



West Lothian
Council

Planning Services
Development Planning & Environment



PLANNING GUIDANCE (PG)

Non-employment Uses Within Employment Areas

This version produced for public consultation
January 2020

Contents

	<u>Page</u>
<u>one</u> Introduction	3
<u>two</u> Aim of the guidance and policy context.	4
<u>three</u> LDP policy	5
<u>four</u> Assessment of planning applications	7

- 1.1 This Planning Guidance has been prepared to support the policies of the West Lothian Local Development Plan (LDP) which was adopted by West Lothian Council in September 2018. Of particular relevance is policy EMP 1 'safeguarding and developing existing employment land' which sets out the range of uses that may be acceptable in principle on employment land.
- 1.2 The Reporter during the LDP examination noted '*what appeared to be a significant amount of previously developed business land containing properties which were vacant, or at least significantly under-utilised*' (particularly in Livingston) and concluded that too much employment land had been identified.
- 1.3 The Reporter also concluded that it would be prudent for the council to prepare Planning Guidance to set out in greater detail how policy EMP 1 of the LDP would be interpreted and applied. Provision was made in Appendix 4 (List of Supplementary Guidance and Planning Guidance) of the LDP to allow for the guidance to be undertaken.
- 1.4 This Planning Guidance, therefore, provides further details on how Policy EMP 1 is to be interpreted and provides caveats and restrictions in the interpretation of Policy EMP 1 so that wider planning policy aims such as a sustainable spatial strategy and sustainable economic growth are not sacrificed.

- 2.1 Proposals for alternative uses on existing vacant employment land can be supported where this facilitates regeneration and improvement of the wider area.
- 2.2 The guidance supports and recognises [Scottish Planning Policy \(2014\)](#) statement set out in paragraph 103 – *‘Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site’*.
- 2.3 The Planning Guidance confirms the council’s support for sustainable economic growth and regeneration that is also outlined in [SESplan 1 \(2013\)](#) and the [West Lothian LDP \(2018\)](#).
- 2.4 The Planning Guidance is supportive of providing a range and choice of employment land in key settlements. SESplan 1, paragraph 93 states *‘LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the SESplan area’*.
- 2.5 Linlithgow and Armadale have a relatively small proportion of employment land compared to the size of settlement. An Employment Building Audit carried out in 2018 noted high occupation rates in Linlithgow’s employment areas. Provision will therefore be made to protect existing employment land in Linlithgow and Armadale in order to maintain a mix of uses, thereby reducing the need to travel, provide local employment opportunities and prevent Linlithgow and Armadale becoming commuter towns.
- 2.6 For strategic growth areas (Winchburgh, Broxburn, East Calder, Heartlands, Gavieside), provision will be made to ensure that opportunities for higher value job creation and economic growth are generated alongside an increase in population and the delivery of new homes.
- 2.7 Proposals for intensive uses such as housing in unsustainable locations such as outwith settlements boundaries and / or in areas with limited opportunities for sustainable forms of transport (active travel and public transport) will not be supported.

3.1 The LDP sets out seven employment [policies](#).

Policy EMP 1: Safeguarding and developing existing employment land

Policy EMP 2: Employment development within settlement boundaries

Policy EMP 3: Employment development outwith settlement boundaries

Policy EMP 4: Masterplan requirements for employment sites

Policy EMP 5: Office development

Policy EMP 6: Enterprise Areas

Policy EMP 7: Tourism.

3.2 The policy that is most relevant to this Planning Guidance is Policy EMP 1.

Policy EMP 1: Safeguarding and developing existing employment land.

The council is supportive of sustainable economic growth and regeneration.

Existing employment land (and premises) for Class 4 business, Class 5 general industry and/or Class 6 storage and distribution uses which is identified in chapter 6 and shown on the proposals map are safeguarded for employment generating uses and will be protected from otherwise inappropriate development which would compromise their quality, accessibility or marketability as business locations.

The expansion, conversion or re-development of land and premises within these areas will be supported, as will proposals for new development embracing the same use classes, i.e. 4, 5 and 6, subject to the following criteria being satisfied:

- a. the proposal would be compatible with neighbouring land uses;
- b. the proposal would not have a detrimental impact on the amenity of the area;
- c. the transport implications of the proposal are capable of being effectively managed; and
- d. any infrastructure deficiencies or requirements are capable of being satisfactorily remedied.

Proposals must also conform to the site specific requirements detailed in Appendix 1 and demonstrate that they meet the other relevant requirements of this Local Development Plan.

