

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 27TH APRIL, 2023

REFERENCE FROM CABINET: 27TH FEBRUARY, 2023

“C245 THE VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN 2011-2026: SUPPLEMENTARY PLANNING GUIDANCE ON RETAIL AND TOWN CENTRE DEVELOPMENT AND ECONOMIC DEVELOPMENT, EMPLOYMENT LAND AND PREMISES – CONSULTATION FEEDBACK, PROPOSED CHANGES AND ADOPTION (CEERS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

The Cabinet Member presented the report, the purpose of which was to advise Cabinet of the results of the consultation undertaken on the draft Supplementary Planning Guidance (SPG) in relation to Retail and Town Centre Development and Economic Development, Employment Land and Premises and to seek approval to apply the proposed changes and adopt the SPGs for development management purposes.

The Leader said there were 5 or 6 town centres in the Vale of Glamorgan and that each had different histories and characteristics, that the updated SPGs recognised those differences and that there were key principles that were needed in terms of developing and supporting town centres.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the contents of the report be noted and the responses to the representations received on the draft Supplemental Planning Guidance (SPG) attached as Appendix 1 to the report be endorsed.
- (2) T H A T, subject to the provisions of Resolution (3), the amended SPGs attached to the report as Appendices 2 and 3, be approved for immediate use in development management decisions alongside the adopted Local Development Plan.
- (3) T H A T the Head of Sustainable Development be authorised to agree the final format of and any necessary minor typographical changes and minor amendments to the SPGs prior to their publication, and thereafter update them with any factual updates in response to policy or legislative changes as appropriate.
- (4) T H A T Members of the Planning Committee be advised of the outcome of the public consultation and adoption of the SPGs.

Reasons for decisions

- (1) To provide a summary of the public consultation undertaken on the draft Retail and Town Centre Development and Economic Development and Employment Land and Premises SPGs; and to seek Cabinet's endorsement of the responses and changes to the finalised SPGs.
- (2) To ensure the effective consideration of planning applications and to provide decision makers, applicants and developers access to the Council's most up-to-date guidance relating to Retail and Town Centre Development and Economic Development and Employment Land and Premises.
- (3) To accommodate any necessary changes and/or amendments resulting from the current revision of Planning Policy Wales by the Welsh Government and to enable the correction of any typographical or minor errors found within the revised SPGs and ensure conformity between the Council's adopted SPG documents.
- (4) To inform Planning Committee of the adoption of the SPGs as material considerations in the determination of future planning applications."

Attached as Appendix – Report to Cabinet: 27th February, 2023

Meeting of:	Cabinet
Date of Meeting:	Monday, 27 February 2023
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	The Vale of Glamorgan Local Development Plan 2011-2026: Supplementary Planning Guidance on Retail and Town Centre Development and Economic Development, Employment Land and Premises – Consultation Feedback, Proposed Changes and Adoption
Purpose of Report:	To advise Cabinet of the results of the consultation undertaken on the draft Supplementary Planning Guidance (SPG) in relation to Retail and Town Centre Development and Economic Development, Employment Land and Premises. To seek approval to apply the proposed changes and adopt the SPGs for development management purposes.
Report Owner:	Cabinet Member for Community Engagement, Equalities and Regulatory Services
Responsible Officer:	Marcus Goldsworthy – Director of Place
Elected Member and Officer Consultation:	Head of Sustainable Development; Operational Manager Neighbourhood Services: Operations; Operational Manager for Regeneration; Operational Manager Accountancy; Lawyer - Legal Division; Principal Regeneration Officer; Team Leader Economy and Neighbourhood Regeneration; Town Centre Development Officer; Principal Tourism and Marketing Officer; Programme Manager Project Zero (Climate Change).
Policy Framework:	This is a matter for Executive decision by Cabinet.

Executive Summary:

- This report has been prepared to advise Cabinet of the results of the consultation undertaken on the draft Retail and Town Centre Development SPG and Economic Development, Employment Land and Premises SPG.
- Approval is sought to apply the proposed changes as indicated in Appendix 2 and Appendix 3 as a result of the consultation and to adopt the SPGs to be used as material considerations for development management decisions alongside the adopted Local Development Plan.
- A total of 8 organisations/individuals commented on the draft SPGs during the 6-week consultation period which took place between 20th October and 1st December, 2022. The main points raised in respect of each draft SPG is set out in section 2 of this report.

Recommendations

1. That Cabinet note the contents of the report and endorse the responses to the representations received on the draft SPG attached as Appendix 1.
2. That, subject to the provisions of recommendation 3, Cabinet approve the amended SPGs attached to this report as Appendices 2 and 3 for immediate use in development management decisions alongside the adopted Local Development Plan.
3. That the Head of Sustainable Development be authorised to agree the final format of and any necessary minor typographical changes and minor amendments to the SPGs prior to their publication, and thereafter update them with any factual updates in response to policy or legislative changes as appropriate.
4. That Members of the Planning Committee be advised of the outcome of the public consultation and adoption of the SPGs.

Reasons for Recommendations

1. To provide a summary of the public consultation undertaken on the draft Retail and Town Centre Development and Economic Development and Employment Land and Premises SPGs; and to seek Cabinet's endorsement of the responses and changes to the finalised SPGs.
2. To ensure the effective consideration of planning applications and to provide decision makers, applicants and developers access to the Council's most up-to-date guidance relating to Retail and Town Centre Development and Economic Development and Employment Land and Premises.
3. To accommodate any necessary changes and/or amendments resulting from the current revision of Planning Policy Wales by the Welsh Government and to enable the correction of any typographical or minor errors found within the revised SPGs and ensure conformity between the Council's adopted SPG documents.
4. To inform Planning Committee of the adoption of the SPGs as material considerations in the determination of future planning applications.

1. Background

- 1.1 Cabinet will recall a previous report of 29th September, 2022, which outlined the need to prepare new SPGs in accordance with the monitoring framework of the adopted Vale of Glamorgan Local Development Plan 2011- 2026 (LDP). The report sought approval to undertake a 6-week public consultation on a third batch of updated / new SPGs in respect of the following topics.:

- Retail and Town Centre Development; and
 - Economic Development, Employment Land and Premises
- 1.2** In accordance with minute C80, the 6-week public consultation exercise on the draft SPGs took place 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.
- 1.3** Officers have considered the representations received in response to the consultation and have amended the SPGs where it was considered necessary or relevant. This report therefore summarises the results of the public consultation exercise and seeks the adoption of the finalised SPGs to ensure advice for these policy areas remains up to date and can be considered alongside the LDP when determining planning applications.
- 1.4** Once adopted, the SPGs will supplement the existing SPGs used for development management purposes. The Retail and Town Centre Development SPG will supersede the Upper Holton Road Development Guidelines SPG.

2. Key Issues for Consideration

- 2.1** A total of 8 organisations / individuals commented on the two draft SPGs. The comments received, the Council's responses and the proposed changes to the SPG are set out in the table in Appendix 1 and are shown as tracked changes in Appendix 2 and 3.
- 2.2** Factual changes have also been made to the Retail and Town Centre Development SPG due to updated legislation, specifically relating to The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2022. As a result of the amended legislation 'betting offices' have been removed from Use Class A2 (Financial and Professional Services) and is now specified as a unique use (i.e. sui generis).
- 2.3** Once adopted, the Retail and Town Centre Development SPG will supersede the Upper Holton Road Development Guidelines SPG as guidance related specifically to this retail area will be incorporated into the new SPG. The previous SPG is no longer in use and is no longer correct as it was prepared before the current adopted LDP.
- 2.4** It should be noted that the adopted LDP is currently under review as a Replacement LDP (RLDP) is being prepared, subsequently current SPGs will be updated to reflect the new plan and policies in due course.
- 2.5** A brief summary of the main points raised during the consultation are set out below for each of the SPGs:

Retail and Town Centre Development SPG

- 2.6** The Glamorgan and Gwent Archaeological Trust (GGAT) requested that the SPG notes LDP Objective 4 '*To preserve and enhance the Vale of Glamorgan's historic, built, and natural environment*', and the Welsh Government's Historic Environment legislation, policy, and supporting guidance and best practise documents. In response to this, it is proposed that reference to LDP Objective 4 should be added., However, it was considered that it is more appropriate to add reference to national Historic Environment Legislation, policy and supporting guidance in the upcoming SPG on Conservation Areas, which is currently be prepared, as the purpose of this SPG is to provide guidance specifically related to retail development and Town Centres.
- 2.7** GGAT also note that development in town centres may have an impact on historic structures and buried archaeological deposits. No amendment has been made to the SPG following this comment, it should be noted that where applications are received that affect historic structures or archaeological deposits, the applicant is required to be supported by reports assessing any potential impacts on these (such as a Heritage Impact Assessment), and responses from consultees, such as CADW and GGAT are also treated as material considerations.
- 2.8** The South Wales Police (SWP) Designing Out Crime Officer note that the SPG has no specific reference to crime and disorder, or the statutory obligation under Section 17 of the Crime and Disorder Act 1998. They recommend that reference is added to the SPG as it is a material consideration in all planning applications. SWP also recommend that the importance of Secured by Design is highlighted within the document, as any new retail areas should be built to meet Secured by Design standards in consultation with SWP (ideally preplanning). Amendments have been made to the SPG as recommended.
- 2.9** Llandough Community Council support the policy and guidance set out in the SPG, they also note the need for a more concise 'easy-to-read' version. In response, Appendix 1 explains that the SPG has been prepared for members of the public to read, and further advice is available through the pre-application advice service. No changes were made to the SPG as a result of these comments.
- 2.10** Penarth Town Council commented that they believe there are issues with flexibility between use classes, which they feel is representative of a negative approach to town centre development. In the Council response in Appendix 1, it is explained that the SPG has been prepared in line with the most recent national policy, such as Planning Policy Wales Edition 11 (PPW 11), Future Wales and Building Better Places, which take a more flexible approach to town centres and permitted use classes to promote multifunctional and vibrant town centres.

- 2.11** Penarth Town Council also feel that the consumer behaviour data is outdated, and it is important to update it to reflect the significant impact of COVID-19 on town centres. Appendix 1 notes that the SPG has been prepared with consideration to the impact of COVID-19, however, the SPG must accord with the adopted LDP and reflect the existing policy framework. The Council will be reviewing the existing evidence and retail data as part of the RLDP preparation process. SPGs will be updated upon the adoption of the new RLDP.
- 2.12** Gwyrddio Penarth Greening (GPG) state that the SPG recognises the benefits of a more flexible approach to town centres requested by Welsh Government as temporary measures; they would like to see this flexible approach be more permanent. Welsh Government recently consulted on whether temporary COVID-19 related permitted development rights should be made permanent, and a decision is expected imminently.
- 2.13** GPG also note that they would like to see ‘a more pro-active approach from the Local Authority, and more involvement of the local community in planning decision making processes.’ Appendix 1 highlights that the SPG has undergone a public consultation which allows members of the public and local communities to comment on the draft documents.

Economic Development, Employment Land and Premises SPG

- 2.14** The GGAT requested that the SPG notes LDP Objective 4 *‘To preserve and enhance the Vale of Glamorgan’s historic, built, and natural environment’*, and the Welsh Government’s Historic Environment legislation, policy, and supporting guidance and best practise documents. In response to this, it is proposed that reference to LDP Objective 4 should be added. However, as above, it was considered more appropriate to add reference to national Historic Environment Legislation, policy and supporting guidance in the upcoming SPG on Conservation Areas, which is currently being prepared, as the purpose of this SPG is to provide guidance specifically related to Economic Development and Employment Land.
- 2.15** The GGAT also noted that there is no SPG for the historic environment, and that it is best practice to do so. The council responded that there is currently an SPG to cover Conservation Areas being prepared and that an SPG relating more broadly to other aspects of the historic environment would be considered following adoption of the RLDP.
- 2.16** Llandough Community Council support the policy and guidance set out in the SPG, they again note the need for a more concise ‘easy-to-read’ version. In response, Appendix 1 explains again that the SPG has been prepared for members of the public to read, and further advice is available through the pre-application advice service.
- 2.17** Penarth Town Council states the need for a significant overhaul of SPGs due to the impact of the COVID-19 pandemic and questions the age of the evidence used for

the SPG claiming that it is outdated. The Council will be reviewing and updating the SPG documents following the adoption of the RLDP, as the SPGs will need to reflect new national and local policy. The Council response in Appendix 1 states that the SPGs must remain within the limits of the adopted LDP and therefore uses the evidence gathered during its preparation. As part of the preparation of the RLDP new evidence is being gathered and any SPG that follows the RLDP will be reflective of that evidence.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 Long Term** - The LDP monitoring framework requires the Council to prepare and adopt new / updated SPGs in respect of various topics within a specified timeframe. SPGs support and add detail to specific LDP policies and provide applicants with clarity on how relevant proposals will be assessed. The adopted LDP is evidence based and sets out the planning policy framework for the period 2011 to 2026. The preparation of the new RLDP has officially commenced, new SPGs reflect the most recent and up to date national and regional policy, SPG will be updated to reflect the new RLDP in due course.
- 3.2 Prevention** - The SPGs referred to in this report together with the corresponding policies in the LDP will help to minimise the negative impacts of new development on the built and natural environment and have a positive impact on economic, environmental, social and cultural well-being.
- 3.3 Integration** – Both of the SPGs have been prepared in conjunction with relevant service areas and will assist in the delivery of several of the Council's Well-being Objectives.
- 3.4** The Economic Development, Employment Land and Premises SPG will help to deliver the first well-being goal of the Wellbeing of Future Generations Act – ‘A Prosperous Wales’ and Objective 2 of the Council’s Well-being Plan – ‘to reduce poverty and tackle inequalities linked to deprivation’. By protecting existing employment land within the Vale of Glamorgan employment opportunities will be protected, a rise in unemployment rate will be mitigated and local people will have access to jobs which will reduce poverty, deprivation and improve their quality of life.
- 3.5** The Retail and Town Centre Development SPG will help to deliver objectives within the Well-being of Future Generations Act such as ‘A Wales of cohesive communities’ and ‘A Wales of vibrant culture and thriving Welsh language’. The SPG will also help to deliver Objective 4 of the Council’s Well-being Plan ‘To protect, enhance and value our environment’.

