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STRICTLY PRIVATE AND CONFIDENTIAL

FAO: Rochane Vye
Conwy County Borough Council
Coed Pella
Conwy Road
Colwyn Bay
LL29 7AZ

Date: 19 June 2024

Our Ref:

Your Ref:

Email: samtarjomani@legatowen.co.uk

Direct Line: 01244 408273

Dear Rochane,

SERVICES: Market Demand and Viability with Land Values

PROPERTY: Highways Depot and Glasdir Car Park, Plas Yn Dre, Llanrwst, LL26 0DF

CLIENT: Conwy County Borough Council

Further to our instruction to provide a letter report for the Market Demand and Viability with Land Values for the subject property, we are pleased to set out our report hereto.

We have inspected the property and walked the site as accompanied by the Council. We have not accessed the individual buildings.

The site is shown as being at risk of flooding by Natural Resource Wales website. For the purpose of this report we have assumed a development would be permitted with appropriate flood defence or mitigation and our report and values exclude flood defence costs or other Abnormal development costs.

We confirm this report is not an RICS Red Book Valuation Report.

We set out in the appendices the following:

- Appendix 1: Existing property information and values
- Appendix 2: Demand, Viability and Land Values
- Appendix 3: Owen Devenport Planning Appraisal
- Appendix 4: Site Plan
- Appendix 5: Letter of instruction

Directors: Peter D Johnston FRICS, Matthew J W Pochin BSc (Hons) MRICS, Susan Wigfield, Mark L Hopley BSc (Hons) MRICS, Mark Atherton BSc MRICS, James Lutton BSc (Hons) MRICS, William J Sadler MSc MRICS, Natalie L Tansey BA (Hons) MSc MRICS, Andrew T M Butler BSc (Hons) MRICS, William H P Rees BSc Econ MRICS, Mark R Diaper BSc (Hons) MRICS, Sam Tarjomani MRICS

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Regulated by RICS

We trust that this letter report is sufficient for your purposes. However, should you have any queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sam Tj', with a stylized flourish at the end.


Sam Tarjomani MRICS
Director

Appendix I

Existing Property

Legat Owen has been appointed to consider the potential future development potential and indicative sales pricing in relation to the parcels of land at Plas Y Dre, in Llanrwst.

Highways Depot

Photo	
Property address	Highways Depot Plas Yn Dre, Station Road, Llanrwst LL26 0DF
Description	<p>A rectangular shaped site used by the Council as a storage depot for highways maintenance vehicles. The site is fenced and secure, with the surface being a mix of Tarmac and concrete surfaced. There is a vehicle workshop, which is a basic industrial type of unit, which appears to have an asbestos type roof covering.</p>
Site area	<p>Total site area: 1.36 acres</p> <p>Workshop building:</p> <ul style="list-style-type: none"> • Estimated GIA: 375 sqm (4,037 sq ft) • We have not had access to measure the workshop, we have therefore estimated the building size from aerial mapping and VOA floor areas.
Tenure / Title and ownership	<ul style="list-style-type: none"> • Freehold • Owner: Conwy Borough County Council • Title number: CYM387927

	<ul style="list-style-type: none"> The Highways depot forms part only of a wider owned by the Council under this title number. 						
Statutory Enquiries	<table> <tr> <td>Conservation or listed</td><td> <ul style="list-style-type: none"> Not listed. Falls outside the Conservation Area </td></tr> <tr> <td>Flood map for Planning</td><td> Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i> </td></tr> <tr> <td>Rateable Value</td><td>£9,700</td></tr> </table>	Conservation or listed	<ul style="list-style-type: none"> Not listed. Falls outside the Conservation Area 	Flood map for Planning	Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i>	Rateable Value	£9,700
Conservation or listed	<ul style="list-style-type: none"> Not listed. Falls outside the Conservation Area 						
Flood map for Planning	Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i>						
Rateable Value	£9,700						
Sale Value as existing	<p>We have not been instructed to provide a RICS Valuation.</p> <p>We have had regard to the size of the site, and under the existing planning use as a commercial yard suitable for vehicle park and storage type uses.</p> <p>Sale Value as Existing We consider the sale value to be in the order of £275,000 to £325,000.</p>						

Glasdir Car Park

Photo	
Property address	Glasdir Carpark, Plas Yn Dre, Station Road, Llanrwst LL26 0DF
Description	<p>A mainly regular rectangular shaped car park with Tarmac surface which is for Public parking. At the date of inspection the car parking was free of charge. According to the VOA assessment there are circa 254 car spaces.</p> <p>There is small rectangular shaped parcel of land that is hardcore/tarmac surfaced, which is not for public parking , extending to approximately 0.18 acres.</p> 
Site area	Total site area circa: 1.50 acres

