

**SUPPLEMENTARY PLANNING GUIDANCE:
CHANGE OF USE OF COMMUNITY FACILITIES
AND SERVICES, EMPLOYMENT SITES AND RETAIL
UNITS**

**CONSULTATION REPORT AND OFFICER'S
RECOMMENDATIONS**



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JANUARY 2021

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1.0 BACKGROUND

Purpose of Supplementary Planning Guidance (SPG)

- 1.1 The Purpose of SPGs are to:
- assist the applicants and their agents in preparing planning applications and in guiding them in discussions with officers about how to apply relevant policies in the Joint Local Development Plan before submitting planning applications,
 - assist officers to assess planning applications, and officers and councillors to make decisions about planning applications
 - help Planning Inspectors make decisions on appeals.
- 1.2 The general aim is to improve the quality of new developments and facilitate a consistent and transparent way of making decisions that align with relevant policies in the Joint Local Development Plan.

The Policy Context

Local Development Plan

- 1.3 Under planning legislation, the planning policies for every area are contained within the 'development plan'. The Gwynedd and Anglesey Joint Local Development Plan (JLDP) was adopted on 31 July 2017. It relates to the Gwynedd and Anglesey Planning Authority areas.
- 1.4 The Plan provides wide-ranging policies along with allocations for the main land uses, such as housing, employment and retail; it will help shape the future of the Plan area physically and environmentally, and will also influence it economically, socially and culturally. The Plan, therefore:
- enables the Local Planning Authorities to make rational and consistent decisions on planning applications by providing a policy framework that is consistent with national policy; and
 - guides developments to suitable areas during the period up to 2026.

The need for Supplementary Planning Guidance

- 1.5 Although the Plan contains policies that enable the Local Planning Authority to make consistent and transparent decisions on development applications, it cannot provide all the detailed advice required by officers and prospective applicants to steer proposals locally. In order to provide this detailed advice, the Councils are preparing a range of SPGs to support the Plan that will provide more detailed guidance on a variety of topics and matters to help interpret and implement the Plan's policies and proposals.

The Status of Supplementary Planning Guidance

- 1.6 Supplementary Planning Guidance (SPG) will be material planning considerations during the process of assessing and determining planning applications. Welsh Government and the Planning Inspectorate will place considerable weight on supplementary planning guidance that stem from, and are consistent with, a development plan. The SPGs cannot introduce any new planning policies or amend existing policies.

1.7 Once they have been adopted SPGs should, therefore, be given substantial weight as a material planning consideration.

2.0 CHANGE OF USE OF COMMUNITY FACILITIES AND SERVICES EMPLOYMENT SITES AND RETAIL UNITS SPG

2.1 The purpose of this Supplementary Planning Guidance is to provide further clarity on the type of information and evidence that should be submitted in relation to applications specifically relating to the change of use of community facilities, employment sites and retail units. The relevant policies as contained within the Plan to these uses seek to protect the use and ensure that they are not lost to alternative uses, unless there is justification and evidence to do so.

Public Consultation

2.2 A draft version of this SPG was approved for public consultation by the Joint Planning Policy Committee on 4 September, 2020. This draft was prepared in consultation with relevant officers from both Authorities. Prior to this the SPG was reviewed by the Joint Local Development Plan Panel on the 24 January, 2020.

2.3 The SPG was the subject of a public consultation exercise between the 16th October, 2020 and the 27th November 2020.

2.4 Details of the public consultation were placed on both Council's websites and emails/ letters were sent to all Councillors, Community Councils, planning agents, statutory consultees, environmental bodies, neighbouring authorities and those who had declared an interest in the SPG.

2.5 A number of platforms were available for interested parties to respond to the consultation which were:

- Online word and pdf response form. Paper copies of the response form were also available on request from the JPPS
- Email
- Letter

2.6 A total of 10 representations were received. Due consideration was given to all of the representations received.

2.7 The following section (Appendix 1) summarises the representations received, the Councils' response to them and where appropriate, recommends any changes required to the SPG in lieu of the comment. Any proposed change to the wording of the SPG is noted in a **bold font that has been underlined**.