- 3.6 Collaboration** – The adopted LDP was subject to extensive statutory consultation in accordance with the LDP Regulations 2005 (as amended 2015). The new SPGs seek to support the relevant policies in order to assist in the delivery of the relevant LDP objectives
- 3.7 Involvement** - A 6 week public consultation on the draft SPGs has taken place in accordance with the Council's corporate public consultation procedures. Copies of the draft SPGs were made available to view at the Council's main offices and on the website. In addition, officers have directly contacted interested parties so that they were made aware of the consultation. The draft SPGs have subsequently be amended where appropriate in light of the comments received.

4. Climate Change and Nature Implications

- 4.1** The SPGs have been prepared with consideration given to climate change and the nature emergency with the aim of contributing towards Project Zero and meeting the challenges set out in the Climate Change Challenge Plan. Objective 2 of the adopted LDP seeks 'to ensure that the development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change'. The policies within the adopted LDP reflect this objective and the SPGs attached to this report provide further supporting guidance for the implementation of the LDP policies.
- 4.2** The Economic Development, Employment Land and Premises SPG promotes new employment sites in sustainable locations in order to contribute towards climate change mitigation. Policy MD14 permits new employment uses where they are within or adjacent to sustainable settlements in order to meet LDP Objective 3 – to reduce the need for residents to travel to meet their daily needs and enabling them greater access to sustainable modes of transport. The SPG requires that a Travel Plan is submitted with proposals for larger employment development and encourages them for any size. A Travel Plan is a package of practical measures to effectively manage long-term transport and travel needs, it will improve travel choice and reduce the impacts of transport of the local environment.
- 4.3** The Economic Development, Employment Land and Premises SPG also encourages the mitigation of climate change through good design by minimising emissions associated with design, construction, use and eventual demolition. New design should include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.
- 4.4** The Retail and Town Centre Development SPG promotes appropriate uses that are accessible by sustainable transport modes and highlights the importance of location of new development in reinforcing the role and function of sustainable settlements. Reducing the need to travel by car by favouring new development in sustainable locations and preventing car focused developments will reduce emissions and contribute towards Project Zero. The retail SPG also encourages

the use of sustainable materials for new and existing shopfronts to contribute towards climate change mitigation and environmental protection, this could be sustainably sourced materials or materials that will improve the energy efficiency of the building.

5. Resources and Legal Considerations

Financial

- 5.1 The preparation of the SPG and proposed public consultation exercise has been undertaken by Council officers within existing departmental budgets.
- 5.2 The adoption the SPG is not anticipated to result in additional expenditure and will assist the Council in the consideration of development proposals in planning applications.

Employment

- 5.3 There are no direct employment implications associated with this report.

Legal (Including Equalities)

- 5.4 On adoption the SPGs will replace the existing SPG set out above and the documents will be used as a material consideration in the determination of planning applications and planning appeals.

6. Background Papers

[Future Wales: The National Plan 2040](#)

[Planning Policy Wales Edition 11 \(2011\)](#)

[Building Better Places \(July 2020\)](#)

[Vale of Glamorgan Local Development Plan 2011-2026](#)

[Upper Holton Road SPG](#)

[Affordable Housing SPG \(July 2022\)](#)

Appendix 1: Responses received on Supplementary Planning Guidance in respect of Retail and Town Centre Development; and Economic Development, Employment Land and Premises, Public Consultation Thursday 20th October 2022 to Thursday 1st December 2022.

Retail and Town Centre Development SPG			
Number	Organisation	Comment Received	Council Response
1	Glamorgan Gwent Archaeological Trust	Any impact regarding land use will have an impact on both designated and non-designated historical assets in the Vale, whether physically or a visual impact. To this, GGAT ask that the SPG should note LDP Objective 4 ' <i>To preserve and enhance the Vale of Glamorgan's historic, built, and natural environment</i> ', and the Welsh Government's Historic Environment legislation, policy, and supporting guidance and best practise documents.	Noted, the SPGs have been prepared to accord with the adopted LDP Objectives and the relevant legislation. The SPG has been amended to include reference to LDP Objective 4. The council feel that it would be more appropriate to add reference to national Historic Environment Legislation, policy and supporting guidance in the upcoming SPG on Conservation Areas, which is currently be prepared, as the purpose of this SPG is to provide guidance specifically related to retail development and Town Centres.
		It is also noted that there may be extra considerations for areas with statutory protection. Basic information can be found at: https://cadw.gov.wales/advice-support/historic-assets/conservation-areas-and-other-historic-assets/other-historic-assets-0 , further detail can be found at: http://www.ggat.org.uk/cadw/historic_landscape/main/english/historical.htm .	Noted. It is considered that the SPG takes into account the relevant considerations for areas with statutory protection. The council's Conservation Officer was involved in the preparation of this SPG and consulted during the consultation process.
		Some town centres (including Cowbridge and Llantwit Major) have evidence of Roman activity, and date back to the Medieval period as urban areas. Minor works may impact historic structures, as well as buried archaeological deposits. If brownfield sites are used for redevelopment, it should be noted that these are often archaeological remains from the industrial periods.	Where applications are received that affect historic structures or archaeological deposits, the applicant is required to be supported by reports assessing any potential impacts on these (such as a Heritage Impact Assessment). Responses from consultees, such as CADW and GGAT are also treated as material considerations.
		Registered Parks and Gardens have a historic environment aspect, the impact of	Applications that have the potential to affect registered parks and gardens will be

		<p>development and change on the setting of these is a material consideration. This Register is now statutory, and information on all Statutorily protected historic assets can be found at https://cadw.gov.wales/advice-support/cof-cymru/search-cadw-records.</p>	<p>assessed in accordance with national and local policy such as LDP Policy MD8 (Historic Environment). CADW will be also consulted on the relevant planning applications. The RLDP will include policies to protect the historic environment.</p>
		<p>GGAT notes that that the authority has no SPG for the historic environment; best practice is to have an SPG for the historic environment, to include the Archaeologically Sensitive Areas; SPGs have been produced for other local authorities in SE Wales. This ensures that the historic environment is to the forefront at a strategic level and that subsequent mitigation at detailed level has an accepted base.</p>	<p>The council is in the process of preparing an SPG to cover conservation areas, an SPG on the historic environment with a wider scope will be considered following adoption of the RLDP.</p>
		<p>It is the GGAT's policy to recommend that all work is undertaken either by a Registered Organisation (RO) with the ClfA or by a MCIfA level member. These professional organisations are experienced in working alongside other professions where the historic environment is a consideration with other sectors.</p>	<p>Noted.</p>
2	Natural Resources Wales	<p>NRW have no observations to make on the draft Retail and Town Centre Development SPG.</p>	<p>Noted.</p>
3	██████████	<p>To a layman the document initially looks very difficult to understand, however when you read some of the detail provided, it is clear what the Council expect.</p> <p>The draft SPG appears to be clear and concise to the appropriate user of the document. ██████████ hopes that emphasis is placed on neighbourhood shopping areas as opposed to the waterfront. To encourage more people to walk to the shops, we must allow shops to open locally.</p>	<p>Noted.</p> <p>The purpose of the SPG is to provide additional information and guidance on existing retail policies within the adopted plan. The SPG does not place emphasis on specific retail centres or areas of the Vale of Glamorgan; the guidance is Vale wide and relates to the Retail Hierarchy in Policy MG12 of the adopted LDP.</p>
4	SWP Designing Out Crime Officer	<p>SWP note that town centres are designed to attract visitors, and so are potential places for crime and disorder to occur. To this, there is no specific reference to crime and disorder, or the statutory obligation under Section 17 of the Crime and Disorder Act 1998. SWP recommend that reference is made to the</p>	<p>A reference has been added to the Crime and Disorder Act 1998 in the legislative context section as recommended.</p>

		<p>obligation under the Crime and Disorder Act and that this is a material consideration in all planning applications, for the reason of preventing anti-social behaviour, theft, and burglary.</p>	
		<p>SWP recommend that the importance of Secured by Design is highlighted within the document. Any new retail areas should be built to meet Secured by Design standards in consultation with South Wales Police. Ideally consultation should be at pre planning stage. This advice is free and is proven to reduce crime.</p>	<p>Reference to Secured by Design standards and consultation with South Wales Police has been added to the SPG.</p>
		<p>SWP note that parking facilities within retail areas such as town centres can again be a target for crime. They recommend that all new car parks are built to British Parking Association standards and achieve Park Mark Safer Parking Awards, in order to prevent theft of/from motor vehicles.</p>	<p>This comment is more appropriate for the Parking Standards SPG 2019. The Park Mark Safer Parking initiative is referenced within Parking Standards SPG.</p>
		<p>SWP ask that all planning applications that fall within the criteria of 'Public Accessible Places' should be referred to South Wales Police 'Designing Out Crime Officers'. This should be done at the 'concept stage' so that Counter Terrorism Security Advisers are able to advise on reduction of vulnerability to terrorism, in line with the new legislation.</p>	<p>South Wales Police will be consulted on relevant applications during the determination of planning applications.</p> <p>A reference has been added to the SPG to advise applicants and developers to consult Designing Out Crime Officers as early as possible in the design and concept stages.</p>
5	Llandough Community Council	<p>The Community Council agrees that the draft SPG adds helpful information about the application of the relevant LDP policies. They state the need for an easy-to-read version.</p>	<p>The SPG is intended to be read by members of the public and has been prepared as such. It is not standard practice to prepare easy-to-read versions of SPGs. Further advice is available through the pre-application advice service.</p>
6	Penarth Town Council	<p>Penarth Town Council commends the review of the various SPGs; in light of a significantly different world due to COVID-19, the Council feels that SPGs need a significant overhaul.</p> <p>The Town Council feel that there are issues with flexibility between use classes. They feel this is representative of the somewhat negative approach towards Town Centre development.</p>	<p>The need to prepare draft SPGs was identified in previous AMRs. SPGs are subsequently being prepared to provide additional information on the adopted LDP policies and reflect the most recent national planning policy and legislation. Upon adoption of the new RLDP, SPGs will be updated to reflect the new plan and new SPGs will be prepared.</p>

			<p>The SPG has been prepared in line with the most recent national policy, such as PPW 11, Future Wales and Building Better Places, which take a more flexible approach to town centres and permitted use classes to promote multifunctional and vibrant town centres.</p>
		<p>Members of the Town Council feel that more proactive advice and approaches from organisations such as Audit Wales need to be adopted within Town Centres in order to improve them. Overall, Penarth Town Council do not feel this SPG goes far enough.</p>	<p>Comments noted, we will seek to engage with Audit Wales as part of the new evidence base preparation for the RLDP. It should be noted that the SPGs are required to stay within the limits of the adopted LDP. SPGs will be updated upon the adoption of the new RLDP.</p>
		<p>Like other SPGs, the Town Council feel that the consumer behaviour data used is outdated. For this SPG, it is especially important to update and renew given the significant impact of COVID-19 on the Town Centre landscape. The Town Council feel that for this SPG to meet the current and future needs of Welsh communities, new data gathering must be a priority.</p>	<p>The SPG has been prepared with consideration to the impact of COVID-19, however, the SPG must accord with the adopted LDP and reflect the existing evidence. The Council will be reviewing the existing evidence and retail data as part of the RLDP preparation process. SPGs will be updated upon the adoption of the new RLDP.</p>
7	Gwyrddio Penarth Greening	<p>GPG recommend that the flexible approach to decision making in Town Centre development be more permanent.</p> <p>Technical Advice 4 calls for greater flexibility of decision making in town centres which are underperforming and a flexible approach when considering the benefits of non-A1 uses within a centre.</p> <p>The section in the draft SPG on <i>Market changes and a flexible response</i> recognises the benefits of the more flexible approach requested by Welsh</p>	<p>Welsh Government recently consulted on whether temporary Covid-19 related permitted development rights should be made permanent,, and a decision is expected imminently. The SPG has been prepared in line with the most recent National policy, such as PPW 11, Future Wales and Building Better Places, which take a more flexible approach to town centres</p>

	<p>government, as temporary measures. We would like this flexible approach to be more permanent.</p> <p>GPG would like to see a more pro-active approach from the Local Authority, and more involvement of the local community in planning decision making processes.</p> <p>The Audit Wales report, <i>Regenerating Town Centres in Wales 2021</i>, calls for Local Authorities, 'to have a clear vision for their town centres backed up by a plan for change', and states that, 'plans need to be dynamic 'living' entities.</p> <p>To help achieve this the report suggests that Local Authorities need to tap into local communities and find out what they want in their town centres, and provides as successful initiatives, Place Plans and Business Improvement Districts. These can then inform decision making, enabling local communities to be more involved in the local planning decision making process, and states that, '<i>Without people owning regeneration plans then they are not going to succeed</i>'. (para 3.19-21)</p>	<p>and permitted use classes to promote multifunctional and vibrant town centres.</p> <p>The SPG has undergone a public consultation which allows members of the public and local communities to comment on the draft documents.</p> <p>Local communities will be involved in the different stages of the RLDP Preparation as set out in The Delivery Agreement.</p>
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Economic Development, Employment Land and Premises SPG			
Number	Organisation	Comment Received	Council Response
1	Glamorgan Gwent Archaeological Trust	Any impact regarding land use will have an impact on both designated and non-designated historical assets in the Vale, whether physically or a visual impact. To this, GGAT ask that the SPG should note LDP Objective 4 ' <i>To preserve and enhance the Vale of Glamorgan's historic, built, and natural environment</i> ', and the Welsh Government's Historic Environment legislation, policy, and supporting guidance and best practise documents.	Noted, the SPGs have been prepared to accord with the adopted LDP Objectives and the relevant legislation. The SPG has been amended to include reference to LDP Objective 4. The council feel that it would be more appropriate to add reference to national Historic Environment Legislation, policy and supporting guidance in the upcoming SPG on Conservation Areas, which is currently be prepared, as the purpose of this SPG is to provide guidance specifically related to Economic Development and Employment Land.

