



April 2006

LDF

WIGAN LOCAL DEVELOPMENT FRAMEWORK

LDF

WIGAN LOCAL DEVELOPMENT FRAMEWORK



Re-use of Employment Land and Buildings for non-Employment Uses

Martin Kimber BA DipTP MRTPI
Director of Planning and Regeneration
Planning and Regeneration Department
Civic Buildings, New Market Street, Wigan WN1 1RP



Supplementary Planning Document



Planning and Regeneration Department



Planning and Regeneration Department

LDF

WIGAN LOCAL DEVELOPMENT FRAMEWORK

Re-use of Employment Land and Buildings for non-Employment Uses

Supplementary Planning Document

April 2006



Planning and Regeneration Department



To assist people with particular needs this SPD can be made available on request in larger print, braille and in a number of alternative languages.

Arabic

ما يمكن توفير هذه المعلومات في اللغة العربية.

Cantonese

此資料可在有需要時提供。

Farsi

این اطلاعات را می‌توان در صورت نیاز به دسترس قرار داد.

French

Disponible en français sur demande

Gujurati

આ માહિતી ગુજરાતીમાં મળી શકે છે.

Urdu

یہ معلوماتیں درخواست پر دستیاب کی جاسکتی ہیں۔



Contents

PART	ONE	Introduction	1
PART	TWO	Background	1
PART	THREE	The policy approach	2
PART	FOUR	Viability	2
PART	FIVE	Environmental legacy or impact	5
PART	SIX	Architectural or historic interest	6
PART	SEVEN	Regeneration of the employment site	6
PART	EIGHT	Regeneration of the area	7
PART	NINE	Need for the alternative development or use	7
PART	TEN	Small sites	8

Appendices

APPENDIX A	EMIB Re-use of Employment Land and Buildings for Other Uses	9
APPENDIX B	List of useful contacts and specialist advice	10

Adoption and Sustainability Appraisal

Wigan Council adopted the Supplementary Planning Document (SPD) Re-Use of Employment Land Buildings for non-Employment Uses on 16th February 2006 but it came into operation with the adoption of the Replacement Unitary Development Plan on 26th April 2006.

A Sustainability Appraisal (SA) of the SPD was conducted to discover how it might influence the sustainability assessment made in 2003 of the relevant Unitary Development Plan policies and proposals. The conclusion was that the SPD was found to have no negative sustainability impact. A copy of the SA is available on request, and the impact of the SPD will be monitored in the future.



**ONE**

Introduction

- 1.1** This Supplementary Planning Document (SPD) relates to the Council's planning policy on the re-use of employment land and buildings for non-employment uses, outside of primary employment areas. It is supplementary to Policy EMIB in the Replacement Wigan Unitary Development Plan (UDP). The text of Policy EMIB is set out in Appendix I. Employment land and buildings within primary employment areas are subject to Policy EMIA in the Replacement UDP.
- 1.2** It is the requirement of Policy EMIB that one of its criteria should be satisfied in order to demonstrate that the 'loss' of an employment site is acceptable in policy terms. The supporting text for the policy does include some guidance on how the satisfaction of each of the criteria will be judged. This SPD gives additional guidance as appropriate, with a particular emphasis on criterion (a).

TWO

Background

The Replacement UDP defines employment uses as those within Use Classes B1 business, B2 general industry and B8 storage and distribution, and other employment uses outside of the Use Classes Order, of which examples are given in the Plan. Employment land/buildings within mixed use sites are covered by Policy EMIB and this SPD but other land/buildings within the site are not.

- 2.1** The loss of employment land for other uses, notably housing, is a key issue for the Replacement UDP. It is noted in the Replacement Plan that the stock of older employment land and buildings is much reduced and, for the most part, what remains is more readily suitable to existing and future employment use without undue adverse impact on surrounding areas. It is further noted in the Replacement Plan that retaining existing employment sites will enable more people to access employment opportunities close to where they live, and reduce pressure for employment development on greenfield sites in less accessible locations.
- 2.2** Primary employment areas are identified under Policy EMIA in the Replacement Plan to safeguard the primary employment land resource in Wigan Borough. They include all sites allocated in the Plan for employment development, as well as existing employment sites.



2.3 Outside of the primary employment areas there are many other employment areas and sites that meet the needs of businesses and provide employment. There are also sites that are currently vacant but were most recently in employment use. Altogether, they represent a significant land resource for employment uses which also needs to be safeguarded in support of employment and the local economy. Policy EMIB applies to these sites.

