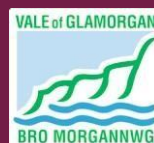


Economic Development, Employment Land and Premises



Supplementary Planning Guidance

March 2023



THE VALE OF GLAMORGAN ADOPTED LOCAL DEVELOPMENT PLAN 2011-2026

ECONOMIC DEVELOPMENT, EMPLOYMENT LAND AND PREMISES

SUPPLEMENTARY PLANNING GUIDANCE

MARCH 2023

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1. INTRODUCTION

- 1.1. The Local Development Plan (LDP) strategy acknowledges the important role that the development of land for employment purposes can make, not only to the Vale of Glamorgan, but also to the wider region. Indeed, the Cardiff Airport and Bro Tathan Enterprise Zone highlights the important role that the authority plays in the future economic prosperity of the Capital region.
- 1.2. Maintaining a sufficient range and choice of employment land within the authority is therefore essential to supporting a diverse economy and creating opportunities for residents to work close to where they live. Therefore, to promote economic growth, the LDP allocates 492 hectares of employment land to meet regional and local need. This SPG offers advice about how development proposals will be considered in the Vale of Glamorgan to ensure they deliver the economic benefits envisaged, whilst mitigating their impacts on the environment and local communities.
- 1.3. In addition, it is important to protect existing employment land and premises as part of the supply because of the pressure they face for redevelopment in response to market forces and land values for alternative developments such as retail and residential uses.
- 1.4. The loss of employment land and premises can negatively impact on local access to jobs, thereby increasing the propensity for outward commuting. The latter is particularly important as the Vale of Glamorgan has the second highest rate in Wales based upon the Commuting Patterns derived from the Annual Population Survey¹. In 2019, 51.29% of the Vale of Glamorgan's working population commuted outside of the Local Authority Area. It can also negatively impact on the economic competitiveness of the authority contrary to the Council's corporate aims and objectives and the overarching national policy context. Therefore, the LDP contains managing development policies which seek to protect existing and allocated employment sites and premises from unacceptable development for alternative uses.
- 1.5. The LDP framework seeks to contribute towards limiting the need to commute outside of the authority for employment and promotes the Vale of Glamorgan as an attractive location for new employment in the industrial, business and

¹ Commuting Patterns – StatsWales: <https://statswales.gov.wales/Catalogue/Business-Economy-and-Labour-Market/People-and-Work/Employment/Commuting/commutingpatterns-by-welshlocalauthority-measure>

office sectors by providing a wide range of premises, providing development opportunities for local employment and inward investment, encourage rural diversification and rural enterprises. In addition, policies seek to protect existing and allocated employment sites and premises from unacceptable development for alternative uses. This not only helps ensure that jobs are plentiful and varied locally, but it also helps promote a strong and diverse local economy with the benefits this brings to the community in terms of increasing prosperity.

2. SCOPE AND PURPOSE OF THE GUIDANCE

- 2.1. This Supplementary Planning Guidance (SPG) has been prepared to support the key employment policies contained within the adopted LDP to help secure its aims and objectives including:

LDP Objective 1 – To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

LDP Objective 8 - To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.

- 2.2. This SPG offers advice about how development proposals will be considered in the Vale of Glamorgan to ensure they deliver the economic benefits envisaged, whilst mitigating their impacts on the environment and local communities. The guidance also clarifies the circumstances where the Council would consider permitting the redevelopment of existing employment land and premises for alternative uses or alternative proposals that facilitate the delivery of employment uses. It also provides guidance on the necessary evidence that applicants are required to submit for proposals involving non employment uses on existing or allocated employment sites.
- 2.3. The LDP proposals map identifies the larger established employment sites in the Vale of Glamorgan which are listed in Policy MD16 - Protection of Existing Employment Sites and Premises. However, it should be noted that the policy applies to all employment sites including small business premises throughout the Vale of Glamorgan. Accordingly, the scope of this SPG extends to all sites and premises which are classed as an employment use (see paragraph 2.4 below), including vacant units which were last used for employment use.
- 2.4. For the purposes of LDP Policies MD15 and MD16, 'employment uses' are defined as those that fall within the 'B' Use Class as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) as follows:
- B1 Business - Offices (other than those that fall within class A2 such as estate agents, banks, insurance brokers etc.), research and development of products and processes, light industry;
 - B2 General Industrial - industrial processes other than one falling within class B1 such as manufacturing and engineering (but exclude incineration purposes, chemical treatment or landfill or hazardous waste);

- B8 Storage or distribution, such as wholesale warehousing, distribution centres, repositories, and also includes open air storage e.g. building merchants.

- 2.5. However, this strict use class definition can ignore other uses that provide the same economic development benefits as 'B1, B2 and B8' uses and that require similar types of sites or location to operate effectively. Therefore, in addition to these, other sui generis uses of a similar and / or complimentary character to employment uses that would be acceptable in principle on existing and allocated employment sites are considered in this guidance (paragraph 6.3 refers).
- 2.6. Recent trends suggest that more office based staff will work some or all of their working week from home, which will have inevitable consequences for demand for office accommodation that will be considered further as part of future LDP Review and as more evidence of trends is gathered. Consequently, the SPG will outline the potential planning considerations associated with working from home. Additionally, the rise in working from home could lead to a greater demand for live / work units which are a combination of B1 and C3 uses. Therefore, the SPG aims to set out how proposals for live / work development will be considered in development management decisions in the Vale of Glamorgan.
- 2.7. According to the Office of National Statistics (ONS), in 2021 there were 9,455 business enterprises in the Vale of Glamorgan, operating across a range of employment sectors, many of which were classed as being micro businesses, employing less than 10 employees. In terms of employment, the most recent ONS data indicated that the majority of Vale of Glamorgan residents are employed in the 'public administration, defence, education and health' sectors (30%%), followed by 23.7% in wholesale, retail, transport, hotels and food related employment, 7.9% in the 'Construction' sector, and 9.5% in manufacturing. Whilst much of the western Vale is characterised as rural, the number of people employed in the agricultural related sector is relatively modest (in 2018 0.01% of people were employed in agriculture, forestry, and fishing, compared to 2.8% nationally). Therefore, while the Vale's residents are employed in a range of sectors including non B uses and service industries like retail and hospitality, tourism, administration and agriculture, other policy considerations will apply to these types of uses and are not covered by the 'employment policies' in the LDP nor this supplementary planning guidance.

3. STATUS OF THE GUIDANCE

- 3.1. Only the policies of the Development Plan can have the special status afforded by Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that, “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.” The Welsh Government advises that SPG may be a material consideration provided it is consistent with the LDP, the weight afforded to it being increased if it is consistent with LDP policies and has been the subject of consultation.
- 3.2. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework, and ‘Future Wales – the National Plan 2040’ is the national development plan. This SPG supplements the policies contained within the development plans and will be relevant for the determination of planning applications and appeals for new development within the Vale of Glamorgan.
- 3.3. The draft SPG was approved by Cabinet for public consultation on 29th September 2022 (Minute No. C80 refers). The council undertook a 6-week public consultation exercise between Thursday 20th October and Thursday 1st December 2022 with the relevant documentation being made available at the main Council offices and on the Council’s website. The council considered the representations received during the consultation before finalising this document. This SPG was approved by cabinet on 27th February 2023 (Minute No. C245 refers) and is now a material consideration in the determination of relevant planning applications and appeals in the Vale of Glamorgan.

4. LEGISLATIVE AND PLANNING POLICY CONTEXT

4.1. LEGISLATION

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT (2015)

4.1.1. **The Well-being of Future Generations (Wales) Act (2015)** is concerned with improving the social, economic, environmental, and cultural well-being of Wales. It requires the public bodies listed in the Act to think more about the long-term, work better with people, communities, and each other, look to prevent problems and take a collaborative approach to working. The Act puts in place seven well-being goals under a range of headings. The provision of an appropriate range and choice of employment sites and premises can contribute to achieving the following goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A globally responsive Wales.

4.1.2. The Act places a duty on the Council to take reasonable steps in exercising its functions to meet the wellbeing objectives set out above. This SPG has been prepared as part of the Council's duty and the 'sustainable development principle', as set out in the Act and has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.2. NATIONAL PLANNING POLICY

FUTURE WALES: THE NATIONAL PLAN 2040 (FEBRUARY 2021)

4.2.1. **Future Wales: The National Plan 2040**, sets out the Welsh Government's strategic national development framework and builds upon the key objectives of Planning Policy Wales. It outlines the Welsh Government's strategies for addressing key national priorities through the planning system. These include sustaining and developing a vibrant economy, providing quality development in the right places for the right reasons, achieving decarbonisation and climate-resilience, developing strong ecosystems, and improving the health and well-being of communities.

4.2.2. In relation to economic development, Future Wales emphasises the need for future economic growth to align with the decarbonisation of the Welsh economy and to support innovation, entrepreneurialism and the development of skills and high-quality employment.

4.2.3. The National Development Plan outlines a number of strategic policies which development proposal must consider and will inform how decision makers determine planning decisions. The following strategic policies are considered likely to be relevant to employment-based proposals in the Vale of Glamorgan:

- Policy 1 – Where Will Wales Grow,
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking,
- Policy 5 – Supporting the rural economy,
- Policy 6 – Town Centre First,
- Policy 13 – Supporting Digital Communications,
- Policy 16 – Heat Networks,
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

PLANNING POLICY WALES (PPW) EDITION 11 (FEBRUARY 2021)

4.2.4. **Planning Policy Wales (PPW) Edition 11 (February 2021)** sets out the Welsh Government’s aims and objectives for land use planning within Wales across a range of social, environmental, and economic topics. It indicates that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy, and friendly (paragraph 2.3 refers).

4.2.5. PPW translates the national well-being goals into 5 planning principles - Growing Our Economy in a Sustainable Manner; Making Best Use of Resources; Facilitating Accessible and Healthy Environments; Creating and Sustaining Communities, Maximising Environmental Protection, and Limiting Environmental Impact.

