

## **Demonstrating Genuine Redundancy of Employment Sites.**

### **Chapter 1**

#### **Introduction and Role of this SPD**

1.1 The Adur Local Plan was adopted in 2017. The plan reflects the need to balance the delivery of employment and housing to meet identified needs and to facilitate regeneration (accompanied by appropriate and timely infrastructure delivery) alongside the limited capacity of the area to accommodate further growth.

1.2 A key aim of the Local Plan 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.

1.3 However, at the same time the Council recognises the need for flexibility, and that in some, limited circumstances, there may be a genuine case for loss of part of an existing employment site to another use. This Supplementary Planning Document (SPD) supports, and expands on Policy 25 of the Adur Local Plan 2017 (see below). It provides clarity on the circumstances where change of use or redevelopment to alternative uses may be appropriate and the criteria which would have to be satisfied in order to obtain planning permission for these alternative uses. It also seeks to ensure that the loss of any existing employment site (land or premises) is not at the expense of the local economy.

1.4 This guidance is aimed at prospective applicants for planning permission who are considering changing the use of, or redeveloping, business land (B class) or premises, or mixed use sites with a B class component, to residential or other purposes. It sets out the information the Council will require to assess such applications and the reasons why such information is sought. It will also help prospective applicants establish whether they have a reasonable case for the loss of the employment premises.

#### **Where does this document apply?**

1.5 The Adur Local Plan, and this SPD, apply in that part of Adur outside of the South Downs National Park. (It does not address that part of Adur which lies within the National Park, which will be covered by the emerging South Downs Local Plan).

#### **What does this SPD do?**

1.6 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 this SPD (and 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. However, it is acknowledged that, depending on the nature of the proposal, the full extent of these requirements may not be necessary to support all applications. The applicant should seek to agree with the Council any variation in the level of information required, prior to making a planning application.

## **In what circumstances does this SPD apply?**

1.7 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 SPD will be applicable.

## **Development of this Document**

1.8 As a Supplementary Planning Document, this document is being prepared in accordance with the requirements of the Town And Country Planning (Local Planning) (England) Regulations 2012, and the Adur and Worthing Statement of Community Involvement (SCI), which sets out the Council's approach to developing SPDs.

## **Sustainability Appraisal**

1.9 Consideration has been given as to whether an independent Sustainability Appraisal /Strategic Environmental Assessment would be required for this SPD. It has been concluded that the Sustainability Appraisal undertaken for the Adur Local Plan 2017 will have already adequately covered the issues dealt with in this document, given that it seeks to add clarity to policy and does not add or set new policy or targets.

## **The Wider Context**

### **National Policy**

1.10 The National Planning Policy Framework 2018 states that planning policies should set out a clear economic vision and strategy which encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration; and that policies should make sufficient provision for employment development.

### **Sub-Regional Approach: Local Strategic Statement 2**

1.11 The local authorities in the Coastal West Sussex and Greater Brighton Partnerships are working together to address strategic priorities across the sub-region. They have produced a Local Strategic Statement (2013, updated in 2016) to set out their strategic aims, and to demonstrate joint working and co-operation. This includes the following:

Strategic Objective 1: Delivering Sustainable Economic Growth states that LPAs will work with partners to support sustainable economic growth by:

*Promoting the continued regeneration of brownfield land ensuring that there is a wide range of sites and premises to meet the diversity of business needs and a good balance between commercial and residential development.*

- *Enhancing the overall quality and choice of well-located employment sites and premises by enabling the provision of new sites and making better use of existing sites.*
- Ensuring there is a good supply of accommodation to support the expansion of small and medium firms within the sub-region.*

The LSS2 can be found in full at: <https://www.adur-worthing.gov.uk/media/media,140795,en.pdf>

## **Adur's Economy**

1.12 Adur's economy is closely related to those of Brighton & Hove and Worthing. Job densities in the district are low - as of 2012, Adur had a job density of 0.63 (a ratio of jobs to population of working age) which is significantly below the national figure of 0.81. Therefore, there is a need for more employment land to be provided in Adur to help redress this balance.

1.13 In commercial terms, Adur is primarily an industrial location (for industrial and warehouse floorspace) and does not currently have a particularly well developed office market, influenced partly by its proximity to Brighton which is an established office centre. Although the manufacturing sector in Adur has been performing relatively well, traditional manufacturing across the region has generally been in decline in recent years and this trend is set to continue. Therefore, it is important that a range of employment land and premises are provided in Adur to help strengthen the economy.