2.4 It is important to note that Policy EMIB does not consider the acceptability or otherwise of the alternative development or use. It only addresses the acceptability or otherwise of the proposed loss of the site for employment uses.

2.5 It is important to note also, that the policy states that development or change of use for non-employment uses will not be permitted, if that development or change of use would detract from the employment use of other nearby employment sites. This is to avoid the 'domino-effect' of a site that has been redeveloped or reused for non-employment uses giving rise to circumstances under which it is appropriate to 'release' the next-door site, when previously it would not have been justified under the terms of the policy.

2.6 Policy EMIB also does not apply to employment sites that are identified as major developed sites in the Green Belt under Policy GBIE.

THREE

The policy approach

3.1 The criteria set out in Policy EMIB cover:

- the viability of the site
- the environmental legacy or other environmental impact
- the architectural or historical interest of the site
- the need to regenerate the employment site
- the regeneration benefit of redevelopment or reuse for other uses
- the need for the alternative development or use
- the size of the site and its proximity to other employment uses.

The following sections contain additional guidance on each.

FOUR

Viability

4.1 The supporting text for Policy EMIB in the Replacement UDP states:

"In order to demonstrate that the site/ premises are no longer suitable for continued employment use, the Council will require



evidence that it has been effectively marketed and/or that the means by which it could be made suitable, such as demolition and rebuild have been costed and can be shown to be uneconomic against prevailing land prices and rentals being achieved in the area. The availability of grant assistance to make it financially viable will also need to be discounted."

4.2 The important elements are:

- Marketing
- The cost of works
- The prevailing market rates for freehold and leasehold employment land and accommodation
- The availability of grants

(i)

Marketing

4.3 A key consideration in the test of viability is the manner in which the site or premises have been marketed for continued employment use. A Marketing Statement and 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. Where relevant the marketing strategy will also need to consider the potential to refurbish or redevelop the site (in part or in whole) in order to meet the requirements of alternative employment uses.

4.4 The Marketing Statement 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 of Wigan Borough, and is certified accordingly.

4.5 The Council expects employment sites and premises to be marketed for a reasonable period before an application for a change to alternative use can be considered. It accepts that it is difficult to set precise requirements about the length of time sites should be marketed. However, as a guide, the Council considers that active marketing of an employment site should be undertaken for at least twelve months in the current market situation. This timescale may need to be reviewed according to the market circumstances prevailing and the size and nature of the premises concerned, e.g. a longer period if the market is slow or the premises are large.

4.6 The Council also expects sites and premises to be marketed flexibly 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.

4.7 The Marketing Statement should include evidence that the site has been:

- widely marketed for employment purposes through an agent/surveyor dealing in commercial property at the prevailing market rate for the site or premises for employment use, and that no reasonable offer has been refused. Any changes in market price



- made during the course of marketing will need to be shown. The prevailing market rates will need to be agreed with the Planning and Regeneration Department and should be based on evidence from recent transactions of a comparable nature in the Borough.
- advertised in the regional and local press, including the property press and specialist trade papers, on a regular basis throughout twelve months (or other agreed) timescale. It will depend on the location and scale of the site, but it should normally include the Manchester Evening News.
 - continuously included on the agent's website and the agents own papers and lists of commercial/business premises.
 - continuously advertised on site by way of an agent's advertisement board on each site frontage to the highway throughout the period, with the option of also including the contact details for the Council's Economic Regeneration Office (phone/email/website).
 - added at the outset to, and maintained on, the Council's property finder database at www.move2wigan.com.
 - circulated at the outset to other local property agents, specialist commercial agents and the Council's Economic Regeneration Office, by way of mail shots and/or hard copies of sales particulars, and circulated again if any significant details change.
- referred to the local business community, potentially through the Greater Manchester Chamber of Commerce (Wigan), for consideration of its potential for reuse or redevelopment for employment use.
 - referred to other relevant support agencies as advised by the Council's Economic Regeneration Office, such as MIDAS and the NWDA.
- 4.8** A record of all expressions of interest/offers received including rental interest should also be supplied.
- 4.9** A lesser financial return on investment relative to other redevelopment or reuse options will not be sufficient to justify the site not continuing to be available for employment use.
- 4.10** Owners/agents for business land and premises currently being marketed for continued business use are advised to keep a comprehensive record of the steps involved in marketing their site (taking account of the criteria set out above) in case they wish to make a claim later for redevelopment to non employment use.
- 4.11** In instances where the Council considers that the marketing strategy has not been adequate, the applicant will be advised that it is likely that the planning application will not be recommended for approval.



