Comments

Site Specific Part 2 Local Plan - Publication Plan Consultation (18/12/19 to 12/02/20)

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Representation

Please use a separate form for each representation.

Which part of the Publication Plan does your representation relate to?

Policy EMP1 (Safeguarding Employment Land)
Policy EMP3 Non Employment Uses (non-B use class) in Safeguarded Employment Areas

Tests of Soundness

Do you consider the Local Plan is sound in terms of being:

Justified
Effective
Positively prepared
Consistent with National Policy

Reasons

Please give the reason(s) why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the statutory Duty to Cooperate.

SITE SPECIFIC PART 2 LOCAL PLAN – PULICATION PLAN CONSULTATION COMMENTS ON BEHALF OF ESKMUIR PROPERTIES LIMITED On behalf of our client, Eskmuir Properties Limited (“Eskmuir”), Savills is instructed to make representations to the Site Specific Part 2 Local Plan (“SSP2LP”) Publication Plan Consultation. Eskmuir is an asset management and investment company with a track record of investing in and improving their existing assets. It prides itself in active asset management, ensuring its real estate is of high quality and occupancy maximised to the benefit of local economies and communities. Within Kettering, Eskmuir is the freehold owner of Baron Avenue Trade Park within Telford Way Industrial Estate. Baron Avenue Trade Park consists of 11 no. standalone industrial units located either side of Baron Avenue. Current occupiers include ScrewFix, Howdens Joinery and Topps Tiles whilst planning permission was granted in 2018 for the change of use of a
unit from Class D1 to a flexible Class B1, Class B2, and/or Class B8 use (ref. KET/2018/0656). Eskmuir provided comments as part of the consultation on the Draft SSP2LP in August 2018. At that consultation, Eskmuir’s comments were twofold and related to what was then Draft Policy EMP 01 (Safeguarding Employment Land). It was recommended that:

1. The definition of employment uses was broadened from the narrow definition of employment uses which just included those in the B Use Classes to include employment generating Sui Generis uses; and
2. The document include a policy framework which permits the change of use away from employment uses subject to certain criteria being met.

Overall it is positive to see that the employment policy framework has evolved in line with some of our comments but there are a few further alterations that Eskmuir suggest are made. Given the nature of their ownership and their comments provided on the Draft SSP2LP the extent of Eskmuir’s commentary is very narrow, relating just to Policy EMP 1 (Safeguarding Employment Land) and Policy EMP 3 (Non Employment (Non-B Use Class) in Safeguarded Employment Area) of the Publication SSP2LP.

1 Such as training facilities, waste management, builders’ yards, tyre fitting, cash and carry warehouses, postal sorting offices or telecommunications centres.

Policy EMP1 (Safeguarding Employment Land) Much like Draft Policy EMP 01 of the Draft SSP2LP, this policy continues to identify nine established employment areas which are to be safeguarded for Class B1, Class B2, and Class B8. Baron Avenue Trade Park is within the Telford Way Industrial Estate which is safeguarded employment land. During the consultation on the Draft SSP2LP Eskmuir suggested that, whilst almost certainly its intention, actually Draft Policy EMP 01 did not offer support for proposals for the intensification of such use and therefore Eskmuir welcome the specific support for proposals that result in the modernisation of these sites that is now offered by Policy EMP 1. Policy EMP 3 (Non Employment (Non-B Use Class) in Safeguarded Employment Area) In order to be compliant with the National Planning Policy Framework and to compliment Policy 22 (Delivering Economic Prosperity) of the North Northamptonshire Joint Core Strategy, during the consultation on the Draft SSP2LP Eskmuir suggested the need for the inclusion of a policy which allowed for the alternative use of safeguarded employment land subject to certain criteria being met. With that in mind it is positive to see the introduction of Policy EMP 3 in Publication SSP2LP which now contains a criteria based policy framework that can permit the introduction of non-employment uses (and on the flip-side the alternative use of established employment uses) within Safeguarded Employment Areas. The use of a criteria based framework allows applications for alternative uses of land or buildings to be treated on their merits and will play a role in preventing the long-term vacancy of sites allocated for employment use where there is no reasonable prospect of a site being used for such purposes. At present six criteria are listed but it is not clear whether, for this policy to be satisfied, there is a need for all six or just one of the criteria to be satisfied. Eskmuir suggest that there is a need for this to be clarified through the addition of the use of the words ‘and’ and ‘or’ to add clarity to this. In terms of the criteria themselves, Eskmuir’s comments are summarised in the table below:

**Criteria**

- a) Provide evidence to show the site has been marketed at a reasonable price and period, as well demonstrating that there is no realistic prospect of the proposal site being used for an employment use.
- b) Provide evidence to demonstrate that employment use on the site would no longer be viable.

**Commentary for A & B**

Given that Criteria A requires a period of marketing to demonstrate that there is no realistic prospect of re-use and that Criteria B requires that it is demonstrated that employment uses are not viable, it is considered that either only one of these criteria is retained or they are merged into a single criteria.

**Criteria**

- c) Be suitable in the location in which it is proposed and ensure that is does not impact current and future operations of adjoining businesses.
- d) Not undermine the existing employment uses and adversely affect the character of the area.

**Commentary for C & D**

These two criteria should be combined as both relate to the impact that non Class B uses will have on the operations of occupiers in the surrounding area.
Criteria

e) Not result in an over-concentration of non B-Class uses within a Safeguarded Employment Area.
f) Not adversely affect the supply of employment opportunities within a Safeguarded Employment Area.

Commentary for E & F

This criteria could be removed as it is not clear what the concerns are with an over-concentration of non B-Class uses if the balance of uses is changing locally.

At present, the six criteria used in Policy EMP3 of the SSP2LP are very much high level with the associated subtext fails to provide further guidance. For example, Criteria A identifies the need for marketing over a reasonable period of time but no guidance is given as to what this time may. On this point, Eskmuir suggest that that six months would be an appropriate time period and is used in the Basingstoke Local Plan and the Swindon Local Plan.

It is Eskmuir’s understanding that Policy EMP03 does not apply (and therefore the criteria do not need to be satisfied for) for proposals for the introduction of uses which are ancillary to employment uses given the inclusion of the phrase ‘which are not ancillary to existing uses’. Eskmuir supports this approach as it recognises the suitability of locating non Class-B sui generis uses and other ancillary uses within safeguarded employment areas.

Conclusion

These representations are submitted on behalf of Eskmuir as freehold owners of the Baron Avenue Trade Park which forms part of the Telford Way Industrial Estate, Kettering.

Overall it is positive that the comments provided by Eskmuir at the Draft SSP2LP stage have been incorporated and generally Eskmuir welcome the breaking down of Policy EMP01 in the Draft SSP2LP into Policies EMP1 and EMP3 in the Publication SSP2LP. Whilst Eskmuir generally support this approach, this covering letter has identified a few sections where either clarification or fairly modest alterations are required for the policies to operate effectively.

I trust these observations and comments are helpful and will be taken into consideration. Should any of the points raised within these representations need clarification please do not hesitate to contact me.

Yours sincerely,

Nick Heard
Planner

Notifications

Do you wish to be notified?