

REPORT TO: Planning Committee
Cabinet

DATE: 15 September 2010
30 September 2010

SUBJECT: Safeguarding Employment Land Supplementary Planning Document –
Draft for Public and Stakeholder Consultation

WARDS AFFECTED: All

REPORT OF: Andy Wallis, Planning & Economic Regeneration Director

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**EXEMPT/
CONFIDENTIAL:** No

PURPOSE/SUMMARY:

To seek Member approval to take the draft 'Safeguarding Employment Land' Supplementary Planning Document out to public and stakeholder consultation. If adopted (following the public and stakeholder consultation), this Document would form the basis for determining relevant planning applications in the Borough.

REASON WHY DECISION REQUIRED:

To gain Council approval for the draft 'Safeguarding Employment Land' Supplementary Planning Document' prior to publication for consultation purposes.

RECOMMENDATION(S):

It is recommended that Planning Committee and Cabinet:
(i) Approve the draft document for public and stakeholder consultation, subject to any further comments or amendments that Members may wish to suggest.
(ii) Agree to receive a further report on the outcome of the public and stakeholder consultation and a suggested way forward to secure its adoption as an SPD.

KEY DECISION: No

FORWARD PLAN: No

IMPLEMENTATION DATE: Following expiry of call in period after Cabinet meeting on 30th September 2010.

ALTERNATIVE OPTIONS:

The alternative option would be not to produce the SPD and determine applications using the existing planning policy guidance. This may result in the loss of employment land in areas where we have an identified shortage.

IMPLICATIONS:**Budget/Policy Framework:****Financial:**

There are no direct financial implications arising from this report.

<u>CAPITAL EXPENDITURE</u>	2010/ 2011 £	2011/ 2012 £	2012/ 2013 £	2013/ 2014 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: N/a

Risk Assessment: N/a

Asset Management: N/a

CONSULTATION UNDERTAKEN/VIEWS

FD 514 - The Interim Head of Corporate Finance & Information Services has been consulted and has no comments on this report.

CORPORATE OBJECTIVE MONITORING:

Corporate Objective		Positive Impact	Neutral Impact	Negative Impact
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity	✓		
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability	✓		
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

'Safeguarding Employment Land Supplementary Planning Document'
'Planning Policy Statement 4: Planning for Sustainable Economic Growth', December 2009
'Joint Employment Land & Premises Study', January 2010
'Sefton Strategic Housing Land Availability Assessment', February 2010

Safeguarding Employment Land Supplementary Planning Document (SPD) – Draft for Public and Stakeholder Consultation

1. Background & Introduction

1.1 The draft Safeguarding Employment Land SPD has been prepared in order to support the Council's planning policies on the retention of employment land. It is intended to clarify existing policy provided in the Council's Unitary Development Plan (UDP), and also build upon recommendations made in the recent Employment Land & Premises Study.

1.2 Planning policy in this area is currently set out in UDP Policy EDT 18. This Policy states:

POLICY EDT18 RETENTION OF LOCAL EMPLOYMENT OPPORTUNITIES

1. Proposals for non-employment uses which involve the loss of land and/or buildings which are either currently used for or were last used for industrial, business, office or other employment uses, will only be permitted where it can be demonstrated that the proposal:

a) would not result in the loss of employment or buildings of a type for which there are insufficient alternatives available locally; or

b) would fully compensate for the permanent loss of the site for employment generating uses, or

c) would replace an employment use that is seriously detrimental to local amenity and the local environment

2. Planning conditions or legal agreements will be used to ensure the above is achieved.

1.3 If adopted, the SPD would provide a clear framework for assessing planning applications against this existing policy. The SPD would apply to all proposals for housing and other non-employment development on sites currently or last in employment use.

1.4 Importantly, the SPD not apply to the major industrial estates in the Borough, such as those along the Dunnings Bridge Road Corridor, adjacent to the Port, or at Crowland Street in Southport, which are restricted to employment uses by relevant UDP policies. Instead, the SPD would only apply to smaller employment sites outside of formal 'Primarily Industrial Areas' (as identified on the UDP Proposals Map), which are often in predominantly residential areas. The majority of these sites are located in Southport (including the numerous 'backland' sites) although the guidance would also affect sites in South Sefton such as the Sandy Road Industrial Estate in Seaforth, and Musker Street in Crosby.

1.5 The SPD would also look to reconcile conflicting messages emerging from recent studies the Council has commissioned relating to housing land and employment land supply. The findings from these studies are explored in paragraphs 3.2 - 3.5 and 3.10

– 3.11 below.

2. Key Provisions within the Draft SPD

2.1 This section of the report provides a summary of the key points contained within the draft SPD. A full version of the draft SPD is appended.

2.2 The draft SPD states that the Council's starting point will be to seek to retain all employment sites in continued employment use. There would be a presumption against the redevelopment of these sites to housing and other non-employment uses.