4.2.6. The ‘Growing Our Economy in a Sustainable Manner’ principle sets out the role that the planning system has in facilitating economic development:

“The planning system should enable development which contributes to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services. Communities, national and local government, businesses, and the third sector must work together to take a long-term view, integrating and aligning priorities through greater collaboration to achieve sustainable economic benefits for all in line with the well-being goals.” (PPW Figure 4, Page 17 refers)

4.2.7. Section 5 **Productive and Enterprising Places** sets out the measures that LPAs should adopt in carrying out their forward planning and development management functions to support the economy. These include ensuring that there is sufficient employment land to meet future employment needs at the local and strategic level, directing employment uses to the most appropriate locations, and providing a framework for protecting existing employment sites being lost to inappropriate non-employment uses.

TECHNICAL ADVICE NOTES (TAN)

4.2.8. **Technical Advice Note (TAN) 23 Economic Development (2014)** provides advice on planning for economic development, the rural economy and how to address these issues in development plans and when making decisions. It advises that local planning authorities should avoid releasing existing employment land / premises for other uses where there is strong evidence of future need for B Class Uses. Due to the relatively low land values associated with employment land (when compared to other competing uses such as housing and retail), it is generally difficult to replace employment land once lost to alternative uses.

4.2.9. When considering non-employment proposals on land identified for employment uses, TAN 23 (paragraph 4.6.9 refers) recommends that local planning authorities should only consider this where 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.”*

4.2.10. **TAN 12: Design (2016)** - provides additional guidance and advice on enabling good design within the planning system. The design context is individual to each proposal, however, there are broad areas which should be covered in any proposal which are outlined in TAN 12. Section 5.12 sets out the key design principles that of relevance to Employment and Commercial Areas:

- *“The design of employment areas is important, as high quality of design can add value to commercial property, support the image of modern businesses and encourage further investment. Early consideration of the need to embrace high environmental standards, low carbon aspirations and minimise the need for artificially cooled buildings, provide opportunities to develop shared low carbon and renewable energy options.*
- *Large new employment buildings can often make a bold statement of their purpose. Recognising the functionality of business premises is important to ensure they contribute to the economic success of the occupier. However, robust design, high quality materials, flexibility of exterior and interior layout and appropriate landscape treatment such as earth form or planting, can help to integrate new business premises into their surroundings, minimise the need to artificially cool buildings and allow for easier conversion by successive occupiers. Service and utility features, exposed and imaginatively detailed, may in many cases provide elements of interest in otherwise plain facades. The need to consider the building and landscape maintenance processes once the development is completed is also essential to ensure that the development remains integrated.*
- *Where employment premises are grouped together, a sufficient scale of planting and earth forms is essential, to absorb the bulk of the building, ancillary circulation, and parking areas. Opportunities to minimise energy demand through the adoption of renewable energy or low carbon technology such as district heating schemes including CHP running on low carbon fuel, should be realised. Mixed employment uses would improve the feasibility and viability of such schemes and care should be taken to avoid the creation of insular estates. Efforts should be made to present a positive, outward looking image by ensuring key buildings within the development front onto roads and help improve connectivity. Accommodating parking within courtyard layouts can help to reduce the overall visual impact of parking areas. Separate, safe and attractive routes for pedestrians and cyclists, and high-quality facilities for public transport should be incorporated. Low maintenance regimes will be particularly important in mixed occupancy areas.*
- *Where situated in proximity to other uses, smaller employment premises especially, will need to be more closely related in terms of scale and appearance to their context. This should not mean concealing their purpose but expressing it in a way which reflects or complements the setting. In some circumstances, especially in regeneration and rural areas, the conversion of existing buildings for employment purposes will be appropriate. However even in these areas there can also be a place for new buildings of an appropriate appearance.”*

4.2.11. **TAN18: Transport** (March 2007) - provides guidance on achieving a sustainable and integrated land use planning and transport system. To achieve a more sustainable pattern of development TAN 18 provides detailed guidance upon the location of development, parking, and the design of

development. In respect of employment and commercial developments the TAN indicates that Local Planning Authorities should seek to maximise opportunities to maximise accessibility for all and encourage the use of sustainable transportation modes. The TAN encourages the use of planning obligations to implement travel plans and secure provision of cycle parking and changing facilities.

4.2.12. **TAN 21 Waste (2014)** sets out the locational considerations for the provision of waste management facilities, and in relation to employment sites and building the TAN indicates:

- “[...] *many general employment sites and major industrial areas are likely to be suitable locations for waste facilities but this will depend on a variety of local factors, including the nature of existing users and the strategy adopted for particular employment sites.*”
- “*It is expected that facilities for recycling and remanufacture can be appropriately accommodated on many general employment sites, providing suitable access and transportation is available, however there may be site specific reasons for these being located elsewhere.*”
- “*Some waste facilities, such as open windrow composting will not be suitable in built up areas and may be more appropriate in rural locations.*”

4.2.13. In this respect the LDP identifies employment sites considered to be most suited for co-location of employment (Policy SP8 Sustainable Waste Management) and waste management facilities and sets out specific criteria for determining proposals for new waste managing facilities (Policy MD 20 Assessment of Waste Management Proposals).

4.3. LOCAL PLANNING POLICY

4.3.1. The **Vale of Glamorgan Adopted Local Development Plan (LDP) (2011-2026)** provides the planning policy framework for managing the use and development of land within the authority. The LDP Strategy seeks to promote new and enhanced employment opportunities in sustainable locations and also reflects the Welsh Government’s economic aspirations for St. Athan and Cardiff Airport. The LDP includes ten strategic objectives which set out the overall social, economic, and environmental context and policy direction of the Plan. The following objectives and policies are of relevance to this SPG:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.
- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.
- **Objective 3:** To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.
- **Objective 4:** To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.
- **Objective 8:** To foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region.

4.3.2. In order to support the local and wider regional economy, it is essential that the Council ensures there is a range and choice of land and premises available to both encourage inward investment and support the existing and future needs of local businesses. The LDP employment policies therefore seek to address this and have been informed by the Employment Land and Premises Study (2013).

4.3.3. **LDP Policy SP1 - Delivering the Strategy** contains 8 criteria which set out in broad terms how the LDP strategy will be delivered over the plan period. Criterion 2 is of particular relevance to the SPG which states the strategy will be achieved by “promoting a range of employment sites intended to meet the needs of the Vale of Glamorgan and the wider capital region” (LDP, p.38, 2017).

4.3.4. **LDP Policy SP2 - Strategic Sites** identifies 3 strategic sites that contribute to the promotion of development and regeneration opportunities within the specific areas identified within the strategy. Barry Waterfront and St. Athan are allocated for mixed use and land adjacent to Cardiff Airport is allocated solely for employment uses.

4.3.5. **LDP Policy SP5 - Employment Requirements** quantifies how much land is allocated in the LDP for employment use (492 ha) to meet the regional and local employment needs. Most of the land allocated (approximately 438ha) is found on the three strategic employment sites at St Athan Aerospace Business

Park, Land adjacent to Cardiff Airport and Land to the south of the M4 Junction 34 (Hensol). These strategic allocations address the regional employment need and are intended to meet the specific needs of the aerospace, high tech manufacturing and logistics distribution industries. According to the findings of the Council's Employment Land and Premises Study (2013), the local employment need was projected to be approximately 53ha. It should be noted that the LDP allocates approximately 55ha of employment land on local employment sites for B1, B2 and B8 uses which includes a 5-year supply buffer to allow for flexibility over the Plan period. Together with the strategic allocations the LDP provides a range of employment land to meet local and regional demand.

- 4.3.6. **LDP Policy SP8- Sustainable Waste Management Facilities** – Identifies the employment sites within the Vale of Glamorgan that are considered the most appropriate for the co-location of waste management facilities which would undermine the primary role of the sites identified as important sources of employment land and premises; namely Atlantic Trading Estate, the Operational Port and Docks at Barry, and Llandow Trading Estate near Cowbridge. In addition, the policy allows for waste facilities to be developed on suitable existing and allocated employment sites as identified in Policy MG9 Employment Allocations.
- 4.3.7. **LDP Policy MG9 – Employment Allocations** allocates a total of 492.24 hectares (gross) of land for employment uses to meet both local and regional employment need. Two of the strategic employment sites have been allocated to capitalise on the Enterprise Zone and cater specifically for the needs of the aerospace industry and high-tech manufacturing. The other strategic site (currently occupied by Renishaw) offers good connectivity and is best suited for logistics, manufacturing, and distribution. The three strategic sites are also considered under separate policies **MG 10 (St. Athan – Cardiff Airport Enterprise Zone)** and **MG 11 (Land to the South of Junction 34, M4)**. The local employment allocations (54.68 hectares gross) seek to ensure that an appropriate range and choice of land is available to support local economic growth during the Plan period.
- 4.3.8. **LDP Policy MD14 – New Employment Proposals** supports proposals for class B1, B2 and B8 employment uses and complementary ancillary uses on existing and allocated employment sites. Ancillary uses must complement the wider function of the employment site and not affect the integrity of these sites, or unacceptably reduce employment land supply. On strategic and local employment allocations, **LDP Policy MD15 – Protection of Allocated Employment Sites** restricts non-employment uses to those of a minor ancillary nature.

- 4.3.9. **LDP Policy MD16- Protection of Existing Employment Sites and Premises** identifies existing local employment sites which provide valuable employment opportunities close to where people live and support economic growth. The type and quality of the existing employment sites identified under Policy MD16 varies from purpose built business and industrial estates to open sites used for storage and distribution. These are predominantly located within long established employment sites primarily found within and adjoining the larger towns of Barry and Penarth which serve the south-eastern Vale, and at Llandow Trading and Industrial Estates which primarily serves the rural western area of the authority. The map in Appendix 1 illustrates the location of the larger existing employments sites, together with land allocated within the adopted LDP to support future economic growth. In accordance with national planning policy, in addition to the sites listed Policy MD16 seeks to protect the loss of all employment sites and premises currently in, or previously in employment use in order to support a diverse local economy.
- 4.3.10. **LDP Policy MD17 - Rural Enterprise** promotes farm diversification and rural enterprise in the rural Vale.
- 4.3.11. **LDP Policy MD20- Assessment of Waste Management Facilities** sets out criteria against which all applications for the treatment, processing, storage and distribution of waste will be assessed, including those relating to new waste management facilities and extensions to existing operations, including proposals located on sites identified under aforementioned policies SP8 and MG9.