		<p>It is also noted that there may be extra considerations for areas with statutory protection. Basic information can be found at: https://cadw.gov.wales/advice-support/historic-assets/conservation-areas-and-other-historic-assets/other-historic-assets-0, further detail can be found at: http://www.ggat.org.uk/cadw/historic_landscape/main/english/historical.htm.</p>	<p>Noted. It is considered that the SPG takes into account the relevant considerations for areas with statutory protection. The council's Conservation Officer was involved in the preparation of this SPG and consulted during the consultation process.</p>
		<p>Registered Parks and Gardens have a historic environment aspect, the impact of development and change on the setting of these is a material consideration. This Register is now statutory, and information on all Statutorily protected historic assets can be found at https://cadw.gov.wales/advice-support/cof-cymru/search-cadw-records.</p>	<p>Applications that have the potential to affect Registered Parks and Gardens will be assessed in accordance with national and local policy such as LDP Policy MD8 (Historic Environment). CADW will be also consulted on the relevant planning applications. The RLDP will include policies to protect the historic environment.</p>
		<p>GGAT notes that that the authority has no SPG for the historic environment; best practice is to have an SPG for the historic environment, to include the Archaeologically Sensitive Areas; SPGs have been produced for other local authorities in SE Wales. This ensures that the historic environment is to the forefront at a strategic level and that subsequent mitigation at detailed level has an accepted base.</p>	<p>The council is in the process of preparing an SPG to cover Conservation Areas. An SPG on the historic environment with a wider scope will be considered following adoption of the RLDP.</p>
		<p>It is the GGAT's policy to recommend that all work is undertaken either by a Registered Organisation (RO) with the ClfA or by a MCIfA level member. These professional organisations are experienced in working alongside other professions where the historic environment is a consideration with other sectors.</p>	<p>Noted.</p>
2	Natural Resources Wales	<p>NRW have no observations to make on the draft Economic Development, Employment Land and Premises SPG.</p>	<p>Noted.</p>
3	Llandough Community Council	<p>The Community Council supports the policy and guidance set out in the draft SPG. They state the need for a more concise easy-to-read version.</p>	<p>The SPG is intended to be read by members of the public and has been prepared as such. It is not standard practice to prepare easy-to-read versions of SPGs. Further advice is available through the pre-application advice service.</p>

4	Penarth Town Council	<p>Penarth Town Council commends the review of the various SPGs; in light of a significantly different world due to COVID-19, the Town Council feels that SPGs needs a significant overhaul.</p> <p>The Town Council feel that new evidence is needed to help develop this SPG; the current draft relies on evidence from 2013, which members feel is particularly outdated given the impact of COVID-19.</p>	<p>The council will be reviewing and updating the SPG documents following the adoption of the RLDP, as the SPGs will need to reflect new national and local policy.</p> <p>The SPGs must remain within the limits of the adopted LDP and therefore uses the evidence gathered during its preparation. As part of the preparation of the RLDP new evidence is being gathered and any SPG that follows the RLDP will be reflective of that evidence.</p>
		<p>The Town Council welcome the connection between the SPG and active travel plans. They feel that having incentives is good for reinforcing positive behavioural changes and that schemes e.g. cycle to work, are widely beneficial for this.</p>	<p>Noted.</p>
5	Network Rail	<p>Where development promotes the use of public transport, improvements may be required at stations to meet the demand for travel. This could include, but is not limited to, improvements to station parking measures and other station facilities.</p> <p>As Network Rail is a publicly funded organisation with a regulated remit they do not believe it would be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. Network Rail therefore believe it is appropriate to require developer contributions to fund such improvements.</p>	<p>Comments noted. Sustainable infrastructure improvements will be considered on site-by-site basis through planning conditions and obligations where appropriate. Appendix 2 of the Planning Obligations SPG (2018) identifies the nature of sustainable transport contributions that may be sought</p>
		<p>Network Rail needs to monitor and assess new development that may have an impact on rail services and/or safety of existing infrastructure. In order to carry out this function it is vital that sufficient information is submitted with a planning application. Therefore, Network Rail recommend that the submission of a Transport Assessment should be included for outline applications and full planning permission, and the TA should reflect the scale of the development and the extent of the transport implications of the proposal.</p>	<p>Transport Assessments are required to accompany planning applications for development that have potential to impact surrounding travel patterns and transport infrastructure.</p>

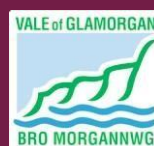
		They recommend that any development of land which would result in a material increase or significant change of the traffic using existing rail infrastructure (particularly level crossings) and/or require rail improvements should also be added to this list of developments that require a TA.	
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Retail and Town Centre Development



Supplementary Planning Guidance

December 2022



THE VALE OF GLAMORGAN ADOPTED LOCAL DEVELOPMENT PLAN 2011-2026

RETAIL AND TOWN CENTRE DEVELOPMENT

SUPPLEMENTARY PLANNING GUIDANCE

DECEMBER 2022

*THIS DOCUMENT IS AVAILABLE IN OTHER FORMATS UPON REQUEST E.G.
LARGER FONT. PLEASE SEE CONTACT DETAILS IN SECTION 10.*

*THIS DOCUMENT IS AVAILABLE IN WELSH / MAE'R DDOGFEN HON AR GAEL
YN GYMRAEG*

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1. INTRODUCTION

- 1.1. The retail sector in the Vale of Glamorgan is strongly influenced by its proximity and easy access to Cardiff City Centre which is the primary retail attractor within the region and offers a wide range and assortment of convenience and comparison shopping. Within the Vale of Glamorgan shopping provision is largely concentrated within Barry Town Centre and the District Retail Centres of Penarth, Cowbridge and Llantwit Major. Barry Town Centre provides for a broad range of retail, service, employment and leisure uses that serve more than a local need. Retail provision in the district centres is characterised by a range of local and national retailers and service providers that predominantly serve local catchment areas. Elsewhere within the Vale of Glamorgan, smaller independent retailers provide important daily convenience services for the immediate catchment area surrounding the local and neighbourhood centres. The major out of centre Retail Park at Culverhouse Cross on the eastern periphery of the Vale of Glamorgan is in close proximity to and impacts upon the main town and district centres of the Barry, Penarth and Cowbridge and is a significant retail attraction in its own right.
- 1.2. The Vale of Glamorgan Local Development Plan (LDP) 2011 – 2026 was adopted on 28th June 2017 and provides the local policy framework for planning decisions in the Vale of Glamorgan. LDP Policy MG12 sets out the following retail hierarchy:
- Town centres:** Barry
- District centres:** Barry (High Street/Broad Street), Cowbridge, Llantwit Major, Penarth
- Local centres:** Barry: Main Street, Cadoxton; Vere Street, Cadoxton; Park Crescent; Barry Road, nr. Cadoxton; Upper Holton Road, Dinas Powys; Cardiff Road; Dinas Powys village centre, Penarth: Cornerswell Road, Rhoose: Fontygary Road, St Athan: The Square
- Neighbourhood centres:** Barry: Bron-y-Mor; Cwm Talwg; Gibbonsdown Centre; Park Road, Boverton, Dinas Powys: Camms Corner; Castle Court/The Parade, Font-y-Gary: Adenfield Way, Llantwit Major: Crawshay Drive, Penarth: Pill Street; Tennyson Road
- 1.3. This Supplementary Planning Guidance (SPG) document provides further guidance on the application of LDP retail policies which seek to protect the vitality, attractiveness, and viability of the designated retail centres in accordance with the approach outlined in national planning policy.
- 1.4. Since the preparation of the LDP there have been a number of changes in the Vale's retail centres resulting from the continued economic challenges

facing local businesses and communities. For some centres, this has seen a reduction in traditional A1 retail units and an increase in longer term vacancies.

- 1.5. Future Wales – The National Plan places a stronger emphasis on the principle of ‘Town Centre First’. It recognises that we need to re-think the future of town and city centres, which are moving away from their traditional retail roles towards more multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the location of new co-working spaces.
- 1.6. This guidance aims to assist applicants and decision makers when considering specific changes of use in retail centres and other town centre developments, in accordance with adopted LDP policies, Future Wales and in light of other material considerations to ensure our retail centres are sustainable in the long term.

2. PURPOSE OF THE SUPPLEMENTARY PLANNING GUIDANCE

- 2.1. This SPG document has been produced to support the policies of the Adopted Vale of Glamorgan Local Development Plan (LDP) 2011-2026, to help secure its aims and objectives including:

Objective 6: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan’s town, district, local and neighbourhood shopping centres

- 2.2. It is intended to assist applicants developing proposals in the Vale of Glamorgan’s retail centres in meeting the requirements of the Plan’s retail and design policies, in addition to considering national policy.
- 2.3. It provides advice about how the Council will deal with proposals for retail development outside the Vale’s retail centres. It also provides further advice on the application of LDP Policies MG14 (Non-A1 Retail Uses within Town and District Retail Centres) and MG15 (Non-A1 Retail Uses within Local and Neighbourhood Retail Centres) where development proposals involve the loss of an existing or vacant A1 retail unit.
- 2.4. The SPG also provides shopfront design guidance for proposals involving the alteration of facades in designated retail centres to help satisfy LDP design policies.

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 the 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.** ~~Once adopted, the~~ **This** SPG **was approved by cabinet on 19th January 2023 (Minute No. X refers) and is now** ~~will be~~ a material consideration in the determination of relevant ~~future~~ planning applications and appeals in the Vale of Glamorgan.

4. LEGISLATIVE AND POLICY CONTEXT

4.1.1. The following sections set out the legislative and policy framework in relation to retail planning and the consideration of new development proposals within the Vale of Glamorgan's Town and District Centres, Local Centres, and Neighbourhood Centres.

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

4.2.1. 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 Well Being Goals:~~

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsive Wales.

4.2.2. 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.

4.3. TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED)

4.3.1. The Town and Country Planning (Use Classes) Order identifies uses of land and buildings and places them within various categories known as use classes. The Order does not contain a definitive list of all the different types of uses of land and buildings but provides broad categories to allow

developers and decision makers to understand which use class should apply.

4.3.2. The following list gives an indication of the types of uses which would fall under the retail use classes contained under Part A Schedule 1 of the Order:

- A1 Shops - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners and funeral directors.
- A2 Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies. ~~and betting offices.~~
- A3 Food and drink - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes, drinking establishments and take-aways.

4.3.3. Where a person is unsure which use class applies to a building or parcel of land, they should check the planning history for the site and identify the latest planning permission that was approved and enacted on the site. This can be accessed using the Council's Planning Register on the Council's webpage. If there are any issues determining the existing use class of land or buildings, please contact the Local Planning Authority using the contact details provided under Section 10 of this SPG for further advice.

4.4. TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED)

4.4.1. Certain types of minor changes can be made to land and buildings without requiring planning consent. These are known as permitted development rights and are contained within the Town and Country Planning (General Permitted Development) Order 1995 (as amended). In relation to proposals involving similar types of use classes a change of use to the building or land may not require planning consent. For example, a hairdressers could be changed to a shoe shop without permission as these uses fall within the same 'class', and a restaurant could be changed to a shop or an estate agency as the Use Class Order allows this type of change to occur without requiring planning permission.

4.4.2. However, most external building work associated with a change of use is likely to require planning permission such as new advertising for the new use.

4.4.3. Regarding change of uses which fall under the Class A retail uses, the following table outlines where a change of use would be considered a permitted development:

Table 1: Permitted Development Rights for Retail Uses

Existing Use	Permitted Change of Use
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (food and drink)	A1 or A2
Sui Generis - Car showrooms and Betting Offices only	A1 Shop
A1 or A2	A1 plus a single flat above
A2	A2 plus a single flat above

4.4.4. Please note in some areas of the country permitted development rights are more restricted. If the land or building is located in a Conservation Area, a National Park, an ~~Area of Outstanding Natural Beauty~~, or a World Heritage Site you will need to apply for planning permission for certain types of work which do not need an application in other areas. There are also additional restrictions if a building has been designated a listed building. Additionally, the existing use may have been permitted subject to permitted development rights being removed meaning planning consent would be required for the above changes. In some instances, the use has been restricted to a specific user or other limitations, consequently it is important that developers fully understand the planning history of a building or land before undertaking forms of permitted development.

4.4.5. If there is uncertainty surrounding the existing use and whether permitted development rights have been removed, please contact the Local Planning Authority using the details provided under Section 10 of this SPG.

