

## Marketing Information Pack for applications involving loss of employment and retail uses

### Intended purpose and use of this pack

This pack has been produced in advance of a forthcoming Marketing Requirements SPD. The SPD will clarify the marketing evidence that the Council will require in support of planning applications involving redevelopment or change of use of existing site(s) and/or buildings in Class B1, B2 and B8 employment use<sup>1</sup> under Policy E3 of the Local Plan: strategy and sites 2015 – 2034 (LPSS), and of certain Class A1<sup>2</sup> retail uses<sup>3</sup> under LPSS policies E5 and E9<sup>4</sup>. It will also clarify the marketing requirements of Local Plan policy H1 for proposed self-build and custom-build houses.

The purpose of this information pack is as a useful resource and it should not be relied upon or interpreted as further guidance nor referenced in planning reports. It includes:

- **Figure 1 (Flowchart):** This illustrates the various types of employment site and proposed development that could trigger a requirement for marketing and the scope of marketing required by Policy E3 for each of these scenarios. It was prepared to help applicants and case officers to identify these key triggers and associated marketing requirements at a glance.
- **Figure 2 (Marketing checklist):** This will assist case officers and applicants in instances where a marketing requirement is activated by Local Plan Policies E3, E5 or E9. In such cases it provides an easy way for applicants and case officers to check that an application has fulfilled the requirements of LPSS Appendix 4.

Both the checklist and flowchart may be referred to prior to the SPD's formal adoption as they provide information to assist applicants to adequately fulfil the existing requirements of the LPSS. They do not introduce new policy requirements.

### Note on marketing during periods of pandemic and/or recession

During the Covid-19 coronavirus pandemic there have been clear signs of a slowdown of economic activity in some commercial sectors, in particular retail and office, with fewer transactions taking place and many businesses being forced to close their premises for extended periods in order to minimise opportunities for the virus to spread. Any marketing undertaken during such periods is likely to result in fewer potential buyers or tenants than would normally be the case.

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<sup>1</sup> Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

<sup>2</sup> Buildings falling within Use Class A1, as identified in the Town and Country Planning (Use Classes) Order 1987 (as amended).

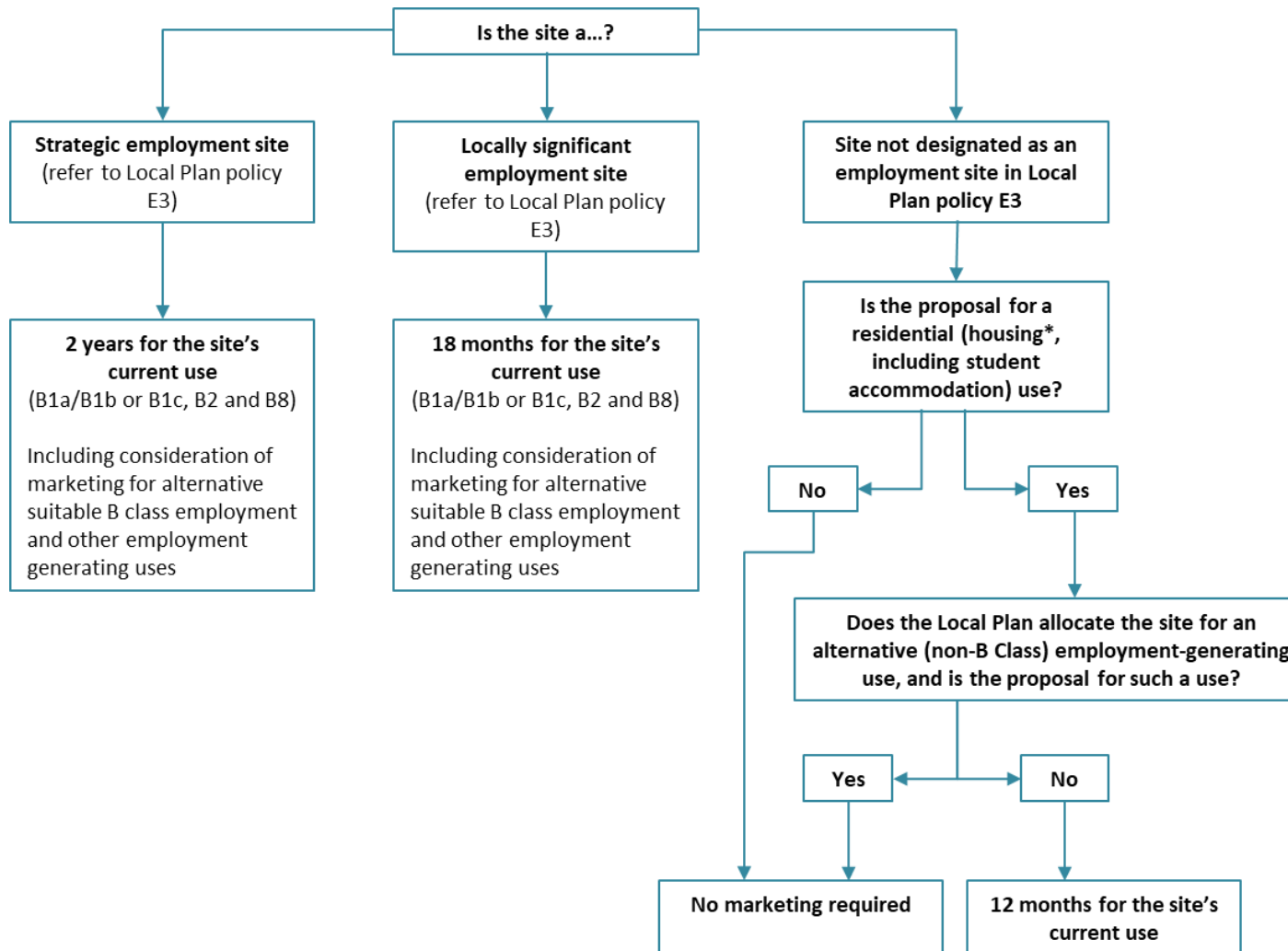
<sup>3</sup> Use Class A1 retail (shops) located within local centres or in isolated locations and that provide for everyday needs (see Local Plan Policy E9 paragraph (10)).