4.4. SUPPLEMENTARY PLANNING GUIDANCE

- 4.4.1. The following SPGs are particularly relevant to this guidance and should be read in conjunction with this document. All SPGs are available on the LDP pages of the Council's website.
- 4.4.2. The **Cardiff Airport and Gateway Development Zone SPG** has been prepared to provide clarity on how development proposals at this strategic location will be assessed in order to ensure the delivery of a comprehensive, high quality sustainable development.
- 4.4.3. The **Conversion and Renovation of Rural Buildings SPG** recognises the benefits of allowing the conversion of rural buildings to alternative uses including business use. Such uses can provide both direct and indirect

employment opportunities in the rural Vale and have significant benefits to the local economy and community.

- 4.4.4. The **Parking Standards SPG** sets out the Council's parking requirements for new developments and changes of use. The SPG relates to commercial vehicles, cars, motorcycles, and bicycles. It also refers to travel plans (which are covered in more detail in a separate **Travel Plan SPG**) as well as the need for provision for Ultra Low Emission Vehicle charging points.
- 4.4.5. The **Planning Obligations SPG** - provides clarification of where, what, when and how planning obligations will be sought, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. This guidance offers advice on planning obligations in support of the policies in the Vale of Glamorgan LDP.
- 4.4.6. **Biodiversity and Development SPG** - offers guidance to assist developers to meet the Council's proactive approach to achieve a high-quality natural environment. This includes outlining the information the Council requires to be submitted to support a planning application to demonstrate biodiversity has been appropriately considered as part of a development proposal.
- 4.4.7. **Trees, Hedgerows, Woodlands and Development SPG** - contains guidance relating to how existing vegetation should be considered within development proposals and emphasises the importance of protecting existing trees and integrating them within the design of development proposals.

5. PROPOSALS FOR NEW EMPLOYMENT DEVELOPMENT – KEY CONSIDERATIONS

- 5.1.1. The LDP welcomes new employment proposals for the benefits they provide to the local economy. **LDP Policy MD14 – New Employment Proposals** supports proposals for class B1, B2 and B8 employment uses, and complementary ancillary uses on existing and allocated employment sites. Elsewhere, Policy MD14 also permits new employment uses where: these are within or adjacent to sustainable settlements where the proposal is complimentary to its location and neighbouring uses; as part of a rural enterprise business or farm diversification; or where the nature of the proposal necessitates its location to mitigate its impact on amenity.
- 5.1.2. In addition, the following policies offer the main policy framework against which proposals for new employment development will be assessed to ensure they deliver well-designed and purposeful developments that protect the amenity and environment of the surrounding area:
- MD2 – Design of New Development
 - MD7 – Environmental Protection
 - MD20 – Assessment of Waste Management Proposals
- 5.1.3. Some key themes are explored further in the guidance below.

5.2. GOOD DESIGN AND PLACEMAKING

- 5.2.1. Placemaking is about creating great places to live, work, visit and spend time. This will often start with engagement i.e. creatively engaging with people who live, work and spend time in an area (as well as future user groups) from the outset of a project to actively listen, see and understand a place, to inform design choices. Developers must submit a Pre-Application Consultation (PAC) report for any “major” development (i.e. site area is 0.5 hectares or more, or where new floorspace exceeds 1000 square metres) setting out how community consultation has been undertaken and how this has influenced the concept design for the development.
- 5.2.2. **LDP Policy MD2 Design of New Developments** seeks to create high quality, healthy, sustainable and locally distinct places and sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe and accessible environments. In particular, development proposals should:

1. *“Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*
2. *Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;*
3. *Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;*
4. *Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. [...];*
5. *Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;*
6. *Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;*
7. *Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;*
8. *Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;*
9. *Provide public open space, private amenity space and car parking in accordance with the council’s standards;*
10. *Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;*
11. *Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or products into new buildings or structures; and*
12. *Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.”*

5.2.3. The Council recognises that business development can be in a variety of forms and the design and layout of premises can depend on the needs of the user and well as the design response to the site. Therefore, it is not possible nor desirable to be prescriptive about design, nevertheless, key design principles set out in policy MD2 should be applied to new employment developments.

5.2.4. Design and access statements, where required, should provide sufficient detail in respect of design alongside how proposals address key planning issues outlined in this and other relevant Supplementary Planning Guidance.

5.3. CONTEXT AND CHARACTER

- 5.3.1. Criteria 1 and 2 of LDP Policy MD2 set out the importance of new development responding to the context and character of the surrounding environment in terms of use, type, form, scale, mix, and density. This will start with an appraisal of context and character that should be clearly articulated in the Design and Access statements submitted to support planning applications.
- 5.3.2. Welsh Government has produced guidance in partnership with Design Commission for Wales which sets out how to undertake effective site analysis to achieve an appropriate design response (<https://gov.wales/sites/default/files/publications/2018-09/site-context-analysis-guide.pdf>) which could assist in this process.
- 5.3.3. Placemaking requires an informed and critical response to sites and their context. Only through a considered response to context can we make places which are locally distinct, use resources responsibly, take full advantage of the opportunities offered by the site, overcome the challenges of topography and climate and embrace the spirit of a place. Each specific landscape has its own unique qualities - its own topography, geology, microclimate, history, cultures and imprints of human activity - which call for a unique, place-specific response. Developers will need to demonstrate how they have undertaken this analysis and how they have designed an appropriate development as a result.
- 5.3.4. Developers will need to identify site constraints within and surrounding the site, paying particular attention to preserving and protecting sensitive natural features like trees, habitats, watercourses; and important historic assets such as listed buildings, conservation areas or archaeological resources. The design response should maximise the site's potential, for example, maximising active travel connections / opportunities, recognising solar-gain potential, minimising waste through construction by responding appropriately to site levels.
- 5.3.5. The layout and design of industrial units should take account of local surroundings. The design and appearance of buildings should consider how they can contribute to enhancement of the public realm, especially where visible from public locations such as primary roads or wider landscapes. The appearance, layout and orientation of new buildings whilst meeting the functionality of the business should also reflect its surroundings.

5.4. PUBLIC REALM AND LANDSCAPING

- 5.4.1. Commercial development can result in an increased demand for and use of public open space as employees will tend to use these spaces during lunch breaks or before and after work. The provision of attractive open spaces can also contribute to the health and well-being of the workforce and well as providing opportunities for biodiversity protection and enhancement. Green and blue infrastructure in a development provides other environmental benefits including opportunities for sustainable drainage solutions, heat management and carbon capture.
- 5.4.2. LDP Policy MD2 recognises the importance of quality public realm in securing well designed developments. New employment developments should provide new or enhanced areas of public realm where appropriate to promote the creation of healthy and active environments for future employees and visitors (criteria 3 and 4 refer). Developments should, where appropriate, conserve and enhance the quality of, and access to, existing open spaces and/or provide new public open space.
- 5.4.3. Policy MD3 (Provision for Open Space) states: “Where there is an identified need for public open space provision, major new commercial developments, where floorspace to be created exceeds 1000 sqm or the site is 1 hectare or more, will be required to provide public open space at a ratio of 16 sqm per full time equivalent employee. In order to create sustainable places areas of open space will usually be required to be provided on-site as part of new development proposals. Where it is not practical or desirable to make provision on-site, appropriate off-site provision or financial contributions for improvements to existing facilities will be required in lieu of on-site public open space.”
- 5.4.4. When planning public realm areas within employment developments, these should incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests. It is essential for the design and layout of commercial units to consider the use of landscaping to reduce the potential impacts that servicing, parking or waste storage areas can have upon the amenity of neighbouring land uses if not designed properly.
- 5.4.5. Landscape elements can provide a desirable sense of place and character to the proposed development. As well as retaining existing features, the landscape strategy should propose additional native planting to provide a strong sense of place and to soften the urban grain of buildings, roads and service yards often associated with commercial developments.

5.4.6. Soft (green and blue) landscaping provides important biodiversity habitat, visual interest, potential resilience to the causes and consequences of climate change, as well as improving the wellbeing of employees and visitors to the development. It must be considered at the outset, with landscaping strategies and plans being submitted at the initial planning application stage as opposed to being controlled by condition as an afterthought. Similarly, developers will be expected to demonstrate long-term provision (minimum 20 years) for maintenance of public realm areas landscaping.

5.5. BIODIVERSITY

5.5.1. Criteria 10 of LDP Policy MD 2 requires new development to incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests. New employment proposals should therefore consider existing green infrastructure and opportunities to incorporate this and new landscape features within the proposal. This includes the retention of trees and hedgerows on or adjacent to a site, whether they are protected or not. Where tree removal cannot be avoided or is carried out prior to the submission of an application, replacement planting will be required in accordance with the Council's **Trees, Hedgerows, Woodlands and Development Supplementary Planning Guidance**.

5.5.2. Developers will need to carry out appropriate site surveys at the start of their concept design to identify important biodiversity assets on or around the site likely to be affected by the development proposals. There will always be a presumption against development which is likely to harm a protected site or species. However, there may also be instances when the importance of a development proposal will outweigh the conservation value and in such instances, the objective will always be to ensure that the nature conservation value of the site or protected species is preserved and where possible enhanced.

5.5.3. The Council's **Biodiversity and Development Supplementary Planning Guidance** provides additional guidance on how to incorporate measures to for enhancing biodiversity within developments.

5.6. ACTIVE TRAVEL AND ACCESSIBILITY

5.6.1. LDP Policy MD 2 requires new developments to provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users and have no unacceptable impact on highway safety nor cause

or exacerbate existing traffic congestion to an unacceptable degree (criteria 5 and 6 refer).

