking to relocate, although they may possibly provide some opportunity for small start-up businesses.
10. **Employment land monitoring and Employment forecasting.** Whilst it is considered that implication of the changes on the supply of land and premises to meet the identified need is likely to be small, it will be important to redesign and realign the Council’s land monitoring systems. This must ensure that any changes in availability and take up of land and premises are captured and monitored on a regular basis. The implications can be identified, and then addressed if necessary, in further reviews of the Plan.

#### Actions required

11. Delete references to B1a (offices), B1b (research and development), and B1c (light industrial appropriate in a residential area) in text and policy wording. The definition of ‘employment uses’ will be amended in para 6.15 Local Plan:

*For clarification the term ‘Employment use’ in the policy wording refers to land, premises or floorspace which is currently uses, was last used, or is proposed for future use for activities falling within the following use Classes:*

- **F: Commercial, Business, and Services:** the following subcategories only are included:  
*Offices, research and development, and light industry appropriate in residential areas*
- **B2 general industry**
- **B8 Storage and Distribution**

12. Insert references to current Use Classes and sub-classes as appropriate
13. Modify the Appendix 1 Supporting Information for Employment and Mixed Use sites to specify the 'Appropriate Uses' for each site in the context of the new use classes – see Tables 1 and 2 below
14. Amend Policy EE1 to include reference to *Employment generating uses.*, to reflect the contribution of other uses, particular within the new E use class in generating and supporting employment in Primary Employment Areas.

#### **Land and premises within designated Primary Employment Areas**

Proposals to develop or redevelop land/premises for Employment uses or *Employment generating uses within* the Primary Employment Areas will be supported providing the following criteria are met:

- a. There is no unacceptable impact on the operation of established employment uses in the area, and
- b. There is no unacceptable impact on local amenity.

15. Include definition of 'Employment generating uses' in Glossary

**Employment generating uses:** Uses within the E use class ( Commercial, business and service uses), that provide jobs, and/or others ( eg F2, sui generis) which support the retention and prosperity of employment uses in the area.

16. Amend Policy SD 6 to delete references to B1a B1b and B1c uses

Proposals for employment uses not within Use Classes ~~B1~~, B2 , B8 and E ( *offices, research and development, light industry*) will be resisted and only be supported in exceptional circumstances where the proposal is justified and complimentary (in terms of size and function) to Use Classes ~~B1~~, B2, B8, and E ( *offices, research and development, light industry*)

The following sites are allocated to provide land for employment purposes within use Classes, within Use Classes ~~B1~~, B2 , B8 and E ( *offices, research and development, light industry*) and are indicated on the Policies Map.

Proposals within Use Classes within Use Classes ~~B1~~, B2 , B8 and E ( *offices, research and development, light industry*) will be permitted provided that the proposed development:

17. Amend Policy SD 7 to delete references to B1a B1b and B1c uses

18. Modifications to SD6 table and Appendix 1

**Table 1 : Employment allocations**

Local Plan site ref.	Location	Appropriate B uses Publication Draft	Proposed changes to Appropriate uses	Reason
<b>Brighouse</b>				
LP0032	Land to the rear of Crosslee PLC, Brighouse Road, Hipperholme,	B1c	Delete employment allocation	Allocate for Mixed Use
LP0332	Brow Mills Industrial Estate, Brighouse Road, Hipperholme,	B1c/B2	E (light industry) B2	No change

LP0585	Land west of, Anchor Place	B1c	E (light industry)	
LP1232	Land at, Wakefield Road/Clifton Common, Clifton,	B1/ B2/B8	E (offices, research and development, light industry) B2 B8	Correct error in Policy SD6 to be consistent with Appendix 1 and planning permission
<b>Elland</b>				
LP0009	Land to the South of premises on Lowfields Way, Elland	B1c, B2 and B8	E (, light industry) B2 B8	No change
LP0021	Land at Ainley Top, Brighouse Road, Ainley Top, Elland	B1c and B2	E (, light industry) B2	No change
LP0025	Land to the south of Dewsbury Road, Adj Copperas Cottages,	B2 and B8	B2 B8	No change
LP0059	Land to west of Medical Centre,	B1a	E (offices)	No change

	Stainland Road, West Vale,			
LP0355	Ainleys Industrial Estate, Ainley Bottom, Elland	B1c	E (light industry) B2	Location adjoining industrial park.
LP0960	Land off, South Lane, Elland	B1c/B2/B8	E (, light industry) B2 B8	No change
LP1223	Lowfields, Lacy Way, Elland	B1c/B2/B8	E (, light industry) B2 B8	No change
LP1443 Supporting Information	Land between, Wistons Lane and Jubilee Way, Elland	B1c	E (light industry)	No change
<b>Halifax</b>				
LP0105 Supporting Information	Land at, Listers Road, Shibden, Halifax, HX3	B2	B2	No change
LP0409 Supporting Information	Land off, Bob Lane/Hubert Street, Highroad Well, Halifax	B1c	E (light industry)	No change