**WELSH GOVERNMENT CORONAVIRUS COVID-19 RESPONSE
– TEMPORARY PERMITTED DEVELOPMENT RIGHTS TO
SUPPORT BUSINESSES**

- 4.4.6. In response to the detrimental impact Covid-19 restrictions had on the retail sector, the Welsh Government temporarily relaxed planning controls for specified development through amendments to the Town and Country Planning (General Permitted Development) Order 1995. The amendments to the Order came into force between 30th April 2021 and 2 January 2022.
- 4.4.7. Welsh Government acknowledged that prior to the pandemic, there was a growing need for diversifying retail and commercial centres so they can adapt to future retail trends to continue to meet the needs of their local communities. This need to diversify was exacerbated by the impact of COVID-19. In the short term, the Welsh Government sought to facilitate temporary changes of use to enable businesses to trial alternative uses within town centres for a short period of time. This was intended to enable them to trial alternative uses and get initial feedback as to whether the start-up was likely to be viable without the expense and delay associated with submitting a planning application.
- 4.4.8. The temporary changes of use only related to sites located within town centres which are defined under the relevant Local Development Plan policies. In relation to the Vale of Glamorgan LDP, Policy MG12 – Retail Hierarchy identifies the retail centres where the permitted developments were applicable. The temporary permitted development that was covered by the amendment to the Order is detailed in the table below:

Table 2: Temporary Permitted Development Rights in Town Centres

Part 4A	Existing Use (within town centres only)	Permitted Change
Class C	Use class A1 (shops)	<ul style="list-style-type: none"> • A2 (financial and professional services); • A3 (food and drink); • B1 (business); • D1 (non-residential institutions); • D2 (assembly and leisure).
Class D	Use class A2 (financial and	<ul style="list-style-type: none"> • A1 (shops); • A3 (food and drink);

	professional services)	<ul style="list-style-type: none"> • B1 (business); • D1 (non-residential institutions); • D2 (assembly and leisure).
Class E	Use class A3 (food and drink)	<ul style="list-style-type: none"> • A1 (shops); • A2 (financial and professional services); • B1 (business); • D1 (non-residential institutions); • D2 (assembly and leisure).

4.4.9. All changes of use that took place were permitted for a six-month period beginning with the date on which the development began and were required to end on or before 29th April 2022, unless planning permission was granted for the retention of the use. The use of the building was permitted revert to the original use at any time during the six-month period. To ensure the impacts of the permitted change of use were appropriately recorded developers had to notify the Local Planning Authority of the temporary change of use as soon as reasonably practicable.

4.4.10. It should be noted, development was not permitted if the proposed A3 use was for the sale of hot food for consumption off the premises; or where the proposed use is Class B1(c) (i.e. for any industrial process). These uses can potentially result in planning impacts that require further consideration through the submission of a planning application such as noise impacts on residential neighbours.

4.4.11. However, although these changes were only in place until the end of April 2022, the Welsh Government ran a consultation between 16th November 2021 and 15th February 2022 on making them permanent. The outcome of this consultation is still awaited.

4.5. CRIME AND DISORDER ACT 1998 (AS AMENDED)

4.5.1. Section 17 of The Crime and Disorder Act 1998 requires local authorities to consider the crime and disorder implications of all their activities and functions and do all they reasonably can to reduce these problems. Designing out crime and designing in community safety through planning is a vital tool in fulfilling this duty.

4.5.2. New retail developments should be built to Secured by Design Standards in consultation with South Wales Police in order to prevent anti-social behaviour, theft and burglary. It is advised that applicants

and developers consult South Wales Police Designing Out Crime Officers on development proposals that fall within the criteria of 'Public Accessible Places' as early as possible in the design and concept stages.

4.6. FUTURE WALES: NATIONAL DEVELOPMENT PLAN 2040

4.6.1. **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.

4.6.2. 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 relevant to retail proposals in the Vale of Glamorgan:

- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

“The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.”

- Policy 6 – Town Centre First

“Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region.

A sequential approach must be used to inform the identification of the best location for these developments, and they should be identified in Strategic and Local Development Plans.”

The 'Town Centre First' approach puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs

facilities and services to where intended users can easily walk, cycle and/or use public transport to access them.

The principle of 'Town Centre First' is well established in planning policy in relation to retail developments. However, good planning can help us re-think the future of town and city centres, which are moving away from their traditional retail roles. The impact of COVID-19 on the retail sector is a further driver towards making our town centres multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the location of new co-working spaces. They are more than the extent of designated retail areas.

- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

4.7. PLANNING POLICY WALES

4.7.1. Planning Policy Wales (PPW) (Edition 11) sets out the national priorities and considerations with regards to new commercial and retail development and for managing change within existing commercial and retail centres. The key statements from PPW which are relevant to the contents of this SPG are outlined below:

MIXED USES AND PRIMARY AND SECONDARY SHOPPING AREAS

4.7.2. PPW promotes A1 uses within identified retail centres as the underpinning use for these areas. However, it is acknowledged that the “*although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.*” (PPW, para.4.3.30, 2021).

4.7.3. A distinction is made between different areas within retail centres in PPW which states “*Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre’s role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities.*” (PPW, para.4.3.31, 2021). These different areas are identified by LPAs within their LDP with evidence supporting the allocation of these areas within the centres.

- 4.7.4. The different characteristics of the Primary and Secondary areas defined in PPW allow LDP policies to encourage a diversity of uses in retail centres. PPW states “*Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre’s well-being and success, whilst also reducing the need to travel. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas.*” (PPW, para.4.3.33, 2021)
- 4.7.5. Different commercial uses can be appropriate within centres and LPAs should consider how “*leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy.*” (PPW, para.4.3.34, 2021) Furthermore, PPW supports “*mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential*” (PPW, para.4.3.34, 2021) within retail centres which can promote active centres with beneficial day and evening economies.
- 4.7.6. However, it is acknowledged that “*achieving diversity of uses and activities may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, planning authorities should consider making changes to the acceptable uses in primary or secondary areas, or the retail and commercial centre boundaries themselves.*” (PPW, para.4.3.35, 2021). To ensure retail centres are healthy “*Planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this.*” (PPW, para.4.3.36, 2021). In instances where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre’s viability and vitality due to their unsightly appearance and the creation of dead frontages. In these circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.
- 4.7.7. Regarding SPGs PPW states they “*should support the management of retail and commercial centres where appropriate. Such management, involving enhancement and promotion, can be an important factor in achieving vibrancy, viability, and attractiveness in retail centres. Management measures can also contribute to the achievement of a safe and crime free environment. Partnership between local authorities and the private sector is essential to the success of such management strategies.*” (PPW, para.4.3.39, 2021)

- 4.7.8. In relation to smaller retailing areas such as local and village shops which fall outside of identified retail centres, PPW acknowledges “*Local and village shops, and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.*” (PPW, para.4.3.40, 2021)

4.8. BUILDING BETTER PLACES - THE PLANNING SYSTEM DELIVERING RESILIENT AND BRIGHTER FUTURES (JULY 2020)

- 4.8.1. Building Better Places was published by Welsh Government to setting out their response to Placemaking and the Covid-19 recovery.

- 4.8.2. The Building Better Places document outlines the approach Welsh Government will seek to implement as the country recovers from the pandemic, which pinpoints the most relevant policy priorities and actions to aid in the recovery. It states “*Our centres should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered.*

Evidence suggests that traditional retailing uses will not be as prevalent and the demand for new retail space will be very low for the foreseeable future, therefore primary retail areas will need to be urgently reviewed. This must be realistic and not done in the expectation that retail occupiers will return in the numbers we witnessed prior to the pandemic. Unreasonable and inflexible policies should be challenged through the development plan process, as much more creative thinking will be needed to reimagine and re-purpose these areas.” (Building Better Places, p.18, 2020).

- 4.8.3. Although the Retail Strategy outlined in Building Better Places will need to be addressed in a reviewed LDP this will likely come forward by 2024/25. Due to the timescales surrounding the LDP process it is imperative decision makers respond flexibly to planning proposals, “the planning system must respond to this situation by ensuring that our retail and commercial centres can operate as flexibly as possible” (Building Better Places, p.18, 2020).

- 4.8.4. The Building Better Places document is also referenced in PPW stating “Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being. Building Better Places starts to identify action to achieve this and upon which we must build; future reviews of Planning Policy Wales will enable us to further integrate this work. Everyone has a part to play to ensure that the communities of tomorrow benefit from the foresight of today” (PPW, para.2.23, 2021).

4.9. TECHNICAL ADVICE NOTE 4: RETAIL AND COMMERCIAL DEVELOPMENT

- 4.9.1. Technical Advice Note 4: Retail and Commercial Development (November 2016) sets out national policy and guidance in relation to changes of use in Retail and Commercial Primary and Secondary Areas.
- 4.9.2. In relation to retail centres which are under performing, TAN4 advises *“when a retail and commercial centre’s performance is poor, due perhaps to local or national economic conditions, and frontages become characterised by persistently high vacancy rates, local planning authorities should consider applying a more flexible strategy. Local planning authorities should decide if restricting change of use from A1 to non-A1 uses in primary areas is the most effective strategy. In these circumstances over emphasis on A1 uses alone in primary areas may serve to weaken the centre’s prospects of being vibrant and viable; making it more vulnerable to decline. The positive role that non-A1 uses such as food and drink, financial, and other services can bring to both primary and secondary areas should be examined by local planning authorities. In addition, the role that residential uses can play in supporting centres should also be recognised. Whilst residential use is unlikely to be appropriate at ground floor level in primary areas, residential use on upper floors can add to a centre’s vibrancy and viability, increasing footfall and contributing to both the daytime and evening economies of a centre”* (TAN4, para.9.2, 2016).
- 4.9.3. In these centres it is important decision makers use a flexible approach when considering the benefits of non-A1 uses within a centre. TAN 4 states *“Flexibility to expand or contract primary and secondary areas and to allow changes of use to attract investment and diversify the range of businesses is essential within vulnerable or declining centres. In larger more diverse centres that are more resilient to downturns in the economy a more restrictive approach to change of use may still be appropriate. However, in smaller centres this may not be the case and a more restrictive approach*

to change of use could act against opportunities to strengthen a centre through greater diversity.” (TAN4, para.9.3, 2016)

- 4.9.4. The flexible approach applied in underperforming centres needs to be balanced with decision makers understanding that *“individual use classes may contain both desirable and undesirable forms of activity which when clustered together may have a negative cumulative impact. Planning conditions may be used to ensure the most appropriate development is permitted within a use class.”* (TAN4, para.9.4, 2016). Additionally, *“changes of use can create new concentrations of single uses, such as take away food outlets, where the cumulative effects can cause local problems. Such proposals should be assessed against the development plan policies, on their contribution to diversification of the retail and commercial centre and on the cumulative effects on matters such as parking and local residential amenity.”* (TAN4, para.9.7, 2016)
- 4.9.5. Persistent or long-term vacant units within retail centres represent an issue for the attractiveness and economic viability of centres. LPAs should look positively on *“Temporary or ‘pop-up’ units may be a positive short-term option to reduce the impact of vacancies. A pop-up-unit is established on a short-term lease through agreement with the landlord and where such shops are successful may lead to a long-term tenancy. Whilst pop-up-units are typically used for shops they can be used for other purposes, for example, art galleries and community projects. Local planning authorities should consider using supplementary planning guidance to describe the types of pop-up uses likely to be acceptable in a retail and commercial centre and how they may, if necessary, be controlled through the planning system.”* (TAN4, para.9.5, 2016).

4.10. VALE OF GLAMORGAN ADOPTED LOCAL DEVELOPMENT PLAN 2011-2026

4.10.1. 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 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 4: To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.**
- **Objective 6: To reinforce the vitality, viability and attractiveness of the Vale of Glamorgan's town, district and neighbourhood shopping centres.**
- **Objective 9: To create an attractive tourism destination with a positive image for the Vale of Glamorgan, encouraging sustainable development and quality facilities to enrich the experience for visitors and residents.**

4.10.2. The Vale of Glamorgan Adopted Local Development Plan (LDP) 2011 - 2026 contains the following local planning policies dealing with new retail developments.

- Policy SP6 – Retail
- Policy MG12 – Retail Hierarchy
- Policy MG13 – Edge and Out of Town Retailing Areas
- Policy MG14 – Non-A1 Retail Uses within Town and District Retail Centres
- Policy MG15 – Non-A1 Retail Uses within Local and Neighbourhood Retail Centres

4.10.3. LDP Annual Monitoring Report (AMR) monitoring data indicated that some retail centres do not meet or are close to their respective A1-use thresholds referred to under LDP Policies MG14 and MG15 reflecting market pressure for non-A1 uses.

4.10.4. The AMRs demonstrate only Penarth Retail Centre and the primary frontage in Cowbridge retail centre have sufficient A1 uses to reflect the LDP policy thresholds.

4.10.5. This SPG seeks to address and clarify how Policies MG14 and MG15 of the LDP should be applied and detail how decision makers should apply flexibility depending upon the contextual considerations of a proposal.

4.11. SUPPLEMENTARY PLANNING GUIDANCE

- 4.11.1. 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.
- 4.11.2. 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 is covered in more detail in a separate **Travel Plan SPG**) as well as the need for provision for Ultra Low Emission Vehicle charging points.
- 4.11.3. 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.
- 4.11.4. The Council also has a set of Conservation Area Appraisals and Management Plans that will be relevant to development proposals within Conservation Areas, which includes some of the town and retail centres in the Vale of Glamorgan.