- 5.6.2. The location, scale, layout and design of a new development will directly influence the mode of travel that employees and visitors will use to get to and from the site. New developments must provide the opportunity to encourage people to change their travel habits towards active and sustainable travel modes to avoid the unnecessary use of private motor vehicles to travel to and from the development. Moreover, it is recognised that individuals are more likely to change their travel habits when they are making a significant change to their lifestyle such as starting a new job, therefore employment proposals with good facilities for walking, cycling and public transport offer a real chance to influence travel patterns.
- 5.6.3. One way of influencing travel behaviour is through the adoption and implementation of a workplace travel plan, which provide opportunities for employer and employees to adopt sustainable travel initiatives that can be economically beneficial for an organisation or individuals.
- 5.6.4. A Travel Plan is a package of practical measures aimed at effectively managing the long-term transport and travel needs of a site or organisation with the specific aim of improving access to the site by all modes of travel. A successful Travel Plan will improve travel choice, reduce the impacts of transport on the local environment and increase the overall accessibility of the site. A Travel Plan can address journeys to and from work and also business travel, fleet management, visitor's arrangements and deliveries. Each Travel Plan is tailored to the specific needs and characteristics of the site and/or organisation.
- 5.6.5. The Council will usually require a Travel Plan to be prepared for the following commercial and business uses, however the Council encourage the adoption of a Travel Plan for proposals of any size:
- Business > 2,500 m² gross floor area
 - Industry 5,000 m² gross floor area
 - Distribution and warehousing > 10,000 m² gross floor area
- 5.6.6. To assist employers in developing a Travel Plan, the Council has prepared detailed guidance on the preparation of Travel Plans which includes a standard Travel Plan template and a toolkit giving examples of measures that are commonly used. Further details on the requirements are set out in the Council's **Travel Plans Supplementary Planning Guidance**.

5.7. PARKING PROVISION

- 5.7.1. Car parking is a major influence on transport choice. If car parking is readily available people are more likely to opt to use the private car instead of more sustainable forms of transport. The Council has adopted parking standards for a range of land uses including office, commercial and industrial development; these are set out in the Council's **Parking Standards Supplementary Planning Guidance**. These provide maximum (rather than minimum) levels of parking across the Vale of Glamorgan reflecting location and accessibility for a range of developments. The guidance also includes standards for the provision of cycle parking facilities which can help reduce demand for car parking alongside the adoption of workplace Travel Plans.
- 5.7.2. When considering the parking requirements for employment proposals the Council will consider a number of factors in relation to the development and its location. These could include:
- Accessibility to and from the service provided by public transport.
 - The availability of private buses, taxi services or the extent of car-pooling.
 - The relative proportions of full time / part time / local catchment of labour.
 - Accessibility by walking and cycling to everyday goods and services.
 - The production of an agreed Travel Plan supported by appropriate financial investment and staff commitment.
 - The existing and possible future parking provision, traffic volumes and congestion on streets adjacent to the development.
 - Potential impacts on highway / public safety.
 - Accessibility to and the availability of public and/or private car parking spaces in the vicinity.
- 5.7.3. The Council recognises that Ultra Low Emission Vehicles and Plug-In Hybrid Vehicles (ULEVs and PHEVs) currently constitute a relatively small proportion of vehicles on our roads. However, advances in technology have resulted in increased popularity in electric vehicles and it is anticipated that as technology and government initiatives develop, their use and popularity will increase further.
- 5.7.4. To encourage the take up of these vehicles and increase the number and geographic spread of ULEV charging infrastructure, the **Parking Standards SPG** (as well as Policy 12 of Future Wales) requires the provision of electric vehicle charging points (EVCPs) infrastructure, within new non-residential development proposals at a minimum of 10% of the total required parking for the proposal. For example, if the parking requirement for a development is 20

spaces two of the 20 spaces will need to accommodate EVCP infrastructure. The development area thresholds are reproduced below:

Thresholds for Electric- Vehicle Charging Parking Access	
Use	Threshold
Business	>2,500 sq.m gross floor area
Industry	>5,000 sq.m gross floor area
Distribution and warehousing	>10,000 sq.m gross floor area

5.8. SUSTAINABILITY AND CLIMATE CHANGE

- 5.8.1. LDP Policy MD 2 (10) requires new developments to mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.
- 5.8.2. Designing buildings, and the spaces in between, to mitigate their contribution to and be resilient to the consequences of climate change is key to delivering sustainability. New development should be ready for the warmer, drier summers and wetter winters of the future climate.
- 5.8.3. Considering the environmental impact of the materials used to construct new development, will be key to delivering sustainability across its whole lifecycle.
- 5.8.4. Responding to what has been learned from analysis of the site is also important from a sustainability point of view. If the topography and climate have been understood, the designer can employ passive design strategies to reduce the development's energy demand and carbon emissions. A carefully sited, oriented and composed development will make use of the natural resources from the sun, wind, earth and sky. The demand for mechanical heating, cooling and electric lighting is then reduced, meaning that complex high-tech building services are not required.

LOW CARBON AND RENEWABLE ENERGY TECHNOLOGIES

- 5.8.5. PPW (paragraph 5.8.7) highlights the role of the development industry has in contributing towards climate change, stating that “Developers should take into account future requirements for carbon reduction in new buildings when designing their schemes, as a result of changes to Building Regulations in Wales; being mindful of any future changes will ensure design aspects of requirements are considered as early as possible”.
- 5.8.6. Policy MD19 (Low Carbon and Renewable Energy Generation) supports proposals which incorporate measures that contribute towards reducing its impact on climate change. Developers should look to maximise opportunities for renewable energy generation and energy efficiency throughout their design.
- 5.8.7. Through the adoption of construction techniques that reduce energy consumption or reliance on conventional heating or cooling systems, and through the incorporation of renewable energy technologies new developments can embrace the climate change challenge. The Council’s **Renewable Energy SPG** contains advice on how to consider renewable energy in development proposals.

LOCAL AND DISTRICT HEAT NETWORKS

- 5.8.8. Heat networks are one of the most cost-effective ways of reducing carbon emissions from heating, supplying heat from a central source via a network of underground pipes carrying hot water and avoiding the need for individual boilers or electric heaters in individual buildings. Once in place, heat that would otherwise go to waste such as waste heat from industrial processes can be utilised.
- 5.8.9. Future Wales Policy 16 (Heat Networks) recognises the role that heat networks can play in contributing to national climate change goals, and requires large scale commercial development of 10,000sqm or more floorspace to consider the potential to incorporate a heat network within the development. Accordingly, applications for such development should prepare an Energy Masterplan to establish whether a heat network is the most effective energy supply option and, for feasible projects, a plan for its implementation.
- 5.8.10. The Welsh Government has produced practice guidance to assist developers in considering options for adopting low carbon and renewable energy

technologies within their development proposals, including district heating (Practice Guidance: Renewable and Low Carbon Energy in Buildings <https://gov.wales/sites/default/files/publications/2018-11/renewable-and-low-carbon-energy-in-buildings-practice-guidance.pdf>).

SUSTAINABLE DRAINAGE REQUIREMENTS (SUDS)

- 5.8.11. Surface water flooding is a serious problem, identified in WG's National Strategy for Flood and Coastal Erosion Risk Management as a major cause of flooding. The impact on citizens, communities and cost to the Welsh economy is significant. The risk of flooding is on the rise owing to climate change and urbanisation. In particular, local flooding, due to the overloading of volume constrained drainage systems and sewers, is of increasing concern. Surface water runoff can be an important source of diffuse pollution. The potential damage to our groundwater and rivers from polluted surface water runoff increases with each new development.
- 5.8.12. From 7th January 2019, all new developments where the construction area is 100 square meters or more, will require sustainable drainage systems (SuDS) for surface water. The SuDS must be designed and built in accordance with Statutory SuDS Standards published by the Welsh Ministers and SuDS Schemes must be approved by the local authority acting in its SuDS Approving Body (SAB) role, before construction work begins.
- 5.8.13. An application demonstrating compliance with the Statutory SuDS Standards for the design, construction, operation and maintenance and operation of surface water systems serving new developments, must be submitted to the Council as SAB. Applications may be submitted to the SAB for determination either directly as a free-standing application or alongside the planning application via the Local Planning Authority (LPA) (a combined application). It is important to note that construction work which has drainage implications must not be commenced unless the drainage system for the work has been approved by the SAB.
- 5.8.14. For every new development, the SAB will seek an overall reduction in, or significant attenuation of, surface water volumes reaching public sewers and combined systems as part of the aim of ensuring the stability and durability of drainage systems in a sustainable way.

SUSTAINABLE WASTE MANAGEMENT

- 5.8.15. Future Wales recognises the importance of sustainable resource management, it states: “We depend on high quality natural resources to fuel our industries, provide our food, clean air and water and create jobs and wealth. We must carefully manage the use of our natural resources and ensure that through a strong circular economy, we maximise their use and contribution to society.”
- 5.8.16. Development proposals should minimise waste during construction by sustainably sourcing materials and designing buildings in a way that uses resources efficiently. Applicants will be expected to demonstrate through their submissions how they have explored opportunities to incorporate re-used or recyclable materials or products into new buildings or structures in accordance with LDP Policy MD2.
- 5.8.17. When operational, employment developments have the potential to generate significant amounts of waste. Therefore, new development should provide adequate facilities and space for the collection, composting and recycling of waste materials (LDP Policy MD 2 refers).

5.9. ENVIRONMENTAL PROTECTION

- 5.9.1. Where new commercial and industrial uses are proposed it is important to ensure proposals do not lead to unacceptable impacts on the environment or on the operations and amenity of existing nearby uses. Accordingly, LDP Policy MD7 (Environmental Protection) adopts a precautionary approach to development proposals to ensure that it is demonstrated that they will not result in an unacceptable impact on people, residential amenity, property and /or the natural environment.
- 5.9.2. Pollution of all types can cause significant damage to human health, biodiversity, quality of life and residential amenity. **LDP Policy MD7 Environmental Protection** sets the requirements for all new developments including commercial and industrial uses to consider the likely impacts of their proposals. In determining the suitability of proposals, the Council will also consider the compatibility of the proposal to existing adjacent and the likely impact the proposal would have on adjacent users or uses.
- 5.9.3. All development proposals will therefore be required to identify potential impacts and set out how any affects shall be mitigated or minimised to acceptable levels. Where development is approved, conditions will be used to

control any potentially unacceptable impacts and where appropriate monitor the effects of the development.

