



# ADUR DISTRICT COUNCIL

**Adur Planning  
Committee  
5 November 2018  
Agenda Item No. 7**

**Ward: all outside of  
South Downs National Park**

## **Draft Supplementary Planning Document for Consultation: Demonstrating Genuine Redundancy of Employment Sites in Adur**

### **Report by the Director for the Economy**

#### **1.0 Summary**

1.1 A key aim of the adopted Adur Local Plan is to ensure that the local economy continues to grow. This requires a variety of good quality land and premises. One approach used by the Plan to address this is through the protection of existing business (B class) sites and premises. To this effect, a Supplementary Planning Document (SPD) has been produced to support Policy 25 of the Adur Local Plan. Members are asked to note this prior to publication for public consultation.

#### **2.0 The Issue**

2.1 A key aim of the adopted Adur Local Plan (2017) is to ensure that the local economy continues to grow. This requires a variety of good quality land and premises provided in the right place and supported with the right infrastructure. This is a significant challenge as land supply is heavily constrained and competition for available sites grows, particularly given the national drive to significantly increase housing delivery. The Plan aims to address this necessary economic growth through the allocation of new employment sites, and the protection of existing ones.

2.2 This SPD has been prepared to help applicants, and prospective applicants, to better understand the intentions of the policy; the steps they will need to go through, and the information they will need to supply to support any planning application which would result in loss of employment floorspace. It will also assist officers and Members by giving them a framework against which relevant applications can be assessed.

2.3 SPDs are defined in the National Planning Policy Framework 2018 as:

*“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”*

2.2 National planning legislation allows, in some circumstances, for the conversion of a B1 building to residential without the need for planning permission. Instead, a ‘prior approval’ system applies (see the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 for full details). In these circumstances, this SPD cannot be applied. However, in all cases *where planning permission is required* which would result in loss of employment space, the tests of Policy 25 and this Draft SPD will be applicable.

2.3 Policy 25 is set out in full in the Draft SPD (attached at appendix 1). It states that where planning permission is required, non B-class uses will not be permitted at Lancing Business Park, Shoreham Airport and Dolphin Road Industrial Estate, Shoreham-By-Sea. The second part of Policy 25 makes clear that outside of these three areas there will still be a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes (use class B1, B2 or B8).

2.4 Any proposed loss will need to be justified through a process which will seek to ensure that all reasonable steps have been taken to maintain a class B use. Where it is demonstrated that it is not viable to maintain the existing use then options for alternative employment uses will need to be explored before non-employment uses would be considered. This applies to all employment sites/premises regardless of size or condition.

2.5 The Council will assess all applications for the redevelopment of employment sites/premises on their individual merits (for the purpose of this policy employment uses are defined as B1, B2 and B8 of the Town and Country Planning Use Classes Order 2005). However, the Council’s starting point will be to retain all B class employment sites/premises that are considered suitable, in land use terms, for continued employment use.

2.6 It should be remembered that this policy approach was explored through the Local Plan examination process. The Inspector stated that: *“I conclude that the Council’s approach to planning for economic growth ... is justified and that the framework is in place to secure a strong and competitive economy.”* (Paragraph 56, Report on the Examination of the Adur Local Plan). This SPD sets out how the Council will deal with any application that proposes the loss of any site/ floorspace (through redevelopment and/or change of use) for employment and the assessment that will be undertaken. The guidance included in the SPD (and its appendices) sets out clearly the criteria that would be used to assess

relevant development proposals and lists the type of evidence that would be expected to support any relevant application.

- 2.7 It is worth noting that Worthing Borough Council have successfully used a similar SPD (Sustainable Economy SPD, adopted February 2012) which this draft SPD is modelled on. It is considered to have been a positive tool in protecting employment sites in the Borough, and has been endorsed by Inspectors following a number of appeals.

