

Chief Planning Officer's Advice Note:

Strategic Employment Sites

Practice Note: Dealing with applications for change of use within a Safeguarded Strategic Employment Site

The Cornwall Local Plan Strategic Policy document introduces the principle of 'Strategic Employment Sites', which it defines as:

'sites of 5ha or more, including those comprising multiple units predominately within the B use classes, or sites that offer the potential to attract particular sectors or end users that have specific requirements with respect to scale, location or the particular attributes of a site, e.g. for marine uses/ aerospace / telecommunications related to the smart specialisations set out in the Local Plan Strategy'

The Cornwall Site Allocations DPD has identified these safeguarded strategic employment sites¹

By their nature, these allocated sites are considered to represent a strategic resource for Cornwall and/or their local community in supporting economic activity; so their protection is important. However, there may be instances where a change of use should be still considered for a part of the site, if it is demonstrated to be in the best interests of the local community and it would not prejudice the ability to deliver the Local Plan employment space targets. This note seeks to provide some guidance on when change of use within an allocated strategic employment site may be considered acceptable.

Types of change of use

The nature of how an application for change of use would be assessed is based on which of the four options it falls within:

a) A change of use to a B use class

The principle of this should be considered acceptable

b) A change from an A, D or Sui Generis use class to an alternative A, D or Sui Generis use class (or a mixed use scheme, excluding residential)

The applicant should demonstrate:

- a. That it is not viable for the land to return to a B use class; OR
- b. The proposed use would generate an equivalent or greater level of employment on site (excluding construction employment), than if it were changed into a B use class

c) A change from a B use class to an A, D or Sui Generis use class (or a mixed use scheme, excluding residential)

The presumption should be that the land is retained as a B use class. A change of use will only be considered when:

a. It is demonstrated that the site is no longer suitable to continue as business use due to environmental considerations; OR

b. The 4 factors for consideration, set out in this note, have been satisfied; and the application has the support of the case officer, divisional member and Town/Parish Council:

d) A change of use to residential (or a mixed use scheme including residential)

The presumption would be that this would not be supported, unless there are exceptional circumstances that are supported by the case officer, divisional member and the Town/Parish Council. Exceptional circumstances include:

a. it is demonstrated that the site is no longer suitable to continue as business use due to environmental considerations; OR

b. the 4 factors for consideration, set out in this note, are met

¹ This note does not relate to safeguarded or allocated employment sites within Neighbourhood Development Plans (NDP). Where a change of use is proposed on a site allocated within an NDP, the policies of the NDP should be used

The 4 Factors for Consideration

1. The applicant must:

- a. demonstrate there is no market demand for the land and/or building(s) to be used for B use employment, through active and continued marketing for at least a period of 9 months, at an appropriate market rate; Plus the applicant and case officer should consider the general market conditions within the area, in particular the vacancy rates within the remainder of the safeguarded employment site. OR
- b. demonstrate that the proposal would result in the provision of better quality and quantity of B use class employment space, as part of a mixed use scheme, than the site could otherwise potentially deliver. OR
- c. demonstrate that the proposal is necessary to meet a clear need for community facilities

2. The applicant has demonstrated that without their site, there are still sufficient completions, deliverable permissions and allocations to enable the delivery of the Local Plan's employment space targets for the CNA.

3. Consideration needs to be given to the proportion of the allocated Strategic Employment Site that is being proposed for change of use. The smaller the proportion of the allocated site that is proposed for change of use, the more likely this factor should be considered to be satisfied. Allocated sites should be considered on their own merits with regard to the percentage of the site that would be deemed to be an acceptable loss; but in general, it would be expected that an application (or combination of linked applications) should not exceed 10% of the allocated land

4. It is demonstrated that there are no appropriate alternative locations that the end user of the proposed scheme could utilise, rather than the allocated strategic employment site

The onus is on the applicant to provide the evidence necessary to satisfy each of the 4 factors; although the case officer will also, where appropriate, independently consider various aspects, e.g. vacancy rates within the safeguarded employment site; availability of alternative sites, etc.

If the four factors for consideration are passed, then the principle of change of use within a Strategic Employment Site has been satisfied².

At this point the case officer would then move on to whether the scheme specific proposals are appropriate. This would include ensuring the nature and location of the scheme would not inhibit the overall operation of the Strategic Employment Site, or the adjacent businesses.

² It should be noted that this guidance note does not supersede Permitted Development Rights; so where there are applications that fit within these right, national policy will continue to apply