- 5.9.4. Applicants should consider the 'agent of change principle' which states: "a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre-existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable" (PPW, para.6.7.5) This means the developer is responsible for ensuring that the proposal includes appropriate solutions to address issues such as air quality or noise from nearby existing uses to make the development acceptable.

5.10. PLANNING OBLIGATIONS

5.10.1. The Council will also consider the need for planning obligations to provide necessary infrastructure to support and mitigate the impacts of new development. Details of the types of infrastructure that may be sought are set out in **Policy MD4 Community Infrastructure and Planning Obligations** and **Supplementary Planning Guidance on Planning Obligations**, and in most cases, the Council will encourage developers to provide facilities and infrastructure on site to serve the future occupiers of the development.

5.10.2. Policy MD4 sets out the type of planning obligations that may be sought, depending on the nature and scale of the proposal, in respect of employment proposals these could include:

- Transport infrastructure and services for pedestrians, cyclists, public transport and vehicles;
- Public open space, public art and recreational facilities;
- Service and utilities infrastructure;
- Environmental protection and enhancement;
- Recycling and waste management facilities; and
- Employment opportunities and complementary facilities including training.

5.10.3. The threshold for planning obligations is usually new employment proposals with a floorspace greater than 1000 square meters or the where the site area is 1 hectare or more.

5.11. LOCAL EMPLOYMENT, TRAINING AND PROCUREMENT

- 5.11.1. New developments can make a significant contribution to the economic well-being of the local community and provide opportunities for training and employment to maximise the economic benefits to the locality. In this regard developers must consider opportunities to maximise benefits for the local work force and businesses. For example, the construction phase of new development provides opportunities for local employment, apprenticeships and work experience placements, while commercial developments also bring new employment, apprenticeship and work experience opportunities for residents during the operational phase.
- 5.11.2. The Council may also seek to secure employment and training measures through planning obligations and / or conditions to provide training opportunities or local supply chain initiatives. For example, developers will be required to commit to a Labour Recruitment Strategy to include measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation of a development, such as the provision of a local 'job shop'.
- 5.11.3. Developers should also provide the opportunity for local businesses to benefit from the construction and operational phases of new developments through promoting and advertising tender opportunities locally as well as other bespoke local procurement strategies.

5.12. SUB-DIVISION OF EXISTING EMPLOYMENT SITES AND PREMISES

- 5.12.1. The Council's employment land study (2013) identifies a shortage of small to medium premises (up to 98sq.m) which are aimed at start-up and growth businesses. Accordingly, the Council will support the subdivision of larger underused sites or premises to smaller class B1, B2 or B8 premises. Subdivision may also assist in bringing forward vacant sites or premises with little or no market interest; viability issues, or to make better use of under used / surplus floorspace.
- 5.12.2. Where subdivision of an existing site or premises is proposed, the Council's default position will be for any newly created units to be for B class uses. In cases where non-B class uses are proposed, applicants will be required to justify this in accordance with the criteria set out in Policy MD16, explored further below.

6. PROPOSALS FOR NON-EMPLOYMENT USES ON EXISTING AND ALLOCATED EMPLOYMENT SITES AND PREMISES

6.1.1. Local and National Planning policies provide a presumption in favour of retaining existing and allocated employment land for traditional employment uses, and recognises that such land and premises can face pressure for inappropriate redevelopment for other uses. When considering non-employment proposals on land identified for employment uses, TAN 23 (paragraph 4.6.9 refers) recommends that local planning authorities should only consider this where 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.”*

6.1.2. The following section sets out how the Council will consider proposals for the development of ancillary and non-employment uses at existing employment premises and sites. In addition, it identifies the necessary supporting evidence required to support such proposals. It should be noted however that the type of evidence required may vary depending on individual circumstances and further advice is available from the Council through pre-application services.

6.1.3. For the purposes of LDP Policies MD15 and MD16, ‘employment uses’ are defined as those that fall within the ‘B’ Use Class as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) as follows:

- B1 Business - Offices (other than those that fall within class A2 such as estate agents, banks, insurance brokers etc.), research and development of products and processes, light industry;
- B2 General Industrial - industrial processes other than one falling within class B1 such as manufacturing and engineering (but exclude incineration purposes, chemical treatment or landfill or hazardous waste);

- B8 Storage or distribution, such as wholesale warehousing, distribution centres, repositories, and also includes open air storage e.g. building merchants.

6.1.4. This section refers to other uses not falling within these 'B' uses.

6.2. ANCILLARY USES ON EMPLOYMENT SITES

“AT EXISTING EMPLOYMENT SITES AND PREMISES PROPOSALS FOR NON B1, B2 AND B8 EMPLOYMENT USES WILL ONLY BE PERMITTED WHERE: [...] THE PROPOSAL IS FOR ANCILLARY OR SUI GENERIS USES THAT WOULD NOT SINGULARLY OR CUMULATIVELY LEAD TO A MATERIAL CHANGE IN THE NATURE OF THE EMPLOYMENT SITE.” (POLICY MD16, CRITERION 1)

- 6.2.1 On existing and allocated employment sites, **LDP Policies MD14, MD15 and MD16** permit proposals for ancillary uses which fall outside the B use class, where they are either subordinate to an existing business or where the proposal would not materially affect the character and employment role of the site, either singularly or cumulatively. In this respect, new non-B use class proposals should be of an appropriate scale and should primarily meet the needs of workers in the vicinity, and not rely on additional passing trade that would attract significant levels of visitor traffic unrelated to the employment site / premises. Therefore, the scale of the ancillary use must be proportionate to the scale of the industrial estate.
- 6.2.2 Examples of complimentary ancillary uses include trade counters, cafes or food outlets, leisure facilities and childcare facilities where they primarily serve the employees and customers of the employment site. The type and size of the ancillary use will be assessed in relation to the scale and location of the proposal and its context.
- 6.2.3. In order to demonstrate that proposals are ancillary to the employment site / premises, developers will need to provide details of how the new business will operate. This could include a Business Plan showing where customers are expected to come from, the proportion of income generation from on-site customers relative to external trade, business hours, management arrangements, operational details such as staff numbers and internal floor plans. If necessary, the Council may consider limiting the opening hours of the ancillary use to coincide with the operation of the wider employment site.
- 6.2.4. On strategic and local employment allocations, **Policy MD15** limits ancillary uses to those which are minor in nature and directly associated with the nature

of the businesses for which the sites are identified. In the case of strategic employment sites, the need for ancillary and non-business facilities should be considered as part of the overall development scheme at the master-planning stage.

6.3. OTHER (SUI GENERIS) USES ON EMPLOYMENT SITES

6.3.1. Sui generis (meaning 'of its own kind') are those uses that do not fall within a specific use class like B1, B2 or B8 and Policy MD 16 provides a general presumption against non B1, B2 and B8 uses. However, where they are of a scale or nature that is similar to a typical B use class it may be appropriate to allow them on an existing or allocated employment site as these are the most appropriate location for them.

6.3.2. In this regard Policy MD 16 states:

“At existing employment sites and premises proposals for non B1, B2 and B8 employment uses will only be permitted where: The proposal is for [...] sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site; [...] and the proposal would not prejudice existing or neighbouring employment uses, have an unacceptable impact on amenity or the environment and would not lead to a material change in the nature of the employment site.”

6.3.3. Each case will need to be considered on its own merits and having regard to matters such as:

- the needs of the proposed use or business e.g. scale and location requirements and the availability of alternative sites in more suitable locations elsewhere to accommodate the use;
- the compatibility with surrounding business uses and whether the development would lead to a material change in the nature of the employment site;
- the impact on demand and supply of suitable available sites for identified employment needs, i.e. whether it would lead to an unacceptable loss of employment land which is in short supply to meet demand; and
- the environmental, social, economic or other benefits of the development proposal having regard to wider LDP and policy objectives.

6.3.4. Examples of sui generis uses which are similar in nature to B1, B2 and B8 uses could include:

- Amenity waste site

- Construction waste deposit, treating, keeping, storage or disposal place
- Demolition contractor's yard
- Haulage yard
- Industrial plant and equipment hire place or vehicle depot
- Plumber's merchants' yard
- Power station
- Sand and gravel merchant's storage or distribution place
- Scrap handling place (i.e. scrapyards)
- Vehicle depot
- Wholesale market (for meat, fish, flowers, vegetables etc.)

Policy MD16 criterion 5 states that proposals must “not lead to a material change in the nature of the employment site”. Such changes may include increased levels of traffic and demand for parking that undermines the attractiveness and operational effectiveness of the employment site. Similarly, some uses could attract different employees or customers, including vulnerable groups like children or animals, which may not be compatible with existing uses in terms of noise, dust or heavy machinery and equipment being used in the vicinity including haulage vehicles. These issues need careful consideration having regard to the specific proposals and opportunities for mitigation.

Proposals for non-employment uses such as retail uses (other than trade counters and wholesale warehouses) are generally best suited to town centre locations and will therefore usually be resisted by the Council in line with national and local planning policy.

6.4. JUSTIFICATION FOR OTHER NON-EMPLOYMENT USES

6.4.1. **Policy MD16 criteria 1, 2, 3 and 4** set out the circumstances where a change of use of an existing employment site or premises may be considered justifiable. The following sections provide further detail on the circumstances and the evidence that will be required from applicants in respect of proposals for the development of other non-employment uses that would not be considered to be ‘ancillary’ nor comparable ‘sui generis’ uses described in sections 6.3 above.

6.4.2. All proposals assessed under Policy MD16 must meet at least one of the criteria outlined in the following sections and criterion 5 which states:

AT EXISTING EMPLOYMENT SITES AND PREMISES PROPOSALS FOR NON B1, B2 AND B8 EMPLOYMENT USES WILL ONLY BE PERMITTED WHERE: [...] THE PROPOSAL WOULD NOT PREJUDICE EXISTING OR NEIGHBOURING EMPLOYMENT USES, HAVE AN UNACCEPTABLE

IMPACT ON AMENITY OR THE ENVIRONMENT AND WOULD NOT LEAD TO A MATERIAL CHANGE IN THE NATURE OF THE EMPLOYMENT SITE.