### **Information Required by the SPD**

- 2.8 The SPD clarifies what information will be required by the Council to demonstrate how the tests of the policy have been met, and how the 'sequential test' set out in the policy has been addressed.
- 2.9 It makes clear that it is important that all employment uses are considered for the site before planning applications are made for non-employment uses. Where a business is coming to the end of its economic life or has ceased trading altogether, the Council will expect the site to have been marketed for both its existing and other employment uses 'subject to the relevant planning permissions' in the first instance.
- 2.10 The applicant will be expected to have undertaken a marketing campaign to determine the demand for the site from business occupiers. Until this has been undertaken, change of use will not be considered. The SPD explains how marketing should be carried out to ensure the relevant matters are adequately addressed.
- 2.11 Applicants will be expected to clearly demonstrate why they consider that new employment development cannot be achieved on site for reasons of financial viability and past and projected market demand. The Council will give full consideration to the evidence submitted. Where a site's sole use for its existing employment purpose is no longer viable, and this has satisfactorily demonstrated in accordance with the criteria set out in this SPD, the Council will expect applicants to have explored the possibility of developing mixed use schemes.
- 2.12 If it has been demonstrated that full employment provision is not viable, the SPD explains that at this point a sequential approach should be taken as follows:
- Consideration should be given firstly to a mixed use scheme incorporating B class employment; but not residential use. These mixed uses may include, for example, leisure, retail or community uses (where no conflict would arise with employment uses).
  - If this is demonstrated to be unachievable/ unviable, a mixed use scheme including B class employment and residential may then be considered.
  - Finally, where the above options have been demonstrated to be unachievable, only then will the Council consider complete residential use of the site.

### **3.0 Consultation**

- 3.1 It is proposed that the Draft SPD is made available for consultation for a period of 6 weeks, commencing mid-November (dates to be confirmed). All those on the Adur Planning Policy consultation database (recently updated in accordance with General Data Protection Regulations) will be informed; the document will be made available on the Council's website, and the consultation will be publicised on social media.
- 3.2 Any necessary amendments will be made before the document returns to Committee for the adoption process.

### **4.0 Legal**

- 4.1 Part 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012 sets out statutory requirements for the preparation of SPDs, which includes the obligation to consult.

### **5.0 Financial Implications**

- 5.1 The SPD will be prepared within existing budget allowances.

### **6.0 Recommendation:**

- 6.1 That the Committee note the Draft SPD, and forward any comments to the Executive Member for Regeneration to consider prior to approving the document for consultation.**

### **Local Government Act 1972**

#### **Background Papers:**

Adur Local Plan 2017

Report on the Examination of the Adur Local Plan, 29 September 2017.

Sustainable Economy SPD, Worthing Borough Council, 2012.

Adur Employment Land Review 2014.

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## **Schedule of Other Matters**

### **1.0 Council Priority**

1.1 Aligns with Platform 1: Our Financial Economy of Platforms For Our Places; in particular, the Adur Local Plan 'sets locations for growth and development'.

### **2.0 Specific Action Plans**

2.1 The Draft SPD also supports the Adur and Worthing Economic Strategy 2018-2023 - specifically the Power of Place.

### **3.0 Sustainability Issues**

3.1 Ensuring a range of job opportunities are available in the area, reduces the number of residents travelling elsewhere for work.

### **4.0 Equality Issues**

4.1 Matter considered and no issues identified.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

6.1 Matter considered and no issues identified.

### **7.0 Reputation**

7.1 The Draft SPD, once adopted, will facilitate the Council in utilising Policy 25 of the Adur Local Plan, and therefore to safeguard a range of job opportunities in the Adur area.

### **8.0 Consultations**

8.1 This report seeks member endorsement of a proposed public consultation.

## **9.0 Risk Assessment**

- 9.1 By not having a SPD explaining how the relevant Local Plan policy operates, there may be a lack of understanding amongst potential developers/ landowners as to what information they will need to provide. The SPD will clarify requirements in advance of applications being submitted.

## **10.0 Health & Safety Issues**

- 10.1 Matter considered and no issues identified.

## **11.0 Procurement Strategy**

- 11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

- 12.1 Matter considered and no issues identified.