

# **Identified Employment Land Supplementary Planning Document Consultation Document 2020**



**June 2020**



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# 1. Introduction and general advice

- 1.1 Within the Borough area, the Council ensures that sufficient land is available for a number of different uses, including, housing, retail, leisure and employment.
- 1.2 This Supplementary Planning Document (SPD) is a planning policy document that focuses specifically on the Identified Employment Areas within the Borough of Oadby and Wigston. The document seeks to supplement the related policies set out within the Council's Local Plan, as well as offering advice and guidance to any prospective development proposal situated within one of the Borough's Identified Employment Areas. Alongside the Local Plan, this SPD will help the Council approach all planning decisions in a positive and robust way.
- 1.3 In addition to adopted planning policy, this SPD seeks to help deliver the vision and objectives of the Council's Local Plan and Corporate Plan as well as its Economic Development objectives. The Council is committed to achieving these objectives and seeks to actively encourage new suitable employment development within the Borough coupled with retaining a suitable supply of developable land for employment purposes as well as creating sustainable job opportunities for the local community.
- 1.4 The term 'employment use' is a term that has been embedded within the Planning System for many years, and refers to any use falling within a B Class Use as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses falling within the B Class Use comprise;
- **B1 Business** – Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
  - **B2 General industrial** – Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste), and
  - **B8 Storage or distribution** – This class includes open air storage.
- 1.5 It should be noted that in planning terms, 'employment use' does not refer to any activity that provides employment. It relates specifically to those uses mentioned above which are uses that need to be located together and which it would not be appropriate to locate in, for example, a residential area. For clarity, the term 'employment use' does not include non B Class Uses.
- 1.6 As stated within the National Planning Policy Framework (NPPF), Planning Law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF also requires local authorities to help build strong, responsive and competitive economies by ensuring that sufficient land of the right type(s) is available in the right places.
- 1.7 It should be noted that not all employment development proposals require planning permission before they can begin works. Works that do not require planning permission are referred to as Permitted Development. Permitted Development rights are set out within the governments General Permitted Development Order.

Further information can also be found out by contacting the Council's planning service.

- 1.8 Pre-Application Advice with the relevant local planning authority is promoted through the NPPF, which suggests that the more issues that can be resolved at pre-application stage, the greater the benefits. It goes on to suggest that 'early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community'.
- 1.9 Pre-application advice is available (from the Council) to anyone who is thinking about submitting an application to the Council; however it is always encouraged that an applicant employs the services of a professional architect and / or an independent planning expert if they need help with the design of a scheme, as the Council cannot undertake such work.
- 1.10 In addition, it is advised by the Council that prior to pre-application discussions taking place and / or the submission of a planning application proposal for employment related development, the applicant should check to see whether there are any existing planning restrictions, covenants on the deeds and / or Party Wall Act restrictions related to the proposal site.
- 1.11 Further information relating pre-application and planning application advice can be found at the following - [https://www.oadby-wigston.gov.uk/pages/do\\_i\\_need\\_planning\\_permission\\_pre\\_application\\_advice](https://www.oadby-wigston.gov.uk/pages/do_i_need_planning_permission_pre_application_advice).

### **Material considerations in decision making**

- 1.12 It should be noted that although government guidance specifies that all planning decisions must be taken in accordance with the development plan – in the Council's case the adopted Local Plan – material considerations can be taken into account where relevant.
- 1.13 The scope of what constitutes a material consideration is wide ranging and it is for the decision maker (Members at DC Committee and Case Officers) to set out what the material considerations are and what weight should be afforded to them.
- 1.14 Although there is no specific list of material considerations, a recent Local Government Association publication (Probity in Planning – Advice for Councillors and Officers Making Planning Decisions December 2019) does suggest that personal circumstances of an applicant would rarely satisfy the test.
- 1.15 The National Planning Practice Guidance, states that 'the planning history of a site may be a relevant consideration in the determination of an application.
- 1.16 Further, significant downturn in the UK or Global economy may also be a relevant consideration in the decision making process.

## 2. Local Plan related policy and other guidance

- 2.1 The Council's Local Plan sets out planning policy relating specifically to Identified Employment Areas. These policies set out the Council's policy approach to specific employment related aspects and will need to be taken account of when any new prospective development proposal is being drawn up / proposed.
- 2.2 Chapter 3 of this document sets out supplemental advice and guidance in relation to the specific identified employment areas planning policy (listed below).
- Policy 25 Protecting Identified Employment Areas
- 2.3 Chapter 3 of this document also seeks to help an applicant interpret the listed policy. It should be noted, that not all employment related policies are listed.

### ***Policy 25 Protecting Identified Employment Areas***

*Identified Employment Areas (illustrated in the Council's Adopted Policies Map) will be protected from inappropriate development, redevelopment and change of use. The Council will also enhance the identified areas through appropriate development.*

*In accordance with guidance set out in the Council's Employment Sites Supplementary Planning Document and the Employment Land and Premises Study, the 'Core' Identified Employment Areas will be safeguarded for B1a, B1b, B1c, B2 and B8 uses only. Any change of use from a B class use will not be permitted.*

*Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):*

- *will not have an adverse impact on any other employment use(s) in the identified employment area in which it is located;*
- *will not significantly reduce the overall supply and quality of employment land and premises within the locality;*
- *will deliver economic regeneration benefits to the site and / or area or there will be a significant community benefit which outweighs the impact;*
- *will involve a vacant building for which there is clear and robust evidence of proactive marketing (a minimum of twelve months), with registered commercial agents at a reasonable price, to demonstrate that there is no realistic prospect for continued employment use; and,*
- *the site / premises are no longer suitable or reasonably capable of being redeveloped for employment purposes.*

*This Plan allocates 0.55 hectares of employment use land (B1, B2 and / or B8 use) adjacent to Magna Road Identified Employment Area in South Wigston. The allocation is illustrated on the Council's Adopted Policies Map.*