6.5. ENVIRONMENTAL AND AMENITY BENEFITS

“AT EXISTING EMPLOYMENT SITES AND PREMISES PROPOSALS FOR NON B1, B2 AND B8 EMPLOYMENT USES WILL ONLY BE PERMITTED WHERE: [...] THE EXISTING EMPLOYMENT USE HAS UNACCEPTABLE ADVERSE IMPACTS ON AMENITY OR THE ENVIRONMENT.” (POLICY MD16, CRITERION 2)

- 6.5.1. **Policy MD16 criteria 2** permits proposals for non-B uses on employment sites and premises where the existing employment use currently has unacceptable adverse impacts on amenity or the environment. Applicants need to demonstrate how the existing use causes harm that cannot be appropriately mitigated and how their proposals would improve the current situation.
- 6.5.2. In particular, applicants would need to demonstrate that the existing use causes an unacceptable impact on people, residential amenity or the natural environment from either:
1. Pollution of land, surface water, ground water and the air;
 2. Land contamination;
 3. Hazardous substances;
 4. Noise, vibration, odour nuisance and light pollution;
 5. Flood risk and consequences;
 6. Coastal erosion or land stability;
 7. The loss of the best and most versatile agricultural land; or
 8. Any other identified risk to public health and safety.
- 6.5.3. The benefits of alternative development can include both environmental and amenity benefits, as well as the regeneration of an area. Such benefits could include improvements in the physical and visual appearance of an area or in the amenity of existing neighbouring employment, recreational or residential areas.
- 6.5.4. The applicant should set out these benefits to support their proposal. However, applicants should note that whilst the existing occupier of a site may be regarded as a ‘bad neighbour’, this does not in itself justify the loss of an employment use, particularly where it is likely that a site can be reused or redeveloped for an alternative employment use. Furthermore, the environmental and amenity impacts of the existing use would not be considered

in isolation of other relevant planning matters. For example, the benefit of removing a 'bad neighbour' employment use alone would not justify allowing a development that was otherwise contrary to planning policy such as retail development outside recognised retail centres, or residential development outside a sustainable settlement. As noted above, such proposals must not lead to a material change in the nature of the employment site.

6.6. SUPPLY OF ALTERNATIVE LAND AND PREMISES

“AT EXISTING EMPLOYMENT SITES AND PREMISES PROPOSALS FOR NON B1, B2 AND B8 EMPLOYMENT USES WILL ONLY BE PERMITTED WHERE: [...] LAND OF EQUAL OR BETTER QUALITY IS MADE AVAILABLE FOR EMPLOYMENT USES ELSEWHERE.” (POLICY MD 16, CRITERION 3)

6.6.1. **Policy MD16 criterion 3** indicates that the Council may allow the redevelopment of local employment sites and premises for alternative uses where it can be evidenced that alternative land or premises of equal or better quality is available for employment uses elsewhere. Applicants will therefore be required to demonstrate evidence of such availability, whilst also having regard to the suitability of the alternative sites/premises to accommodate the type of use for which the land is used or allocated.

6.6.2. When compiling a list of alternatives, applicants should ensure that these are:

- Genuinely available for development within a reasonable time frame;
- Free from constraints that would impact on the site's development prospects; and
- At least of an equal quality to the application site (e.g. location, accessibility to local labour markets and customer base, green credentials, broad band connection, site constraints).

6.6.3. The Council is unlikely to favour the loss of serviced employment sites and premises unless it can be shown that sites or premises of equal quality are readily available with the Vale of Glamorgan. Applicants should therefore provide robust evidence to demonstrate that alternative sites are readily available and likely to come forward.

6.7. MARKET DEMAND AND VIABILITY OF EXISTING AND ALLOCATED EMPLOYMENT SITES

AT EXISTING EMPLOYMENT SITES AND PREMISES PROPOSALS FOR NON B1, B2 AND B8 EMPLOYMENT USES WILL ONLY BE PERMITTED WHERE: [...] IT IS DEMONSTRATED THAT THE SITE OR PREMISES IS NO LONGER SUITABLE OR VIABLE FOR EMPLOYMENT PURPOSES.” (POLICY MD 16 CRITERION 4)

- 6.7.1. The Council’s starting point is to retain all employment sites and premises that are considered suitable, in land use terms, for continued employment use. **Criterion 4 of Policy MD16** requires applicants to evidence that there is either a lack of market demand or viability affecting the site or premises which means it is unlikely to come forward for employment use.
- 6.7.2. Accordingly, consideration will only be given to alternative uses where applicants can clearly demonstrate there is no demand or that it is unviable to retain it for employment use in the longer term. It will not be acceptable to demonstrate only a short term / immediate lack of market interest in a site, which may be as a result of sudden or short-lived market issues. Developers will be expected to show that a site has no realistic prospect of being occupied for employment uses in the medium to long term, with reliable and credible evidence.
- 6.7.3. Applicants will need to demonstrate that they have made reasonable efforts to market the site and adapt it to respond to modern employment needs. This includes considering the potential to refurbish existing premises or redevelop it for new employment uses. The Council expects applicants to adopt a flexible approach to promoting sites and premises according to the circumstances that prevail, including the subdivision or amalgamation of units or partial demolition in order to improve access and servicing, where appropriate.
- 6.7.4. Where a developer is trying to demonstrate that an employment site is surplus to demand, the site should be currently vacant and have been vacant for some time. Where the site is fully or partially occupied, this will normally be deemed by the Council to constitute evidence of demand for the site/premises, unless clear evidence is provided which outlines an occupier’s intention to vacate the site, their reasons for doing so, and why they would be unlikely to be replaced by an appropriate employment use.
- 6.7.5. Employment land may be released for alternative appropriate uses if:
- there is little prospect of it being re-occupied by its previous use;
 - the market that the particular site is part of is oversupplied;

- the existing use has unacceptable impacts on the amenity or environment and/or;
- other policy priorities (such as acute housing need) are judged more pressing than economic considerations.

6.7.6. However, redevelopment of an existing or allocated employment site should not provide a precedent that will compromise the retention of other (more viable) employment sites in the area.

6.7.7. The Council collects annual employment premises information on existing employment sites identified under Policy MD16 which identifies the economic health of the sites based upon vacancy rates.

6.8. MARKETING EVIDENCE

6.8.1. A Marketing Statement and other appropriate supporting evidence will be required in order to demonstrate that the site or premises has been appropriately marketed and there is no current demand for employment use. The marketing strategy should be prepared by a suitable professional person such as a Chartered Surveyor, who has a sound knowledge of the sale/lease of commercial properties in the area and has the relevant certification. The statement must demonstrate that the site has been recently marketed for an appropriate value reflecting the market conditions as well as the condition of the site.

6.8.2. Marketing must as a minimum be undertaken continuously in line with Table 2 below before an application for a change of use is submitted to the Council. However, the marketing period should reflect the specifics of each individual case and any prevailing economic conditions, for example a longer period may be required if the market is slow or the site/premises are large or complex. Conversely, a shorter period may be appropriate if site-specific issues can be identified that set the site apart for the general supply and evidence clearly indicates that demand would not be forthcoming. Applicants are encouraged to use the Council's pre-application services so that such matters can be discussed at an early stage. Details of this service are available on the Council's website.

6.8.3. The table below sets out the various marketing tools that should be used to market the site/premises and to evidence the marketing strategy undertaken.

Table 1: Marketing Requirements

Type/Scale	Premises	Site <2 ha	Site > 2ha
Marketing Period	12-18 months	12-24 months	Minimum 24 months
On-site Marketing Board in prominent location	✓	✓	✓
Local Property Agent	✓	✓	✓
Regional Property Agent	✓	✓	✓
Produce Marketing Particulars	✓	✓	✓
Targeted mailing to Local/ Sub- Regional/Welsh property Agents	✓	✓	✓
Targeted mailing to Local/Sub-Regional/Welsh Property Developers/Investors	✓	✓	✓
Targeted mailing to UK National Property Agents/Developer/Investors			✓
Targeted mailing to selected potential occupiers	✓	✓	✓
Advertise in Sub-Regional/Welsh Business Press		✓	✓
Advertise in UK National Property Press			✓
Website	✓	✓	✓
Internet Mailing to Targeted Business	✓	✓	✓

6.8.4. In addition to the above, the Marketing Statement should include as a minimum the following evidence:

- a) Copies of advertisements placed;
- b) The type of use which the property/site has been marketed for, what the marketing strategy involved and its duration;

- c) The market price, which should reflect the current market value of such a property based on its current condition and use status. If the building or site requires extensive conversion/repairs, the price should be based on the unconverted state unless the works are to be undertaken prior to completion. The price should not include any potential residential or other non-employment use values.
- d) Any variations in terms/conditions on which the site is made available, including tenures. Applicants should be prepared to offer the property or site on both a leasehold and freehold basis in order to widen appeal and help ascertain the level of interest;
- e) Types of client advised of its availability together with associated contact details;
- f) The amount of interest in the site during the marketing period - this should detail the number of queries, the type of use sought, and if known, the reason for not pursuing the initial query;
- g) Where relevant the relocation of existing occupiers to other suitable accommodation will be facilitated.

6.8.5. In instances where the Council considers that the marketing strategy has not been adequately undertaken it is likely that the planning application will be refused.

6.9. DEVELOPMENT VIABILITY

- 6.9.1. In certain cases, lack of market demand may be as a result of factors such as physical configuration, state of repair or infrastructure needs which may render a site/premises unviable for employment purposes.
- 6.9.2. Where this is the case, applicants are required to demonstrate that the retention of a site/premises for employment use is unviable through a development appraisal prepared by a suitably qualified surveyor. This should also include the consideration of alternative options such as refurbishment, partial or full demolition and rebuild, and demonstrate that the associated costs are greater than the projected financial return.
- 6.9.3. The following evidence will need to be provided in the form of a **viability appraisal** of the site in order to demonstrate that the site/premises is unviable for current or future employment uses:

- a) A survey of the site/premises from an operational point of view indicating any exceptional or site-specific costs such as necessary site infrastructure and services or land remediation costs;
- b) Land value or purchase price and transactional details;
- c) A structural survey of the existing premises to highlight the extent of any refurbishments required are incapable of proceeding;
- d) Detailed costs of the works required to refurbish/redevelop the site/premises;
- e) In the case of a prospective landlord that the anticipated rate of return from the premises would not cover the costs of refurbishment / redevelopment; or,
- f) In the case of a prospective owner occupier the level of income needed to cover both the costs of refurbishment / redevelopment and other necessary overheads.