2.3 Additionally, 16 criteria are set out that can be used to justify an exception to the Council's position. Where one or more of these criteria can be satisfactorily demonstrated, then non-employment uses will be considered. The criteria are summarised as follows:

- **Lack of demand for employment uses;** as demonstrated by a marketing exercise.
- **Long-term vacancy;** continuous vacancy for a minimum of 5 years.
- **Overriding residential amenity considerations;** substantiated by a history of complaints to the Council's Environmental Protection Team.
- **Overriding highways considerations;** applicable to sites that cause unacceptable HGV movements, highways safety issues, localised congestion or parking problems.
- **Proposals for affordable housing;** proposals for 100% affordable housing will be acceptable in principle. Proposals for a higher level of affordable housing than currently required by policy given additional weight.
- **Sites below 0.1 hectares;** exempt from the provisions of the SPD. Alternative uses acceptable in principle.
- **Overriding regeneration considerations;** sites supported through the HMRI process or other major regeneration schemes.
- **Relocation of businesses within Sefton;** businesses looking to expand / modernise will be permitted to dispose of their previous premises for non employment uses.
- **Proposals for mixed-use development;** schemes that provide a modern employment use alongside other uses potentially acceptable.
- **Frontages that form a functional part of a town or local centre;** change of use to appropriate town centre uses (retail etc) permitted.
- **Proposals that involve the preservation / restoration of historic buildings;** non-employment uses permitted where this would enable the preservation / restoration of historic buildings.

- **Sites considered unsuitable for employment use in Sefton’s Employment Land & Premises Study**; this applies to a small number of sites contained at appendix 36 of the Employment Land & Premises Study.
 - **Proposals for economic development uses**; proposals for a wider range of employment generating usually acceptable, excluding retail uses.
 - **Larger sites with very low employment outputs**; sites above 0.4 hectares that provide fewer than 10 jobs.
 - **Re-conversion of former houses**; will be allowed to revert to residential use.
 - **Employment uses that share a significant party wall with an existing dwelling**; non-employment uses permitted to ensure residential amenity is preserved.
- 2.4 Additionally, the SPD applies a stronger protection to employment sites in North Sefton to reflect the greater shortage of employment land in Southport and Formby. A greater degree of flexibility will be permitted to proposals in South Sefton.
- 2.5 Overall, the draft SPD aims to be pragmatic and flexible whilst still affording protection to the most important employment sites. The 16 criteria listed above provide a range of exceptions that will allow for suitable redevelopment to take place. The SPD also looks to encourage ‘win win’ situations where affordable housing or mixed-use schemes can be secured.

3. Rationale Behind the SPD

- 3.1 In addition to the need to clarify established policy, this section of the report sets out the rationale for introducing the planning guidance.

(i) Findings of the Employment Land & Premises Study

- 3.2 Sefton has recently published an Employment Land & Premises Study, which was carried out jointly with Halton, Knowsley, and West Lancashire Councils. The Study was produced on the Councils’ behalf by specialist consultancy BE Group who have a history of working on projects in Sefton, including the Southport Commerce Park Study (published in 2005).
- 3.3 This Study provides a comprehensive assessment of employment land supply in Sefton, including a review of each industrial estate and business park in the Borough. The Study found that Sefton has an overall shortfall of employment land to meet the Borough’s long-term economic needs. In this respect, the Study recommended that Sefton should resist any loss of the Borough’s Primarily Industrial Areas to other uses. Para 11.67 of the study states:

“As a consequence of the limited land availability within the borough, Sefton needs to take a robust stance to the protection of existing employment site and premises, even where individually these may represent small opportunities. Against this

background, the assessment of the SHLAA in terms of residential potential associated with employment sites and employment areas is very limited.”

- 3.4 Additionally, the Study identified a more acute shortage of employment land / premises in North Sefton than in South Sefton. Para 12.70 of the Study states:

“The North Sefton area is characterised by a shortage of employment land and premises. One feature of existing provision is the ‘backland’ sites associated with residential areas in Southport, and particularly East Birksdale. Although individually small, collectively they provide a resource that Sefton Council should through its planning policy, presume be retained.”

In light of this shortage, para 12.44 recommends that:

“Sefton Metropolitan Borough Council strongly protect the existing employment land and premises resource, particularly in North Sefton where the shortages are most acute.”

- 3.5 Whilst the shortage of employment land in South Sefton is less severe, the Study recommended that employment land should still be protected in order to support the needs of the local economy.

(ii) Contribution to the Local Economy

North Sefton

- 3.6 In North Sefton, the ‘backland’ and other small-scale employment sites make an important contribution to the local economy. Southport clearly lacks the industrial estates and business parks that exist in other nearby towns of comparable size, and only 24% of the industrial areas in Sefton are in Southport and Formby (which account for 41.5% of the Borough’s population). Additionally, of the 16.6 hectares (ha) of employment land available for development in Southport, 13.2 ha is located at Southport Business Park and is therefore reserved for high quality B1 uses (offices, research & development, etc) only. There are also no obvious new sites to allocate for employment development in the area. The ‘backland’ sites therefore perform an important role in the local economy, and are an important resource for local businesses.
- 3.7 According to the 2001 Census, 63.9% of Southport’s working population are employed in Southport. Just over a third of Southport residents commute to other areas, with Liverpool, West Lancashire and the rest of Sefton the most prominent destinations. A full breakdown is provided below:

Commuting Patterns in Southport

Destination	Number of Residents	Percentage of total
Southport / Ainsdale	24,434	63.9%
Rest of Sefton	3,347	8.8%
Liverpool	3,234	8.5%
West Lancashire	2,301	6.0%
Preston	629	1.6%
Other	4,264	11.2%
Total working population	38,209	100%

Source: 2001 Census

- 3.8 Given the high proportion of people who live and work in Southport, a reduction in the number of employment sites could potentially increase the rate of out-commuting, leading to higher local congestion and emissions. The 'backland' and other small-scale employment sites therefore help to contribute to sustainable communities in North Sefton. They provide jobs and services to local residents, helping to reduce the need to travel, and also ensure a presence during the daytime when most people are at work, which helps to reduce opportunities for crime.