1.14 The Adur and Worthing Economic Strategy recognises that employment space is under pressure from growth in new and expanding businesses and from competing demands from new housing. Adur has experienced growth in the knowledge economy in recent years; while productivity in Adur grew by more than 15% between 2010-15. (See <https://www.adur-worthing.gov.uk/media/media,117748,en.pdf>) The Adur Employment Land Review 2014 gives more information on Adur's economy, and can be found at: <https://www.adur-worthing.gov.uk/media/media,127604,en.pdf>

## **Adur Local Plan**

1.15 Policies 4 and 25 of the Adur Local Plan help to deliver some of the vision and economic objectives of the Plan.

1.16 Policy 4: Planning for Economic Growth allocates land for appropriate employment generating uses at Shoreham Airport, New Monks Farm and within the Shoreham Harbour Regeneration Area. It is intended that these allocations will provide a range of employment sites in terms of locations and sizes, and provision will be made within these allocations for a range of accommodation types. As well as new provision at these named sites, additional employment floorspace will also be achieved through redevelopment, intensification, of existing employment floorspace elsewhere, change of use to employment, and provision of new employment sites. The majority of this floorspace will be provided within the town centres and the main existing employment areas. Policy 4 is set out in full in Appendix 1.

1.17 Existing employment sites are addressed by Policy 25: Protecting and Enhancing Existing Employment Sites and Premises. This is the starting point for this SPD, and is addressed in the next chapter.

## Chapter 2

### Policy 25 Protecting and Enhancing Existing Employment Sites

2.1 Whilst it is noted that permitted rights introduced by the Government allow some employment uses to be converted to residential uses without requiring planning permission, it is considered that there a number of key employment sites in Adur which should be protected. Therefore, 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.

2.2 These three sites were specifically selected for protection as they are the largest employment areas in Adur and are successful and well-functioning with low vacancy levels. They are particularly significant for Adur's economy and their loss would have a negative impact on the number and range of jobs within the district and would be likely to increase out-commuting. These three sites are also recognised in the Adur Employment Land Review as being particularly important in that they are home to a number of successful businesses and have few vacant units. (There may be exceptional circumstances where one of the three sites named in the first part of Policy 25 may be considered under the principles of this SPD. Where that situation arises the criteria outlined here will be even more rigorously applied).

#### **Policy 25: Protecting and Enhancing Existing Employment Sites and Premises**

**Where planning permission is required, proposed conversions to uses other than employment (B1, B2 and B8 of the Use Classes Order) in the following employment sites (as shown on the Policies Map) will be resisted:**

- 1. Lancing Business Park**
- 2. Shoreham Airport**
- 3. Dolphin Road Industrial Estate, Shoreham-by-Sea**

**For sites not listed above, the conversion or redevelopment of land or buildings, currently or last in class B1, B2 or B8, for other uses will only be approved where:**

- i) The loss of a small proportion of employment floorspace would lead to a significant upgrade of the remaining employment floorspace; or**
- ii) It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings for B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area.**

**Where part (ii) of the above criteria has been satisfied, a mix of uses will be considered. Employment generating uses should be considered as part of this mix of uses. Complete loss of employment uses will only be acceptable where it has been demonstrated to the satisfaction of the Local Planning Authority that partial employment use cannot realistically be achieved.**

**The upgrading of existing employment sites and buildings will be supported.**

2.3 However, the second part of the policy makes clear that outside of these 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). There may be circumstances where some loss of employment floor space may be acceptable if it would allow for the redevelopment of existing premises for employment use.

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.** (Sui generis uses with an ancillary but significant amount of B class uses will be considered on their own merits).

2.6 For the purposes of the second part of Policy 25, a sequential approach will be taken, as follows: Firstly, to retain suitable and viable sites in employment use as the first preference in all cases; **the conversion or redevelopment of land or floorspace, currently or last in class B1, B2 or B8, for other uses will only be approved where:**

- i) The loss of a small part of the site to another use, facilitating cross-subsidy for enhancement of the remaining employment floorspace.**

The applicant should demonstrate whether part of the site can be redeveloped in order to fund improvement/enhancement of the remainder of the site.