6.9.4. Costs and values should be set at prevailing market rates at the time of the submission and a clear justification should be provided for any prices paid that exceed the market value. However, to take account of changing economic circumstances consideration should be given to any likely changes in market conditions within a 3-5-year period which could impact upon development viability.

6.9.5. Comparisons with other similar employment schemes in the local area should be provided to justify the site-specific issues that set the site apart from the general supply, in particular the presence of any identified abnormal costs. The Council will assess viability either in-house or through a chosen independent consultant, such as the District Valuer. Where other professional advice is required, for example highways or ecological advice, other specialist consultants may be involved. All costs associated with these assessments will need to be met by the applicant. Applicants will be required to highlight any abnormal development costs at the earliest possible stage, in order that their impact on the viability of a scheme may be assessed.

6.10. ENABLING DEVELOPMENT

- 6.10.1. Where it can be demonstrated that redevelopment for employment purposes alone cannot be achieved on financial grounds, the Council expect applicants to consider alternative mixed uses that can enable the delivery of employment facilities. The amount of enabling development must be proportionate to the investment required to facilitate investment in employment provision and should be fully evidenced through the development viability appraisal as explained in section 6.9 above. Furthermore, where alternative uses are being promoted, applicants must have full regard to other relevant LDP policies.
- 6.10.2. Where mixed-use developments are proposed, the site layout should be designed to minimise the possibility of conflicts between the different uses proposed, and existing neighbouring uses. New employment uses should also be designed to be flexible and adaptable where possible to enable use by a range of businesses and operators.
- 6.10.3. The Council will use planning conditions and / or planning obligations to ensure that such developments are phased appropriately to ensure the employment uses are delivered, and the enabling development is not provided in isolation.

6.11. SAFEGUARDING EXISTING AND FUTURE POTENTIAL EMPLOYMENT USES

“THE PROPOSAL WOULD NOT PREJUDICE EXISTING OR NEIGHBOURING EMPLOYMENT USES, HAVE AN UNACCEPTABLE IMPACT ON AMENITY OR THE ENVIRONMENT AND WOULD NOT LEAD TO A MATERIAL CHANGE IN THE NATURE OF THE EMPLOYMENT SITE.” (POLICY MD16, CRITERION 5)

- 6.11.1. LDP Policy MD16 (criteria 5) seeks to protect the amenity of existing and neighbouring business uses from non-employment uses that could potentially impact on their ability to operate. When considering the criteria under Policy MD16 applicants must demonstrate how a proposal meets at least one of the criteria 1 to 4 (referred to above) as well as evidencing compliance with criterion 5.
- 6.11.2. Proposals for the reuse or redevelopment of sites or buildings for non-B Class employment uses should be accompanied by evidence to demonstrate that the proposed development would not compromise the operating conditions of other remaining employment users (including vacant or underused sites and

premises) or the potential future use of neighbouring sites for employment purposes.

6.11.3. Without careful consideration of the potential impacts on existing industrial or other employment operations or their future amenity, prior to the development being permitted, there is a risk that the development would give rise to increased levels of complaints, requiring restrictions to be placed on those operations, which might undermine their future viability.

6.11.4. In order to justify their proposal on these grounds, applicants will need to include within the Supporting Statement the following information:

- 1) Details of any adjacent employment uses and the types of activities that are currently taking place or are likely to take place in the future;
- 2) An analysis of any potential conflicts between those remaining uses/facilities and the proposed non-employment use, including an assessment of issues such as:
 - Noise, odour, dust or other emissions;
 - Hours of operation;
 - Vibration;
 - Light;
 - Vehicular access, parking and servicing; and
 - Safety and security.

6.11.5. The analysis should include details of any measures that could be put in place to mitigate these issues. This consideration will be particularly important where sensitive land uses are proposed to be introduced into identified Employment Areas.

6.11.6. When considering proposals for non-employment uses, the Council may also take account of the presence of existing non B uses in order to safeguard employment sites from an over concentration of non B uses on existing and allocated employment sites, which singularly or cumulatively lead to a material change in the nature of the employment site. In this regard, the annual employment land and premises survey will inform the Council's consideration of proposals for non-employment uses.

7. WORKING FROM HOME

- 7.1.1. It is likely the majority of people working from home would not require planning permission to do so as it would be considered an incidental use to the primary function of the dwelling and not result in a material change of use. For example, using a room in an existing building such as a study or dining room as a home office or working space would not require planning permission and would be considered as incidental to the main use of the dwelling. However, where working from home inherently changes the overall character of a dwelling to something else, it is likely planning permission for a change of use would be required even if there is still an element of residential use within the property (i.e. a mixed use).
- 7.1.2. Whether the overall character of a dwelling would involve a material change of use can be assessed using the following broad criteria:
- i. Will your home no longer mainly function as a private residence?
 - ii. Will your business result in a marked rise in traffic or people calling, or business vehicles stored nearby?
 - iii. Will your business involve any activities unusual in a residential area?
 - iv. Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?
- 7.1.3. If a proposed commercial activity would fall within any one of the broad criteria it would most likely require planning permission. The following sections outline how the broad criteria will be considered in the Vale of Glamorgan.
- 7.1.4. It should be recognised that the need for planning permission, because of a material change of use, will not necessarily mean that the activity would be considered unacceptable in planning terms. In some cases such live-work units can be a welcome addition to a sustainable community. Each case will be considered under the policy framework outlined in section 4 and further advice can be sought through our pre-application advice service.

7.2. WILL YOUR HOME NO LONGER BE USED MAINLY AS A PRIVATE RESIDENCE?

- 7.2.1. This criterion relates to how the proposed business or work would change the function of the residential dwelling. The main consideration relates to whether the private residence would continue functioning as a domestic dwelling and whether the change would result in a significant element of the property being used for commercial activity.
- 7.2.2. Residential uses are classified under the C Class of the Town and Country Planning (Use Classes) Order 1987 (as amended). The C3 use includes dwellings, houses, flats and apartments which support a single household. These domestic types of buildings are characterised by providing for the day to day needs of occupants and enables people to live in the building. This can include bedrooms, bathrooms, kitchens, living rooms, dining rooms, studies, garages and other rooms associated with residential uses. A dwelling can serve multiple purposes and can accommodate various roles required by occupants, however, a commercial activity which significantly changes how the dwelling functions would be considered a change of use and would require planning permission.
- 7.2.3. For example, a new business may require additional space to function resulting in a large portion of the existing dwelling being used for commercial activities such as using part of the ground floor for a hair salon, creating a commercial workshop and storage area for products. Although the remaining space in the building may still be able to function as a domestic dwelling, the commercial activity has significantly changed the function of the original domestic dwelling and therefore would require planning permission.

7.3. WILL YOUR BUSINESS RESULT IN A MARKED RISE IN TRAFFIC, PEOPLE CALLING OR BUSINESS VEHICLES STORED NEARBY?

- 7.3.1. Domestic dwellings generally have a limited impact on traffic generation in comparison to commercial activities. Therefore, when a new business starts at home it is important to identify whether this would result in a rise in traffic generation or customers arriving at the property which could have a detrimental impact upon congestion and residential amenity in the area.
- 7.3.2. For example, a proposed commercial use could require products or materials to be delivered to the property on a regular basis causing disruption to the local highway network and potentially impacting on residential amenity when goods are offloaded. Additionally, where a commercial use requires customers to attend the property this could increase arrivals by car potentially resulting in

excessive on-street parking out of character for a residential area. Similarly, a commercial business with commercial vehicles parked nearby being used for more than just commuting / domestic use, can cause or exacerbate parking / congestion issues and even harm the visual amenity of an area.

- 7.3.3. Where a proposed commercial activity would result in a substantial increase in traffic, commercial vehicles or customers arriving at a property it is likely planning permission would be required.

7.4. WILL YOUR BUSINESS INVOLVE ANY ACTIVITIES UNUSUAL IN A RESIDENTIAL AREA?

- 7.4.1. Residential properties are generally located in urban areas or within groups of similar residential properties. There is an expectation within these areas that the surrounding uses will also be residential in nature. In the majority of cases non-residential uses would be located in identified commercial areas such as town centres or employment sites. However, this may not always be the case and there are exceptions which add to the quality of neighbourhoods such as a corner shop located in a residential area. In these cases, the non-residential use is considered compatible with the residential properties and would not have a detrimental impact on residential amenity.
- 7.4.2. New commercial activity within existing properties may result in activities which have an impact on residential amenity and would need to be considered through the planning process to ensure the impacts do not have a significant detrimental effect on the residential character and amenity of the area.
- 7.4.3. This can include uses which are unlikely to be compatible within residential areas such as industrial processes, animal welfare, vehicle garages, hot food preparation or takeaway, or retail. These uses maybe considered appropriate however, they would need to be subject to the planning process to determine what the likely impacts would be on the area.

7.5. WILL YOUR BUSINESS DISTURB YOUR NEIGHBOURS AT UNREASONABLE HOURS OR CREATE OTHER FORMS OF NUISANCE SUCH AS NOISE OR SMELLS?

- 7.5.1. Within residential areas, commercial activity can cause various disturbances which would not be acceptable or expected within an area characterised by residential uses. Additionally, where commercial uses are considered appropriate, the hours they are allowed to operate would need to be restricted to reasonable hours to ensure they do not detract from the residential amenity.