(ii)

The cost of works

- 4.12 If the building is not capable of reuse without investment in its fabric and infrastructure, a further test will relate to the cost of such works relative to the returns that are likely to be achievable. A development appraisal or residual valuation, prepared by a suitably qualified surveyor, is required for each potential option, which could range from limited refurbishment to partial or full demolition and rebuild. The extent and nature of options to be appraised should reflect known current and potential future patterns of demand and be agreed with the Council's Planning and Regeneration Department.
- 4.13 Legitimate costs will include specific build cost, remedial works, professional fees, funding costs, void letting periods, marketing costs and reasonable profit.

(iii)

The value of land and accommodation

- 4.14 As noted above the prevailing freehold and leasehold market rates for the type of employment land / accommodation concerned, both as currently provided and for the different options agreed for refurbishment / rebuild, need to be taken into account in considering whether the investment needed is economically viable. The prevailing market rates will need to be agreed with the Planning and Regeneration Department and should be based on evidence from recent transactions of a comparable nature in the Borough.

(iv)

Alternative approaches and grant availability

- 4.15 If the difference between the costs and the returns that are achievable are such that the site or premises are not commercially viable for employment uses in their existing form, it needs to be determined whether there are other approaches available that could influence viability. Such circumstances might arise when grant assistance is available for conversion or other works that would be likely to influence the viability of premises. The Council's Economic Regeneration Office will be able to advise.

FIVE

Environmental legacy or impact

- 5.1 The second criterion refers to circumstances when the site or use gives rise to a significant environmental problem. Examples given are pollution, noise and traffic generation on unsuitable roads. The key word is 'significant'. It must also be demonstrated that redevelopment (or reuse) for uses other than employment uses is the **only** means by which mitigation can be achieved.
- 5.2 The supporting text for Policy EM1B in the Replacement UDP states:

Similar evidence [to that required above to demonstrate viability] will also be



required in order to demonstrate that uses other than employment uses are the only means by which a substantial environmental problem can be mitigated.

5.3 An example of a significant problem of pollution would be where a use is giving rise to air pollution in breach of statutory levels, or there is contamination within a site that is causing significant harm to the public and/or the natural environment.

5.4 A significant problem of noise would be where a use is generating noise in excess of background levels, which is prejudicial to health or a nuisance to noise sensitive uses in the locality, such as houses, schools and hospitals.

5.5 In any of these circumstances it would have to be shown that adequate remediation cannot be enforced through relevant statutory powers. This may arise, for example, because technical solutions are not available or the full costs of mitigating measures are in excess of what is reasonably practicable for a company or freehold owner to provide. In such circumstances detailed evidence of the processes undertaken would have to be provided in order to demonstrate that the problem can only be addressed through partial or total redevelopment. Similarly it would have to be demonstrated that it would not be economically viable to redevelop the site for employment uses.

5.6 A significant problem of traffic generation on unsuitable roads would only arise when access to a site is exceptionally

poor. An example would be where there are significant numbers of lorry movements on a sustained and ongoing basis as part of the regular operations of a business, and access is via a minor street in an otherwise quiet residential neighbourhood, or an unadopted 'road' that provides access to other properties. It would not be satisfied by instances of heavy volumes of traffic on the general road network.

SIX

Architectural or historic interest

6.1 The third criterion will only apply to sites that contain a listed building of special architectural or historic interest. Redevelopment or reuse for non-employment uses would be permitted if it can be demonstrated that it is the only means by which a building of architectural or historic interest can be retained. Similar evidence will be required to that required for 'viability' above.

SEVEN

Regeneration of the employment site

7.1 The fourth criterion addresses the circumstances when considerable investment is needed to upgrade, modernise or redevelop a site in order for it to be retained in employment



use, and redevelopment or reuse of part of the site for non-employment uses is the only means by which this can be achieved.

- 7.2** In such circumstances it will be necessary to demonstrate that the investment required could not be achieved through the upgrading, modernisation or redevelopment of the whole site for employment uses. Again, similar evidence will be required to that required for 'viability' above.