- 2.4 In addition to other relevant local policies set out within the Council's Local Plan; national policy set out within the National Planning Policy Framework (NPPF) and guidance set out within the National Planning Practice Guidance (NPPG), will also be of relevance in certain employment development related cases.
- 2.5 When preparing any planning application, the applicant must take account of the NPPF, particularly where it states that planning *'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'*. The Council will also take account of the NPPF throughout the decision making process.
- 2.6 To ensure that the Borough area has sufficient land supply of much needed B Class Uses, the Council allocates specific areas known as 'Identified Employment Areas'; which are mapped on the Council's Adopted Policies Map. The Borough area has 8 such areas (see table below paragraph 2.9 for the names of these areas). Alongside the Health and the Education sectors, Manufacturing employs the highest number of people within the Borough area (13.2 per cent each). The 'employment sector' (B Class Uses) as a whole, employs over 20 per cent of all those people with jobs in the Borough. Thus, B Class employment businesses are vitally important to the Borough's workforce.
- 2.7 The Identified Employment Areas within the Borough have been designated for over 20 years and are areas that have the highest concentration of larger scale, long standing employment uses. It is a priority, at both a local and national level, for these areas to be safeguarded from inappropriate development that negatively affects the critically important role that they play within the local economy. It is important to note, that once lost or diluted, it is very difficult to replace Identified Employment Areas. In addition, due to the nature of employment uses, for example, the times at which they operate and the regular vehicle movements, it is fitting to have all such uses within the same areas, as it is with leisure and retail uses within town and district centres.
- 2.8 The Council is aware that national policy and guidance, suggests that local authorities should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The Council is proactive in its approach, and does not protect employment land for the 'sake of protecting it'. In order to manage our proactive approach, the Local Plan includes a hierarchy of Identified Employment Area categories. Each of the Identified Employment Areas within the Borough has been assessed and has been classified within a specific category. The site categories are 'Core', 'Base' and 'Release'. Each of the three category definitions below have been taken from the Council's Employment Land and Premises Study.
- **Core Employment Site:** *Good quality employment site, serving incoming or local clients with a local, regional and national presence and of a scale and vibrancy to be regarded as a highly important contributor to the local economy. The 'Core Employment Sites' should be safeguarded and pressure from none B-Class uses resisted.*

- **Base Employment Site:** *These sites are very important sites for the market at present, providing valuable employment premises. Loss of employment uses should be resisted, except where the only way to stimulate the re-use of property is through a mixed-use redevelopment site. The presumption is therefore in favour of employment use. However, in circumstances where there has been long term vacancy of obsolete buildings, then a degree of flexibility should be exercised within this category, combined with proactive support to bring new modern employment (non B-Class) re-use.*
- **Release Employment Site:** *These are obsolete employment sites and premises that are no longer suitable for modern requirements because they are dominated by buildings that have come to the end of their economic life and have been vacant for a long time, combined with poor site suitability in terms of access, site layout and location. Release Employment Sites should be released from the employment sites portfolio and released for other usage.*

2.9 The Identified Employment Land area categories are shown below, along with the different identified areas in each category. (note – there are currently no ‘Release’ sites).

Core Identified Employment Areas	Base Identified Employment Areas
Magna Road in South Wigston	St Thomas Road in South Wigston
Tigers Close in South Wigston	North Street in Wigston
Chartwell Drive in Wigston	Cross Street / Regent Street in Oadby
Gloucester Crescent in South Wigston	Kenilworth Drive in Oadby

2.10 In addition to protecting existing employment areas within the Borough, the Council is required by government to provide additional employment land, to take account of ‘churn’ within existing employment areas, as well as the increase in the number of people living within the Borough’s communities. Provision of employment land within the Borough helps to create local job opportunities, reduce out-commuting, reduce the reliance on motor vehicles and promote sustainable local communities. There is therefore a link between this Policy and the Council’s Environment Strategy.

2.11 In the context of employment uses, ‘churn’ is defined as the movement of businesses within employment areas within the Borough or those lost to or gained from outside of the Borough. For example, if a newly formed business grows and begins to employ more people, it will inevitably need to increase the size of its premises to accommodate the additional staff. Thus, the business would either move to larger premises and leave the previously occupied smaller premise empty or enlarge its existing premises.

- 2.12 Identified Employment Land within the Borough, in general, tends to be attractive to businesses due to the lower rental values and land values. Neighbouring local authorities, tend to have higher rental and land values, therefore maintaining a healthy supply of identified employment land within the Borough area is important.

**Reasons for applying adopted planning policy**

- 2.13 As mentioned in paragraph 2.10 and 2.12, maintaining a healthy supply of identified employment land is vital for local employment and commuting, as well as businesses looking for more affordable rental values and land values. Maintaining supply can only be managed by applying planning policy appropriately.
- 2.14 In addition, maintaining a healthy supply of Identified Employment Land restricts the need for the Council to allocate further land for employment purposes. Losing existing Identified Employment Land to non employment uses means that the Council will need to find additional land to negate such losses. Due to the compact urban nature of the Borough area, the additional land would more than likely be greenfield land towards the urban peripheries and Borough boundary countryside edges. Losses in supply can only be managed by applying planning policy appropriately.



### **3. Specific advice and guidance**

- 3.1 This Chapter sets out specific advice and guidance for all employment related development situated on Identified Employment Land Areas located within the Borough.

#### **Sequential test**

- 3.2 Paragraph 86 (or equivalent paragraph in any update) of the NPPF states that local planning authorities should apply a sequential test to proposals for main town centre uses that are not located within an existing centre, nor is in accordance with an up-to-date Plan.
- 3.3 Main town centre uses are defined in Appendix 2: Glossary (or equivalent section in any update) of the NPPF. The definition includes (but is not limited to) retail development, bars, restaurants, fitness centres (gyms), cultural development and tourism development.
- 3.4 Both the NPPF and the NPPG set out the requirements of a sequential test. It is explicitly stated that it is for the applicant to demonstrate compliance with the sequential test. It is for the Council to assess such test. In order to comply with the requirements of the NPPF, the applicant must satisfy the Local Authority (through a sequential test) that there are no other town, district or local centre units / sites or alternative units / sites in other locations within the Borough that are more suitable at this time. The NPPG sets out further guidance on the application of the sequential test.
- 3.5 National policy and guidance is also clear when it states that failure to undertake a sequential test could in itself be reason for a planning application refusal. On the flip side, undertaking an up to date and robust sequential test that is passed as satisfactory, does not guarantee that planning permission will be granted, as all other policy and material considerations will need to be taken into account prior to a decision being made.
- 3.6 Please note that the Council will only take account of the sequential test on Base Identified Employment Land Areas only. There is no policy flexibility afforded to Core Identified Employment Land Areas, therefore the sequential test would not be relevant.

#### **Ancillary or Complementary Uses**

- 3.7 If a non B Class Use is proposed that is deemed to be ancillary and / or complementary (by the Council) to the existing B Class Use (and / or the proposed B Class Use), the Council may be flexible in the application of Local Plan Policy 25 on the ancillary / complementary element of the proposal.
- 3.8 The Council may be flexible in the application of Policy 25 for ancillary and / or complementary proposals on both Core and Base Identified Employment Land Areas.
- 3.9 Although there will be circumstances when the Council will allow a level of flexibility for ancillary / complementary non B Class uses, it is for the applicant to fully justify /

evidence to the Council why the ancillary / complementary use is required for the carrying out of the main B Class Use that the proposal is ancillary / complementary to. If the Council does not consider that the appropriate level of evidence has been provided, the proposal cannot be recommended for approval.

### **Use of Upper Floors**

- 3.9 Any proposal for development of non B Class Use(s) at upper floor levels will be treated in the same way as ground floor development proposals. Local Plan Policy 25 will be applied consistently on any floor of a development proposal.

### **Core Designated Identified Employment Land Areas**

- 3.10 For any land and / or property situated within a Core Identified Employment Area, the 1<sup>st</sup> and 2<sup>nd</sup> paragraphs of Local Plan Policy 25 will apply. The relevant policy paragraphs are set out below.