<sup>4</sup> The SPD will clarify the marketing requirements of the Local Plan in relation to specific types of scenario, for example the proposed redevelopment of vacant land within a strategic or locally significant employment site, and application of policy E3 in relation to change of use of employment uses on non-designated sites to non-employment uses that are also non-housing uses.

The length of the marketing periods in Local Plan policies E3, E5 and E9 are a minimum, however the Council may opt to extend them in certain circumstances by an appropriate amount of time depending on the nature of the planning application and the situation at the time of submission. This will apply where the market has been affected by Covid-19 or any future pandemic or period of economic recession that affects retail or employment premises and sites.

The impact of these circumstances on employment and retail markets will also be taken into account when considering whether the length of time an employment or retail unit has been vacant should be a material consideration when assessing a planning application for its redevelopment or change of use to a non-employment or non-retail use.

**Figure 1: Flow chart outlining the length and type of marketing required under Local Plan Policy E3 for applications involving loss of Use Class B employment uses on each type of employment site**



\* Housing use is considered to be all residential uses within Use Classes C2, C3, C4 and Sui Generis (e.g. care homes, dwelling houses, HMOs).

**Figure 2: Marketing checklist for applicants for employment and retail sites**

Marketing requirement	Further information (if applicable)	Notes in relation to marketing requirement
<b>Period of marketing</b>		
1. Has the site and/or premises been actively and comprehensively marketed for its current and/or last permitted use for the minimum continuous period specified in the relevant Local Plan policy (policy E3, E5 or E9)?	<p>See the policy for details of the minimum marketing requirements.</p> <p>Marketing is required under Policy E3 for proposed loss or change of use of a B class employment use on a Strategic Employment Site (SES) and Locally Significant Employment Site (LSES) to a residential or other non-employment use.</p> <p>Marketing is required for loss of employment floorspace on non-designated employment sites, where the proposed use is residential (use classes C1, C2, C3, C4 and certain Sui Generis uses, e.g. hotels, care homes, dwelling houses, HMOs).</p> <p>Marketing for alternative suitable B uses and other employment generating uses which are not residential uses is not required for non-designated employment sites, however it may help to support an application if it is provided.</p>	
2. Does the period of marketing end close to or immediately prior to submission of a planning application/pre-application enquiry for redevelopment or change of use, and are these dates included as evidence? (see Policy E3 (10)) and Appendix 4, list 2, item (f))	<p>Marketing should be recent to allow for longer-term fluctuations in the market for the site's existing use, which may have made that use more viable than when the site first become available.</p>	
<b>Flexibility of use</b>		
3. Does the marketing include marketing of the site/premises on a freehold as well as leasehold basis? (Local Plan Appendix 4, paragraph 2).	<p>The purpose of marketing the freehold of a site and/or building is to increase the likelihood of sale by enabling potential purchasers to use it for a wider range of future uses than if they rented or purchased the site/building's leasehold.</p>	
4. For applications involving loss of employment floorspace (use class B1, B2 or B8), has the site and/or premises been marketed for other appropriate uses where relevant as specified in policy E3(11)?	<p>In the interest of ensuring sufficiently detailed information to demonstrate compliance with the marketing requirements of the Local Plan (as per Appendix 4, paragraph 3), the Council will expect advertisements to clearly state the proposed uses for the site or building, including any pre-let uses.</p>	
5. For Strategic and Locally Significant Employment Sites (SES / LSES): Has the site and/or premises been actively and comprehensively marketed for other suitable B Use Class employment use and other employment	<p>For SES and LSES these alternative uses must have been marketed in addition to marketing for the site's current use.</p>	