5. RETAIL DEVELOPMENT OUTSIDE RETAIL CENTRES

- 5.1.1. PPW states: “The planning system must: promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business; [and] sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness” (paragraph 4.3.3 refers).
- 5.1.2. The Vale of Glamorgan retail hierarchy comprises of the town, district, local and neighbourhood centres identified within Policy MG12, and excludes any existing edge of centre or out of town retail parks within the Vale of Glamorgan. Policy MG 13 reinforces the principle of national policy that retail and similar development is best located in our existing retail centres where they are readily accessible by sustainable transport methods and where such uses can complement one another to reinforce the role and function of sustainable settlements. Therefore, it requires developers to demonstrate that edge or out of centre retail must be needed and it would not have an unacceptable impact on the main retail centres.
- 5.1.3. Existing edge of centre and out of town retail areas in the Vale of Glamorgan have been identified at the following locations:

EDGE OF CENTRE

- Barry: Barry Waterfront; Palmerston; Pencoedtre; Highlight Park
- Penarth: Terra Nova Way

OUT OF TOWN

- Culverhouse Retail Park, Culverhouse Cross
- Brooklands Terrace Retail Park, Culverhouse Cross
- Valegate Retail Park Culverhouse Cross
- Penarth Road Retail Park

POLICY MG13 – EDGE AND OUT OF TOWN RETAILING AREAS

Proposals for new retail development on new sites or existing retail areas in edge and out of town locations, including changes of use, extensions, the merger or subdivision of existing units or amendments to existing planning conditions relating to the sale of goods will only be permitted where:

1. It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town, or district retail centre, and
2. The proposal would not either individually or cumulatively with other recent or proposed consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town, district, local or neighbourhood centres.

5.1.4. Proposals for new retail development in edge and out of town retailing areas will be strictly controlled in accordance with national policy, in order to support existing established retail centres in the retail hierarchy.

5.1.5. Policy MG13 sets out the criteria by which proposals for new retail development in edge and out of town locations will be assessed in line with national policy. It applies to all proposals that create additional retail floor space, including changes of use, extensions, the subdivision / merger of existing units, mezzanine floors and variations to relevant planning conditions.

5.2. DEMONSTRATING ADDITIONAL RETAIL NEED

5.2.1. TAN 4 reinforces the need for retail developments outside retail centres to demonstrate additional need. It does not prescribe the methodology for assessing retail need but advises that developers should ensure assessments are prepared in a clear logical and transparent way with the use of robust and realistic evidence.

5.2.2. Quantitative need assessments usually include:

- Existing and forecasted population levels and distribution.
- Forecast expenditure for specific classes of goods to be sold, within the broad categories of comparison and convenience goods, which are provided at the lowest geographical area possible to reflect local circumstances.
- Sales density data for both existing and future retail provision which is realistic and benchmarked against similar retail developments in the area; and
- Catchment areas for centres and individual stores which reflect the size and scale of the development and the likely draw of a particular scheme.

5.2.3. Where additional need is demonstrated, developers will need to prove that it cannot be met within an existing town or district retail centre by following

the sequential test locational preference for retail, leisure and other complementary uses:

- Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. The planning application must be of an appropriate scale in relation to the role and function of the centre.
- If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.
- Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.

5.2.4. Where a developer favours a development site on the edge of or outside a retail and commercial centre the developers will need to provide evidence to explain why potential sites or buildings within the centre are unable to accommodate the format, scale and design of a proposed development. Developers will be expected to be reasonably flexible in this regard having regard to wider planning principles like sustainability and accessibility. TAN 4 states: *“Developers and retailers should be flexible and innovative about the format, design and scale of proposed development and the amount of car parking needed, tailoring these to fit local circumstances.”*

5.3. RETAIL IMPACT ASSESSMENT

5.3.1. In addition to demonstrating need and that the sequential test for location has been applied, developers must show that their proposals for retailing on an edge or out-of-centre location would not either individually or cumulatively with other recent or proposed consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town, district, local or neighbourhood centres.

- 5.3.2. PPW recognises that retail developments outside designated retail and commercial centres can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan. The purpose of the retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences.
- 5.3.3. PPW sets a threshold where a retail impact assessment is required for applications that are proposed on the edge of or outside designated retail and commercial centres of 2,500 sq. metres or more gross floorspace. For smaller retail planning applications, it states, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. These will be assessed on a case-by-case basis and developers should seek pre-application advice for more information about specific requirements relating to the precise location, scale and form of development proposed.
- 5.3.4. Where planning permission is granted for new edge and out-of-centre retail development conditions may be imposed to control the nature and scale of the retail activity and to minimise any potential impact on the existing retail centres within the retail hierarchy.

5.4. SMALL SHOPS AND LOCAL NEED

- 5.4.1. The aim of Policy MG 13 is to preserve and enhance the vitality, viability and attractiveness of existing town, district local and neighbourhood centres as well as promoting sustainable communities and sustainable travel patterns. In this regard, proposals for small shops that serve a local neighbourhood or rural village, and farm shops will be favoured outside existing retail centres.
- 5.4.2. Furthermore, the LDP recognises the importance of local neighbourhood shops and Policy MD 5 states that development within settlement boundaries will be permitted where it would not result in the unacceptable loss of community facilities which could include a local shop, post office or public house.

6. DEVELOPMENT WITHIN RETAIL CENTRES

6.1 POLICY MG14 - NON-A1 RETAIL USES WITHIN TOWN AND DISTRICT RETAIL CENTRES

6.1.1 The Adopted Vale of Glamorgan Local Development 2011 – 2026 contains the following policy for proposals for non-A1 uses within retail centres:

POLICY MG14 - NON-A1 RETAIL USES WITHIN TOWN AND DISTRICT RETAIL CENTRES

Proposals for non-A1 retail uses at ground floor level within the town and the district centres will be permitted where:

1. They would not result in more than 35% of non-A1 retail uses within the primary shopping frontage;
2. They would not result in more than 50% of non-A1 retail uses within the secondary shopping frontage;
3. They would not create an over concentration of non-A1 retail uses within the centre;
4. They complement the character of the existing centre, benefit the daytime economy, and maintain an attractive shop frontage; and
5. They would not prevent the beneficial use or reuse of upper floors.

Within the town and district retail centre boundaries, proposals for the conversion of a ground floor existing A1 unit to a non-A1 use will only be permitted where it can be demonstrated that the unit has been appropriately marketed and that the proposed use would have no unacceptable impact on the role and function of the retail centre.

6.1.2 This relates to the following retail centres (see maps at LDP Appendix 5):

- Town centres: Barry
- District centres: Barry High Street / Broad Street, Cowbridge, Llantwit major, and Penarth

6.2 POLICY MG15 - NON-A1 RETAIL USES WITHIN LOCAL & NEIGHBOURHOOD RETAIL CENTRES

POLICY MG15 - NON-A1 RETAIL USES WITHIN LOCAL & NEIGHBOURHOOD RETAIL CENTRES

Within local retail centres, proposals for non-A1 retail uses will be permitted where:

1. They would not result in excess of 50% non-A1 retail uses;
2. It is demonstrated through active and appropriate marketing that the existing use is no longer economically viable; and
3. The proposal would not result in an over concentration of non-A1 uses that would be detrimental to the vitality, attractiveness, and viability of the local centre.

Within neighbourhood retail centres, proposals for non-A1 retail uses will be permitted where it is demonstrated that the new use would not have an unacceptable impact on the vitality, attractiveness, and viability of the centre through:

- The over concentration of non- A1 retail uses;
- The creation of a dead window frontage; or
- An unacceptable effect on the amenity of neighbouring uses.

6.2.1 In accordance with the Plan's retail hierarchy this relates to the following retail centres:

LOCAL CENTRES

- Barry: Main Street, Cadoxton; Vere Street, Cadoxton; Park Crescent; Barry Road, nr. Cadoxton; Upper Holton Road
- Dinas Powys: Cardiff Road; Dinas Powys village centre
- Penarth: Cornerswell Road
- Rhoose: Fontygary Road
- St Athan: The Square

NEIGHBOURHOOD CENTRES

- Barry: Bron-y-Mor; Cwm Talwg; Gibbonsdown Centre; Park Road
- Boverton
- Dinas Powys: Camms Corner; Castle Court/The Parade
- Font-y-Gary: Adenfield Way
- Llantwit Major: Crawshay Drive
- Penarth: Pill Street; Tennyson Road

- 6.2.2 These policies recognise the important part that A1 retail uses play in giving vitality and activity to retail centres. They tend to be uses that attract a high number of customers throughout the day, increasing footfall within the centre and working collectively to complement the retail experience of the centre. The overall aim of the policies, by seeking to maintain a high proportion of A1 uses, is to ensure the vitality, attractiveness, and viability of retail centres. Within these centres development proposals for non-A1 uses should ensure there are no unacceptable impact on the role and function of the retail centre. The advice below explains how applicants can demonstrate compliance with the policy.
- 6.2.3 The supporting text to Policy MG14 clarifies for the purposes of Policy MG14 non-retail uses includes A2, A3 and B1 as well as the other non-A1 uses stating “*Within these areas the range and mix of uses will be carefully managed and controlled to ensure the continued vitality, viability and attractiveness of the retail centres. While non-retail uses such as financial and professional services (A2), food and drink outlets (A3), and offices (Class B1) can contribute to the diversity of a retail centre and generate increased footfall, a proliferation of such uses can also have a negative impact upon the long term vitality, viability and attractiveness of the centre dispersing retail premises and diluting the retail core*” (LDP, p.74, 2017).
- 6.2.4 Where a proposal relates to a change of use from an existing commercial non-A1 use to another commercial non-A1 use (for example an A2 office to an A3 cafe) the development would not affect the overall proportion of A1 uses in the centre (MG14 (1-3) and MG15 (1) refer).
- 6.2.5 The Vale of Glamorgan Council undertakes annual retail surveys which records the use class of commercial units within the centre, their function and whether they are occupied or vacant. The surveys allow decision makers to better understand the vitality, viability, and attractiveness of retail centres in the area including the proportion of A1 uses in them. The surveys are available upon request. Analysis of this information will assist developers and decisions makers to consider whether proposals create an unacceptable concentration of non-A1 uses.
- 6.2.6 Proposals for non-A1 uses need to complement the character of the existing centre, benefit the daytime economy, and maintain an attractive shop frontage. This will preclude uses like residential or B1 offices at ground floor, but favours uses that complement the main role and function of retail centres.

6.2.7 LDP Policies MG 14 and MG 15 (2) requires proposals for existing A1 units to a non-A1 use to demonstrate that the unit has been appropriately marketed. Applicants should submit a marketing report with such applications outlining the following:

- Details the existing use or the previous use of the site / premises if vacant;
- The length of time the unit has been vacant for (if applicable);
- Details of the marketing strategy employed and its duration, including the type of use the unit was marketed for, the price / contract terms, any incentives offered, details of the site / premises particulars including its condition / state of repair, copies of advertisements placed;
- Details of the amount of interest in the unit during the marketing period – this should detail the number of queries, the type of uses sought by potential purchasers, and if known, the reason for not pursuing an initial enquiry.

6.2.8 To demonstrate the marketing strategy was meaningful and realistic as a minimum the marketing strategy followed should:

- Have been undertaken for a 12-month continuous marketing period;
- Have a sale / rental price that reflects the market conditions for the current use and condition of the site / premises. 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-A1 use values.
- Have 'active' marketing on site, be listed on appropriate marketing websites, use a local / regional property agent to market the site, including direct mailing to targeted businesses, and advertised in appropriate marketing literature.
- 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.

6.2.9 Where a unit has been vacant for a significant time period (at least 12 months) this might demonstrate the previous use was not viable at the location, if supported by appropriate marketing evidence. Vacant units will generally have a detrimental impact upon the attractiveness, vitality and economic viability of the retail centre. Therefore, the Council will take this

into account when considering applications for a change of use which would maintain commercial activity in the retail centre but would not be an A1 use.

6.2.10 Proposals for non-A1 uses need to demonstrate they would have no unacceptable impact on the role and function of the retail centre. In this regard considerations would include:

- Customer profile / use of the premises and whether it would increase footfall in the centre
- Hours of operation / use reflecting the wider function of the centre throughout the day / evening and weekend
- Shop frontage and advertising – proposals should have ‘active’ frontages that enhance the public realm of the centre
- External impacts – traffic, congestion, servicing vehicles, noise, pollution, anti-social behaviour
- Providing local employment or services
- Enabling the beneficial use of upper floors to the benefit of the wider retail centre
- Meeting an evidenced social need not currently met in the locality (e.g. childcare services, health care, leisure activities etc).

MARKET CHANGES AND A FLEXIBLE RESPONSE

6.2.11 The policies explained above, demonstrate the Council’s desire to maintain the retail function of town, district, local and neighbourhood centres in the Vale of Glamorgan and this will remain the starting point in the consideration of applications for non-A1 uses in these centres. However, national policy in Future Wales, PPW and other Welsh Government publications recognise the need for a more flexible approach to respond to market impacts and to reinforce the role and function of town centres as the heart of sustainable urban communities. PPW states: “*Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy*” (paragraph 4.3.30 refers).

6.2.12 Therefore, under this SPG, the Council will adopt a more flexible approach to the application of Policies MG14 and 15 to give consideration to the individual impacts of the proposals and give weight to the benefits that can be secured from other non-A1 uses that can benefit the overall vitality and viability of our retail centres.

6.2.13 TAN 4 sets out where it is considered acceptable to apply a flexible approach to proposals for non-A1 uses in retail centres stating *“when a retail and commercial centre’s performance is poor, due perhaps to local or national economic conditions, and frontages become characterised by persistently high vacancy rates, local planning authorities should consider applying a more flexible strategy. Local planning authorities should decide if restricting change of use from A1 to non-A1 uses in primary areas is the most effective strategy. In these circumstances over emphasis on A1 uses alone in primary areas may serve to weaken the centre’s prospects of being vibrant and viable, making it more vulnerable to decline. The positive role that non-A1 uses such as food and drink, financial, and other services can bring to both primary and secondary areas should be examined by local planning authorities.”* (TAN4, para.9.2, 2016). The performance of a centre will be determined by the latest available evidence such as the Annual Retail Survey.