*Identified Employment Areas (illustrated in the Council's Adopted Policies Map) will be protected from inappropriate development, redevelopment and change of use. The Council will also enhance the identified areas through appropriate development...*

*...In accordance with guidance set out in the Council's Employment Sites Supplementary Planning Document and the Employment Land and Premises Study, the 'Core' Identified Employment Areas will be safeguarded for B1a, B1b, B1c, B2 and B8 uses only. Any change of use from a B class use will not be permitted.*

- 3.11 In short, the Policy does not allow for any changes of use from B Class Use as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended). In addition, this SPD guidance document fully supports the application of Local Plan Policy 25 and does not allow for any changes of use from B Class Use within 'Core' Identified Employment Land Areas.
- 3.12 This is because the Council does not wish to lose high quality employment sites and / or prestigious businesses that are capable of competing for investment at a regional / sub-regional level.
- 3.13 As shown in the table under paragraph 2.9 of this report, the four Identified Employment Areas that are categorised as 'Core', are; Magna Road in South Wigston, Tigers Close in South Wigston, Chartwell Drive in Wigston, and Gloucester Crescent in South Wigston.
- 3.14 All of the Identified Employment Areas within the Borough are illustrated on the Council's latest Adopted Policies Map. For ease, all of the Identified Employment Area plans / boundaries are also contained within the appendices of this document.

### **Base Designated Identified Employment Land Areas**

- 3.15 For any land and / or property situated within a Base Identified Employment Area, the 1<sup>st</sup> and 3<sup>rd</sup> paragraphs (including the bullet points) of Local Plan Policy 25 will apply. The relevant policy paragraphs are set out below.

*Identified Employment Areas (illustrated in the Council's Adopted Policies Map) will be protected from inappropriate development, redevelopment and change of use. The Council will also enhance the identified areas through appropriate development...*

*... Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):*

- *will not have an adverse impact on any other employment use(s) in the identified employment area in which it is located;*
- *will not significantly reduce the overall supply and quality of employment land and premises within the locality;*
- *will deliver economic regeneration benefits to the site and / or area or there will be a significant community benefit which outweighs the impact;*
- *will involve a vacant building for which there is clear and robust evidence of proactive marketing (a minimum of twelve months), with registered commercial agents at a reasonable price, to demonstrate that there is no realistic prospect for continued employment use; and,*
- *The site / premises are no longer suitable or reasonably capable of being redeveloped for employment purposes.*

3.16 For those areas categorised as 'Base', there is flexibility afforded to change of use from B Class Use, should an applicant be able to demonstrate that the proposal conforms to the 5 bullet point criteria set out within Local Plan Policy 25. For avoidance of doubt, a proposal must conform to all 5 bullet criteria, if flexibility is to be afforded.

3.17 Although flexibility is afforded to 'Base' Identified Employment Areas, due to the importance of Identified Employment Areas to the Borough's economy, the Council has to be confident that continued employment uses are no longer viable and / or achievable, before change of use permission is granted. It should be noted that it is for the applicant to prove to the Council that a proposal conforms to the 5 bullet criteria. It is not for the Council to prove such.

3.18 This type of criteria based approach to flexibility in uses, is an approach that is used by a number of local authorities within England with regard to employment land.

3.19 To aid applicants submitting proposals for change of use, and to aid Council decision making, the below paragraphs set out advice and guidance relating to each of the bullets set out at Local Plan Policy 25. In addition, the below will set out what the minimum levels of information is required from an applicant when a change of use proposal is submitted.

Bullet 1:

*Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):...*

- *will not have an adverse impact on any other employment use(s) in the identified employment area in which it is located;*

- 3.20 It should be noted that there are no set thresholds by which adverse impacts on any other employment use(s) within the Identified Employment Area are assessed. Adverse impacts will be assessed on a case by case basis.
- 3.21 Identified Employment Land Areas by design are areas of high vehicle movements, particularly large vans and HGV's, (as well as low pedestrian movements). Such vehicle movements, in general are reliant on wider uncongested roads not affected by on-street parked cars and high levels of pedestrian movements. Any proposal that has the potential to negatively affect existing vehicle movements, through the generation of on-street parked cars, or increase the conflict between vehicle movements and pedestrians will not be considered favourably. Also any proposal that has the potential to put pedestrians at risk will not be considered favourably.
- 3.22 In addition, if a non B Class Use is proposed that has the potential to have a negative impact on the running of existing employment uses, for example, insurances / security costs increase due to extended opening hours of a site, then the proposal would not be considered favourably.
- 3.23 If the Council considers that the information provided is insufficient to conform to bullet 1 of Local Plan Policy 25, and there are no overriding material considerations, the planning application cannot be recommended for approval. As a result, the Council will either;
- 1) advise the applicant to withdraw the application and address the concerns identified by the Council (if it is possible to do so);
  - 2) advise the applicant that they can continue in the knowledge that the application cannot be recommended for approval; or
  - 3) refuse the planning application.

Bullet 2:

*Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):...*

- *will not significantly reduce the overall supply and quality of employment land and premises within the locality;*

- 3.24 It should be noted that there are no set thresholds by which employment losses will be classed as 'significant'. Losses of employment land and premises through changes of use and / or redevelopment will be assessed on a case by case basis relevant to the Identified Employment Land Area the loss occurs in.
- 3.25 Due to the varying sizes and nature of Identified Employment Land Areas within the Borough, something that is classed as 'significant' in one may not be classed as 'significant' in another.
- 3.26 Although there will not be a set threshold; a consistent measure will be used across all of the Identified Employment Land Areas. Any losses of employment land or premises proposed within an application will be assessed against the Identified Employment Land Areas overall land area. All measurements will be assessed in square metres. For clarity, the loss will be assessed in square metres and illustrated as a percentage loss of the overall employment area.
- 3.27 If the Council considers that the information provided is insufficient to conform to bullet 2 of Local Plan Policy 25, and there are no overriding material considerations, the planning application cannot be recommended for approval. As a result, the Council will either;
- 1) advise the applicant to withdraw the application and address the concerns identified by the Council (if it is possible to do so);
  - 2) advise the applicant that they can continue in the knowledge that the application cannot be recommended for approval; or
  - 3) refuse the planning application.

**Bullet 3;**

*Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):...*

- *will deliver economic regeneration benefits to the site and / or area or there will be a significant community benefit which outweighs the impact;*

- 3.28 In order to conform to the 3<sup>rd</sup> bullet point of Local Plan Policy 25, an applicant would need to fully demonstrate to the Council that the proposed non B Class Use has an economic regeneration benefit or a significant community benefit.
- 3.29 There are no set thresholds by which economic regeneration benefits or significant community benefits will be assessed, however the following will be taken into account during any assessment being made by the Council.

