

<b>SUBJECT:</b>	Updated 'Core Policy 10 (Employment) Guidance Note'	
<b>REPORT OF:</b>	Officer Management Team	- Director of Services
	Prepared by	- Head of Sustainable Development

## 1. Purpose of Report

- 1.1 To outline the updates made to the existing Core Policy 10 (Employment) Guidance Note, the reasons for these changes and to provide a summary of the input received from other parties on the revised document.

## 2. Links to Council Policy Objectives

- 2.1 The Guidance Note links directly to Core Policy 10 (Employment) of the Council's Adopted Core Strategy.
- 2.2 Both Core Policy 10 and the updated Guidance Note directly support the objective within the Sustainable Community Strategy and Corporate Plan to support and maintain a "thriving economy" in South Bucks.

## 3. Background

- 3.1 Core Policy 10 of the Adopted Core Strategy sets out the Council's approach to those sites falling within Use Class B in South Bucks. It stipulates that those sites considered to be 'important' should be retained in employment use. The policy then sets out a presumption that any other employment site should also be retained in employment use, unless it can be demonstrated by the applicant that there is no reasonable prospect of the site being used for its permitted purpose, or there are circumstances where the site is creating significant amenity issues. In such cases, priority will be for the site to be used for alternative economic use.
- 3.2 In April 2011, following the adoption of the Core Strategy, officers produced a Guidance Note setting out the marketing evidence that will normally be required by applicants to demonstrate that there is no reasonable prospect of a site being used for its permitted Use Class B purpose.
- 3.3 Over two years has now elapsed since the original Guidance Note was produced. In this time there have been significant changes to national policy with the introduction of the National Planning Policy Framework (NPPF) and amendments to 'permitted development' legislation affecting employment premises. In addition, the Council has commissioned evidence which identifies those sites considered to be 'important' employment sites.
- 3.4 Further, implementation of the note has revealed that there is a need to make the marketing requirements more explicit and place a greater emphasis on the need for applicants adequately to explore alternative economic uses during their marketing campaigns.
- 3.5 The proposed updated Guidance Note (attached at **Appendix 1**) aims to address these issues and provide further clarity to aid the application process.

#### 4. Summary of key changes to the Core Policy 10 (Employment) Guidance Note

4.1 The key amendments to the Guidance Note are as follows:

##### *NPPF Conformity*

4.2 Section 1 of the Guidance Note now makes clear the Council's view that both Core Policy 10 and the Guidance Note are considered to be in broad conformity with the NPPF. This is because it seeks to ensure sufficient land and floorspace is available to meet the needs of businesses; and to allow the redevelopment of employment land (Use Class B) for alternative uses, where it has been demonstrated that there is no reasonable prospect of the site being used for its allocated (Use Class B) employment purpose.

##### *Changes to permitted development legislation*

4.3 A number of amendments to the Town and Country Planning (General Permitted Development Order) 1995, introduced in May 2013, affect premises in Use Class B. As a result, there are some circumstances where the Council can no longer apply Core Policy 10. The updated Guidance Note now therefore seeks to clarify those circumstances where CP10 would still be applied by the Council.

##### *Identification of important employment sites*

4.4 Core Policy 10 commits the Council to identifying the District's important employment sites within the forthcoming Development Management Local Plan (DMLP). Evidence to support this identification has recently been produced on behalf of the Council by consultants GL Hearn. However, as the recently adopted Local Development Scheme (LDS) outlines, the DMLP is unlikely to be published until autumn 2015. In the interim period, section 2 of the Guidance Note lists the sites likely to be identified as important in the DMLP. Officers have taken a view that those sites assessed as being top rated in at least 2 of the 6 assessment categories should be considered to be 'important'. Identifying important sites at this stage is likely to assist both applicants and Development Management officers when considering the status of the District's employment sites.

##### *Greater emphasis on alternative economic uses*

4.5 Core Policy 10 is clear that where an applicant has demonstrated that there is no reasonable prospect of a site remaining in its permitted use within Use Class B, priority will be for premises to be reused or redeveloped for an alternative economic use. However, experience to date has demonstrated that the vast majority of applicants are giving insufficient consideration to alternative economic uses, instead opting directly for residential uses.

4.6 Section 3 of the Guidance Note therefore provides added clarity and reiterates the Council's position that it is the applicant's responsibility to provide robust evidence to demonstrate that alternative economic uses have been explored and that any interest for such uses has been appropriately followed up. It also gives a number of examples of the types of economic uses that could be investigated by applicants.