EIGHT

Regeneration of the area

- 8.1** The supporting text for Policy EM1B in the Replacement UDP states:

Regeneration is an ongoing priority and, over time, different initiatives are advanced in different areas according to need and opportunity. In some circumstances there can be advantages in reorganising land uses such that it is appropriate for redevelopment of an employment site for other uses. Such a proposal would need to have the support of the Local Strategic Partnership in order to ensure that it is in the wider economic, social and environmental interests of the area.

- 8.2** The Council's Economic Regeneration Office will be able to advise on the regeneration status of a proposal.

NINE

Need for the alternative development or use

- 9.1** The supporting text for Policy EM1B in the Replacement UDP states:

In order to demonstrate that a development or use proposed is needed and cannot reasonably be implemented on a site not in, or last in, employment use, evidence will need to be presented against relevant planning policy for the development and/or use concerned. For housing this will include evidence of the supply of housing land against the Borough's annual target for new housing set out in the Regional Spatial Strategy (RSS - formerly Regional Planning Guidance) and this Plan. Evidence of capacity on brownfield sites not in, or last in, employment use or otherwise meeting one of the criteria in Policy EM1B will also be relevant.

- 9.2** Under the Planning and Compulsory Purchase Act 2004 the Council is required to publish an Annual Monitoring Report (AMR) in December each year. This report will set out the completion rate for new housing relative to the requirement in the RSS and Policy R1A in the Replacement UDP (or any successor policy brought forward within a development plan document). The AMR will be available on the Council's website when it is published.



TEN

Small sites

10.1 It is unlikely that small employment sites that are physically isolated from other employment sites will contribute significantly to the local economy and supply of jobs in the Borough, and it is likely that the use will have an adverse amenity impact on surrounding land uses. It is appropriate, therefore, to have a site size threshold below which the loss of the site for employment use is acceptable. The criterion in the policy sets this threshold at, or around, 0.4 hectares. The supporting text for Policy EM1B in the Replacement UDP states:

"To be isolated from other employment sites a site should share three-quarters of its boundary with non-employment uses (including on opposite sides of a highway)."

**APPENDIX A**

EMIB Re-use of Employment Land and Buildings for Other Uses

Outside of the Primary Employment Areas covered by Policy EMIA, the development or change of use of land or premises currently or last in employment use to uses other than employment uses, will only be permitted if it can be demonstrated that:-

- a** there is no current or likely future demand for the site or premises for employment uses and it could not reasonably be made suitable to meet current or likely future demand; or
- b** the site or use gives rise to a significant environmental problem, such as pollution, noise or traffic generation on unsuitable roads, and redevelopment for uses other than employment uses is the only means by which mitigation can be achieved; or
- c** it is the only viable means of retaining a building of architectural or historical significance; or
- d** redevelopment and/or change of use of part of the site or premises for/to a use other than an employment use, is the most appropriate means by which upgrading, modernisation or redevelopment of the majority of the site or premises will be achieved, necessary to ensure its retention in employment use; or
- e** It is an important component of a wider regeneration proposal supported by the Local Strategic Partnership; or
- f** It will meet an established need in accordance with other policies in the Plan and it can be demonstrated that there is no alternative site reasonably available and the benefits, in planning terms, outweigh the loss of the employment land; or
- g** It is a small site (below, at or around 0.4 hectares) that is physically isolated from other employment sites.

Development or change of use will not be permitted if it would detract from the employment use of other nearby employment sites.



APPENDIX B

List of useful contacts and specialist advice

If you have any questions or need further advice or information about dealing with planning applications, or if you want to arrange a pre-application discussion, please contact:

Other contacts

Greater Manchester Chamber of
Commerce (Wigan)

Telephone 01942 705331

Planning Control - West of the Borough

Wigan

Telephone 01942 488045

Orrell, Billinge, Winstanley, Bryn and
Ashton-in-Makerfield

Telephone 01942 404275

Shevington, Standish and Aspull

Telephone 01942 404274

Planning Control - East of the Borough

Hindley, Abram, Platt Bridge, Atherton,

Tyldesley and Astley

Telephone 01942 404260

Leigh, Golborne and Lowton

Telephone 01942 404263

Employment land issues

Planning policy

Telephone 01942 404234

Email:

planningpolicy@wiganmbc.gov.uk

Website: [http://wiganmbc.gov.uk/pub/
planning/pages/planningpolicy.htm](http://wiganmbc.gov.uk/pub/planning/pages/planningpolicy.htm)

Economic Regeneration Office

Telephone 01942 828988

Email:

w.coyle@wiganmbc.gov.uk

Website: www.move2wigan.com