Proposals for non-business/non-industrial uses on employment land will only be supported in circumstances where the following criteria can be satisfied:

- e. there would be no shortfall in the overall supply of employment land;

f. it can be satisfactorily demonstrated that there is no reasonable or realistic demand for the retention of the existing premises or sites for use classes 4, 5 and 6. Prospective developers will be required to evidence their attempts to secure a continued employment-generating use and in particular that they have actively marketed the premises or site over a sustained period;

g. the proposal would not restrict the range of uses which can lawfully be carried out by businesses and industry on nearby sites;

h. the development of the site would not serve to fragment a larger industrial area or disrupt links between industrial users in that area;

i. the proposal would have no unacceptable traffic, amenity or environmental impact and the site is accessible, or can be made accessible by public transport and footway connections to the surrounding area;

j. the proposal would comply with the other policies in the development plan, in particular, for residential development, Policy HOU 3 Infill/Windfall Housing Development within Settlements, and for retail, leisure and other developments appropriate to town centres, with Policy TCR 2 (Location of New Retail and Commercial Leisure Developments).

However, proposals for ancillary factory shop outlets may be permitted in circumstances where the following criteria can be satisfied:

k. the premises must be physically linked to the manufacturing facility;

l. it has been satisfactorily demonstrated that the retail use is clearly ancillary to the main manufacturing operation and is of a scale that is designed solely to support the existing business;

m. goods sold are manufactured or substantially finished on the premises;

n. the scale of the outlet will not affect the vitality or viability of existing town centres and complies with Policy TCR 1; and

o. the proposals are satisfactory in terms of parking, access and traffic generation.

Proposals which do not satisfy these conditions will be determined against normal retail criteria set out in the Town Centres and Retailing section of the Plan.

four

Assessment of planning applications

- 4.1 To ensure LDP policies meet wider planning aims as set out in the policy context section of this Planning Guidance, the following considerations will be applicable and planning permission will only be granted for non-employment uses within employment areas when the relevant planning considerations have been satisfied.

Employment areas outwith settlement boundaries

- 4.2 For employment areas outwith settlement boundaries, proposals for housing and retail uses are not acceptable and criteria (j) of LDP policy EMP 1 will not apply.

Employment land in Linlithgow and Armadale.

- 4.3 Employment land in Linlithgow and Armadale is safeguarded for use classes 4, 5 and 6. Proposals for non-business / non industrial will not normally be supported.
- 4.4 Proposals for non-business / non-industrial uses on existing employment land will only be supported if it is demonstrated that non-employment uses are necessary to facilitate the redevelopment of a site for employment uses. The total floorspace of new employment uses should be greater or equal to the existing amount of employment floorspace contained (or previously contained if buildings have been demolished) on the site.
- 4.5 Undeveloped employment land in Linlithgow will be safeguarded for Class 4 business, Class 5 general industry and / or Class 6 storage and distribution uses.

Employment land in strategic growth areas

- 4.6 Where employment land areas are a part of a strategic growth area, specifically Winchburgh, Broxburn, Calderwood, Heartlands and Gavieside; proposals for non-employment generating uses will not be acceptable unless alternative high value employment land within the strategic growth area has been identified and planning permission approved.

Suitable locations for proposed residential developments

- 4.7 The application site must be bounded on at least one side by residential uses and be in a location that relates to compatible uses such as other residential uses, community uses or facilities. It would not be acceptable to have an isolated residential site within an employment area.
- 4.8 The application site must be within a 1 ½ mile walk from the catchment primary school. Primary catchment schools must have sufficient capacity to accommodate the proposal. Alternatively, arrangements to create the required capacity can be timeously made in line with planning policy.
- 4.9 It must be demonstrated that residential amenity will not be adversely affected by excessive noise, vibrations, smells and light pollution from neighbouring business and industrial uses and that business operations will not be restricted by the presence of a residential use.

Ancillary uses to employment areas.

- 4.10 Proposals that are ancillary to, or complement the overall employment use and can be satisfactorily demonstrated to directly benefit those working in that employment area are acceptable in principle subject to the satisfaction of all other LDP policies.

Previously Developed Employment Areas.