6.2.14 In ‘Brighter Futures: Placemaking and the Covid-19 Recovery’ Welsh Government have recognised recent market impacts on retail centres: *“Evidence suggests that traditional retailing uses will not be as prevalent and the demand for new retail space will be very low for the foreseeable future, therefore primary retail areas will need to be urgently reviewed. This must be realistic and not done in the expectation that retail occupiers will return in the numbers we witnessed prior to the pandemic. Unreasonable and inflexible policies should be challenged through the development plan process, as much more creative thinking will be needed to reimagine and re-purpose these areas.”* (p.18, 2020).

6.2.15 Furthermore, Future Wales recognises the role of town centres as places that can meet more than just retail needs in its ‘Town Centre First’ Policy, which states that in addition to retail, significant new commercial, education, health, leisure and public service facilities must be located within town centres. The ‘Town Centre First’ approach puts the health and vibrancy of town centres as the starting point of locational decision-making. It also directs facilities and services to where intended users can easily walk, cycle and/or use public transport to access them.

6.2.16 The principle of ‘Town Centre First’ is well established in planning policy in relation to retail developments. However, good planning can help us re-think the future of town and city centres, which are moving away from their traditional retail roles. The impact of COVID-19 on the retail sector is a further driver towards making our town centres multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity, a focus for public services such as health and education, and the

location of new co-working spaces. They are more than the extent of designated retail areas.

6.2.17 Consequently, due to the current national context and the ongoing impacts of Covid-19 on the retail sector it is considered reasonable and appropriate for Development Management decisions to take a flexible approach to change of use proposals where it is considered the proposal would benefit the centre and contribute to the vitality, viability and attractiveness of the centre.

6.2.18 To reflect the need for flexibility in retail centres, Welsh Government have recently made temporary amendments to The Town and Country Planning (General Permitted Development) to provide greater flexibility for changes of use within town centres. This change in legislation allows for the temporary change of use from A1 to A2, A3, B1, D1 and D2 within retail centres for a 6-month period without the need to receive planning consent from the LPA. During the six-month trial period, planning permission can be sought, and the local planning authority would have an evidence base from which to assess the impact of the alternative use. Where it has been demonstrated during the temporary period that the planning impacts are minimal, or where the impacts could be managed through conditions, the Council will give weight to the social, economic and broad regeneration benefits of retaining an alternative use.

6.2.19 Under this SPG, which builds on Future Wales Policy 6 and well as the earlier LDP policies, planning applications for non-A1 uses in retail centres will be considered 'in the round' having regard to the wider environmental, social, economic or cultural benefits they offer to the centre.

6.2.20 Proposals which create an opportunity for a mix of complementary uses will be considered favourably in accordance with the Placemaking principles set out in Future Wales. Although non-A1 uses may be secondary to the main retail function / use they can help to create a destination which could lead to increased footfall to the existing A1 uses within the Retail Centre.

SEQUENTIAL APPROACH TO NON-A1 USES

6.2.21 In applying the Town Centre First principle endorsed in Policy 6 of Future Wales and taking a more flexible approach to non-A1 uses in retail centres than LDP policies MG14 and 15 strictly advocate, it is appropriate to take a sequential approach to such proposals. This means that preference will be given to non-A1 uses that have a similar role, function and impact to A1

uses rather than other uses, such as residential uses, that have a very different character and purpose and could undermine the long-term sustainability of retail centres by reducing daytime activity or removing 'active' frontages.

6.2.22 Where non-A1 uses are considered to be justified for the reasons set out in this SPG, the following types of uses be favoured because they can complement the main role and function of retail centres:

- A2 Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies ~~and betting offices.~~
- A3 Food and drink - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes, drinking establishments and take-aways.
- B1 Business – office, research and development or industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area
- C1 - Hotels and hostels
- D1 - Non-residential institutions – e.g. medical or health services, crèche, day nursery, gallery, museum, public library, exhibition hall, place of worship
- D2 - Assembly and leisure – e.g. cinema, concert hall, bingo hall or casino, indoor or outdoor sports or recreation
- Sui generis uses that are similar in nature to retail uses **– e.g. betting offices or car showrooms.**

6.2.23 This does not mean that these uses will automatically be granted planning permission, either conditionally or unconditionally, as developments will need to satisfy other policy considerations such as design, impact on neighbouring amenity, environmental impacts, traffic, congestion and parking. Furthermore, consideration will need to be given to the context and current state of the retail centre to ensure that a proliferation of a particular use (such as A3 take-away food outlet) does not undermine the overall role and function of the retail centre.

6.2.24 Residential uses can help to bring 'life' to retail centres particularly in the evening when traditional A1 uses may be closed, but they should generally be located within adjacent areas outside the core primary / secondary shopping frontages or on upper floors or basements rather than on the ground floor / street frontage. The benefits of residential use of upper floors in retail centres will be recognised when consideration is given to the

relaxation of standards for parking and amenity space, particularly in locations with good access to sustainable transport options and local facilities including open space.

7 SHOPFRONT DESIGN GUIDANCE

- 7.1.1 The Vale of Glamorgan contains a wide range of Town, District and Local and Neighbourhood Retail Centres which have undergone many changes over recent years as these centres adapt to changing needs and demands.
- 7.1.2 The shopfront is the most visible part of any retail unit, and an attractive design is fundamental to ensuring units contribute towards the attractiveness of retail centres throughout the Vale of Glamorgan. The insertion/creation of new, and the alteration or replacement of existing shopfronts requires planning permission under Schedule 2, Part 42, Class A, of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. This guidance sets out the key design principles that should be considered and adopted when designing a new or replacement shopfront, depending on its context.
- 7.1.3 While each centre has its own characteristics there are a number of good design principles that can be followed when designing development proposals for building frontages. For example, by conserving or enhancing original shopfront features or by avoiding changes which create featureless or dead window frontages.
- 7.1.4 The Council has longstanding good practice design guidance which applicants and prospective developers should refer to when developing their proposals.
- 7.1.5 The Council's Adopted Local Development Plan contains design policies which require development proposals to create high quality, healthy, sustainable, and locally distinct places (Policy MD2: Design of New Development refers). Furthermore, Planning Policy Wales requires local authorities and developers to address sustainable placemaking objectives and achieve the national planning outcomes.
- 7.1.6 Where required, planning Statements, and Design and Access statements, should explain how proposals have taken account of this design guidance to achieve high quality design and address the sustainable placemaking objectives set out in national policy.

7.2 DESIGN POLICY CONTEXT

ADOPTED VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN (2011 – 2026)

- 7.2.1 Policy MG12 relates to the hierarchy of retail centres within the Vale of Glamorgan and identifies the town and district centres of Barry, Cowbridge, Llantwit Major, and Penarth as being the principal shopping areas. Culverhouse Cross, bordering Cardiff, is also identified in Policy MG13, as one of the main out of town retail parks in the Vale.
- 7.2.2 Policy MG14 relates to non-A1 (retail) uses within town and district centres and highlights under criterion 4 that they should continue to complement the character of the existing centre, by maintaining an attractive shopfront that contributes towards improving the vitality and attractiveness of retail centres. Dead frontages can detract from the commercial and vibrant character of town, district, and out of town retail centres. Similar issues and considerations apply to non-A1 uses within local and neighbourhood retail centres, as identified by Policy MG15.

PLANNING POLICY WALES, EDITION 11 (FEBRUARY 2021)

- 7.2.3 Chapter 3, Strategic and Spatial Choices, of Planning Policy Wales Edition 11 includes principles of good design and recognises that it creates sustainable spaces for all of society to enjoy. The policy states that designs should respond appropriately to the context and character of an area, to ensure that new developments are sympathetic to their surroundings. This can be applied to shopfront design in so far as they are the most visible and influential part of the high street. A well-designed active frontage provides a shopping area with its identity and is fundamental to ensuring the attractiveness of town and district centres in the Vale of Glamorgan.

WELSH GOVERNMENT TECHNICAL ADVICE NOTE 12 (DESIGN)

- 7.2.4 The Welsh Government's Technical Advice Note 12 (Design) highlights the importance of appraising the context of an area, to ensure new designs respond well to local townscapes. In doing so, designs must create an appropriate visual impression of the building and wider street scene by paying attention to the materials, colours, lighting, textures, and styles used.

FUTURE WALES, THE NATIONAL DEVELOPMENT PLAN 2040

7.2.5 Policy 6, Town Centre First, of Future Wales prioritises the health and survival of town centres by providing a clear focus for new commercial, retail, health, leisure, education, and civic service developments that are unsustainable in most suburban areas. This policy also aims to ensure town centres can grow and regenerate, which involves creating a safe and attractive public realm, where streets are lined with active frontages.

7.3 BROAD DESIGN PRINCIPLES

7.3.1 Shops provide high streets with an active frontage. Shopping areas that display regular blank facades and non-active frontages are generally perceived as lacking character. Therefore, all occupied and empty retail units should be well designed, to support the vitality of town and district centres throughout the Vale of Glamorgan.

7.3.2 Key Principles:

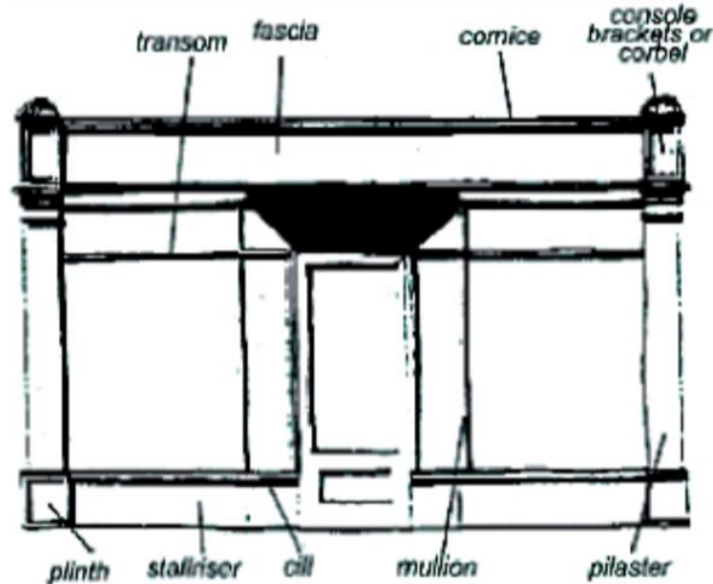
- i. The design of new or replacement shopfronts should respond appropriately to the local context and character of the surrounding shopping area in terms of their composition and the colours, form, lighting, materials, scale, and textures used.
- ii. New or existing shopfronts should be designed to enhance the quality of the street scene.
- iii. Shopfronts in conservation areas and well-preserved street scenes should be designed to preserve and enhance the historic character of the townscape.
- iv. New and existing shopfronts should be constructed using sustainable materials wherever possible.

TRADITIONAL SHOPFRONTS

7.3.3 Traditional shopfronts are most prevalent in conservation areas in the Vale of Glamorgan, including in Penarth, Cowbridge, and the lower part of Llantwit Major town centre. High Street in Barry is also recognised for its historic character. In these shopping areas, new or replacement shopfronts should be based upon classical precedents that have remained similar since the 1700s. These shopfronts tend to be more detailed and constructed of traditional materials, such as wood and metals as opposed

to plastics. Traditional shopfronts are characterised by their classical uniformity and are generally made up of the following parts.

Figure 1: Traditional Shopfront Design Aspects



FASCIA

7.3.4 The fascia is the area where the shop's name is located. The scale of the fascia should be in proportion to the design of the shopfront and the length of the whole building. Traditional shopfronts were often canted (or tilted) forwards and contained within the console brackets.

CORNICE

7.3.5 This is a moulding which crowns or finishes the shopfront and provides a horizontal division between the shopfront and the upper floors of the building. Traditionally the cornice is of timber construction.

MULLION

7.3.6 This is a vertical element that separates and often supports windows, doors, or panels in a shopfront.

TRANSOM

7.3.7 This is a horizontal bar, traditionally in timber, across the shopfront window. It can also separate a door from the fanlight above it.

SHOP WINDOWS

7.3.8 The size and style of windows, glazing bars, mullions and transoms should be in scale and proportion with the rest of the shopfront and the building as a whole. The means and pattern of dividing up glazed areas should relate well to the upper floors and any adjoining buildings.

- Stall riser
 - This provides a solid base for the shopfront and protects the shop window and the bottom element of the shopfront from damage as well as acting as a screen for unattractive floor areas. It also helps to provide a horizontal link to adjoining buildings.
- Pilaster
 - Located either side of the stall riser are the pilasters, which are flat or decorated columns which define the width of the shopfront and enclose the window frame.
- Plinth
 - This is a square or rectangular block which normally is located at the base of the pilaster.
- Console or Corbel
 - Traditionally located at the head of the pilasters are plain or decorated console brackets, or corbels, which support any overhanging fascia.

MODERN SHOPFRONTS

7.3.9 Contemporary shopfronts are often found in less preserved and often highly commercial street scenes, such as Holton Road in Barry, or in parts of Llantwit Major town centre. Some modern shopfronts will include many of the design features of a traditional shopfront. However, provided they are constructed using sustainable materials and respond well to the context and character of the street scene, alternative designs such as frameless shopfronts may be considered appropriate.

