

# Conwy Local Development Plan 2007 – 2022



## SUPPLEMENTARY PLANNING GUIDANCE

### LDP35: Safeguarding B1, B2 and B8 Office and Industrial Sites

Adopted April 2017

This document is available to view and download on the Council's web-site at: [www.conwy.gov.uk/ldp](http://www.conwy.gov.uk/ldp) . Copies are also available to view at main libraries and Council offices and can be obtained from the Strategic Planning Policy Service, Library Building, Mostyn Street, Llandudno, LL30 2RP or by telephoning (01492) 575461. If you would like to talk to a planning officer working on the Local Development Plan about any aspect of this document please contact the Strategic Planning Policy Service on (01492) 575181 / 575445 / 575124 / 574232.

**If you would like an extract or summary of this document on cassette, in large type, in Braille or any other format, please call the Strategic Planning Policy Service on (01492) 575461.**

#### Statement of Consultation

This Supplementary Planning Guidance document was issued for a period of six weeks public consultation between 19 December 2016 and 3 February 2017.

It was adopted by Cabinet on 11 April 2017

Copies of the representations received, together with the Council's response are available to view on-line at <http://conwy.jdi-consult.net/ldp/>

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## 1. Introduction

### 1.1 Background

1.1.1. This is one of a series of Supplementary Planning Guidance (SPG) documents that give further advice on policies contained in the Conwy Local Development Plan (LDP). SPGs are intended to advise planning applicants and will be taken into account when determining planning applications. The purpose of this SPG is to provide planning guidance on policy EMP/4 which seeks to safeguard B1, B2 and B8 office and industrial sites.

Definitions of B1, B2 and B8 can be found within the 1987 Town and Country Planning Use Classes Order as follows:

- 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).
- B8 Storage or distribution - This class includes open air storage.



1.1.2. The Council recognises the pressures which exist on employment land in terms of development potential for other land uses that are of higher monetary value such as housing. Balancing the need for housing versus the need for employment land is a matter that is considered from the outset when producing the LDP. To respond to this, the LDP contains land allocations /designations that safeguard existing B1, B2 and B8 uses (EMP/4 part 1), and EMP/4 part 2 which seeks to protect existing B1, B2 and B8 uses on non-designated sites. This SPG provides guidance on both parts of EMP/4.

## 2. Policy Context

### 2.1 Overview

2.1.1 Since the adoption of the Conwy LDP in October 2013, Planning Policy Wales and TAN 23 – Economic Development have been revised / produced and have implications on the planning decisions made. Planning Policy Wales (PPW) at paragraph 7.5.1 states that Development Plans should:

- provide targets on land provision for the employment uses (Classes B1-B8), showing net change in land/floorspace for offices and industry/warehousing separately, and protect these sites from inappropriate development;
- include policies relating to future development on existing employment sites to protect them from inappropriate development:
- to encourage the regeneration and re-use of sites which are still suitable and needed for employment;
- to control and manage the release of unwanted employment sites to other uses;



2.1.2 TAN 23 also provides guidance on economic development proposals. Paragraph 4.6.8 states “The traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8. In some areas, older, lower-cost employment areas may be required, especially for small and new firms who cannot afford newer and more prestigious accommodation. The loss of such areas may cause harm to local economies and should be avoided.”

2.1.3 The LDP policy remains as the adopted policy, however it is necessary to take into account the criteria contained at paragraph 4.6.9 of TAN 23. This means that officers will need to consider the following criteria:

“Existing employment sites should only be released for other uses if one or more of the following apply:

- they have poor prospects of being re-occupied for their previous use;
- the particular market that the site is part of is oversupplied;
- the existing employment use has unacceptable adverse impacts on amenity or the environment;
- the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- other priorities, such as housing need, override more narrowly focussed economic considerations; and/or
- land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.”

2.1.4 The first four of these criteria are to a large extent covered by policy EMP/4, but the final two are outside the scope of EMP/4 and should be considered as additional material planning considerations.