<b>Marketing requirement</b>	<b>Further information (if applicable)</b>	<b>Notes in relation to marketing requirement</b>
generating uses, as well as for its current and/or last permitted use? (Local Plan Policy E3 (11))		
6. Has the marketing allowed for sufficient flexibility in the space offered? (Local Plan Appendix 4, list 2 c)). This should include subdivision of large areas of floorspace or amalgamation of smaller areas where possible and practical, and alternative layouts and access arrangements.		
7. Has the applicant considered the potential for refurbishment of the existing building(s) or redevelopment as new premises within the same use class (particularly where the age and/or condition of the premises may hinder interest from potential enquirers)?	Note: This may be necessary to demonstrate flexibility as per Local Plan Appendix 4, list 2 c).	
<b>Forms of marketing</b>		
8. Advertising board posted in a prominent location on site throughout the period of marketing (subject to advertising consent, if required). The board should include contact information and be clearly visible from (ideally adjacent to) the public highway. Photographic evidence should be provided with the application and/or pre-application enquiry. (Local Plan Appendix 4, list 1 a))		
9. Registration of the property with at least one commercial property agent (Local Plan Appendix 4, list 1 b)). The site should be continuously included on the commercial agent's website over the period of the marketing campaign. The site/premises should also be advertised on commercial property search sites, such as Property Pilot.	The requirement for registration with at least one commercial agent is a minimum; however, for designated employment sites (SES and LSES) in particular, the Council will expect to see evidence of a range of methods of advertising throughout the required marketing period in order to demonstrate wide market exposure and an active approach to marketing. This may include mailshots, printed and online advertising (see point below) and use of a number of commercial agents.	
10. Has the site been advertised in the regional and local press, including property and specialist trade publications, on a frequent basis (minimum of every two months throughout the required marketing period)? For further information, see the next column. (Local Plan Appendix 4, list 2, point (a))	Frequency of advertising is important in order to demonstrate an active marketing approach. The media to be used will depend on the type of (existing or proposed) use being marketed. The commercial section of regional and local press and trade publications specific to particular industries may be helpful in addition to general property publications; and for larger sites, national publications should be used as well as local and regional ones. The range of publications should not be unduly limited and should preferably include both printed and online advertising.	

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	<p>Information that must be included on advertisements will depend on the circumstances of the site and planning application. The following are considered to be minimum requirements for all sites:</p> <ul style="list-style-type: none"> <li>• Description of the site/premises and good quality internal and external photographs of the building(s)</li> <li>• Current permitted use and all other appropriate potential employment uses, subject to planning permission</li> <li>• Dimensions of the building and internal rooms and total site size</li> <li>• Asking price and tenure, including both freehold and leasehold options</li> <li>• Site location, including map</li> <li>• Extent and layout of site, shown on a site plan</li> <li>• Details of all restrictions, conditions and covenants<sup>5</sup></li> <li>• Known costs, such as service charges, rateable value and any other known items</li> <li>• Terms and conditions associated with the sale</li> <li>• Parking availability and access to public transport</li> <li>• Contact details for viewing and more information (details must be available to inquirers on request).</li> </ul>	
<p>11. Have details of where and how often the site was advertised, with copies of all printed advertisements placed and web pages, including publication dates, been supplied? (Local Plan Appendix 4, list 2 a))</p>	<p>In the case of SES and LSES particularly, given their importance to the Borough's long-term economy, the Council will expect to see clear evidence of a broad range and number of marketing activities undertaken to demonstrate that these sites have received maximal exposure to the market throughout the length of the marketing period required by policy E3.</p> <p>Any advertisements on websites should appear continuously throughout the required marketing period.</p>	
<p>12. Full property details and particulars available to inquirers on request (Local Plan Appendix 4, list 1(c)).</p>		

<sup>5</sup> Local Plan Appendix 4, point f) requires that there should not be any covenants or other forms of tie restricting future use or operation of the property or land.

Marketing requirement	Further information (if applicable)	Notes in relation to marketing requirement
<b>Price and terms</b>		
13. Has evidence of the asking price and/or rent at which the site or property has been offered been included in the marketing statement? (Local Plan Appendix 4, list 2, item (b))		
14. Has the site/premises been independently valued by at least three independent agents and marketed at a reasonable and competitive guide sale price and lease amount and terms that reflects its current value taking into account the current state of the property (including in relation to use, condition, quality and location of floorspace)? Evidence of the above should be provided with the application and/or pre-application enquiry. (Local Plan Appendix 4, list 2 b))		
15. Have details of any reductions in price throughout the marketing period also been recorded and included with the valuation evidence referred to in question 14?	Note: This information should be provided to indicate the price and/or rent at which the site or property has been offered, in accordance with Local Plan Appendix 4, list 2 b).	
16. Does the marketing statement include the number and detail of enquiries and/or offers received for the site/premises, reasons for refusal of any offers and reasons why any offers fell through? (Local Plan Appendix 4, list 2 b))		
17. Does the marketing statement include the reasons for prospective tenants not making an offer and/or taking up the space, and how these problems have been addressed? (Local Plan Appendix 4, list 2 d))		
18. Has information on any covenants or other forms of tie restricting the future use of the property or land been provided, or if applicable, a statement been provided to confirm that there are none? (Local Plan Appendix 4, list 1, item (f)).		
19. Have the dates and periods for each individual marketing activity been clearly shown on the marketing statement?		