South Sefton

- 3.9 The pattern of employment provision in South Sefton is very different to North Sefton, and the majority of employment land is focused in dedicated industrial estates and business parks, such as those located along Dunning's Bridge Road. As stated above this SPD would not apply to these sites, which are within 'Primarily Industrial Areas' in Sefton's UDP. Additionally, the supply of employment land is considerably greater in South Sefton, which accommodates 76% off the Borough's employment areas.
- 3.10 Given the less constrained employment land supply this SPD applies a greater degree of flexibility to proposals in South Sefton. However, in a number of locations fairly substantial industrial estates fall outside of formal 'Primarily Industrial Areas' and would therefore be subject to the provisions of this SPD. These and other sites also provide local employment opportunities to often deprived communities, and in some instances accommodate fairly significant numbers of jobs.

(iii) Strategic Housing Land Availability Assessment (SHLAA)

- 3.11 Sefton has also recently published a Strategic Housing Land Availability Assessment (SHLAA) that was undertaken on the Council's behalf by consultants WYG. The SHLAA was carried out to assess how much land is potentially available for housing development in the urban areas of Sefton. This Study provides the basis for our understanding of housing land supply in the Borough.
- 3.12 The SHLAA identified a number of employment sites as being potentially suitable for housing. These sites were located throughout Sefton. This SPD has, in part, been prompted by the need to resolve the apparent tensions between the findings of the Borough's employment land and housing land studies.

(iv) Potential Contribution to housing supply

- 3.13 The draft SPD aims to provide a level of protection to small-scale employment sites in order to support the needs of the local economy. However, if the Council were to take a different approach and encourage residential development, then these sites could make a contribution to housing provision in the Borough. Whilst it is emphasised to Members that this is not the recommended approach, the potential housing contribution from these sites is provided below for illustrative purposes.
- 3.14 137 backland and other small-scale employment sites were assessed through the SHLAA, accounting for a significant proportion of these sites (including nearly all of larger sites). The table below indicates how many houses could potentially be delivered, assuming a 'best case scenario' of 50% of identified SHLAA sites coming forward for housing. It should be noted that this high proportion is optimistic (many of the sites suffer from access problems, contamination, multiple ownerships, do not meet interface distances, or accommodate operational businesses etc), and is provided for indicative purposes only:

	No. of SHLAA sites	Total area of SHLAA sites	Potential dwellings (50% of sites at 30 dwellings per hectare)
North Sefton	83	17.00 ha	255
South Sefton	53	18.35 ha	275
Total	136	35.35	530

- 3.15 As can be seen, these sites would contribute only some 530 dwellings to our housing supply, despite assuming a 'best case scenario' level of development. This would account for just over 1 years supply of land when set against the annual housing target of 500 dwellings per annum. Our view is that this would represent a poor return for the loss of an important local economic resource. Additionally, it should be noted that given the flexible and pragmatic nature of the draft SPD, a proportion of these sites will come forward for development in any event.

4. Director's Comments

- 4.1 The draft 'Safeguarding Employment Land' SPD will provide a clear and transparent framework for assessing proposals to redevelop employment sites. If adopted, it would offer a level of protection to employment land that would help to support both local jobs and the local economy. Whilst the general thrust of the guidance is geared towards retaining employment sites, the SPD contains a number of exceptions that would allow a flexible approach to the release less important sites. In this respect, potential 'win win' situations involving affordable housing schemes or mixed-use development are encouraged. In addition, the guidance will not prevent local businesses from expanding or modernising.
- 4.2 Given the overall shortfall of employment land in the Borough, this guidance would help to ensure that local businesses and jobs are retained. This will be particularly important in North Sefton where there is a severe under supply of employment land, with very few formal industrial estates available.
- 4.3 Members are urged to support this policy so that we can proceed to public and stakeholder consultation. Any Member comments or suggested amends would be

gratefully received, and will help to inform a final consultation draft.

Recommendation(s):

It is recommended that Planning Committee:

- (i) Approve the draft document for public and stakeholder consultation, subject to any further comments or amendments that Members may wish to suggest.
- (ii) Agree to receive a further report on the outcome of the public and stakeholder consultation and a suggested way forward to secure its adoption as an SPD.

Annex 1

Sefton Metropolitan Borough Council

Safeguarding Employment Land Supplementary Planning Document

Draft for Public and Stakeholder Consultation

September 2010

Safeguarding Employment Land Supplementary Planning Document

1 – Background and introduction

2 – Considerations that will apply to all Proposals

3 – Additional Criteria Applicable to Proposals in North Sefton

4 – Additional Criteria Applicable to Proposals in South Sefton

5 – Marketing criteria

6 – Background Documents

7 – Relevant Contacts

Appendix 1 – Sustainability Appraisal

1 Background and Introduction

Introduction

- 1.1 This Supplementary Planning Document (SPD) is intended to support the Council's planning policies on the retention of employment land. It provides further clarification on Unitary Development Plan 2006 (UDP) Policy EDT18 'Retention of Local Employment Opportunities', and also builds upon the recommendations from the Joint Employment Land & Premises Study (February 2010).
- 1.2 This SPD sets out the criteria that will be applied to planning applications for non-employment development on sites currently or last in employment use. It applies only to sites that are not within Primarily Industrial Areas or other formal employment areas identified on Sefton's adopted Proposals Map¹.
- 1.3 For the purposes of this guidance, 'employment uses' are considered to be those within use classes B1 office development, B2 General Industrial, B8 Storage and distribution, and relevant Sui Generis uses². Whilst it is recognised that Planning Policy Statement 4 uses the slightly wider definition of 'economic development', Sefton's employment land evidence base relates solely to employment uses as defined in this way³. The SPD therefore uses a definition that is consistent with this evidence, whilst allowing flexibility with regards to wider 'economic development uses' (see paragraphs 2.29 – 2.30 below).