2.7 Where Criterion II is relevant:

- (ii) It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings for B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area.**

The applicant should use the guidance in this document to demonstrate how criterion ii is met. Then a mix of uses – **to include employment uses** -should be considered by the applicant. As a last resort, if it can be demonstrated that even partial employment use cannot be achieved, *only then* will the LPA consider complete loss of employment. (See page 11 for more details on this sequential approach).

### **What evidence is required?**

2.8 The applicant will need to provide sufficient evidence to allow the Council to consider any proposed loss of employment space.

The key questions which should be addressed are:

- Is the site/premises redundant?
- Is the current use viable?
- Has sufficient and effective marketing been carried out?
- Have all employment alternatives been fully explored?
- Have the wider economic outputs been fully considered?

## **Defining 'genuine redundancy'**

2.9 The Council defines 'redundancy' as being 'no longer needed'. When an applicant has demonstrated that an employment use of land and premises is no longer needed, and is unlikely to be needed in the future then the Council will accept that genuine redundancy has been established.

2.10 Existing employment land or premises which are currently not in use are not, by definition, genuinely redundant and should be marketed for employment use or development before they can be considered for an alternative use. A lesser financial return on investment relative to other development or reuse options will not be sufficient to justify the site not continuing to be available for employment use.

## **Disrepair**

2.11 It will not be sufficient for an applicant to argue that the condition of a building is in a state of disrepair and therefore 'redundant'. The Council will expect the applicant to have fully explored different options for maintaining the employment use of the site to meet local market requirements, before any application for loss of the employment use can be considered.

## **Existing employment use**

2.12 Where an applicant is seeking to demonstrate that an existing employment site is not suitable with or without adaptation, in land use terms, for continued employment use, the Council will expect a planning application to be accompanied by a detailed supporting statement and evidence that seeks to demonstrate that this is the case.

2.13 The Council will come to a view as to whether the site is suitable for continued employment use taking into account the evidence supplied in the supporting statement. It should be noted that in determining a site's/premises suitability in land use terms, the Council will take into account the fact that there are considerable differences between employment uses. For example, although one use may, at present, cause amenity issues, this does not necessarily rule out the ability of the site/premises to accommodate a less disturbing employment use.

2.14 Where consideration is being given to alternative uses of employment land or premises, any such proposals must take into account how the proposed uses do not conflict with the character of the surrounding area, other policies and proposals within the Local Plan, other relevant policies, or any other material considerations.

## **Demand for the site, marketing and evidencing redundancy**

2.15 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.

2.16 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.** There are two stages to this marketing process which applicants should follow:

- Marketing the re-use of the site for its current use (consideration should be given to whether some minor amendments/alterations could help improve marketability);
- Marketing the redevelopment of the site for employment purposes.

2.17 Following any initial enquiries with the Council, the first step is to conduct the marketing strategy as set out in Appendices 2 and 3. The strategy should be up to date and relevant to the current owner of the property, not partially carried out by a previous owner or out of date.

## **Advice for Potential Purchasers**

2.18 The Council recognises that the process set out in this SPD can take time. Ideally, existing owners should undertake the requirements of this SPD. Prospective purchasers should be aware of the process and implications before committing themselves to a particular site. They are also advised to ensure that the site/ premises, and alternative uses, have been adequately 'tested' in accordance with this guidance. The Council will not except prospective or recent purchasers of a site/ premises from this process due to failure to address these matters at an early stage.

## **Lack of Market Interest**

2.19 The Council will normally expect employment land and premises to be actively marketed for at least 12 months (small sites) and 18 months (large sites). It may be necessary to review the effectiveness and quality of the marketing strategy every 6 months. It is accepted that the scale and nature of the proposal will influence the appropriate level of marketing time and this should be agreed in discussion with Council officers. In exceptional circumstances a shorter marketing period may be agreed subject to compliance with other requirements within this SPD.

2.20 A simple statement, such as "the site has been on our books for 12 months and no interest has been expressed", will not demonstrate genuine redundancy. The Council requires greater detail on which to make a judgement. Typically this will include a breakdown of the marketing strategy and terms which should be prepared by a suitably qualified professional, such as a Chartered Surveyor who is active within, and familiar with, the Adur employment land market. The marketing strategy should bring the availability of the site to the notice of the local business community and where appropriate, to the regional and national market and should include the elements outlined in Appendix 2.