	<ul style="list-style-type: none"> Please note this is the estimated area of land in use for the car park, and excludes the wider areas under the Council ownership such as river banks and planted areas surrounding car park boundary. 						
Tenure/Title and ownership	<ul style="list-style-type: none"> Freehold Owner: Conwy Borough County Council Title number: CYM387927 The Highways depot forms part only of a wider owned by the Council under this title number. 						
Statutory Enquiries	<table border="1"> <tr> <td>Conservation or listed</td><td> <ul style="list-style-type: none"> Not listed. Falls outside the Conservation Area </td></tr> <tr> <td>Flood map for Planning</td><td> Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i> </td></tr> <tr> <td>Rateable Value</td><td>£10,000</td></tr> </table>	Conservation or listed	<ul style="list-style-type: none"> Not listed. Falls outside the Conservation Area 	Flood map for Planning	Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i>	Rateable Value	£10,000
Conservation or listed	<ul style="list-style-type: none"> Not listed. Falls outside the Conservation Area 						
Flood map for Planning	Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i>						
Rateable Value	£10,000						
Sale Value as existing	<p>We have not been instructed to provide a RICS Valuation.</p> <p>We have had regard to the size of the site, and under the existing planning use as a car park suitable for vehicle parking and open storage type uses.</p> <p>Any purchaser would factor in planning uncertainty, given the current use as a public carpark and a change of use application to move it into a commercial use. The site is also not secured and would require fencing and utility connections.</p> <p>Sale Value as Existing We consider the sale value to be in the order of £100,000 to £120,000.</p>						

Former Library and Police Station site

Photo	
Property address	Former Library and Police Station, Plas Yn Dre, Station Road, Llanrwst LL26 0DF
Description	<p>We have not carried out an internal inspection and measurement of the property. The property has been externally inspected. The property was originally built in the 1970's as a court house. It was used as a Library and Police Station until 2021/22, both buildings are now vacant. There are parking spaces to the side and rear.</p>
Site area	<p>Total site area circa: 1.50 acres</p> <ul style="list-style-type: none">• Please note this is the estimated area of land in use for the car park, and excludes the wider areas under the Council ownership.
Tenure/Title and ownership	<p>The Council currently own the Former Library Section of this property, with the other section of the proposed property being in the ownership of the North Wales Police.</p> <p>The Council are in discussions with North Wales police to agree a purchase of the section of land and buildings desired to be included in the red line boundary plan for development prepared by Conway County Council.</p> <p>This report is not for the purpose of acquiring the Police owned land. This report is to assess the potential value and demand of a development incorporating this Police Land, on the assumption it has been acquired.</p>

	<table border="1"> <tr> <td data-bbox="488 226 716 449">Former Library</td><td data-bbox="716 226 1412 449"> <ul style="list-style-type: none"> • Freehold • Owner: Conwy Borough County Council • Title Number: CYM387927 • This forms part of a wider title owned by the Council. </td></tr> <tr> <td data-bbox="488 449 716 600">Police Station</td><td data-bbox="716 449 1412 600"> <ul style="list-style-type: none"> • Freehold • Owner: North Wales Police • Title number: CYM457839 </td></tr> </table>	Former Library	<ul style="list-style-type: none"> • Freehold • Owner: Conwy Borough County Council • Title Number: CYM387927 • This forms part of a wider title owned by the Council. 	Police Station	<ul style="list-style-type: none"> • Freehold • Owner: North Wales Police • Title number: CYM457839 		
Former Library	<ul style="list-style-type: none"> • Freehold • Owner: Conwy Borough County Council • Title Number: CYM387927 • This forms part of a wider title owned by the Council. 						
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Statutory Enquiries	<table border="1"> <tr> <td data-bbox="545 709 792 814">Conservation or listed</td><td data-bbox="792 709 1357 814"> <ul style="list-style-type: none"> • Not listed. • Falls outside the Conservation Area </td></tr> <tr> <td data-bbox="545 814 792 961">Flood map for Planning</td><td data-bbox="792 814 1357 961"> Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i> </td></tr> <tr> <td data-bbox="545 961 792 1035">Rateable Value</td><td data-bbox="792 961 1357 1035">Library: £11,250</td></tr> </table>	Conservation or listed	<ul style="list-style-type: none"> • Not listed. • Falls outside the Conservation Area 	Flood map for Planning	Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i>	Rateable Value	Library: £11,250
Conservation or listed	<ul style="list-style-type: none"> • Not listed. • Falls outside the Conservation Area 						
Flood map for Planning	Site is shown by Natural Resource Wales as a site Zone B <i>Areas know to have flooded in the past</i>						
Rateable Value	Library: £11,250						
Sale Value as existing	<p>We have not been instructed to provide a RICS Valuation.</p> <p>We have had regard to the size of the site and property thereon, and under the existing planning use as a former Library and is currently in use as a Police office and administration building with some parking.</p> <p>We consider any purchaser would be looking at either redevelopment or owner occupation.</p> <p>Sale Value as Existing We consider the sale value to be in the order of £115,000-£130,000.</p>						

Appendix II

Potential Redevelopment Assessment

The Council has supplied us with a Planning Appraisal Report prepared for the property by Owen Devenport CYF Limited dated 27 October 2023.

As instructed, we have considered the property redevelopment viability in relation to the completed Planning Appraisal and land use.