**Number of people being employed**

- 3.30 In consideration of 'economic regeneration benefit' the number of employees in the existing use and the proposed use should be taken into account (but the decision is not limited to only this). For example, if a B8 Use Class Storage Facility employs 5

people, and the proposed non B Class Use employs 50 people, the positive increase in the number of employees should be looked at favourably. However, it should be noted, that positive increases in employee numbers should only be taken into account for the purpose of the applications assessment against the 3<sup>rd</sup> bullet of Local Plan Policy 25. Increase in employee numbers should not on its own be a material consideration in decision making.

- 3.31 The below table illustrates a guide to employment densities for several different uses. The table is an extract from the Homes & Communities Agency Employment Density Guide 3<sup>rd</sup> Edition 2015. The Council's Employment Land and Premises Study 2017 also refers to the guide.

Use Class	Sub-Category	Sub-Sector	Density (sqm)	Notes
<b>B1a Offices</b>	General Office	Corporate	13	NIA
		Professional Services	12	NIA
		Public Sector	12	NIA
		TMT	11	NIA
		Finance & Insurance	10	NIA
	Call Centres		8	NIA
<b>B1b</b>	R&D Space		40-60	NIA lower densities will be achieved in units with higher provision of shared or communal spaces
<b>B1c</b>	Light Industrial		47	NIA
<b>B2</b>	Industrial & Manufacturing		36	GIA
<b>B8</b>	Storage & Distribution	National Distribution Centre	95	GEA
		Regional Distribution Centre	77	GEA
		'Final Mile' Distribution Centre	70	GEA
<b>Mixed B Class</b>	Small Business Workspace	Incubator	30-60	B1a, B1b – the density will relate to balance between spaces, as the share of B1a increases so too will employment densities.
		Maker Spaces	15-40	B1c, B2, B8 - Difference between 'planned space' density and utilisation due to membership model
		Studio	20-40	B1c, B8
		Co-Working	10-15	B1a - Difference between 'planned space' density and utilisation due to membership model
		Managed Workspace	12-47	B1a, b, c
<b>B8 / Sui Generis</b>	Data Centres	Wholesale	200-950	
		Wholesale Dark Site	440-1,400	
		Co-location Facility	180-540	
<b>A1</b>	Retail	High Street	15-20	NIA
		Foodstore	15-20	NIA
		Retail Warehouse	90	NIA
<b>A2</b>	Finance & Professional Services		16	NIA
<b>A3</b>	Restaurants & Cafes		15-20	NIA
<b>C1</b>	Hotels	Limited Service / Budget	1 per 5 beds	FTE per bed
		Mid-scale	1 per 3 beds	FTE per bed
		Upscale	1 per 2 beds	FTE per bed
		Luxury	1 per 1 bed	FTE per bed
<b>D2</b>	Fitness Centres	Budget	100	GIA
		Mid Market	65	GIA – both types tend to generate between 40-50 jobs per gym
		Family		
	Cinema		200	GIA
	Visitor & Cultural Attractions		30-300	The diversity of the cultural attraction sector means a very wide range exists
	Amusement & Entertainment Centres		70	Potential range of 20-100sqm

- 3.32 The above guide should be used to calculate number of employees if the number for the existing / previous use is not specifically known. The guide should not be used to calculate number of employees of a proposed use. The number of employees of a proposed use is the responsibility of the applicant to evidence to the Council.

### **Significant Community Benefit**

- 3.33 A non B Class proposal that has the potential to have a significant positive impact on the local communities' health and well-being would be looked upon favourably when it is assessed against bullet 3 of Local Plan Policy 25. For example, a community use facility that was created to allow the running of community events, activities and / or courses, which were open to the wider community, would be looked at positively.
- 3.34 If the Council considers that the information provided is insufficient to conform to bullet 3 of Local Plan Policy 25, and there are no overriding material considerations, the planning application cannot be recommended for approval. As a result, the Council will either;
- 1) advise the applicant to withdraw the application and address the concerns identified by the Council (if it is possible to do so);
  - 2) advise the applicant that they can continue in the knowledge that the application cannot be recommended for approval; or
  - 3) refuse the planning application.

#### **Bullet 4:**

*Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):...*

- *will involve a vacant building for which there is clear and robust evidence of proactive marketing (a minimum of twelve months), with registered commercial agents at a reasonable price, to demonstrate that there is no realistic prospect for continued employment use;*

- 3.35 Prior to an application for change of use of land and / or premises on a Base Identified Employment Land Area being submitted, the Council expects said land and / or premises to be actively marketed for at least a 12 month period. Depending on the levels of interest, it may be necessary to review the effectiveness and quality of the marketing campaign every 6 months.
- 3.36 For the avoidance of doubt, existing employment land and / or premises that are currently not in use, is not, by definition, redundant and will need to be marketed for B Class employment use. In addition, employment land and / or premises that are currently being used, but for non B Class Uses, is by definition, vacant and will need to be marketed for employment use.

- 3.37 It should be noted that a simple statement suggesting that *'the land and / or premises has been on our books for the past 12 months and has had no interest'*, will not demonstrate that there is no realistic prospect for continued employment use. The Council requires greater detail on which to make an informed judgment.
- 3.38 Typically this will include a breakdown of the marketing strategy which should be prepared by a suitably qualified professional, who is active within, and familiar with, the Oadby and Wigston Borough area employment land and commercial property market.
- 3.39 In terms of the marketing strategy, the Council would expect to see evidence that the availability of the site has been brought to the notice of at least the local business community, and has included at least the following details:
- asking price (including any reductions).
  - evidence for why the asking price chosen is reasonable and realistic.
  - the marketed use of the land and / or premises.
  - details of site particulars – which should include at least – good quality up to date internal and external photographs; a description of the land/premises; extent of the site; the current permitted use; dimensions of the site and premises; connected services; any restrictions, conditions, covenants; known costs (such as rateable value); contact details for viewing and more information; and, parking availability and access arrangements.
  - where and how often the land and / or premises were advertised.
  - copies of the advertisements placed.
  - types of clients advised of its availability.
  - a breakdown detailing details of interested parties 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; details from interested parties reasons / explanations as to why they were not able / willing to proceed. Note – it is not sufficient evidence to just quote the number of viewings and generalise on the feedback obtained.
- 3.40 It is important to note that the asking price of the property should reflect the current market value of such land and / or premises based on its current condition and use status.
- 3.41 If the Council considers that the information provided is insufficient to conform to bullet 4 of Local Plan Policy 25, and there are no overriding material considerations, the planning application cannot be recommended for approval. As a result, the Council will either;
- 1) advise the applicant to withdraw the application and address the concerns identified by the Council (if it is possible to do so);
  - 2) advise the applicant that they can continue in the knowledge that the application cannot be recommended for approval; or
  - 3) refuse the planning application.