LP0472 Supporting Information	Land off, Lilly Lane, Halifax	B2	B2	No change
LP0805 Supporting Information	Holmfield railway line, Holdsworth Road, Holmfield, Halifax	B2/B8	B2 B8	No change
LP0976 Supporting Information	Clarence Mill, Pellon lane, Halifax	B1c/B2	E (light industry) B2	No change
LP1018 Supporting Information	West of Holmfield Industrial Estate, Riley Lane & Holdsworth Road, Holmfield, Halifax,	B1c/B2/B8	E (light industry) B2 B8	No change
LP1133 Supporting Information	Land off, Sedbergh Road and Siddal New Road, Halifax, HX3 9HB	B1c/B2	E (light industry) B2	No change
LP1134 Supporting Information	Shaw Lodge Mill Complex, Shaw Lane, Halifax	B1a/c	E ( offices, research and development, light industry)	Also suitable for research and development
LP1203 Supporting Information	Star Garage, Wakefield Road,	B1c/B2/B8	E (light industry) B2	No change

	Copley, Halifax, HX3 OTD1.01		B8	
LP1217 Supporting Information	Land and Premises, Holmfield Industrial Estate, Holmfield, Halifax, HX2 9TN	B1c/B2/B8	E (light industry) B2 B8	No change
LP1218 Supporting Information	Land to South east of, Holmfield Industrial Estate, Holmfield, Halifax	B1c/B2/B8	E (light industry) B2 B8	No change
LP1219 Supporting Information	North of Holmfield Industrial Estate, Holmfield Industrial Estate, Halifax	B1c/B2/B8	E (light industry) B2 B8	No change
LP1231 Supporting Information	Shay Lane, Ovenden, Halifax, HX3 6RR	B2/B8	B2 B8	No change
LP1433 Supporting Information	Land off, Old Lane, Halifax	B1c	E (light industry)	No change
<b>Mytholmroyd</b>				
LP1622 Supporting Information	Top Land, Cragg Vale, Hebden Bridge, HX7 5RW	B1/B2	E B2	Also suitable for E use employment generating uses

<b>Ripponden</b>				
LP1640 Supporting Information	Zodian House, Station Road, Sowerby Bridge, HX6 3AF	B1/B2	E ( offices, research and development, light industry)  B2	No change
<b>Sowerby Bridge</b>				
LP1220 Supporting Information	Adjacent Lloyds, Wakefield Road, Copley, Halifax	B1a/B1b/B8	E ( offices, research and development, light industry)  B8	Also suitable for research and development

**Table 2 : Mixed use Allocations**

Local Plan site ref.	Location	Appropriate B uses Publication Draft	Proposed changes to Appropriate uses	Reason
<b>Brighouse</b>				
LP0573	Mill Royd Street			N/a site proposed for deletion as Mixed use site.
LP0579 Supporting Information	126- 128, Bradford Road, Brighouse	B1a, C3, D	E C3	Planning permission granted for extension to existing gymnasium
LP0771 Supporting Information	Firth's Carpets, 432 Bradford Road, Bailiff Bridge, Brighouse	A1, C3		Proposed deletion and reallocation for housing following grant of planning permission
<b>Elland</b>				
LP0509 Supporting Information	Land and Buildings opposite B & M, Dewsbury Road, Elland	A1, B1a, B1c, D	E F	Inclusion of C3 following granting of planning permission on part of site. Site suitable for other uses in E use class
LP1088 Supporting Information	West Vale Works, Stainland Road, West Vale, Greetland, Elland, HX4 8BB	B1a, C3	E (offices, light industry) C3	Wider uses appropriate following report of Mixed Use Study.

LP1123 Supporting Information	Kinnaird Close, Elland	B1, C3	E (offices, research and development, light industry) C3	No change
<b>Halifax</b>				
LP0264 Supporting Information	Car Park Between, Well Lane / King Street, Halifax	B1a, C3	E C3	E uses appropriate
LP0289 Supporting Information	Land off, King Cross Street, Halifax, HX1 2SH	A1, B1a, C3, D	E C3	E uses appropriate
LP0370 Supporting Information	Land off, Armitage Road, King Cross, Halifax	A1, B1a, D	E	E uses appropriate
LP0749 Supporting Information	Stoney Royd Mill Albion Mills, Bailey Hall Road, Halifax	C3, other	E C3	Mix and developable area to be revised following Mixed Use Study. E uses appropriate
LP1170 Supporting Information	Mulcture Hall Road, Halifax	B1, C3	E C3	E uses appropriate
LP1287 Supporting Information	Northgate House / Central Library, Northgate, Halifax	A1, A2, A3, B1, C1, C3, D		Delete site – developed for College offices refurbished
LP1292 Supporting Information	Cow Green Car Park, Halifax	A1, C3		Delete Mixed Use allocation and reallocate for New Housing

LP1431 Supporting Information	Former Mayfield Garage, Queens Road, King Cross, Halifax	A1, B1/B2, D	E B2	E uses appropriate
LP1632 Supporting Information	Horton Street, Halifax	A1, B1, C3, D	E C3	E uses appropriate
<b>Hebden Bridge</b>				
LP0922 Supporting Information	Former Hebden Bridge Fire Station	B1a, C3	E C3	E uses appropriate
<b>Todmorden</b>				
LP0327	Land off Halifax Road	'Town Centre' uses. A,C,D	E (Retail, offices, café/restaurant, C3	No change