Marketing requirements

- 4.11 As further guidance to EMP 1 (f), the following will apply;
- 4.12 The site / buildings should be currently vacant and have been vacant for a minimum period of five consecutive years at the date of submission of the planning application. For the avoidance of doubt it must be confirmed to the satisfaction of the council that the period during which the site / premises have been vacant has not occurred through the direct or indirect actions of the landowner or their agents in keeping the site vacant.
- 4.13 It must be demonstrated that the buildings / site has been marketed for all employment generating uses and not just for the type, size and condition of the building that is currently situated on the site.
- 4.14 A marketing report, prepared by a reputable local or national agent with a track record of letting employment space in West Lothian, must be submitted with a planning application and should include the following details:

- Marketing activity must be demonstrated as being readily accessible to relevant potential developers on both a local and national scale over the period during which the site/building has been vacant and have been of a sufficient size and scale as not to be missed by potential interested parties;
- A visible letting board on the property (constant throughout the marketing period);
- Marketing material should be published on the internet, including popular online property databases;
- Existing lawful use of the advertised premises should be included in the marketing materials;
- Continuous marketing over at least 3 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed);
- It must be demonstrated to the council that the owner has taken active steps to market the site/buildings as business/industrial uses at a reasonable rate / price and that the marketing activity can be demonstrated to the satisfaction of the council as planning authority. Where necessary the council will seek independent advice to confirm that the rates and uses within the marketing particulars are appropriate and realistic;
- Lease terms should be attractive to the market:
- Lease should be for at least three years, with longer terms, up to five years or longer, if the occupier needs to undertake some works;
- And/or include short term flexible leases for smaller premises which are appropriate for SMEs;
- A commentary on the number and details of enquiries received, such as the number of viewings and the advertised rent at the time, including any details of why the interest was not pursued; and
- Where there is an existing employment use the council will require evidence that the tenants intend to move out and a statement from the tenant setting out the reason for the move.

Inclusion of Employment generating uses on previously developed employment land

- 4.15 Where the principle of non-employment uses on previously developed employment land is acceptable on sites exceeding 2 Hectares, the proposal must include floorspace designed for an employment generating use that will benefit the wider area. The council may look to secure the delivery of the employment generating uses through legal agreements and / or planning conditions.

Undeveloped Employment Land

Undeveloped employment land.

- 4.16 Where the principle of non-employment uses on undeveloped employment land is acceptable for sites exceeding 2 Hectares, a proposal for a mixed-use development could be acceptable if it facilitates sustainable economic growth.
- 4.17 The employment generating element of any development proposal should be central to any mixed use proposals and not a 'token' element of the proposal. The council may look to secure the delivery of the employment generating uses through legal

agreements and / or planning conditions. The aim will be to create a thriving mixed use area, with a balanced mix of uses, shared facilities, high quality public realm and green spaces. The design must encourage and facilitate sustainable modes of transport. Masterplans and accompanying Design and Access Statements will be required as part of any planning application submission for such sites.

- 4.18 The proposal should be an exemplar in sustainable development. A statement will be required to demonstrate compliance with [Policy NRG 1a](#) – Low and zero carbon generating technology.
- 4.19 The proposal should conserve nature and secure net gains for biodiversity. The design and access statement must set out the baseline ecological value of the site and outline the proposals to enhance biodiversity. To support this requirement a full ecological survey should be carried out by an appropriately qualified ecologist using a recognised methodology.
- 4.20 For the avoidance of doubt, sites E-LV 47 (Almond North, Gavieside) and E-LV 49 (Almond South, Gavieside) are not acceptable sites for mixed use development and will be safeguarded for Class 4, 5 and 6 uses only.

Proposal requirements for all non-employment uses on employment land

Proposal Requirements

- 4.20 Where the principle of non-employment uses on employment land is acceptable, it must be demonstrated that the proposal will contribute to the regeneration and improvement of the wider area.
- 4.21 Proposals that adversely affect, prejudice and/or inhibit the activities of any nearby employment use will not be supported. This includes, but is not limited to potentially restricting operations in terms of operation times, noise, vibrations and smells.

The council will refer to this Planning Guidance when considering all planning applications for alternative uses on employment land and buildings, although as individual site characteristics must also be considered, and each case is different, compliance with these guidelines does not in itself guarantee that planning permission will be granted.

All other relevant planning policies contained in the Local Development Plan and supporting Supplementary Guidance and Planning Guidance requires to be met. Further details on the LDP and Supplementary and Planning Guidance can be found on the council's website at <https://www.westlothian.gov.uk/LDP> .

The council encourages pre-application discussion of development proposals. Our [pre-application enquiry](#) service will give you advice on your proposal, including any changes that could be made to improve it. Please note that this is a chargeable service.

(PG) Non-employment uses within employment areas

Approved by West Lothian Council Executive **DATE TO BE INSERTED**
Subsequently adopted as Planning Guidance (PG) **DATE TO BE INSERTED**

West Lothian Council, Development Planning & Environment, Civic Centre, Howden South Road, Livingston, EH54 6FF
Tel: 01596 28 00 00 Email: dpgeneral@westlothian.gov.uk