Bullet 5:

*Proposals to change the use of land or buildings within 'Base' Identified Employment Areas from B1a, B1b, B1c, B2, or B8 use will only be acceptable if they clearly demonstrate that the alternative use (s):...*

- *The site / premises are no longer suitable or reasonably capable of being redeveloped for employment purposes.*

3.42 Where an applicant is seeking to demonstrate that the continued B Class Use employment is no longer appropriate, suitable and viable and / or the site cannot be redeveloped for other employment uses, the Council would expect, at least, the following details to be submitted within a Planning Statement to support the application.

- Robust evidence that there is currently no demand for the site / premises in its current form – i.e its current use. Evidence such as this would usually stem from the marketing process.
- Robust evidence illustrating that the current condition of the site / premises is preventing it being leased / sold for employment uses.
- Robust evidence illustrating whether the site / premises are capable of accommodating other uses within the B Class Use, without significant works – i.e through conversion.
- Robust evidence suggesting that even if the site / premises were to be refurbished it would not be leased / sold for employment uses – i.e no demand.
- A cost breakdown of the works required to refurbish the site / premises.
- Robust evidence illustrating whether the site / premises are capable of being redeveloped for other employment uses.
- Robust evidence suggesting that even if the site / premises were to be redeveloped it would not be leased / sold for employment uses – i.e no demand.
- A cost breakdown of the works required to redevelop the site / premises.

3.43 The Council will give full consideration to the evidence submitted in an application. In some circumstances the Council may need to take independent advice on the information provided and the applicant will be expected to pay the Council's expenses for this.

3.44 It should be noted that the Council is unlikely to concede that the site / premises is in poor condition and cannot be used for continued employment use, on the word of the applicant only. The applicant will be required to submit robust evidence to the Council to enable an informed decision. It is not for the Council to seek such information. To ensure that a site / premises has not been left to get into a state of poor condition intentionally, the Council will require maintenance records of the building concerned for the preceding 10 years (not just reactive repairs but also planned and programmed maintenance) or if the owner has not had the building for 10 years, for the duration of time they have owned it for with any records transferred from previous owners/building survey.

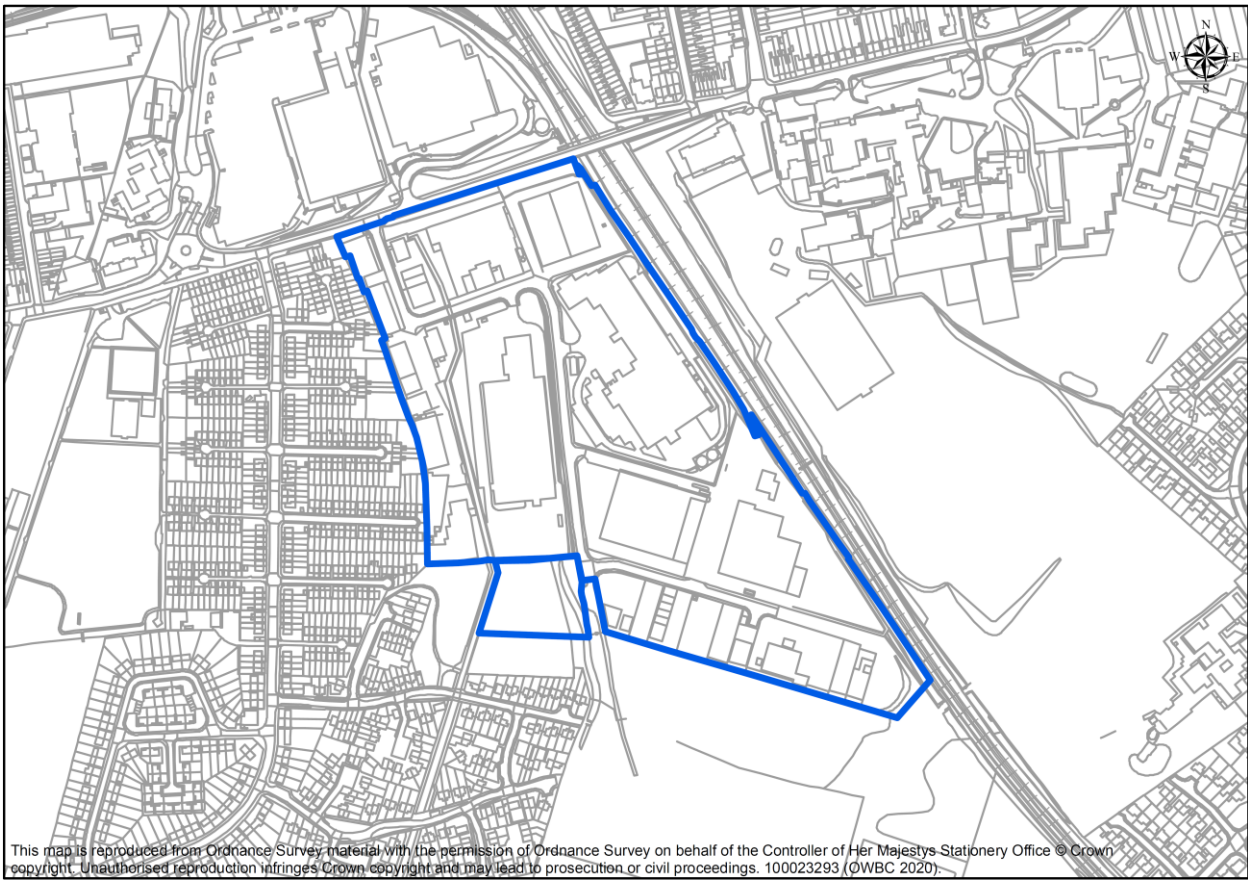
3.45 If the Council considers that the information provided is insufficient to conform to bullet 5 of Local Plan Policy 25, and there are no overriding material considerations,

the planning application cannot be recommended for approval. As a result, the Council will either;