7.5.2. Commercial activity relating to workshops, garages or other light industrial uses can create noise, dust or smells that are likely to detract from residential amenity. This can be caused by the machinery involved in the commercial activity and the products being created/used in the processes. In terms of operational hours, it is important that commercial activity within residential areas is controlled and is kept within reasonable hours. This can vary depending on the use but generally reasonable operating hours in residential areas are considered to be:

- Monday – Friday: 9:00a.m. to 17:00p.m.
- Saturday: 9:00a.m. to 14:00p.m.
- Sunday: Closed

7.5.3. If the commercial activity has the potential to cause disturbance to residential amenity or would operate within unreasonable hours planning permission will likely be required.

7.6. PERMITTED DEVELOPMENT

7.6.1. Some people working from home may prefer to have a separate area to undertake their work to create a divide between work and home life. Where it is not possible or desirable to create a workspace within an existing room within a dwelling another option could be to build an outbuilding within the curtilage of a property to accommodate a home working space. This can sometimes be achieved without the need for planning permission this is known as permitted development. Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provides permitted development rights for householders to undertake certain minor improvements and alterations to their properties without the need for planning permission.

7.6.2. Householders can develop an outbuilding under Class E permitted development. Class E allows the provision of a range of buildings and structures within the curtilage of the dwellinghouse that are “required for a purpose incidental to the enjoyment of the dwellinghouse”. Such development includes garden sheds, other storage buildings, garages, garden decking, pools, home offices or small workshops. In some cases, permitted development rights may have been removed from a property and therefore you should always check with the Council rather than assuming you benefit from permitted development rights.

7.6.3. An outbuilding is considered permitted development where it meets the following criteria:

- any building required for a purpose incidental to the enjoyment of the dwellinghouse within the curtilage of a property;
- total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would be 50% or below of the total area of the curtilage;
- any part of the building must not extend beyond a wall comprised in the principal elevation of the original dwellinghouse;
- any part of the building must not extend beyond a wall comprised in a side elevation of the existing dwellinghouse, and must not be nearer to the highway than 5 metres or the wall of the side elevation which is nearest to the highway;
- the building must have only one storey;
- the height of any part of the building measured from the surface of the ground immediately adjacent to that part, must be below 4 metres in the case of a building having a pitched roof or 3 metres in any other case;
- any part of the building must not be within 2 metres of the boundary of the curtilage of the dwellinghouse; and exceed 2.5 metres in height above the surface of the ground immediately adjacent to it;
- the height of the eaves of the building, measured at any point along their length, must not exceed 2.5 metres;
- any part of the building must not be situated within 2 metres of the dwellinghouse and exceed 1.5 metres in height above the surface of the ground immediately adjacent to it;
- the building must not be situated within the curtilage of a listed building;
- it must not include the construction or provision of a veranda, balcony or raised platform of which any part is more than 30 centimetres above the surface of the ground directly below it;
- it must not include the enlargement, improvement or other alteration of any part of a dwellinghouse;
- it must not include the installation, alteration or replacement of a microwave antenna.

7.6.4. If the property is located within a Conservation Area additional criterion apply:

- the total area of ground covered by buildings situated more than 20 metres from any wall of the dwellinghouse must not exceed 10 square metres;
- any part of the building must not be situated on land between a wall comprised in a side elevation of the existing dwellinghouse and the section of the boundary of the curtilage of the dwellinghouse which faces that wall.

7.6.5. One of the main considerations in determining whether a proposal meets the permitted development criteria set out under Class E is whether it is considered incidental to the enjoyment of the dwellinghouse. Under permitted development, the proposed use of the outbuilding cannot include separate self-contained living accommodation (i.e. a residential annex) nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen. The key consideration being if the use of a space was fundamental to the ordinary day-to-day functioning of the dwelling it would not be incidental but part of the primary accommodation.

7.7. LIVE / WORK UNITS

7.7.1. Recent trends indicate increasing numbers of people are working from home and this could create a greater demand for live / work units. Welsh national planning policy supports mixed-use developments identifying them as sustainable forms of development which reduce the need to commute to work. In relation to live/work units PPW states “Development policies and Supplementary Planning Guidance (SPG) should support mixed use developments, including flexible live/work units and commercial premises, where these are appropriate” (PPW, para.5.4.14).

7.7.2. National policy does not define what constitutes a live/work unit. This is because live/work is not an easy category to precisely define and is used more as a conceptual idea than a precise planning law term. Live/work units are usually a mix of C3 and B1 uses contained within one property, but potentially other uses will be compatible with a residential use. B2 and B8 uses are unlikely to be compatible with residential uses due to their likely impact upon residential amenity and therefore are not included within the live/work definition. Other uses such as A1 and A2 could also include residential aspects but it is considered these can be appropriately covered elsewhere by retail planning policies.

7.7.3. There is a policy presumption in favour of live/work unit proposals in PPW however, developers must demonstrate that the proposed employment use and the C3 residential use are compatible with each other within the same unit and within the wider context. This is supported by PPW which states “Whilst employment and residential uses can be compatible, planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.” (PPW, para.5.4.15, 2021).

7.7.4. Parking requirements for live/work units will need to consider the needs of both the residential occupant and the proposed business. Although the nature of live/work units can reduce the need for private car travel depending upon the location of the proposed development there may still need to be an element of resident parking. Furthermore, depending on the proposed employment use there maybe additional parking requirements such as space to accommodate deliveries and / or customer parking, this can be dependent on the location of the proposal and its proximity to alternative modes of transport such as public transport or active travel provision.

8. FURTHER INFORMATION AND ADVICE

- 8.1. Further advice on all aspects of this guidance can be sought from the Planning Department and prior to the formal submission of a planning application, the Council encourages applicants to utilise the Council's pre-application service which can save unnecessary work, costs and delays caused by negotiations. Further information on the Council's pre-application advice services can be found on the Council's website www.valeofglamorgan.gov.uk

- 8.2. Alternatively, information and general advice on the submission of planning applications can be obtained from:

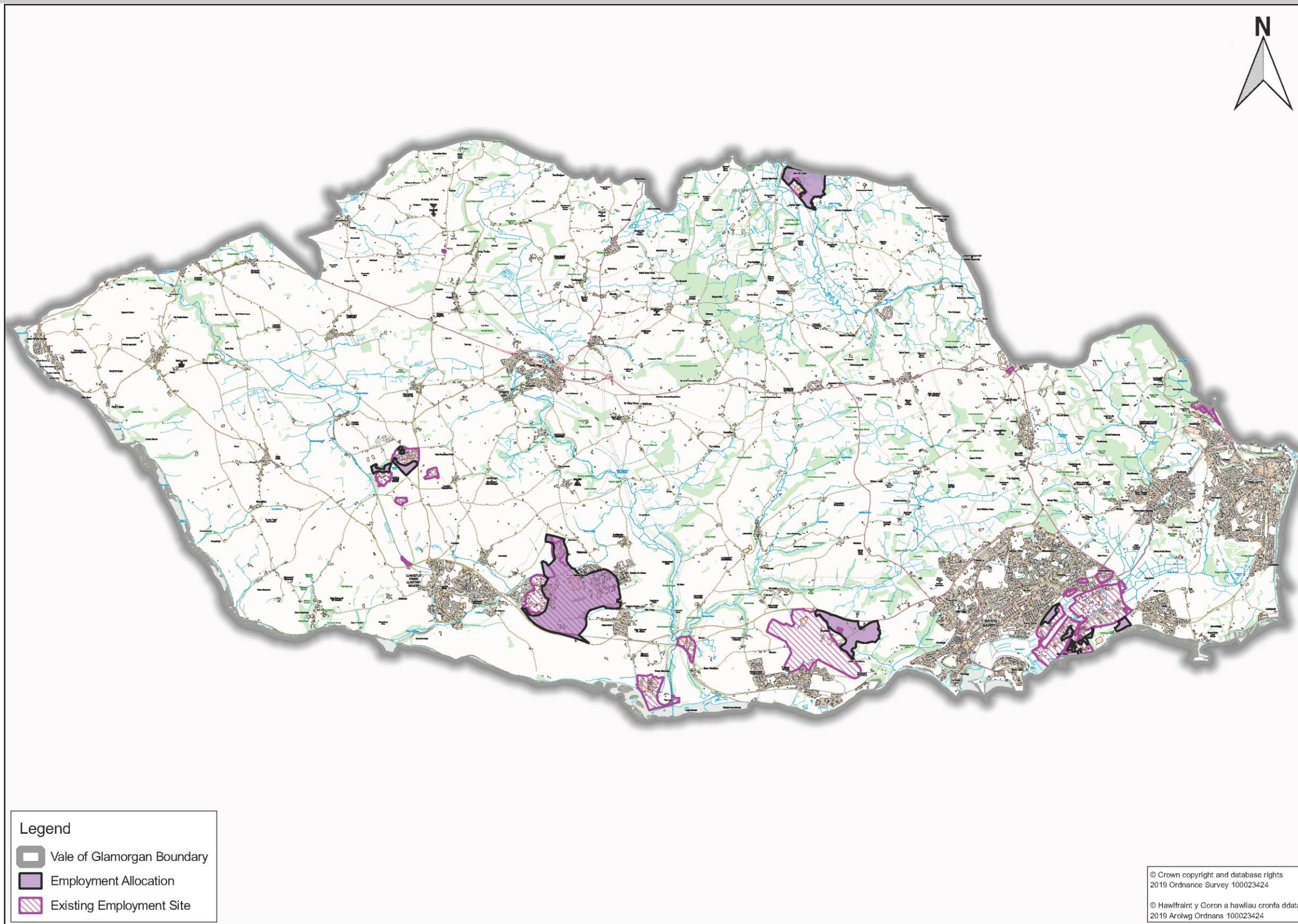
The Vale of Glamorgan Council,
Development Management,
Dock Office,
Barry Docks,
Barry
CF63 4RT

Email: planning@valeofglamorgan.gov.uk

Tel: (01446) 704681

9. APPENDICES

9.1. APPENDIX 1: SPATIAL DISTRIBUTION OF LOCAL EMPLOYMENT SITES AND STRATEGIC AND LOCAL EMPLOYMENT LAND ALLOCATIONS WITHIN THE VALE OF GLAMORGAN





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