### *Restructuring of marketing expectations*

- 4.7 Section 4 of the Guidance Note has been restructured to provide greater clarity for applicants on the measures that should be undertaken during a marketing campaign and the information that should be included within the marketing report. A number of new measures have also been introduced:
- Encouraging applicants to make use of the Council's pre application process.
  - Links to the Council's newly adopted requirements for the validation of planning applications.
  - Removal of the requirements to advertise via the written press, with greater emphasis on online marketing.
  - A list of property details that should, as a minimum, be advertised by a commercial agent.
  - A minimum marketing requirement of 12 months, with at least 6 months of that period to include marketing for an alternative economic use.
  - The requirement of written advice from at least 2 reputable commercial agents verifying that the price advertised is appropriate for the local market.
  - A requirement that the report be prepared by a suitably qualified Chartered Surveyor
  - The need for the report to demonstrate that if the flow of enquiries about a particular property has been limited, what measures have been taken to refresh the marketing campaign and/or make the premises more attractive.
  - A marketing checklist to aid applicants and officers.
5. Stakeholder input
- 5.1 Although formal public consultation on this document is not required, officers took the view that seeking input from a commercial perspective would be a valuable exercise and would give an opportunity to test the requirements of the Guidance Note.
- 5.2 The Council has an existing Standing Agreement with Maidenhead based Chartered Surveyors and established local property agents, Kempton Carr Croft (KCC). KCC, who also commented on the original Guidance Note, again provided extensive comments and some useful suggestions on the update, many of which have been incorporated into the document. Overall KCC commented that the Guidance Note *"gives a good, solid and thorough overview as to the requirements needed in order to demonstrate that a property cannot be occupied successfully for a commercial activity"*, and will *"... be very helpful to applicants and assist them in knowing what is required in support of their application."*
- 5.3 Should Members resolve to recommend the document for approval for Development Management purposes, KCC suggest that the updated Guidance Note is circulated to a wide range of locally active Surveyors, Planning and Commercial Agents to make them fully aware of the procedures expected.
- 5.4 In addition, The Federation of Small Businesses (South Bucks and Aylesbury branch) commented that the document *"...goes a long way to retain employment where fit for purpose, and for re-development/alternative use of sites. The Marketing Report and Marketing Checklist will help with transparency and uniformity."*
- 5.5 Input was also sought from Thames Valley LEP and Bucks Business First (BBF) but none had been received at the time of writing.

## 6. Resources, Risk and Other Implications

- 6.1 The Guidance Note is not a statutory document and does not form part of the Development Plan for South Bucks. It is however a material consideration in the determination of planning applications and will continue to assist prospective applicants by providing further guidance on the Council's expectations in relation to fulfilling the requirements of Core Policy 10 - Employment.
- 6.2 The principal intention of the updated Guidance Note is to ensure that well functioning employment premises are not lost to other 'non-economic' uses. The main risk to this is posed by the introduction of recent amendments to the Town and Country Planning (General Permitted Development) Order 1995, which allow the conversion of B1a (office) uses to other uses without the need for express planning consent.
- 6.3 There remains a risk that any further future changes to Government policy and legislation may further weaken the Council's ability to protect employment sites from other uses.

## 7. Summary

- 7.1 The updated Guidance Note will assist applicants in interpreting the requirements of Core Policy 10. It has been updated to reflect recent changes to national policy and legislation and in response to matters arising through the implementation of the existing Guidance Note.

## 8. Recommendation

- 8.1 Members of the Sustainable Development PAG advise the Portfolio Holder to recommend that Cabinet approve the updated Guidance Note for Development Management purposes.

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<b>Background Papers:</b>	G L Hearn "Employment Site Appraisals: Final Report" April 2013 <a href="http://www.southbucks.gov.uk/includes/documents/cm_docs/2013/f/1_final_report_south_bucks_09042013.pdf">http://www.southbucks.gov.uk/includes/documents/cm_docs/2013/f/1_final_report_south_bucks_09042013.pdf</a>  Guidance Note: Marketing Requirements in Relation to Core Policy 10 (Employment), SBDC, April 2011 <a href="http://www.southbucks.gov.uk/environment_planning/planning/local_development_framework/guidance_note.aspx">http://www.southbucks.gov.uk/environment_planning/planning/local_development_framework/guidance_note.aspx</a>