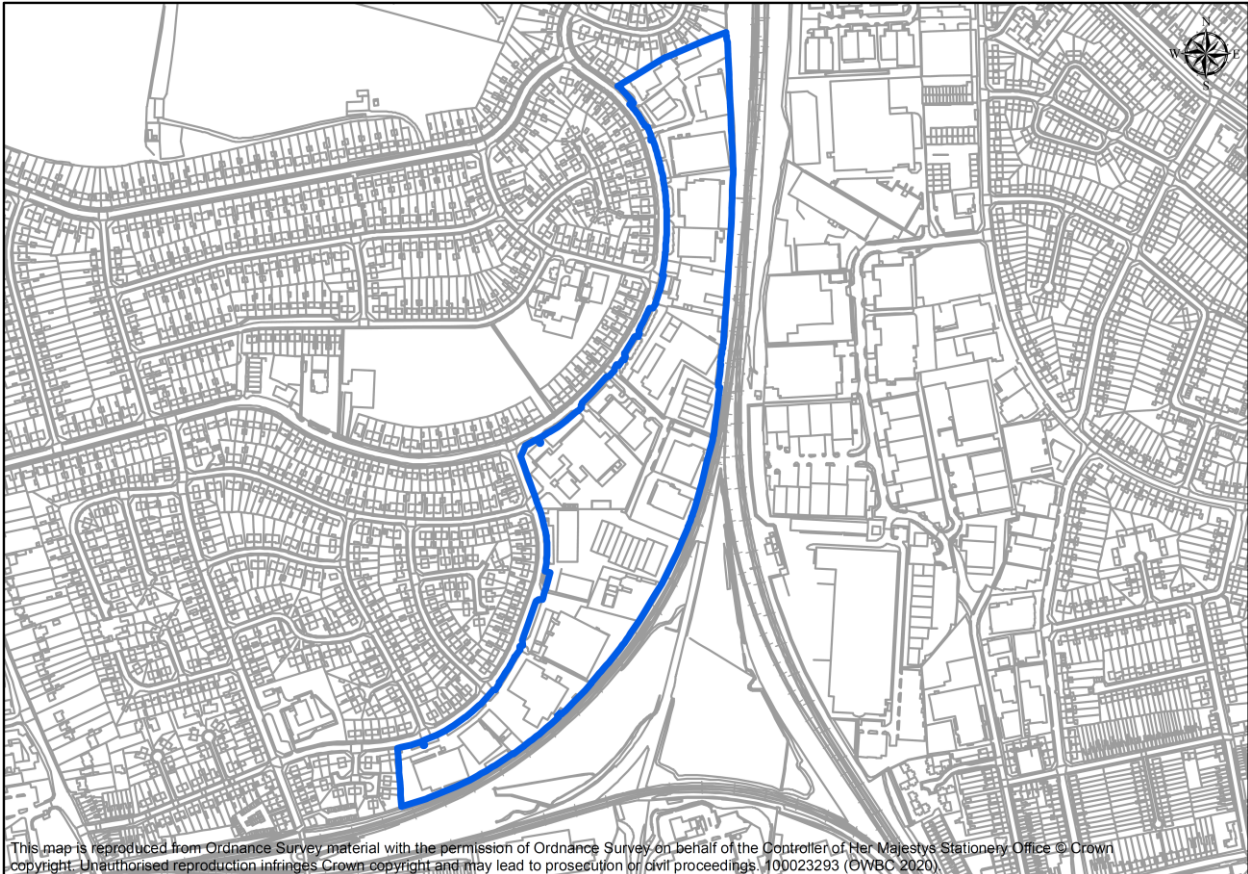
- 1) advise the applicant to withdraw the application and address the concerns identified by the Council (if it is possible to do so);
- 2) advise the applicant that they can continue in the knowledge that the application cannot be recommended for approval; or
- 3) refuse the planning application.