7.4 DESIGNING SHOPFRONTS

MATERIALS

7.4.1 The materials that finish new or replacement shopfronts should complement the textures and tones of the building above and where suitable, with neighbouring buildings. Generally, the number of materials used to finish the shopfront should be kept to a minimum, to avoid a clash with the adjoining buildings and the overall character of the street. Sustainable materials that have low embodied emissions and a short lifecycle should be used wherever possible, to minimise the environmental impact, whilst plastics, some metals, and similar unsustainable materials should be avoided where possible.

TRADITIONAL

7.4.2 Timber is the preferable material for traditional shopfronts. It is a versatile and durable material, which makes it an attractive and cost-effective option. It is capable of being finely detailed, moulded to different profiles, and by simple repainting, can be refreshed or altered, without detriment to the character of the whole building. Meanwhile, if it is regularly maintained, timber can have a long life, and avoids the rapidly dating look of many modern finishes.

7.4.3 Aluminium is a more modern, low maintenance alternative to timber. Despite being non-traditional, a powder-coated finish may be considered acceptable. However, natural, or anodised aluminium can weather badly and is unlikely to be considered acceptable for new or replacement shopfronts. Likewise, plastics are generally not appropriate on older buildings and are considered unsustainable. Although some largely plastic shopfronts already exist in areas of Cowbridge, Penarth, Llantwit Major, and High Street in Barry, any new or replacement traditional shopfronts should avoid plastic finishes.

MODERN

7.4.4 Typically, contemporary shopfronts are finished in a wider range of materials. This includes but is not limited to aluminium, tiles, polished granite, render, plastics, and painted wood. The list of materials is extensive and provided the shopfront is finished to a high-quality, responds well to its surroundings, and is constructed using sustainable materials, then contemporary or alternative designs may be considered appropriate.

COLOUR

- 7.4.5 Colour is a detail that significantly affects the visual appearance of a shopfront and can impact considerably on the wider street scene. Colour can be used to emphasise important elements of the design or to reinforce certain aspects such as mouldings and other lettering. However, generally the number of colours used within a single scheme should be kept to a minimum.
- 7.4.6 Additionally, shiny reflective material finishes, or garish colouring should be avoided in all settings. Neutral colours that have less of a visual impact in the street and on the building are the preferred option.

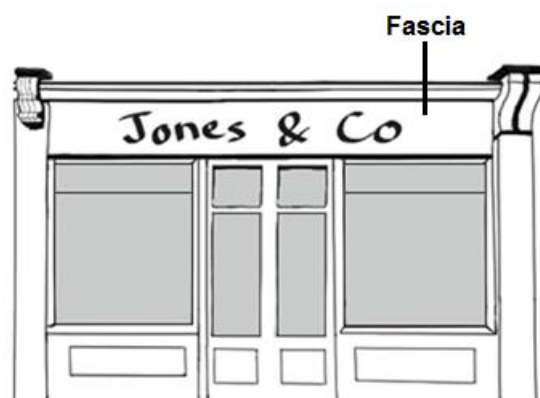
FASCIA

- 7.4.7 The fascia forms a visual break between the shop window and the upper floors of a building. They should be well designed to ensure they add to the quality of the shopfront, while also advertising the business. A prominent, over-scaled and unattractive fascia can reflect badly on the wider shopping area.
- 7.4.8 The depth of the fascia in general should be no deeper than 20% of the shopfront's overall height. The highest point of the fascia should not exceed the floor level of the first storey above.

TRADITIONAL FASCIAS

- 7.4.9 Boxed fascias, which project forward of the face of the building, are likely to be inappropriate in most settings, especially in conservation areas and more traditional street scenes, as they appear bulky and detract from the appearance of the shopfront. Fascias should instead be set within the shopfront and its frame, rather than giving the impression that they have been placed on top of it as a later addition.

Figure 2: Traditional Fascia Design





This illustrates a traditional design, where the fascia has been set within the shopfront and its frame.

7.4.10 Traditional shopfronts should not exceed the surrounds of the original retail unit and where a store occupies more than one adjacent unit, each should have a separate fascia, linked visually by a common design. Shopfronts that span the width of several buildings may detract from the quality of the high street, as they remove the original features and erode the rhythm and distinction between individual units.

Figure 3: Example of Good Traditional Shopfront Design



The image above is of a traditional and well-designed shopfront on Cowbridge High Street, that has retained the individuality of the original buildings.

Figure 4: Example of Inappropriate Shop frontage for a Traditional Setting



Above is a shopfront in Barry that spans several original units that would appear visually incongruous in a well preserved and historical street scene, such as Cowbridge High Street.

MODERN FASCIAS

7.4.11 Many modern shopfronts mimic traditional designs. In those cases, the fascia remains integral and should therefore be set within the shopfront and its frame. However, it is acknowledged that some of the most contemporary shopfronts are frameless and subsequently remove the fascia altogether from the design and position signs internally. Provided that the shopfront responds well to the context of the wider shopping area and is not situated within identified conservation areas or historical street scenes, a frameless design with no fascia may be considered appropriate.

7.4.12 The best examples of large modern shopfronts in older buildings are those which retain the original spacing between each adjacent unit. However, in highly commercialised settings, such as Holton Road in Barry, some retailers have existing singular frontages that span several adjacent units. While these are generally less attractive designs, it is acknowledged that in some contexts and depending on the character of the host building, they may not be harmful to the street scene. Furthermore, shops that occupy larger units built in the 1960's, 70's, and 80's often have considerably larger fascia than older buildings, and this may be considered appropriate in post war street scenes.

Figure 5: Example of Well-Designed Modern Shop Frontage



Above is an example of a well-designed modern shopfront on Holton Road, Barry, whereby the unit is identified by a unified design that is split between several well-proportioned fascia's and equally spaced between Pilasters.

WINDOWS

TRADITIONAL

7.4.13 Large glass windows with no transom or mullion to split the frontage can appear disproportionate to the rest of the building and incongruous in the street scene, especially if there is a strong horizontal emphasis. Therefore, large panes of glass should be broken up, to add detail and strength, and improve the overall proportion of the shopfront.

7.4.14 Traditional corner units, where the shopfront wraps around the corner of the building, should retain the original windows. The window facing the secondary side street should not be covered or blocked up, as this would result in a dead frontage. Instead, they should be retained to improve to preserve the aesthetic appearance of the building and the character of the wider street scene.

MODERN

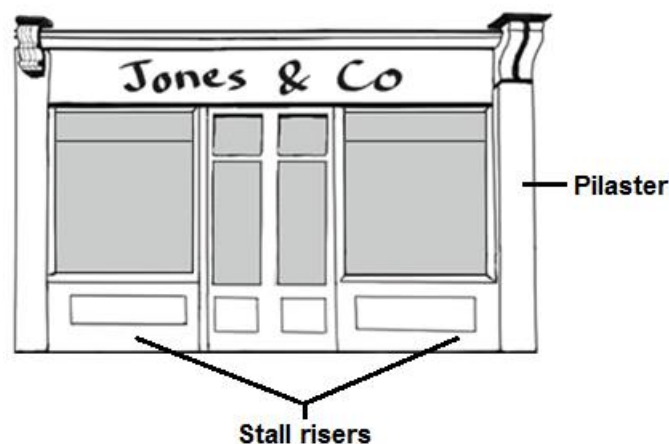
7.4.15 Modern designs are often characterised by large, glazed frontages, especially in frameless designs. Provided that such designs appear in keeping with the context of the wider shopping area and do not result in the removal of any historic detailing from the building that they relate to, they may be deemed appropriate.

STALL RISERS & PILASTERS

TRADITIONAL

7.4.16 Stall risers are an intrinsic part of a traditional shopfront, as they provide it with balanced proportions, support for the glazing, and create a solid visual base for the building. Similarly, pilasters are usually highly detailed and break up adjacent units. They should therefore be a strong feature both in dimensions and structure and where stall risers and pilasters are present or have been removed from a traditional shopfront, they should be retained or replaced.

Figure 6: Example of a Traditional Stall Risers & Pilasters



Here, the stall risers and pilasters on either side provide the shopfront with detail and creates a well-balanced design.

7.4.17 Pilasters can be used to hide drainpipes that are channelled behind them. In these cases, care should be taken to ensure that the pilaster is not damaged in any way. In addition, where drainpipes are external features, they should not obscure the stone surrounds or details of the pilaster.

MODERN

7.4.18 Most modern designs also incorporate stall risers and pilasters, to provide a base for the shopfront and to give visual separation from adjacent units. Despite this, it is acknowledged that some contemporary designs are frameless or have considerably narrower stall risers and pilasters than those used in traditional shopfronts. However, as with all aspects of the design, it is important that the shopfront responds well to the context and character of the building and wider shopping area.

Figure 7: Example of a Modern Shopfront incorporating Stall Risers



The image above illustrates a modern shopfront with stall risers that is considered acceptable within its context.

BLINDS & CANOPIES

7.4.19 Canopies and blinds can introduce colour to the street scene and give shelter to pedestrians. They are more often incorporated into the design of traditional shopfronts as opposed to modern and if they are attractively designed, the rhythm of blinds along a street can add to its character. However, it is important that they are appropriate for the individual building and their design/depth and form should not result in a structure that appears incongruous in the street scene. Therefore, the merits of introducing blinds or canopies to traditional shopfronts will be carefully considered for each individual unit.

7.4.20 Key Principles:

- i. Canopies should be fitted below first floor level, either above or below the fascia.
- ii. Plastic blinds are not appropriate and should be avoided. The visual impact, poor weathering and advertising on 'wet look' plastic blinds makes them a poor alternative to traditional blinds.
- iii. Canopies should be fully retractable.
- iv. The blind box should be designed into the shopfront and hidden from view.
- v. A canopy's colour should be consistent with or complementary to the overall shopfront colour theme.
- vi. Canopies should not be fitted across pilasters or shopfront surrounds.

Figure 8: Example of Well-Designed Canopies



The above image shows a series of well-designed canopies along High Street, Barry, that contribute towards the commercial character of the street and comply with the key principles included above.

ILLUMINATION

7.4.21 Illumination of all advertisements on shopfronts should be limited to the fascia signage and where appropriate a single projecting or hanging sign.

TRADITIONAL

7.4.22 It is preferable to illuminate fascia signs 'externally' (subject to the design of the lighting element) or with subtle internal halo lighting, rather than illuminating the whole fascia internally.

7.4.23 Trough lights with a hood finish, to match the background colour of the fascia, are often the most appropriate form of external lighting. Spotlights or swan-neck lights may also be appropriate. Where external lighting is proposed, it should be discrete and minimal.

Figure 9: Example of Swan-neck and Trough Lighting



Above is an example of swan-neck lighting in a traditional context

MODERN

7.4.24 An attractive alternative to externally lit signs is 'halo lit' signs. These comprise individual letters or symbols which stand proud of a surface and are lit from behind, to produce a halo effect around the lettering or logo. If designed well, 'halo lit' signs can add to the quality of a contemporary shopfront, within a modern shopping environment.

Figure 10: Example of Attractive Modern Lighting



Above is an example of a modern 'halo lit' sign that is considered to add to the quality of the shopfront.

7.5 ADVERTISEMENTS

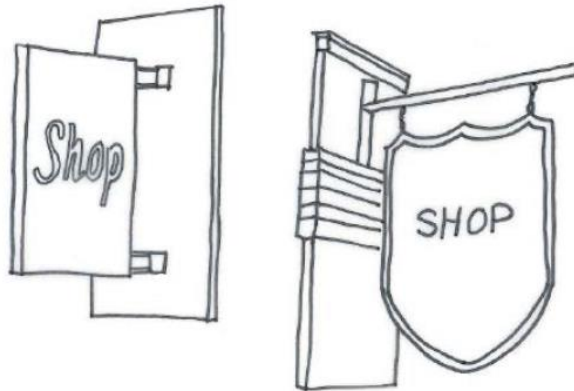
7.5.1 External advertising is important for commercial activity in both traditional and modern settings and can come in a variety of forms. Well-designed advertisements displayed upon buildings can enhance the overall appearance of a shopping area. Likewise, ill conceived, over-scaled or poorly sited advertising can detract from the property and the area in which the shop is located. As such, a balance between satisfying the commercial needs of advertising and protecting the amenity and character of the surrounding area is required.

PROJECTING & HANGING SIGNS

7.5.2 Well-designed projecting signs can enliven the street scene, at the same time as providing additional advertising to a traditional or modern shopfront. They should be positioned at or below fascia level, allowing at least 2.1metres in between the pavement and the lowest edge.

7.5.3 Projecting signs should be limited to one per shop and are usually best used close to pilasters, emphasising the division of shop units. Generally projecting box signs are deemed inappropriate. Hanging bracket signs and projecting plates provide a more attractive and elegant form of advertising. Below are two examples of a projecting sign (left) and a hanging sign (right).

Figure 11: Examples of Projecting Signage



SIGNS ON WINDOWS & DOORS

- 7.5.4 Care should be taken to keep the number of signs on window and door areas to a minimum. Excessive window stickers and poster displays will detract from the shopfront, by creating a cluttered appearance and should therefore be avoided.

7.6 SHOPFRONT SECURITY

- 7.6.1 Shopfront security measures should be considered in full during the initial design stage of a development, to ensure that the attractiveness and vitality of the street scene is preserved or enhanced. The importance of security for business premises is recognised by the Council. However, a balance is required between addressing a shop's security issues and ensuring the attractiveness of buildings and the wider street scene is not compromised. Furthermore, security measures should be integrated successfully within an overall design, irrespective of whether proposals relate to a new or existing shopfront, in a traditional or modern setting.
- 7.6.2 Internal retractable grilles or perforated or lattice roller shutters, that sit behind the shop window and are coated in a colour powder or plastic, are the preferred option for all types of shopfront. This type of shutter system provides a visible form of security measure, that does not compromise the external appearance of the shop.