2.21 There may be instances where an applicant can demonstrate that there is no demand for an employment site in its present condition and that the site's buildings are in a state unsuitable for continued employment use. In such cases, it is important to recognise that the value offered by such sites does not arise solely from the existing buildings but from the potential the site offers as a suitable location for future employment uses. The Council will therefore, expect an applicant to provide evidence that they have carefully considered how the site could be refurbished or redeveloped for employment purposes and that they have marketed it accordingly, and with sufficient flexibility to attract as wide a range of Class B employment as possible.

2.22 Furthermore, although the retention of the site in employment use may not be viable at a particular moment in time, the economics of development may change and refurbishment/redevelopment for employment uses could potentially become a viable proposition in the future. In this respect, such sites are still considered to have value as an employment resource.

2.23 In view of this, 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. It may be that independent advice on the information provided may need to be sought and the applicant will be expected to pay the Council's expenses for this.

2.24 There are two stages to establishing that a site is in such a poor condition that it is uneconomic to either refurbish or redevelop it for employment purposes:

- Establish from marketing that prospective occupants are not proceeding with the purchase because of the condition of the premises;
- Establish that the costs involved in refurbishing or redeveloping the site for employment use are greater than the return that could be anticipated. This will require a conditions survey.

2.25 The Council is unlikely to concede that the site is in poor condition unless this conclusion can be drawn from site marketing evidence. In considering marketing evidence the Council will pay particular attention to the market price at which the site has been offered. It will expect the price to reflect the current state of the property.

2.26 The following evidence will normally be required to demonstrate a case that the costs of refurbishment/redevelopment exceed the likely returns from the site. The level of information expected will depend on the nature of the development:

- A full structural survey of the existing premises highlighting the matters that require refurbishment or which are incapable of refurbishment. This survey should be prepared by a suitably qualified professional consultant;
- A survey of the site from an operational point of view indicating any exceptional or site specific costs.(These costs to be prepared by a suitably qualified professional consultant);
- A detailed cost breakdown of the works required to refurbish/redevelop the site. (These costs to be prepared by a suitably qualified professional consultant);
- Written evidence from 3 recognised separate financial institutions of the likely cost of borrowing over a fifteen year period to fund these costs;



- Written evidence from 3 recognised separate financial institutions that they would not be prepared to advance finance for refurbishment/redevelopment, with the applicant to bear any costs involved in obtaining this information;
- An indication (in the case of a prospective landlord) that the anticipated rate of return from the premises would not cover the costs of refurbishment/redevelopment;
- An indication (in the case of a prospective owner occupier) that the level of income needed to cover both the costs of refurbishment/redevelopment and other necessary overheads would be unsustainable.

2.27 The Council will seek to verify any such information submitted under these criteria. With regards to making viability information publicly available, this will be addressed in line with national Government policy. The Council may seek peer reviews of submitted viability evidence at the developer's cost.

2.28 Where it can be demonstrated that redevelopment for employment purposes alone cannot be achieved on financial grounds, the Council expects applicants to consider approaching support agencies to see whether additional funding may be available to assist the redevelopment

### **Chapter 3: Considering Mixed Uses - The Sequential Approach**

3.1 Where a site's sole use for its existing employment purpose is no longer viable, and this has been 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. **If it has been demonstrated that full employment provision is not viable at this point a sequential approach should be taken as follows:**

**1) 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).** The Council will expect that the other elements of the scheme should be the minimum necessary to support a viable employment development on the site. Applicants will be required to submit a reasoned justification as to why the employment floorspace cannot be replaced in full. If a mixed use scheme is pursued, then any planning permission granted (subject to other material considerations and those items detailed in this SPD) will be conditional on the delivery of the employment uses on the site which is linked to the higher value use/s.

It will normally be expected that the employment element will be required to be constructed in advance of the higher value uses. In other cases appropriate conditions (attached to the planning permission) relating to the phasing and delivery of a scheme will be used to ensure that all elements of the development are delivered. In such cases the Council will normally expect, at least, the equivalent amount of employment floorspace to be delivered on site as exists under the present use.

When determining the proportion of the overall site to be developed for employment uses the Council will assess the individual merits of each case, but in doing so will take account of the employment resource being lost and the potential level and quality of employment that can be achieved within the mixed use development.