# Appendix 1. Identified Employment Area Maps

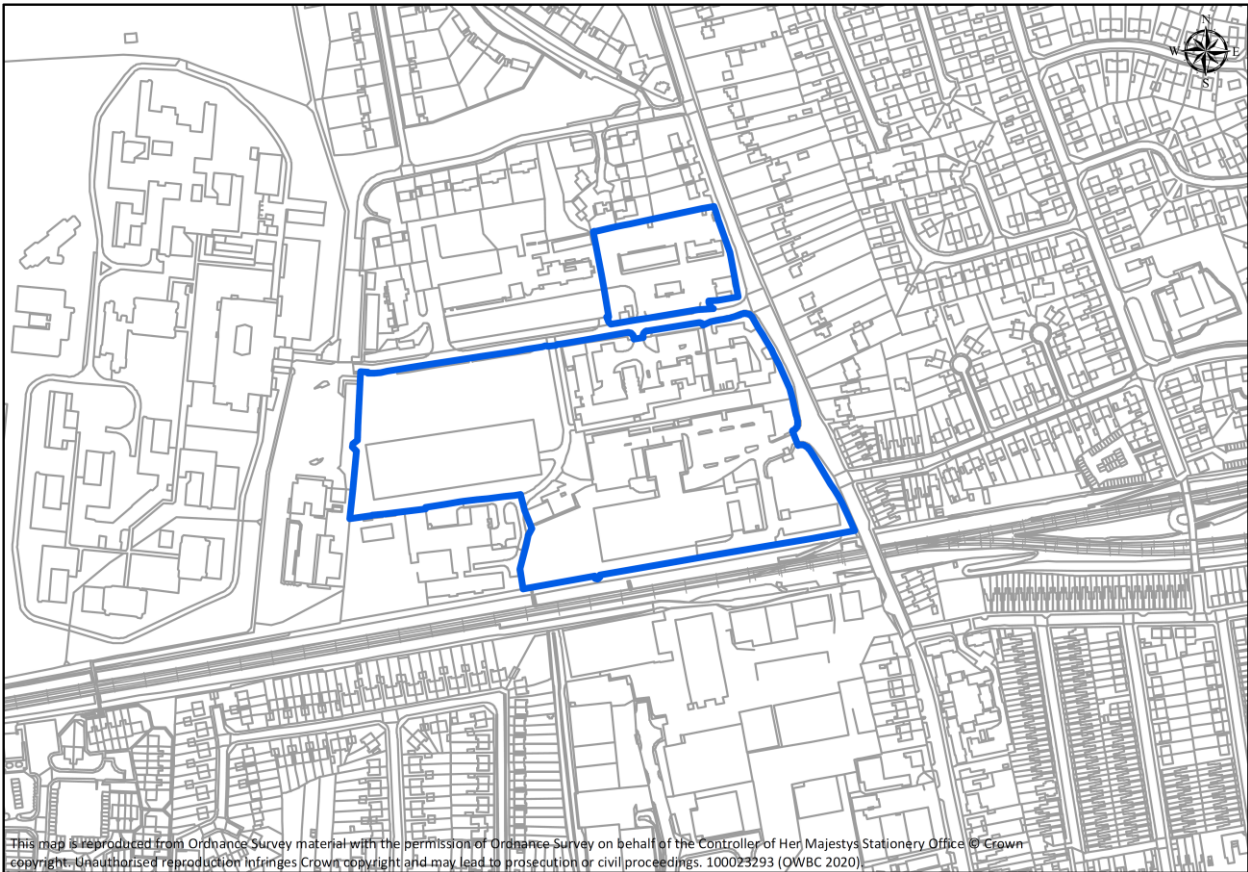
Magna Road, South Wigston



## Gloucester Crescent, South Wigston

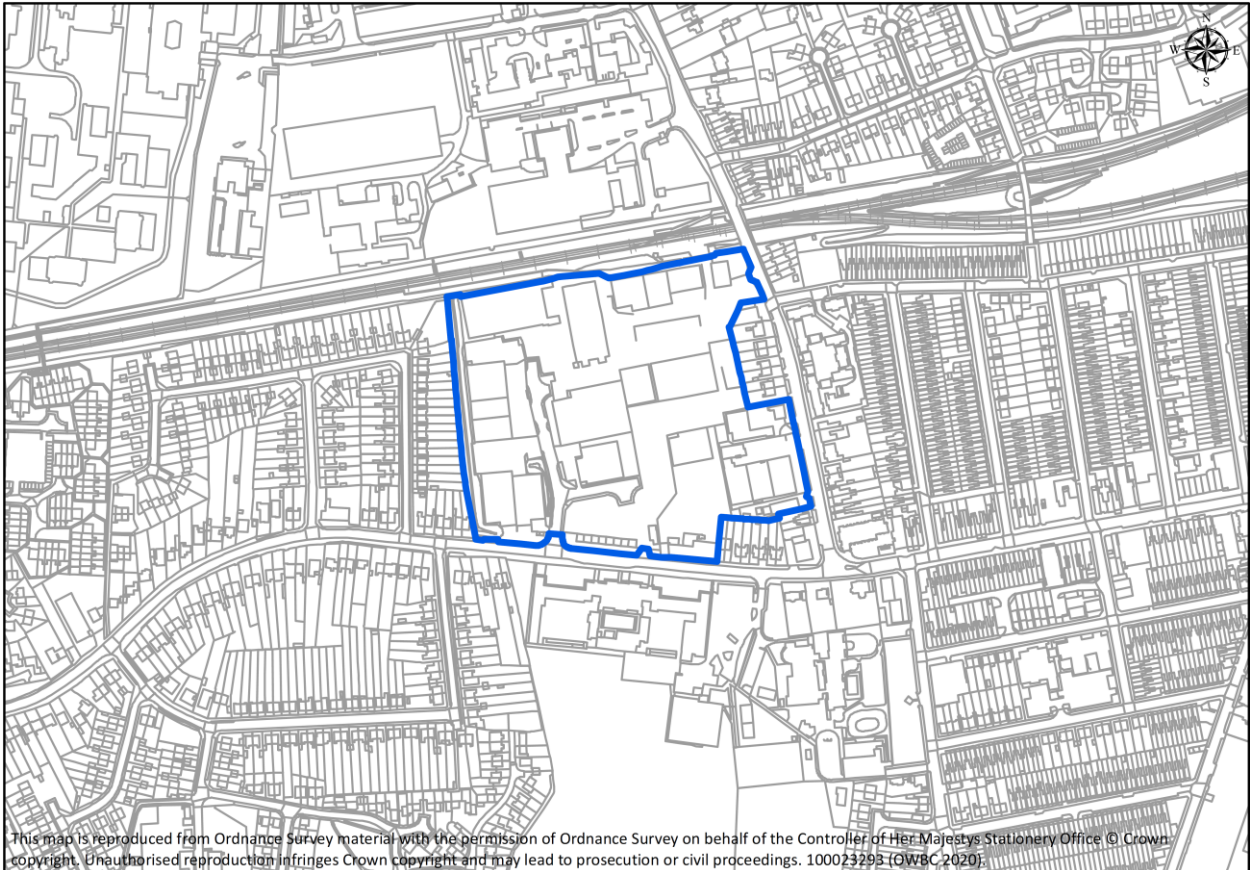


Tigers Close, South Wigston

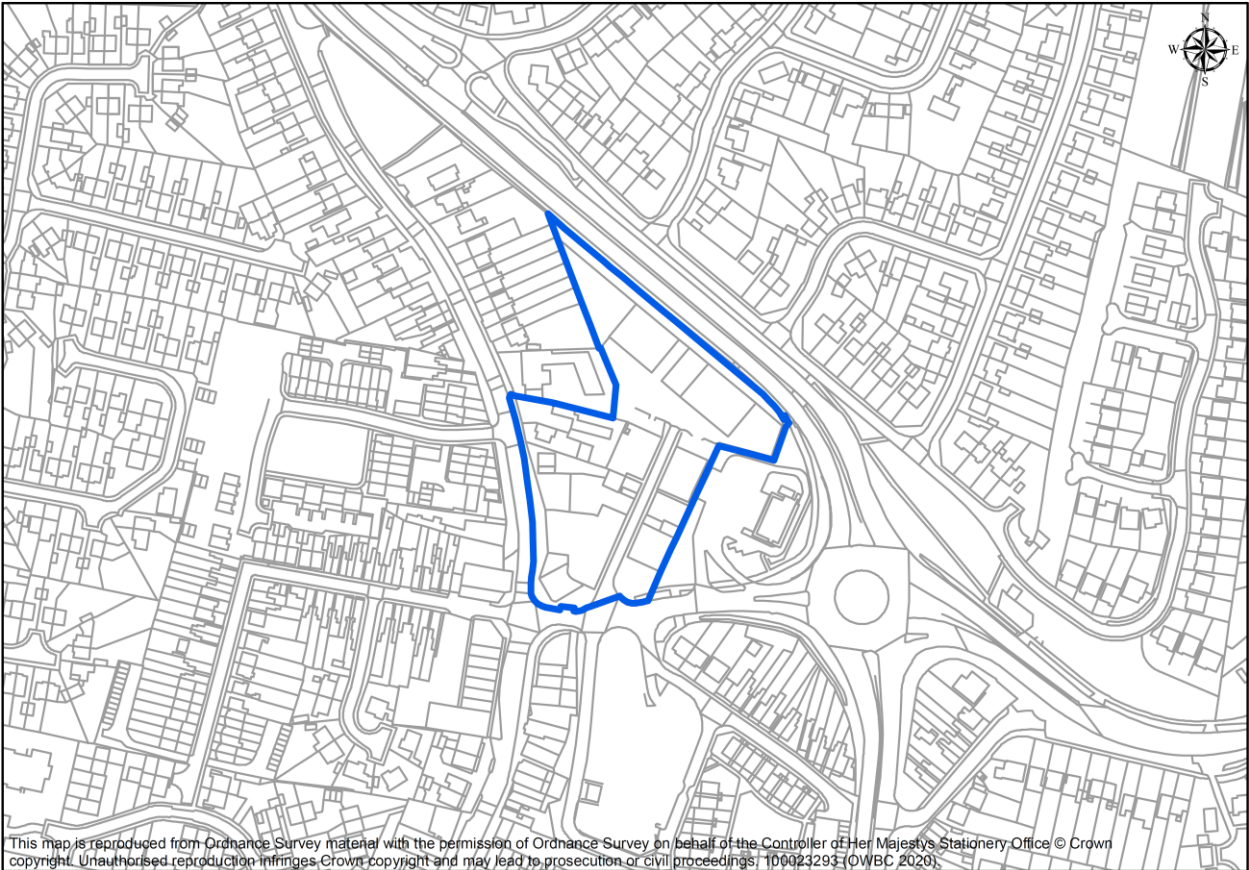