Figure 12: Example of Alternative Shutters



Above are examples of internal lattice shutters that protect the shopfront, while also ensuring a positive image is upheld outside the opening hours.

7.6.3 External security shutters that are substantially perforated, slotted or the lattice type may be considered acceptable for modern shopfronts, provided they meet the following criteria:

- The shutter housing is concealed either internally or appropriately behind the fascia.
- Tracks are discrete.
- Pilasters, cornices, fascia's and other features of the shop front remain visible.

Figure 13: Example of External Lattice Type Shutter



Here is an example of an external lattice type shutter, that secures the front of this modern shopfront, while allowing it to remain visible in the street.

7.6.4 The closed, also referred to as 'solid' type shutter, must not be used on traditional shopfronts and should be avoided in modern contexts. This is because when the shutters are rolled down, they create a dead frontage and cover the interesting and attractive features of the building and shopfront. They are also prone to vandalism and can have an adverse impact on shop security, as they prevent intruders from being seen once they have entered the building.

Figure 14: Example of Inappropriate Shutters



Above is a vandalised solid shutter, that creates a dead frontage and damages the overall quality of the building and detracts from the wider shopping environment.

7.7 SHUTTER HOUSING

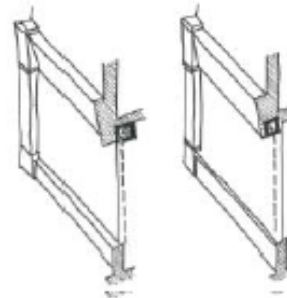
- 7.7.1 Boxes housing the shutter mechanism will not be permitted where they project in front of the shop front, as they are inherently unattractive. Instead the shutter housing should be located internally within the shop or recessed behind the fascia area, to allow the fascia board to sit flush with the shopfront.

Figure 15: Shutter housing

Acceptable forms of shutter housing.

Left: *Internal shutter box, shutter inside shop window (preferred option).*

Right: *Shutter box located behind fascia, external shutter.*



7.8 ALTERNATIVES TO SHUTTER SECURITY

- 7.8.1 While it is acknowledged that occupiers of shops may desire shutters, some traditional designs are able to incorporate other successful security measures into the design, that uphold security while maintaining aesthetics. These include:

STALL RISERS

- 7.8.2 As well as supporting the shopfront, stall risers can prevent damage from kicking or objects that are thrown or roll towards the shop.

Figure 16: Stall Risers



A row of several shops in Cowbridge, all have stall risers for structure, balance, and protection from damage.

METAL GATES

7.8.3 The use of steel or wrought iron gates to shut enclosed doorways outside of hours is generally a good method of upholding security, without having to install unattractive roller shutters.

Figure 17: Metal Gates

A good example of a metal gated entrance, out of opening hours.



PERMANENT OR FIXED RAILINGS

7.8.4 The erection of low-level steel or wrought iron railings can help to protect the shopfront from being damaged as easily.

Figure 18: Fixed Railings

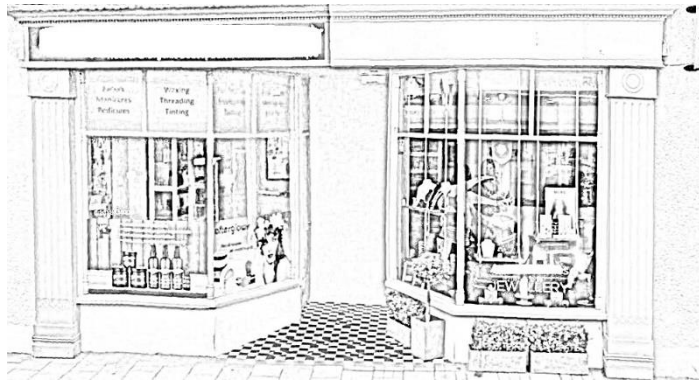


An example of low-level railings to protect the shop.

DIVIDING WINDOWS

7.8.5 Avoiding large windows with just one or two panes of glass is key to strengthening the shopfront. To uphold security, windows should be split up and frames should be reinforced.

Figure 19: Dividing Windows



Both neighbouring shops have split up the window towards the top, adding to the strength of the shopfront.

REMOVABLE OR FIXED WOODEN SHUTTERS

7.8.6 Wooden shutters are sometimes considered appropriate, but care should be taken to avoid creating a dead frontage.

REMOVABLE GRILLS

7.8.7 The use of removable mesh grills is sometimes considered appropriate, depending on the context as well as the colours and textures used.

7.9 WHEN IS PLANNING PERMISSION REQUIRED FOR SHOPFRONT SECURITY?

7.9.1 Planning permission will be required for all types of external security shutters. In circumstances where existing external security shutters are replaced with a different type of shutter, the external appearance of the premises will change and therefore planning permission will usually still be required. Subject to the design, internal only security shutters are generally an exception to this and usually do not require planning permission.

7.9.2 It is important to note that planning permission will likely be refused for poorly designed shutters even if similar examples already exist in the locality.

7.10 ACCESS

7.10.1 Access to any publicly accessible buildings must be given special consideration when designing new or replacement shopfronts, as required by the Disability Discrimination Act, 1995. Every opportunity must be taken to ensure that access to and circulation within a building is possible for all members of the public.

7.10.2 All designs should conform to current standards of the Building Regulations where applicable. Further details are available from our Building Control Department.

7.11 OUT OF TOWN & EDGE OF CENTRE RETAIL PARKS

7.11.1 There are several out of town and edge of centre retail parks within the Vale of Glamorgan which are listed in the supporting text to Policy MG13. The largest and most significant is Culverhouse Cross which also partly lies within Cardiff Council's administrative boundary. Whilst shopfronts in retail parks are typically much larger and more contemporary than smaller town centre units, similar design principles apply.

7.11.2 Key design principles:

- i. The design should respond appropriately to the context and character of the surrounding area in terms of the colours, form, lighting, materials, scale, and textures used.
- ii. Shopfronts should be constructed out of sustainable materials wherever possible.

Figure 20: Example of Retail Park Frontage Design



The photograph above is of the Barry Waterfront Retail Park. Whilst it is a contrast to the design of both traditional and modern shopfronts found in town centres, the edge of centre location allows greater flexibility in the

design, which in this case is considered to respond appropriately to the context of the wider area.

7.12 VACANT SHOPFRONTS

7.12.1 In the event a shop is left unoccupied for any significant length of time, care should be taken when considering how to leave the frontage. Shopfronts that are either boarded up or covered by solid roller shutters create a dead frontage, which detracts from the quality of the street scene and can also harm the appearance of out of town and edge of centre retail parks. Whilst vacant units will inevitably lead to less natural surveillance and quieter shopping areas, shop owners and the proprietors of buildings should consider how the frontage can maintain an active appearance once the premises are empty.

7.12.2 To ensure the high street as well as other shopping areas remain attractive destinations to shoppers, shopfronts should remain visible. Windows could be covered by illustrative vinyl stickers, to give the impression that a new tenant is forthcoming. Alternatively, the shopfront could be covered by an attractive art hoarding, or in some cases used to display goods/adverts for neighbouring businesses. The most appropriate option should be implemented, using sustainable materials wherever possible.

7.12.3 Newly built units that are unoccupied should also incorporate vinyl stickers and/or artwork, if it is likely that they will be vacant for a considerable amount of time. Otherwise, they could also appear unattractive.

Figure 21: Inappropriate Vacant Shop Frontage





Above is a vacant shop on Holton Road, Barry. The solid roller shutter creates an unattractive dead frontage. A sticker or artistic hoarding would add interest to the street scene and improve the perception of the immediate shopping environment.

7.12.4 Vacant shopfronts that have an undue detrimental impact upon the quality of the street scene may be served with an 'Untidy Land Notice', under Section 215 of the Town and Country Planning Act 1990. The notice would require the owner or occupier of the unit/building to rectify the situation within an allocated time. Failure to comply with the notice could result in prosecution.

8 FURTHER INFORMATION AND ADVICE

8.1 PRE-APPLICATION PLANNING ADVICE

8.1.1 Further advice on all aspects of this guidance can be sought from the Planning Department. 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:

https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning/Planning-Applications/Make-a-Planning-Application.aspx

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

Development Management

Regeneration and Planning

Vale of Glamorgan Council

Dock Office

Barry Docks

Barry

CF63 4RT

Tel: Duty Officer (01446) 704681

Email: planning@valeofglamorgan.gov.uk



The Vale of Glamorgan Council
**Directorate of Regeneration and
Planning**
Dock Office
Barry Docks
Barry CF63 4RT

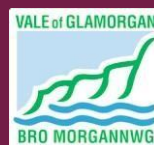
LDP@valeofglamorgan.gov.uk
www.valeofglamorgan.gov.uk

Economic Development, Employment Land and Premises



Supplementary Planning Guidance

December 2022



THE VALE OF GLAMORGAN ADOPTED LOCAL DEVELOPMENT PLAN 2011-2026

ECONOMIC DEVELOPMENT, EMPLOYMENT LAND AND PREMISES

SUPPLEMENTARY PLANNING GUIDANCE

DECEMBER 2022

*THIS DOCUMENT IS AVAILABLE IN OTHER FORMATS UPON REQUEST E.G. LARGER
FONT. PLEASE SEE CONTACT DETAILS IN SECTION 8.*

*THIS DOCUMENT IS AVAILABLE IN WELSH / MAE'R DDOGFEN HON AR GAEL YN
GYMRAEG*

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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. Once adopted, the This SPG was approved by cabinet on 19th January 2023 (Minute No. X refers) and is now** will be a material consideration in the determination of relevant future 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. The majority 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 southeastern 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. scrapyard)
- 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:

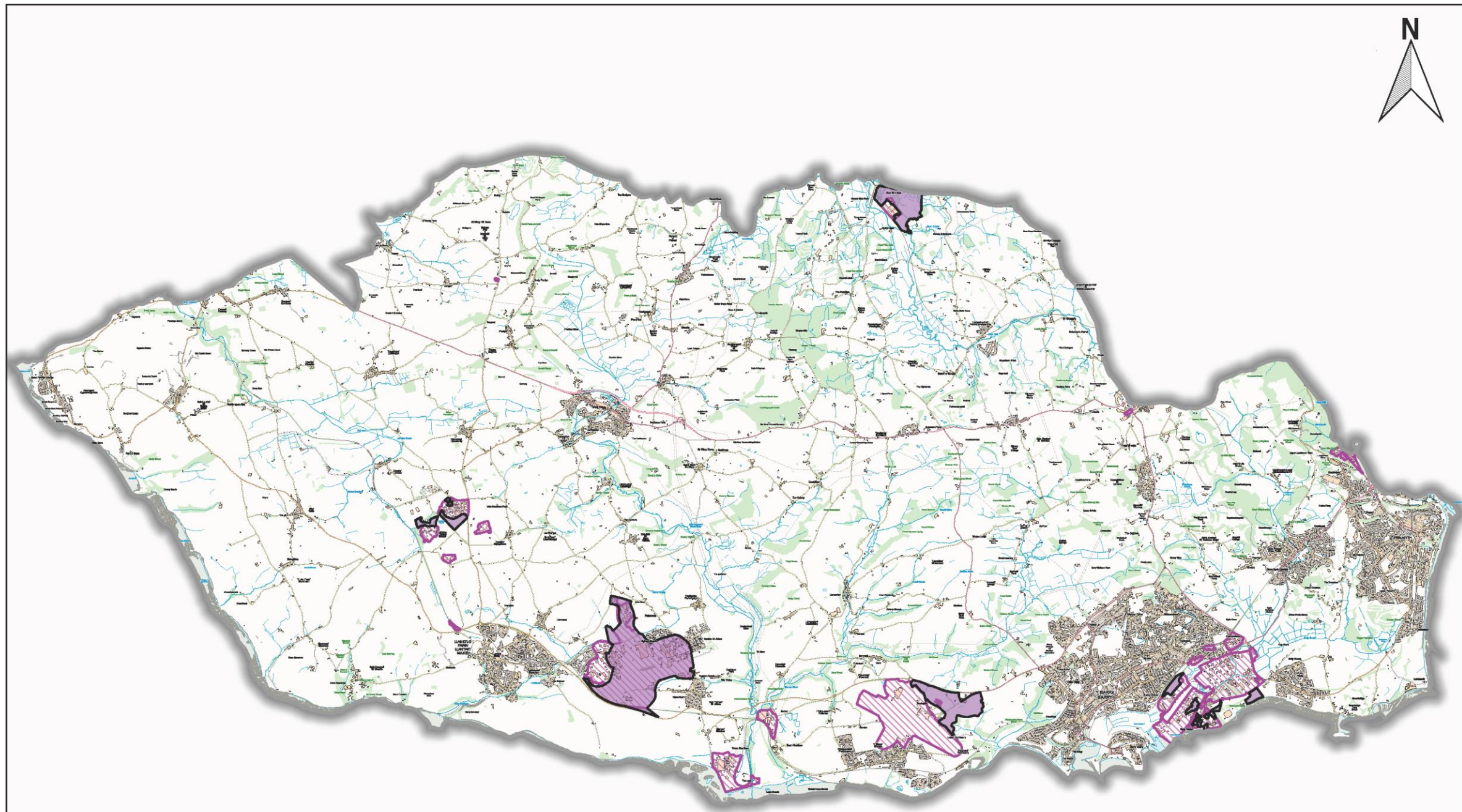
The Vale of Glamorgan Council,
Development Management,
Dock Office,
Barry Docks,
Barry
CF63 4RT

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



Legend

-  Vale of Glamorgan Boundary
-  Employment Allocation
-  Existing Employment Site

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