**2) If this is demonstrated to be unachievable/ unviable, a mixed use scheme including B class employment and residential may then be considered.** If, having gone through the above process, the applicant/agent concludes that an employment scheme can only be made viable by incorporating a residential element to the scheme, then it should be demonstrated why a non-residential mixed-use development, including employment floorspace, is not feasible on a particular site. The evidence required should include relevant cost information as detailed in the viability section of this SPD. Where this is satisfactorily demonstrated careful consideration will need to be given to any residential amenity conditions applied to residential development proposals to ensure they are satisfactory and that there would be no unacceptable impact on the operating conditions of existing and potential businesses (i.e businesses that could locate there within the same use classification).

3.2 Any outline approval granted for residential development on an existing employment site will normally be conditioned to ensure that any phasing, or subsequent reserved matters conform with the agreed approach, whether that be in relation to a mixed use proposal or through the conversion for other employment generating uses.

**3.3 Finally, where the above options have been demonstrated to be unachievable, only then will the Council consider complete residential use of the site.**

Is full employment provision achievable?



Is employment plus other uses (excluding residential) achievable?



Is employment plus residential achievable?



Residential use of site.

## **APPENDICES**

### **APPENDIX 1: Extract from Adur Local Plan 2017.**

#### **Policy 4: Planning for Economic Growth**

**To facilitate regeneration and ensure a sustainable economy, a total of approximately 41,000 square metres of land will be allocated for appropriate employment generating uses in Adur up to 2031 at the following locations:**

- Shoreham Airport (approximately 15,000sqm)**
- New Monks Farm (approximately 10,000sqm)**
- Shoreham Harbour Regeneration Area (approximately 16,000sqm within Adur)**

**These allocations will provide a range of employment sites in terms of locations and sizes, and provision will be made within these allocations for a range of accommodation types.**

**Further economic development at the site to the north of the airport, currently occupied by Ricardo, will be supported subject to other policies in this Plan.**

**In addition to the above provision, additional employment floorspace will also be achieved through redevelopment, intensification, change of use to employment, and provision of new employment sites. The majority of this floorspace will be provided within the town centres and the main existing employment areas.**

**Outside of designated employment areas, where new development for, or extensions to B1, B2 and B8 uses is proposed, such applications will only be permitted where it is demonstrated they will not have an unacceptable impact on adjacent residential properties and they comply with other policies in this Plan.**

**Criteria for the identification and provision of new employment floorspace will include the need to provide a variety of new business premises including small and medium sized premises; the need to meet the modern needs of businesses in terms of floorspace, security, quality of environment, good access and services, and ensuring there are no conflicts with neighbouring uses.**

## **Appendix 2: Employment Site Policy: Site Particulars.**

### **Price**

It is important the price of the property reflects its current market value, based on current condition and planning use status. If the building or site requires extensive conversion/repairs the price should be based on the unconverted state unless the works are to be undertaken prior to completion of this marketing process.

The price should not include any potential residential or other non-employment use value. The applicant should seek a minimum of one independent valuation (other than marketing agent) obtaining both freehold and leasehold prices for the building in its current condition/state. The basis of the lease should be appropriate to the nature of the use of the building.

It is recommended that an independent valuation of the property is obtained from an established commercial source familiar with the local area and with properties of the type to be marketed. Estate agents usually provide such a valuation service, although other sources may be considered if their credentials can be established. The cost of the independent valuation(s) will be borne by the applicant. This should also be backed by evidence. The valuation(s) should be submitted as part of the evidence accompanying the planning application and the Council may ask for justification of the price.

### **Tenure**

Potential applicants should be prepared to offer the property or site on both a leasehold and freehold basis in order to widen appeal and help ascertain the level of interest. Flexible terms, such as short leases, monthly licences and regular break clauses are encouraged. Again any lease price should take into account the current condition and use of the building.

### **Advertisements**

Advertisements for the marketing campaign should include the following:

- An advertisement should be featured at least once a month within the commercial section of appropriate websites and newspapers, and at least through regional and local publications. Larger sites (1,000m<sup>2</sup> and above) should also be advertised in national publications. Examples of appropriate newspapers include: Shoreham/ Lancing Herald; Estates Gazette and Property Week (this list is not exhaustive). There may be some publications which are inappropriate for the advertisement of commercial sites/premises and in all instances it is advised that applicants seek advice regarding advertisement intentions from the Council's Development Management Team / Place & Economy Team / Planning Policy Team.
- In cases where the property is part commercial/part residential, it is not appropriate for an advert to be placed solely in the residential section of the newspaper. Trade magazines specific to commercial property or to specific industries may instead be used if more relevant to the industry. The intervals of advertisement would depend on the regularity and circulation of publications.
- Continuous inclusion on the agent's website, own papers and lists of commercial/business premises.