## 2.2 LDP Policy EMP/4

The LDP policy which promotes the safeguarding of B1, B2 and B8 employment sites is replicated below:

<b>Policy EMP/4 – SAFEGUARDING B1, B2 &amp; B8 OFFICE AND INDUSTRIAL SITES</b>	
1.	Existing B1, B2 & B8 office and industrial employment sites as designated on the Proposals Map, are safeguarded for the purposes of B1, B2 and B8 uses only. Development that would lead to the loss of existing B1, B2 & B8 employment sites on designated land will not be permitted. Proposals for changes of use between the B1, B2 & B8 use classes on existing designated land will be permitted provided the proposed development does not prejudice the strategic employment land requirement, is compatible with the amenity of occupiers of neighbouring properties and the environment in general, and subject to being acceptable in terms of other Local Development Plan Policies.
2.	Proposals which would lead to a loss of B1, B2 & B8 employment land or buildings not falling within a designated or allocated area, as shown on the Proposals Map, will only be supported in exceptional circumstances where the development is acceptable in terms of other Local Development Plan policies and provided:  a. The site has no reasonable prospect of it becoming marketable for B1, B2 and B8 employment development or;  b. The site is incompatible with the surrounding area for B1, B2 & B8 employment uses and an alternative land use would benefit the surrounding area and community;  In either of these cases the applicant must also demonstrate that the non-employment use;  c. Would be compatible with neighbouring employment uses and;  d. Will respect the character and amenity of the surrounding area and is landscaped accordingly.



### 3 Criteria Relevant to Policy EMP/4 (part 1)

- 3.1 A list of all the allocated, safeguarded, contingency and improvement employment sites are provided in Appendix 1 of this document. If viewing this guidance electronically, then it is also possible to view the sites in map format by clicking on the link in Appendix 1. Part 1 of policy EMP/4 only applies to land and buildings falling within these designations that have an *existing* B1, B2 or B8 use class. For example, premises that have lawful sui-generis use situated on one of the above mentioned designations would not be covered by this policy.
- 3.2 The wording within Part 1 of EMP/4 is self-explanatory and objective. It states that ‘Development that would lead to the loss of existing B1, B2 & B8 employment sites on designated land will not be permitted.’ Therefore applications for such losses will be refused under this policy unless strong evidence exists that is in line with national planning guidance to merit a departure from the LDP.
- 3.3 Part 1 of EMP/4 also deals with applications that seek to change use between the B classes. For example, a B2 factory to B8 warehouse. The policy supports such changes of use where the proposal does not ‘prejudice the strategic employment land requirement’ as set out in the LDP. This means that subject to LDP monitoring, minor developments of this kind (where the net change to any one use class is under 1000 m<sup>2</sup> floor space) will not usually be problematic under this policy. Larger developments may also be acceptable, but will require further analysis in line with the content in Background Paper 14: Employment Land Study and the Employment Land Monitoring database. In all cases, impact on the number and type of jobs should be provided along with details of the nature of the proposed business.
- 3.4 The final part of the last sentence in EMP/4 part 1 states that the development will be permitted provided that it is ‘compatible with the amenity of occupiers of neighbouring properties and the environment in general and subject to being acceptable in terms of other Local Development Plan Policies.’ In terms of the LDP policies, officers will be guided by DP/3 and DP/4, and where necessary, other policies for example those relating to conservation of the natural and historic environment (NTE/1, CTH/1) and highways (STR/1).

## 4 Criteria Relevant to Policy EMP/4 (part 2)

- 4.1 The second part of EMP/4 applies to existing B1, B2 and B8 employment land or buildings that are situated outside of the designated areas listed in Appendix 1 of this document. Essentially, the change of use from one of the B class uses to a non-B class use will only be supported when a certain criteria is met. For example if an application is received for change of use from class B1 office to class D1 dental surgery, then this application would need to fulfil the criteria listed in part 2 of EMP/4.
- 4.2 The criteria for the applicant to satisfy is a) **OR** b) as follows:

a) The site has no reasonable prospect of it becoming marketable for B1, B2 and B8 employment development.

**OR;**

b) The site is incompatible with the surrounding area for B1, B2 & B8 employment uses and an alternative land use would benefit the surrounding area and community