Existing Policy

- 1.4 This guidance provides clarification on the requirements of UDP Policy EDT 18 'Retention of Local Employment Opportunities'. The policy states that:

POLICY EDT18 RETENTION OF LOCAL EMPLOYMENT OPPORTUNITIES

3. *Proposals for non-employment uses which involve the loss of land and/or buildings which are either currently used for or were last used for industrial, business, office or other employment uses, will only be permitted where it can be demonstrated that the proposal:*
 - d) *would not result in the loss of employment or buildings of a type for which there are insufficient alternatives available locally; or*
 - e) *would fully compensate for the permanent loss of the site for employment generating uses, or*
 - f) *would replace an employment use that is seriously detrimental to local amenity and the local environment*

¹ I.e. sites not within: Primarily Industrial Areas, Development Sites within Primarily Industrial Areas, the Port and Maritime Zone, The Bootle Office Quarter, Strategic Employment Sites, or the Southport Business Park

² As defined in the Use Classes Order 1987

³ This is consistent with the definition of 'employment land' contained in the glossary of the revoked Regional Spatial Strategy for the North West

4. *Planning conditions or legal agreements will be used to ensure the above is achieved.*

- 1.5 Sefton's UDP is in the process of being replaced by the Borough's emerging Local Development Framework, including the Core Strategy⁴. However, UDP Policy EDT18 is unlikely to be formally replaced until 2013-2014 when a Development Management Development Plan Document is expected to be adopted. This is considered an appropriate timeframe to revisit the SPD and incorporate any updates that may be required.
- 1.6 This guidance is consistent with relevant national and regional guidance. These and other relevant background documents are listed in section 6.

Joint Employment Land & Premises Study

- 1.7 Sefton's Employment Land & Premises Study was published in February 2010. The Study was commissioned jointly with Halton, Knowsley, and West Lancashire Councils, and was carried out by independent consultants BE Group. This SPD has taken into account a number of the recommendations made in the Study.
- 1.8 The Employment Land & Premises Study made a series of recommendations regarding Sefton. One of these recommendations was that Sefton should retain all of its allocated employment development sites, and designated employment areas, to meet future land requirements. Para 11.67 of the study states:

"As a consequence of the limited land availability within the borough, Sefton needs to take a robust stance to the protection of existing employment site and premises, even where individually these may represent small opportunities. Against this background, the assessment of the SHLAA in terms of residential potential associated with employment sites and employment areas is very limited."

Additionally, para 12.44 of the study recommends that:

"None of the borough's allocated or existing employment sites should be considered for alternative uses, despite proposals that may have emerged from the SHLAA"

- 1.9 There is already a robust policy framework in place to resist non-employment development on allocated or designated employment sites. Given these existing protections, allocated / designated employment sites are not subject to the requirements of this SPD. This SPD applies only to sites outside of formal employment designations / allocations, where under certain circumstances, there may be potential to consider other uses.

Strategic Housing Land Availability Assessment (SHLAA)

- 1.10 Sefton's Strategic Housing Land Availability Assessment (SHLAA) was published in February 2010. The Study was commissioned with Knowsley and West Lancashire Councils and was undertaken by consultants WYG. The SHLAA explored how much

⁴ Forecast at the time of writing to be adopted in late 2012

land is potentially available for housing development in each of the 3 local authority areas, and where and when this could be developed.

- 1.11 The SHLAA identified a number of sites in employment use as being potentially suitable for housing. These sites were located throughout Sefton. This SPD has, in part, been prompted by the need to resolve the apparent tensions between the findings of the Borough's employment land and housing land studies.

Differences between North and South Sefton

- 1.12 For the purposes of this SPD, North Sefton comprises the settlements of Southport, Birkdale, Ainsdale and Formby. South Sefton comprises the settlements of Bootle, Litherland, Netherton, Aintree, Seaforth, Waterloo, Crosby, Blundellsands, Thornton, Little Crosby, Hightown, Ince Blundell, Sefton Village, Maghull, Lydiate and Melling. This is illustrated on the map below:

(Insert map showing North and South Sefton)

- 1.13 This SPD applies a number of different criteria to proposals in North and South Sefton. This is reflective of the economic realities in Sefton, in that North and South Sefton are distinct local economies with limited movement of businesses between the two. This distinction has been endorsed by the Employment Land & Premises Study, as well as by previous studies, and has been accepted by Planning Inspectors at public inquiry. Additionally, it is the Council's experience that companies who want to locate in Sefton almost invariably want to locate in either South Sefton or North Sefton but not to both.