APPENDIX 1 – SUMMARY OF COMMENTS RECEIVED AND OFFICERS' RECOMMENDATIONS

Rep Id	Type of Comment	Organisation	Part	Summary of Representation	Officer Comments and Recommendation
1.	Objection	Cadnant Planning Ltd.	3.7.2 (Criterion 1)	Considered to be too prescriptive. Professional agents know best how to market such sites based on a case by case basis.	<p>Information provided in section 3.7.2 provides clear guidance in relation to the evidence which is required to support an application for the change of use of an employment site for an alternative use. Ensuring that there is sufficient supply of safeguarded employment land concurs with the objective of Policy CYF 1 therefore a rigorous assessment process should be applied.</p> <p>Further, not all planning applications are submitted by planning agents/specialist therefore providing detailed guidance within the SPG is beneficial to prospective applicants.</p> <p><u>RECOMMENDATION</u> – No change.</p>
2.	Objection	Cadnant Planning Ltd.	3.7.2 (Criterion 2)	Considered to be unreasonable given that the Council's policies are based on an Employment Land survey dating back to 2012.	<p>The provision of employment land within the Joint Local Development Plan is based on the results of the Employment Land Review. Considering an alternative use of safeguarded employment sites needs to be fully justified. It is considered reasonable for an assessment to be made and compared to the conclusion of the Employment Land Review.</p> <p><u>RECOMMENDATION</u> – No change.</p>

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3.	Objection	Cadnant Planning Ltd.	3.8.2	<p>This is contrary to the requirement of Policy PCYF5 and the guidance provided in TAN 23. Such a change should not be introduced within an SPG as it changes the requirement set out in adopted policy within the JLDP which has been subject to an examination.</p> <p>This paragraph should remove the requirement to fulfil the majority of the listed criteria.</p> <p>The requirement for substantial justification also introduces a new requirement to that set out in policy PCYF 5.</p>	<p>Policy CYF 5 clearly stipulates that proposals to release land on existing employment sites for alternative uses will only be granted in special circumstances provided that it conforms to one or more of the criteria as listed within the policy.</p> <p>Paragraph 3.8.2 provides clarity as to when the LPA would expect a planning application for the change of use of an employment site to conform with 'one or more' of the criteria as listed within the policy. The primary employment sites as safeguarded via Policy CYF 1 are considered to be the most attractive employment sites and most likely to come forward in the short-term. Therefore, a rigorous assessment should be undertaken when considering the release of a primary employment site for an alternative use.</p> <p><u>RECOMMENDATION</u> – No change</p>
4.	Objection	Cadnant Planning Ltd.	4.4.2 (Criterion 1)	<p>Considered to be too prescriptive. Professional agents know best how to market such sites based on a case by case basis.</p>	<p>Information provided in paragraph 4.4.2 provides clear guidance in relation to the evidence which is required to support an application for the change of use of an A1 retail unit. The primary objective of the retail policies especially Policy MAN 2 is to safeguard the primary retail core for A1 uses. The policy allows for flexibility provided that appropriate justification has been received.</p>

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					<p>Further, not all planning application are submitted by planning agents/specialist therefore providing detailed guidance within the SPG is beneficial to prospective applicants.</p> <p><u>RECOMMENDATION</u> – No change</p>
5.	Objection	Cadnant Planning Ltd.	4.4.2 (Assessment of Financial Viability)	Most A1 units being marketed would be vacant. Failing businesses are not going to continue to utilise such A1 units. Need flexibility for when this should be requested.	<p>Criteria 1 of Policy MAN 2 clearly stipulates the requirement for applications which involve the change of use of retail (A1) unit within the primary retail area to demonstrate that the premises is no longer viable. The request to submit supporting information in the form of a Financial Viability Assessment therefore concurs with the requirement of the policy. For clarity it is suggested that the wording is amended.</p> <p><u>RECOMMENDATION</u> – Amend the wording as follows:-</p> <p>Furthermore, an Assessment of Financial Viability should be submitted to prove that <u>the premises is no longer viable for A1 use and the retention of the A1 use has been fully explored.</u> business in its existing form is failing, and that consequently it is not financially viable to continue with the venture.</p>