- The continuous display of a 'for sale/lease' board must be displayed on site, on each site frontage to the highway throughout the marketing campaign, unless otherwise agreed.
- Registration on the 'Invest West Sussex' portal.

### **APPENDIX 3: Price, Tenure and Advertisements**

#### **The following information should be submitted to support planning applications:**

- The market price and an indication of this price relative to those prevailing for similar premises in the local market, and a comparison with actual rental values achieved in the area. This should include details of an independent valuation. It is accepted that, depending on the scale and nature of the proposal, an independent valuation may not be necessary but this should be agreed in discussion with Council officers (for further information regarding price refer to Appendix 2).
- Any reductions in market price made during the course of marketing;
- The marketed use of the site (The Council will expect employment sites to be marketed in a way that identifies all the options available in retaining the site in employment use. This will include, where appropriate, the potential for refurbishment, redevelopment for new employment uses, sub-division, amalgamation or selective demolition (in order to improve the format, layout and access arrangements);
- Details of the site particulars (see below for the information that is required to be submitted);
- A monthly breakdown detailing contact details of parties interested in the property. All expressions of interest/offers received including rental interest, progress and negotiations undertaken including any offers made and reasons for these being rejected. Where possible the applicant should obtain from interested parties reasons/explanations as to why they were not able/ willing to proceed. It is not sufficient evidence to just quote the number of viewings and generalise on the feedback;
- Where and how often the site was advertised;
- Copies of advertisements placed. The dates and publication should also be noted (for further details regarding advertising refer to Appendix 2)
- Lists of those advised of its availability with their contact details;
- Any variations in terms/conditions on which the site is made available (for specific information regarding tenure refer to Appendix 2);
- Whether contact was made with the Council's Place & Economy Service to discuss employment opportunities for the site; and the wider economic outputs likely to be generated by the proposal.

#### **The Council can advise on the adequacy of a prospective marketing campaign prior to commencement, in order to ensure an appropriate approach is taken.**

The Council reserves the right to contact any party who has expressed an interest and to send details of the land / property to any party which it feels may be interested in purchasing / occupying the premises for occupation.

**It should be noted that if a 'non-agreed' campaign is undertaken or has been undertaken where the Council is not satisfied that it is in accordance with what would be expected in this SPD, it will result in a further period of marketing being requested at the planning application stage or could result in a refusal of permission.**

**All of the above evidence should be supplied to support any planning application.**

Applicants should note that the Council will not lightly make a decision that the marketing strategy is inadequate where applicants have adequately addressed the issues identified in this SPD. However it may secure independent advice on difficult, more complicated sites.

In instances where the Council considers that the marketing strategy employed has been inadequate the applicant will be advised that the planning application cannot be recommended for approval. The applicant will be given the following options:

- a) To provide additional information to address the concerns raised by the Council.
- b) To withdraw the application and further market the site addressing the concerns identified by the Council;
- c) To withdraw the application and submit the marketing strategy to independent arbitration by a suitably qualified commercial agent agreed by both parties (in the absence of such an agreement to be nominated by the President of the Royal Institute of Chartered Surveyors) with the cost to be borne by the applicant;
- d) To continue in the knowledge that the application will potentially be

#### refused. **Site Particulars**

The following information is normally required. However, it is acknowledged that some of this information may not be necessary depending on the nature of the site and type of development. If in doubt the applicant should seek advice from the Council to ensure that all the information required is provided.

- A description of the site/premises
- The current permitted use and potential employment uses, subject to planning permission
- Dimensions of: the building, internal rooms, eaves height and door widths if relevant,
- gross internal area and size of the total site including any land;
- Services e.g. electricity, gas, water, IT infrastructure – any other relevant information;
- Asking price (see 'Price' section above);
- Any restrictions, conditions and covenants;
- Known costs, such as service charges, rateable value;
- Any other known items included in sale (note – the price expected for these should be disclosed to the Council);
- Terms/conditions associated with the sale and the sites tenure – exclusivity periods, leasehold, freehold etc. (See also 'Tenure' section Appendix 1);
- Extent of site, shown on a site plan;
- Site location including map – the map extract should show the property in relation to the road and rail network;
- Contact details for viewing and more information;



- Any residential element to the property should be removed or subordinate to the commercial particulars
- Parking availability and access/distances to public transport.