- 1.14 The Employment Land & Premises Study identified a more acute shortage of employment land / premises in North Sefton than in South Sefton. Para 12.70 of the Study states:

"The North Sefton area is characterised by a shortage of employment land and premises. One feature of existing provision is the 'backland' sites associated with residential areas in Southport, and particularly East Birkdale. Although individually small, collectively they provide a resource that Sefton Council should through its planning policy, presume be retained."

In light of this shortage, para 12.44 recommends that:

"Sefton Metropolitan Borough Council strongly protect the existing employment land and premises resource, particularly in North Sefton where the shortages are most acute."

- 1.15 The Study also recommends that the shortfall of employment land in North Sefton will necessitate the allocation of major new employment areas in the medium to long term.
- 1.16 Whilst the shortage of employment land in South Sefton is less severe, there is still a need to protect employment land in order to support the local economy.
- 1.17 The distinction between North and South Sefton is given further weight by other planning considerations. In North Sefton for example, there is a greater need for

affordable housing. Additionally, South Sefton contains more widespread and higher concentrations of deprivation than North Sefton⁵, and has been subject to large-scale and on-going regeneration initiatives and other interventions.

- 1.18 The physical characteristics of employment sites in North and South Sefton are also different in a number of important respects. In the North, and in Southport in particular, a large proportion of the employment sites are small-scale, and in 'backland' locations behind residential properties. In certain Victorian areas of Southport such as East Birkdale, small-scale employment uses are located behind the building line in almost every block. Importantly, there are relatively few industrial estates in North Sefton, and a shortage of available development sites for businesses to relocate to.
- 1.19 In South Sefton, the majority of employment land is focussed in industrial estates and office precincts. Backland sites are much less common and the vast majority of land / premises have a direct frontage onto the highway.

Public Consultation

- 1.20 This draft SPD will be subject to a 6-week public consultation during Autumn 2010. Any comments received through the consultation will be taken into account in producing a final version of the SPD. The SPD is likely to be adopted in late 2010.

⁵ It should be noted that parts of central and eastern Southport also contain pockets of deprivation

2 Considerations Applicable to all Proposals

- 2.1 Subject to proposals meeting other policy requirements, the following section sets out the Council's approach towards proposals involving the loss of employment land / premises to other uses⁶. Whilst all applications will be assessed on their merits, the Council's starting point will be to seek to retain all suitable employment sites in continued employment usage.
- 2.2 This section sets out the criteria that can be used to justify an exception to the Council's position. Where one or more of these criteria can be satisfactorily demonstrated, then non-employment uses may be considered.
- 2.3 The criteria set out in this section are applicable to all proposals in Sefton. Additional criteria relating to proposals in North Sefton can be found at section 3, and additional criteria relating to proposals in South Sefton can be found at section 4.
- 2.4 The criteria contained in this section are set out in detail below, and are listed under the following headings:
- Lack of demand for employment uses
 - Long-term vacancy
 - Overriding residential amenity considerations
 - Overriding highways considerations
 - Proposals for affordable housing
 - Sites below 0.1 hectares
 - Overriding regeneration considerations
 - Relocation of businesses within Sefton
 - Proposals for mixed-use development
 - Frontages that form a functional part of a town, district or local centre
 - Proposals that involve the preservation / restoration of historic buildings.
 - Sites considered unsuitable for employment use in Sefton's Employment Land & Premises Study
 - Proposals for economic development uses
 - Larger sites with very low employment outputs

⁶ As discussed in Section 1, this SPD does not apply to land or premises that are currently allocated / designated for employment purposes.

- Re-conversion of former houses
- Employment uses that share a significant party wall with an existing dwelling

Lack of demand for employment uses

- 2.5 Non-employment uses will be considered where a developer / prospective applicant can clearly demonstrate that there is a lack of demand for continuing employment uses on the site. In order to satisfactorily demonstrate a lack of demand, developers and prospective applicants will need to demonstrate that a period of active and continuous marketing has taken place. The Council's marketing requirements are set out at section 5 of this SPD.
- 2.6 In assessing a lack of demand for a site, factors such as irregular site shape (which is exceptional in the local context) and abnormal practical constraints will be given due consideration. In certain instances, a marketing exercise will not be required where sites are exceptionally constrained.

Long-term vacancy

- 2.7 Where it is demonstrated that an employment use has ceased for more than 5 years, alternative uses will normally be positively considered. In these circumstances, applicants will not be required to demonstrate a lack of demand for employment uses on the site through active marketing.
- 2.8 In order to demonstrate a long-term vacancy, developers and prospective applicants must provide clear evidence that the employment use has been extinguished for more than 5 years. This could take the form of business rates or other suitable information which should be submitted alongside any planning application.

Overriding residential amenity considerations

- 2.9 Non-employment uses will be considered on sites that are deemed to have an unacceptable impact on the residential amenity of neighbouring properties. Where sites have been vacant for less than 5 years this provision would apply to the use that was previously in place.
- 2.10 For an overriding amenity consideration to apply it would need to be clearly demonstrated that residential amenity is being negatively affected by the current use. This will need to be substantiated by evidence, usually in the form of complaints made over a number of years to the Council's Environment Protection Department. Less weight will be attached to complaints where they have been made by only one neighbour, or where no follow up action has been considered necessary by the Council's Environmental Protection Team.
- 2.11 It will not be acceptable to argue that overriding residential amenity considerations apply solely on the basis that a site is in proximity to housing. The vast majority of employment sites in the Borough have been in-place for many years and have not harmed the amenity of neighbouring properties.