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6.	Objection	Cadnant Planning Ltd.	4.5.1 (Criterion 1)	The sites are outside defined town centres so it seems illogical to consider the town centre boundary as reasonable walking distance.	Retail uses are encouraged to be located within town centre boundaries. Therefore, if an application for a retail unit is received outside a town centre boundary it is logical to consider if there is provision within the town Centre boundary (where the use is encouraged). <u>RECOMMENDATION</u> – No change
7.	Objection	Cadnant Planning Ltd.	4.5.1 (Criterion 2)	3.7.2 refers to 12 months marketing and the policy MAN 3 refers to 6 months. SPG should not seek to change policy.	The 12 month marketing exercise for employment sites as detailed in paragraph 3.7.2 isn't contrary to the relevant policy as there isn't a definitive time specified for marketing within the policy. Policy MAN3 clearly relates to retailing and clearly stipulates a marketing period of 6 months. <u>RECOMMENDATION</u> – No change
8.	Objection	Cadnant Planning Ltd.	4.6.1 (Criterion 1)	Policy relates to safeguarding village shops. 4.5.1 of the SPG refers to Town Centres. This is illogical.	The observation is accepted and it is suggested that the criteria is amended accordingly. <u>RECOMMENDATION</u> – Amend criteria 1 to read as follows:- <u>Such a similar service should be within reasonable and safe walking distance. It is believed appropriate to consider the development boundary (if applicable) as a 'reasonable walking distance', or any area</u>

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					<u>which lies 800m away from the application site (whichever is the shortest distance).</u>
9.	Objection	Natural Resources Wales	General	<p>Whilst we welcome the Change of use of community facilities and services, employment sites and retail units SPG, we wish to highlight that whilst the LDP has its existing strategic policies, the SPG appears to group certain building uses into “community facilities” and include schools, libraries, places of worship, public houses etc. Under TAN15: Development and Flood Risk, Figure 2 there is a list of buildings/types which are deemed highly vulnerable flood risk development (schools/libraries) along with a list of less vulnerable developments (public houses).</p> <p>If there was a change of use of one of these community facilities where it is considered to be a change of use from less vulnerable flood risk development to highly vulnerable flood risk development and also any Flood Consequences Assessment in support of any planning application would need to be fully compliant with TAN for the acceptability criteria in section 7/Appendix 1.</p> <p>We also remind you that in addition to the above, if any proposal changes low vulnerable flood risk development to highly vulnerable flood risk development, and the proposal is specifically within, or partially within zone C2</p>	<p>The comment is noted. However, it is not considered appropriate to amend the SPG.</p> <p>Conformity with Technical Advice Note 15 would be a consideration (if applicable) during the planning application process.</p> <p>The SPG specifically relates to the considerations relating to the principal of the development.</p> <p><u>RECOMMENDATION</u> – No Change</p>

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				of the Development Advice Maps supporting TAN15, then the proposal should not be permitted in Zone C2 (paragraph 6.2 of TAN15).	
10.	Objection	Theatres Trust	2.1.1 (Table 2.ii)	<p>The Trust welcomes the additional guidance provided by this document and the strength it affords to protecting valued facilities. Paragraph 2.1.1 confirms policy applies to theatres. There would also be value in broadening this clarification to include cinemas and arts centres of which there are examples in the area such as the Empire in Holyhead and Neuadd Dwyfor.</p> <p>Within the table (2.ii) we would suggest that marketing evidence would be strengthened by including a requirement for evidence facilities have been marketed on local and national online platforms relevant to the type of facility. This would help ensure genuine and robust marketing effort.</p>	<p>The examples of community facilities derive directly from the explanation paragraph to Policy ISA 2 as contained within the Joint Local Development Plan. The Guidance along with the explanation paragraph clearly stipulates that any community facility which serves the local community would be applicable to the policy. The list therefore isn't exhaustive and to ensure consistency with the wording of the explanatory paragraph within the Joint local Development it isn't considered necessary to amend the wording.</p> <p>With regard to the marketing exercise the comment is accepted (see below).</p> <p><u>RECOMMENDATION –</u></p> <p>Amend paragraph 2.3.1 (criteria 2ii) to read as follows:-</p> <p>“Where appropriate (commercial uses), if the property is vacant it should be demonstrated that an unsuccessful attempt has been made to market the property for sale or rent for a fair and reasonable price for a continuous period of 12</p>

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					<p>months (at least). <u>The marketing exercise should be undertaken on local and national platforms, which specialise in marketing commercial facilities</u>. This evidence may include copies of advertisements marketing the unit along with written confirmation from the estate agent of the interest/offers received.”</p>