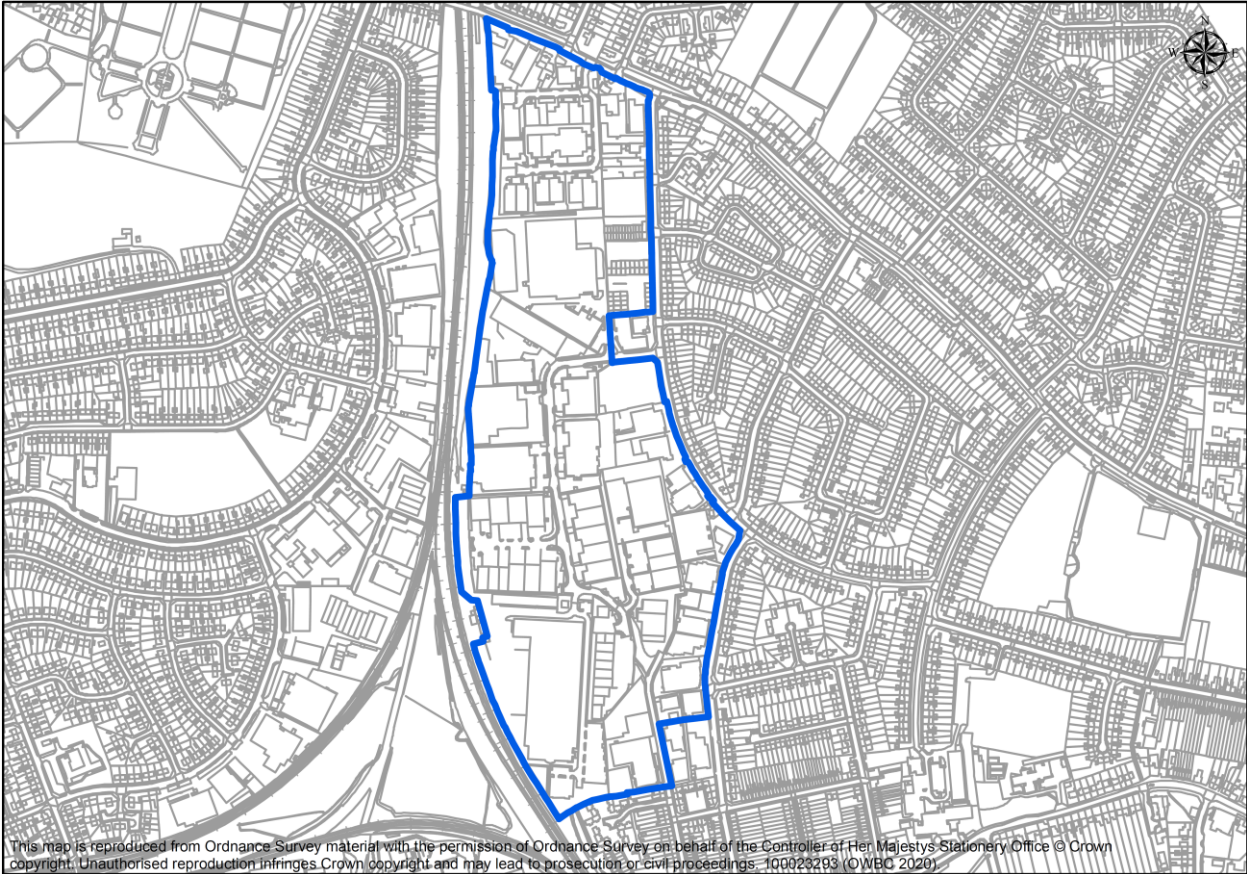
## St Thomas Road, South Wigston



North Street, Wigston



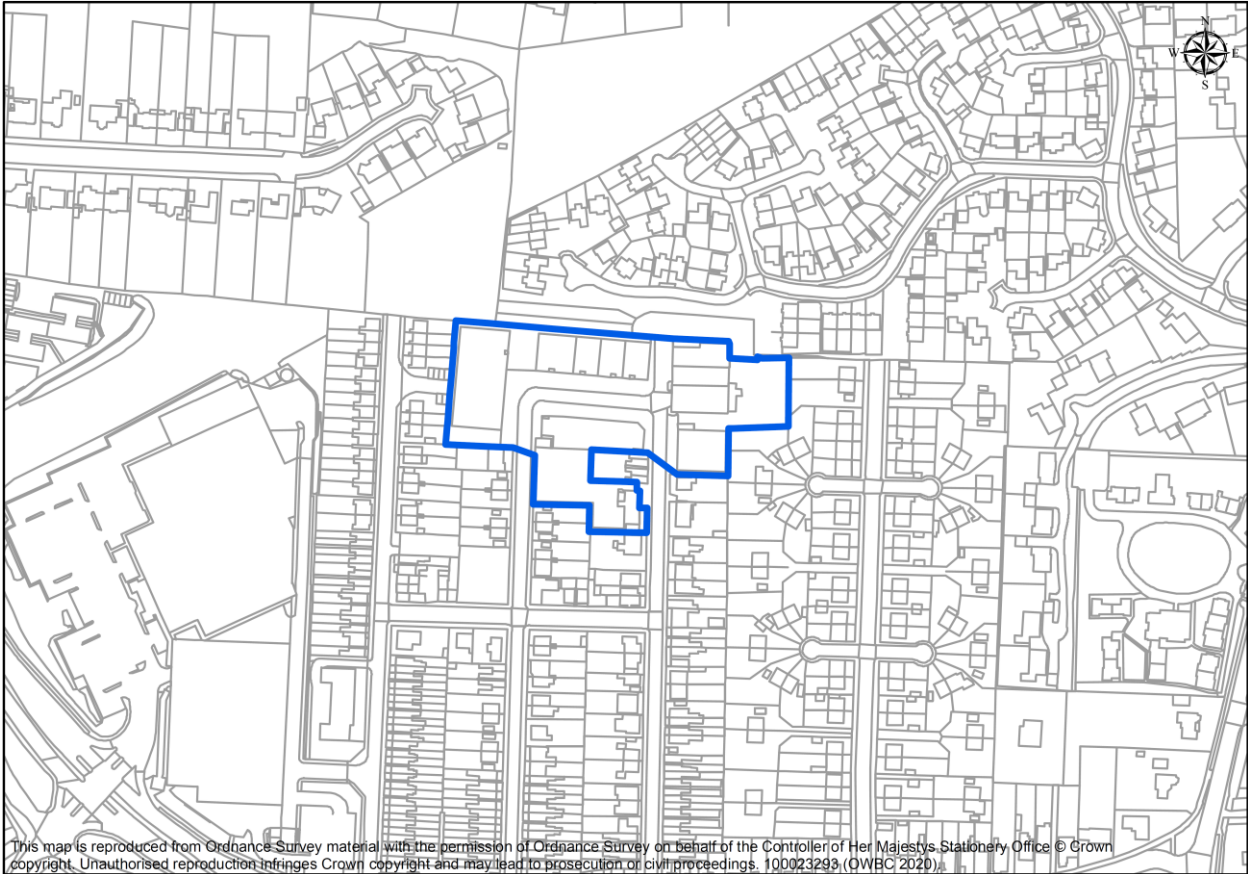
Chartwell Drive, Wigston



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## Cross Street / Regent Street, Oadby



Kenilworth Drive, Oadby