Overriding highways considerations

2.12 Where it can be satisfactorily demonstrated that an existing employment use generates:

- significant highways safety issues, or;
- significant localised congestion, or;
- significant local parking problems, or;
- unacceptable HGV⁷ movements through a residential area;

other uses will be considered favourably where the new use would significantly improve these problems. This would need to be demonstrated to the satisfaction of the Council's Highways Development Control section.

Proposals For Affordable Housing

2.13 Proposals that include a level of affordable housing above the normal policy requirement will be given additional weight as part of this SPD. Any additional weight will be proportionate to the level of provision secured over and above the current policy requirement, but will need to be carefully balanced against the loss of jobs/employment land. Proposals for 100% affordable housing will usually be considered acceptable in principle.

2.14 Affordable housing proposals will be given greater weight in settlements that are identified as having significant local affordable housing needs.

2.15 Proposals that include affordable housing should comply with Sefton's affordable housing policies and definitions, which can be viewed on the Council's web-pages at <http://www.sefton.gov.uk/shma>.

Sites below 0.1 hectares

2.16 Employment sites below 0.1 hectares in size will be exempt from the provisions of this SPD. Proposals for non-employment uses on these sites will be considered acceptable in principle.

Overriding regeneration considerations

2.17 There are a number of major regeneration initiatives that operate within Sefton, including the New Heartlands Housing Market Renewal (HMR) Programme.

⁷ Heavy Goods Vehicle

Proposals that form part of a major regeneration programme or initiative but result in the loss of employment land will usually be considered favourably.

2.18 In order to meet this criterion the proposed development would have to be guided by a wider, Council approved, framework or strategy which has the explicit aim of delivering regeneration across a broader area.

2.19 It will not be acceptable for a developer or prospective applicant to argue that the replacement of an employment use with housing constitutes regeneration.

Relocation of businesses within Sefton

2.20 Proposals that involve the relocation of a business within Sefton will be considered favourably where it can be clearly demonstrated that:

- The relocation is necessary to expand or modernise the business, and;
- There are no job losses associated with the relocation, and;
- The relocation is wholly to land / premises within Sefton, or exceptionally, to neighbouring authorities.

2.21 In such circumstances, the Council may need to condition the planning approval to ensure that the relocation is achieved.

Proposals for mixed-use development

2.22 Proposals for mixed use development on employment sites may be acceptable where:

- A higher quality employment development is secured on a significant proportion of the site (usually at least 50%), or
- The employment element will accommodate at least an equivalent number of jobs as the current use.

2.23 Where mixed use schemes are proposed, these should ensure that the new employment element would not cause amenity issues to neighbouring properties.

Frontages that form a functional part of a town or local centre

2.24 Where an employment use is located within a town centre, and contains frontages that functionally perform as part of that centre, appropriate town centre uses will be considered at ground floor level. This provision applies to all identified Town Centres, District Centres, and Local Centres in Sefton⁸.

⁸ As identified under UDP Policy R1

- 2.25 Within shopping parades that are outside of an identified centre, conversions at ground floor level from class B1 to other appropriate town centre uses will be considered.
- 2.26 This provision is intended to support the vitality and viability of existing retail centres and shopping parades through facilitating appropriate town centre development.

Proposals that involve the preservation / restoration of historic buildings

- 2.27 Alternative uses may be considered for proposals that secure the preservation or restoration of buildings that contribute to the Borough's heritage. Buildings of heritage value include listed buildings and buildings which positively contribute to the character of a Conservation Area.

Sites considered unsuitable for employment uses in Sefton's Employment Land & Premises Study

- 2.28 The joint Employment Land & Premises Study made an assessment of all sites submitted through Sefton's 'Call for Sites' exercise that were currently or last in employment use. Where the Study has indicated that the site should not be retained for employment purposes, other uses may be considered. The analysis of sites that were submitted as part of the Call for Sites can be found at appendix 35 of the Study, which can be viewed at <http://www.sefton.gov.uk/elps>.

Proposals for economic development uses

- 2.29 Proposals for wider 'economic development' uses on employment land will usually be considered acceptable in principle (with the exception of town centre uses). PPS4 defines 'economic development' as development that:
- provides employment opportunities
 - generates wealth or
 - produces or generates an economic output or product
- 2.30 This definition specifically excludes housing development.

Larger sites with very low employment outputs

- 2.31 Where an operational site above 0.4 ha accommodates fewer than 10 jobs, and where a subsequent intensification would give rise to potential residential amenity and/or access issues, the Council may consider that greater planning benefit is secured by allowing the site to be redeveloped for other uses.
- 2.32 Alternatively, where sites are proposed that are partially used for employment purposes, other uses may be permitted where:

- The employment use occupies a small part of the wider site, typically less than 25%, and;
- Any loss of jobs would be minimal.

Re-conversion of former houses

- 2.33 Where employment uses take place in converted buildings that were originally used as houses, proposals to re-convert such properties back into housing will usually be considered acceptable in principle.

Employment uses that share a significant party wall with an existing dwelling

- 2.34 Where a building in employment use shares a party wall with an existing dwelling, and its reuse for employment purposes could harm residential amenity, conversion to residential use will usually be considered acceptable in principle.

Additional Considerations / Potential Constraints

Sites with planning permission for non-employment uses

- 2.35 Where a site has previously been granted planning permission for a non-employment use, but this permission has subsequently expired, little weight will be attached to the expired permission in determining a new proposal.