**AND** meet the requirements of c) and d):

c) Would be compatible with neighbouring employment uses

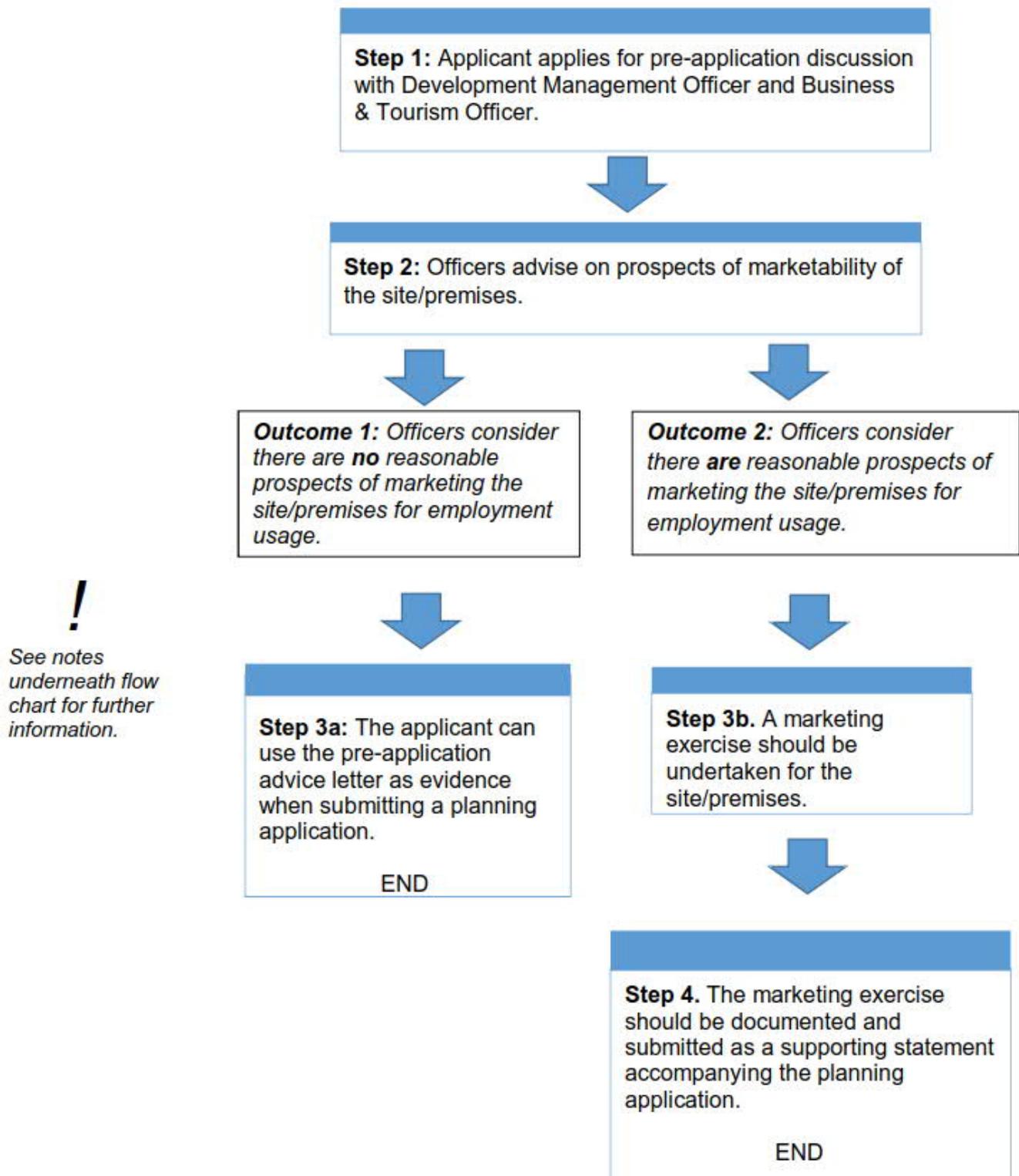
d) Will respect the character and amenity of the surrounding area and is landscaped accordingly.

This element of EMP/4 relates to the following bullet points in national planning guidance (TAN 23) para 4.6.9:

- Poor prospects of being re-occupied for their previous use
- The particular market that the site is part of is oversupplied
- The existing employment use has unacceptable adverse impacts on amenity or the environment;
- The proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;

- 4.3 **Marketability – EMP/4, 2a).** The site has no reasonable prospect of it becoming marketable for B1, B2 and B8 employment development.

In demonstrating that the site has no reasonable prospect of becoming marketable for the relevant permitted B class uses, applicants should follow the steps in the flow-chart below:



## Notes accompanying the flow-chart.

- **Step 1 / Step 2** – In the first instance, pre-application discussions involving relevant Council services (Business and Tourism Officers and Planning Officers) are encouraged as they can usually establish if a site has reasonable prospects of it becoming marketable for B1, B2 and B8 employment development. The Business and Tourism section retains information such as the number and nature of enquiries received for the relevant economic uses in the County Borough and local area, as well as evidence of market demand and trends. To commence the pre-application process, a pre application enquiry form can be requested by telephoning 01492 575195, 01492 575250 or 01492 575390 during office hours. Or, you can print a form from the Council's website at [www.conwy.gov.uk/planning](http://www.conwy.gov.uk/planning)
- To aid the pre-application discussions, the applicant would normally be asked to submit relevant financial information (viability of the existing business) that demonstrates their case (as per paragraph 4.3.10.3 of the LDP). Any financial information will be treated as confidential.
- The views of at least two commercial agents should also be sought prior to the pre-application meeting and provided in written form.
- If no pre-application discussion takes place, the Development Management Case Officer will, at the planning application stage, consult with the Business and Tourism service to obtain their views and seek relevant financial information and commercial agent's opinion from the applicant as necessary.
- **Step 3a** – Where officers consider there are **no** reasonable prospects of marketing the site for employment usage, then there would be no merit in initiating a marketing exercise. Following this, the applicant can use the letter they have received following the pre-application meeting as supporting evidence when submitting the planning application.
- **Step 3b** – When having considered the evidence officers advise that in their opinion a reasonable prospect of marketability exists, then the site in question should be marketed for a minimum of 12 months at a realistic price. The Council appreciates that the traditional fixed period marketing exercise may not be appropriate in each instance based on the demand for specific uses in different locations and a degree of flexibility will be applied.
- An active and comprehensive marketing exercise should encompass all permitted uses within the terms of the policy and be undertaken through a recognised and independent commercial property agent, covering the Conwy and neighbouring authority region. The price at which the property is marketed should reasonably reflect both its value as a business premises and the costs associated in overcoming any constraints to bring the development forward.

- If no acceptable offers are made during the agreed marketing timeframe, the exercise needs to be documented showing the extent of the marketing exercise and submitted to the Council as supporting information to the planning application (see Step 4 notes below).
- Applicants should seek to submit an application within 3 months of the expiration of the marketing period, to ensure that evidence is up to date reflecting current demand and valuations.
- **Step 4** – The marketing exercise should be documented in a supporting statement. Headings for the statement should include the following as underlined:
  - The extent of marketing, including copies of all adverts with dates specified, and details of when and for how long the advert was advertised in the agent's window and on any website as well as the site marketing signage and number of website hits.
  - The marketing price (purchase and rent) including any revised prices and dates.
  - Details of any enquiries received, including any firm offers (conditional or unconditional)
  - A written statement of the commercial property agent's view as to the commercial viability of the site which should include reference to any offers made (and reasoning as to why they were unacceptable) and analysis of market trends.

4.4 **Incompatibility** – EMP/4 Part 2b) The site is incompatible with the surrounding area for B1, B2 & B8 employment uses and an alternative land use would benefit the surrounding area and community.

In cases where the applicant is suggesting that EMP/4 part 2b) applies, the following factors should be considered:

- **General Location:** Buildings located in remote areas may generally be unsuitable for business uses. Delivery of goods may be difficult, distribution costs are likely to be high and sufficient staff may be unobtainable.
- **Proximity to residential uses:** This in itself it not always a negative, as some economic uses can be located close to residential properties without causing harm (see PPW para 7.6.3), however it is recognised that some industrial processes and business operations are better located away from residential properties for reasons of amenity which may restrict / adversely affect the operations of the business.
- **Highways:** The intensive use of narrow, single carriageway country/urban roads with few passing places is undesirable. Where site access is difficult, as, for example, where visibility is obstructed by buildings and boundary walls or hedges it may not be suitable for continued employment usage.

- **Parking:** Consideration should be given to whether there is sufficient parking space available within the existing curtilage to ensure that parking would not be visually intrusive or cause harm to the character of the area.

The proposal would also need to represent betterment for the surrounding area and community.

#### 4.5 **EMP/4 part 2 c&d)**

These criterion are concerned with impact on neighbouring uses and the surrounding area. Part:

c) states that the proposed use should be compatible with neighbouring employment uses. This is to ensure that the development does not prejudice any employment uses nearby or hinder their operations.

For part d), officers will be guided by other policies in the LDP, namely DP/3 and DP/4, and where necessary other policies such as those relating to conservation of the natural / historic environment (NTE/1, CTH/1).

## **5 Submitting a Planning Application**

### **5.1 Enquiries and Pre-Application Discussions**

- 5.1.1 Planning application and pre-application enquiry forms, along with guidance notes, are available from the Council's Planning offices, or to download from the Council's website: [www.conwy.gov.uk/planning](http://www.conwy.gov.uk/planning)
- 5.1.2 Planning applications can be submitted either in hard copy format or electronically via the Planning Portal [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