Contaminated land

- 2.36 Given the historic uses of many of the employment sites in Sefton, contamination could potentially be an issue. The Council's Contaminated Land Team should be consulted on proposals where appropriate.

Flood Risk

- 2.37 Development proposals for some sites could be affected by flood risk. Applicants should refer to Sefton's Strategic Flood Risk Assessment (SFRA) web-pages (see <http://www.sefton.gov.uk/sfra>), where flood risk maps are available to download. It is also recommended that developers speak to Council Officers, and where appropriate Officers at the Environment Agency, at an early stage prior to submitting a planning application. In some cases site Flood Risk Assessments will be required. Relevant contact details can be found at chapter 7.

3 Additional Criteria Applicable to Proposals in North Sefton

- 3.1 In addition to the considerations outlined in section 2, the following criteria will be taken into account in considering proposals in North Sefton. These additional criteria reflect the competing land needs that are experienced in the North of the Borough.

(insert map of North Sefton)

Shortage of Employment land in North Sefton

- 3.2 There is a greater shortage of employment land in North Sefton than in the rest of the Borough. Only 24% of the industrial areas in Sefton are in Southport and Formby, which account for 41.5% of the Borough's population. There are also no obvious new sites to allocate for employment development in the area. The number 'backland' and other employment sites therefore perform an important role in the local economy, as is recognised by the Employment Land & Premises Study.
- 3.3 Accordingly, a more cautious approach will be taken to loss of sites currently or last in employment uses in North Sefton. Clear justification against one of the 16 criteria set out above will be required, with limited scope for flexibility beyond this.

4 Additional Criteria Applicable to Proposals in South Sefton

- 4.1 In addition to the considerations outlined in section 2, the following criteria will also be applied to proposals in South Sefton.

(insert map of South Sefton)

- 4.2 Whilst the joint Employment Land & Premises Study identified a shortfall of employment opportunities across the Borough, the shortage in South Sefton is less severe than in the North. Accordingly, this section sets out the following additional considerations that may justify development for non-employment uses in South Sefton.

Proposals that secure a regeneration benefit

- 4.3 Significant areas of South Sefton experience high levels of deprivation. The highest concentrations (according to the 2007 Indices of Multiple Deprivation [IMD]) occur in the settlements of Bootle, Litherland, Netherton and Seaforth.
- 4.4 Given the high concentrations of deprivation in these areas, proposals for non-employment uses that demonstrate significant regeneration benefits may be considered acceptable. In order to meet this criterion, proposals will be located in Super Output Areas (SOAs)⁹ identified in the most recent IMD as amongst the 20% most deprived nationally.
- 4.5 The regeneration benefits of a scheme may be wide-ranging, and it is the responsibility of the applicant to set out these benefits to support their proposal.

⁹ SOAs are small geographical areas used for the gathering of neighbourhood level information.

5 Marketing Requirements

- 5.1 This section sets out the marketing requirements that need to be met in order to demonstrate lack of demand for continuing employment uses on a particular site.
- 5.2 Developers / prospective applicants will need to provide evidence that an appropriate marketing exercise has been undertaken. This should take the form of a formal marketing submission, to be undertaken by a qualified professional valuer. As part of this, the site should be marketed at a realistic price / rent for a period of not less than 2 years. For larger sites (over 0.4 ha) marketing should include an exploration of the possibility of sub-division into smaller plots / units. Where a property is marketed for rent, the Council will need to be clear that an apparent lack of demand is not a result of unreasonable terms and / or conditions, etc.
- 5.3 The marketing exercise should include continuous advertisement on the agent's website and the agents own papers and lists of commercial/business premises (if applicable). Additionally, there should be continuous advertisement on site by way of an agent's advertisement board on each frontage to the highway. Where appropriate, marketing should also include advertisements in the relevant professional/technical and local press.
- 5.4 Evidence relating to site marketing should be incorporated as part of any planning application. This should include:
- Evidence of 2 years of active and continuous marketing. This should include the asking price / rent quoted, as well as the extent of the advertising / marketing that took place. Copies of any adverts placed should also be included in the application.
 - A record of all expressions of interest and offers received. This should include the reasons for the rejection of any offers, and the reasons given where an initial interest was not followed up. Where appropriate, applicants will be permitted to submit commercially sensitive information on a confidential basis.
 - Evidence of engagement with the Council's InvestSefton Team throughout the marketing period. Our InvestSefton Team have extensive links with local businesses and will be happy to assist in finding alternative purchasers / tenants for sites.
- 5.5 Marketing submissions will be referred to the Council's InvestSefton Team for assessment. In assessing the marketing exercise, it will be expected that the extent/appropriateness of any advertising undertaken is proportionate to the size, prominence, and importance of the site.
- 5.6 In all instances, the Council will need to be satisfied that the apparent lack of demand for, or vacancy of, a site has not been wilfully engineered by the applicant. This could be by virtue of the factors mention in para 5.2 (above), or other factors that may artificially inhibit demand.

6 Background Documents

National Level

- Planning Policy Statement Note 4 'Planning for Sustainable Economic Growth' (December 2009)
- Planning Policy Statement 3 'Housing' (June 2010)
- Planning Policy Guidance Note 13 'Transport' (March 2001)

Local Level

- Sefton Unitary Development Plan (June 2006)
- Joint Employment Land & Premises Study (January 2010)
- Sefton Strategic Housing Land Availability Assessment (February 2010)
- Sefton Strategic Housing Market Assessment (June 2009)

7 Relevant Contacts

Development Management Team: 0151 934 2207

For planning applications and pre-application advice

Strategic Planning & Information Team: 0151 934 3555

For information relating to this policy document

InvestSefton: 0151 934 3444

For information relating to marketing exercises

Local Planning Team: 0151 934 3560

For information on Flood Risk issues

Contaminated Land Team: 0151 934 4030

For information relating to land contamination and remediation

Appendix 1 – Sustainability Appraisal

<i>Sustainability Appraisal Framework</i>						
Document/Action Appraised: draft 'Safeguarding Employment Land' SPD						
Department: Planning & Economic Development						
Completed by: Tom Hatfield						
Date: 25-08-2010						
Sustainability objective		Score			Comment	
1	More and successful businesses	☺				The draft SPD will help to ensure that there are a varied supply of premises available for local businesses, and will not prevent future expansion or relocation.
	Will it improve the competitiveness and productivity of business, help increase the number of new and expanded businesses and help to safeguard existing businesses by providing opportunities for future expansion or relocation?					
2	Keeping local jobs and less unemployment	☺				The draft SPD will help to ensure the retention of local businesses and employment.
	Will it help maintain high and stable levels of employment, increase employment opportunities and reduce long-term unemployment?					
3	Thriving town and local centres	☺				The draft SPD contains a provision to allow the redevelopment of employment sites within town centres for appropriate town centre uses
	Will it enhance the vitality and viability of town and local centres?					
4	Sefton as a great place to live, relax, work, and do business			☹		Some less visually attractive premises would be retained by virtue of this SPD
	Will it help develop and market the image of Sefton as a place to live, work, visit, enjoy and invest in, and for leisure, recreation and tourism?					
5	Better access to services	☺				Retention of local jobs and services encouraged by the SPD
	Will it improve local accessibility of goods, people, jobs, services and amenities, including publicly accessible open space?					
6	Good, affordable housing	☺				The draft SPD allows for schemes that provide 100% affordable housing to come forward. Proposals for a level of affordable housing above the current policy requirement would also be given additional weight.
	Will it provide good quality, affordable and resource efficient housing, and help meet an identified local housing needs (including renewal of the existing housing stock, addressing failing and unbalanced housing markets and providing housing choice)?					
7	Quality new development		☹			No major impact
	Will it help promote good design in development, respecting local character and adding local distinctiveness?					
8	Reducing use of natural resources		☹			No major impact

	Will it ensure energy, water and mineral resources are used prudently and efficiently and increase energy generated from renewable sources?					
9	Less rubbish and more recycling				N/A	Not applicable
	Will it minimise the production of waste and increase re-use, recycling and recovery rates?					
10	Good water quality				N/A	Not applicable
	Will it help protect, improve and where necessary, restore the quality of groundwater, inland, estuarine and coastal waters?					
11	Good air quality		☹			No major impact
	Will it protect, and where necessary, improve local air quality?					
12	Restoring and keeping land quality				N/A	Not applicable
	Will it protect, manage and restore land and soil quality, including best and most versatile agricultural land, or help to reclaim derelict land, and develop brownfield sites and buildings and so minimise development on greenfield sites and urban greenspaces?					
13	More walking, cycling and use of public transport	☺				Retention of local jobs and services will help to reduce the need to travel
	Will it help reduce the need to travel and improve choice and use of more sustainable transport modes?					
14	Improving <i>your</i> environment		☹			Neutral impact. Where employment premises generate amenity issues then alternative uses will be positively considered.
	Will it help protect, manage and, where necessary, improve local environmental quality including graffiti, litter, noise issues, and to improve tree cover in Sefton?					
15	Dealing with climate change				N/A	Not applicable
	Will it help to mitigate and adapt to climate change, including flood risk?					
16	Conserving nature - rare and special plants, animals and the places where they live				N/A	Not applicable
	Will it protect, enhance and manage biodiversity, wildlife potential, the viability of endangered species, habitats and sites of geological importance?					
17	Caring for Sefton's buildings and heritage	☺				The draft SPD contains a provision to allow the redevelopment of employment sites where this would involve the preservation / restoration of a historic building
	Will it protect, enhance, manage and encourage the adaptation and re-use of Sefton's rich diversity of cultural, built environment and archaeological assets?					
18	Caring for the landscape				N/A	Not applicable

	Will it protect, enhance and manage landscape character, quality and accessibility, including its historic, biological, geological and landscape features?					
19	Reducing inequalities and increasing opportunities for everyone	☺				The draft SPD will ensure that local employment opportunities are retained.
	Will it help reduce poverty and social deprivation and secure economic inclusion, and improve equity and equality of opportunity in relation to housing, employment, community facilities and services?					
20	A safer Sefton, with less crime		☹			Neutral impact
	Will it help improve safety and reduce crime, disorder and fear of crime?					
21	Better health for everyone		☹			Neutral impact
	Will it help improve health and reduce health inequalities?					
22	Better education and training		☹			Neutral impact
	Will help improve educational attainment, training and opportunities for lifelong learning and employability?					
23	Community involvement & a fair and robust society				N/A	Not applicable
	Does it help support voluntary and community networks, assist social inclusion and ensure community involvement in decision making?					