**6**      **Contacts**  
**6.1**    **Council Services**

Strategic Planning Policy Service	2 <sup>nd</sup> Floor Llandudno Library Building Mostyn Street Llandudno LL30 2RP	<b>Phone:</b> 01492 575461 <b>Email:</b> <a href="mailto:cdll.ldp@conwy.gov.uk">cdll.ldp@conwy.gov.uk</a>
Development Management Section	Civic Offices, Colwyn Bay, Conwy LL29 8AR	<b>Phone:</b> 01492 575247 <b>Email:</b> <a href="mailto:regulatory.services@conwy.gov.uk">regulatory.services@conwy.gov.uk</a>
Business & Tourism	28 Wynnstay Road, Colwyn Bay LL29 8NB	<b>Phone:</b> 01492 574522 <b>Email:</b> <a href="mailto:allan.sharp@conwy.gov.uk">allan.sharp@conwy.gov.uk</a>
Highways (Environment, Roads & Facilities Service)	Mochdre Offices, Conway Road, Mochdre, Colwyn Bay, LL28 5AB	<b>Phone:</b> 01492 575337 <b>Email:</b> <a href="mailto:erf@conwy.gov.uk">erf@conwy.gov.uk</a>
Building Control	Civic Offices, Colwyn Bay, LL29 8AR	<b>Phone:</b> (01492) 574172 <b>E-mail:</b> <a href="mailto:regulatory.services@conwy.gov.uk">regulatory.services@conwy.gov.uk</a>

## Appendix 1 – Table of LDP Allocated, Safeguarded, Contingency and Improvement sites for Employment.

(Click here for link to map view)

Area	Settlement	Site	Designation	Size (ha)
East	Abergele	1.a) Abergele Business Park	Allocated Site	2.0
		1.b) Abergele Business Park	Safeguarded Employment Site	3.8
		2.a) Abergele south east	Allocated Site	2.0
		2.b) Abergele south east	Contingency Site	3.7
		3) Peel Street	Employment & Improvement Site	1.1
		4) Threeways Garage	Safeguarded Employment Site	2.1
	Pensarn	5) Pensarn Trading Estate	Employment & Improvement Site	4.8
	Kinmel Bay	6) Cader Avenue	Employment & Improvement Site	1.9
7) Tir Llwyd Business Park		Safeguarded Employment Site	34.9	
Colwyn	Colwyn Bay	8) Llys Eirias Offices	Safeguarded Employment Site	1.4
	Mochdre	9) Bron Y Nant Road	Employment & Improvement Site	1.1
		10) Glan Y Wern Road	Employment & Improvement Site	3.1
		11) Quinton Hazell	Safeguarded Employment Site	4.9
		12) Former Dairy Site	Safeguarded Employment Site	1.0
		13) Mochdre Commerce Park, Conwy Road	Safeguarded Employment Site	21.6
Creuddyn	Conwy	14) Penmaen Road, Conwy	Allocated Site	0.5
		15) Former Fisheries Research Site	Employment & Improvement Site	0.7
		16) Morfa Business Park	Safeguarded Employment Site	15.4
	Llandudno	17) Former goods yard	Allocated Site	1.4
		18) Builder Street	Employment & Improvement Site	11.4
		19) Arch Motors	Improvement Site	1.3
	Llandudno Junction	20) Esgyryn	Allocated Site	5.2
		21) North East of former goods yard	Allocated Site	0.4
		22) Glan Y Mor Road (Arriva/NWWN)	Improvement Site	4.1
		23) Sarn Mynach WG Office	Safeguarded Employment Site	3.9
		24) Richard Williams	Safeguarded Employment Site	1.0
		25) Former Hot Point Factory	Safeguarded Employment Site	8.0
		26.a) Tre Marl (1)	Employment & Improvement Site	4.7
26.b) Tre Marl (2)		Safeguarded Employment Site	0.5	
26.c) Tre Marl (3)	Safeguarded Employment Site	4.2		
26.d) Tre Marl (4)	Safeguarded Employment Site	4.9		

Area	Settlement	Site	Designation	Size (ha)
		27.a) East of Tre Marl (1)	Employment & Improvement Site	1.2
		27.b) East of Tre Marl (2)	Safeguarded Employment Site	1.1
West	Llanfairfechan	28) Llanfairfechan Industrial Estate	Safeguarded Employment Site	1.0
	Dwygyfylchi	29.a) Land at Orme View Filling Station	Allocated Site	0.5
		29.b) Land at Orme View Filling Station	Contingency Site	0.5
Llanrwst	Llanrwst	30) Station Yard	Employment & Improvement Site	0.2
		31) North Station Yard	Improvement Site	1.3
		32) Ty Gwyn	Safeguarded Employment Site	6.7
Rural	Cerrigydrudion	33) Site R5 off the B5105	Allocated Site	1.0
	Dolgarrog	34) Land at Memorial Hall	Allocated Site	0.3
	Glan Conwy	35) Cae Ffwyt Business Park	Safeguarded Employment Site	1.4
	Llangernyw	36) Site R44 Llangernyw	Allocated Site	0.3
	Llansannan	37) Land at Llansannan	Allocated Site	1.0