Proposed Use	Planning Appraisal Report by Owen Devenport Limited	Legat Owen Comment	Viability / Marketability 1 = Good 2 = Medium 3 = Low 4 = Not viable
Residential Use	The planning report indicates that residential development would likely be supported, provided it meets the policy requirements	<p>Potential Scheme</p> <ul style="list-style-type: none"> We estimate that a scheme of 40-60 houses could be achievable on the site, with an Affordable provision of 30-40% indicated to achieve planning. A lower provision would likely require a viability assessment process. <p>Purchaser demand</p> <ul style="list-style-type: none"> In North Wales there are a limited number of residential developers in rural areas who deliver a scheme of this size. An example of an active developer would be Pure Residential based out of St Asaph or Beech Developments based out of Llandudno. Anwyl Homes are a developer Legat Owen has dealt with and they are generally targeting large sites, but would also be a possible. A recent scheme in the area is by Calon Homes (part of Cartrefi Conwy) at A470 Llanrwst Road for 107 houses. In our experience we consider National housebuilders would be unlikely to consider Llanrwst for a new development. The sales values in Llanrwst will be in the low range for private residential. We consider that there would be a good level of demand from Registered Providers of Social Housing with experience of operating in North Wales. <p>Pure Residential</p> <p>We have had a brief introductory call, and initial feedback is that this site is a site that would be of consideration, but the sales values may not support private housing development, and hence a social housing scheme with a Registered Provider may be the more likely route.</p>	<p>Score = 1 'Good'</p> <p>Demand is likely strongest from a Registered Provider for Affordable Housing or mixed tenure scheme.</p> <p>We consider demand a private led scheme would be lower, at Score 2.</p>

		<p>Expected Land Sales Values</p> <ul style="list-style-type: none"> • We expect that the most likely purchaser would be for a 100% Affordable housing scheme. • Subject to planning being obtained for 40-60 houses for a 100% Affordable led development, we expect a sales value of £350,000 to £500,000 excluding any Abnormal costs. • It should be mentioned that some Affordable RP's will undertake mixed tenure schemes. • The sales pricing above reflects a pricing of per plot of circa £8,000 to £10,000 per plot. 	
Retail & Town Centre Uses	The planning report indicates planning will a challenge unless a clear 'evidence of need'.	<p>The planning policy indicates a low likelihood of planning being permitted. There is an established CO-OP in the town which is larger size store, and a SPAR as well as local retailers.</p> <p>ALDI / LIDL</p> <ul style="list-style-type: none"> • We are aware that both Lidl and Aldi have expansion plans for North Wales. However, the majority of their requirements are focused on the A55 and north coast. • We do consider that ALDI or Lidl would potentially have an interest in the site. They typically require 1.50/1.75 acres, hence there would be a balance of land for other use. <p>General Retail</p> <p>Retail development is exceptionally challenging in the current market, and secondary retail location such as this would be unviable.</p> <p>Sales Value for ALDI/LIDL or supermarket</p> <p>If ALDI or LIDL were to come forward, then a sales price would likely be in the order of £500,000 to £750,000 and that would be conditional on planning, and the land take of up to 1.75-2.00 acres.</p> <p>LIDL</p> <p>We have spoken to LIDL property team, who confirm that Llanrwst is not on their target list. However, LIDL are willing to consider Llanrwst as a potential new store site, and will undertake financial modelling to assess if the site has potential.</p>	<p>ALDI / LIDL</p> <p>Score = 3 'Low'</p> <p>This is low from a planning risk but is subject to the individual companies having a demand.</p> <p>General Retail</p> <p>Score = 4 'not viable'</p>

		<p>Location/frontage</p> <p>One issue is that the retailers will generally require some kind of frontage or signage if they are locating a new store, and hence this would be one key issue that will affect the demand, as well as the location being a smaller sized town population.</p>	
Offices	The planning report indicates an office use would be favourable.	<p>Legat Owen has extensive market knowledge of office market in North Wales.</p> <p>Build costs are currently exceeding end values, meaning development of new office is unviable in the region.</p> <p>An example of the challenges in office development is the Parc Ty Gwyn at Llanrwst, which saw the original developers enter administration and the property eventually sold at auction for a low price significantly below the build and land cost.</p> <p>Builders' merchants/industrial</p> <p>We consider that Llandudno junction is the main competitor, and it sites approximately 12 miles north of Llanrwst.</p> <p>Llandudno is already served by the main builders merchants/trade counters and consequently those occupiers are unlikely to have a demand for a second store in a weaker commercial location away from Llandudno and the A55.</p>	<p>Score = 4 'not viable'</p> <p>Low demand from developers. Bank funding unlikely.</p>
Industrial (B1/B2/B8)	Planning report indicates difficult compatibility with residential uses/adjacent uses	<p>Legat Owen has extensive market knowledge of industrial sector in North Wales.</p> <p>We have seen development achieved in some rural areas, an example would be Trident Business Park at Llangefni, a new build scheme of smaller industrial.</p> <p>We consider the developer demand will be low for a new build industrial scheme in this town centre location.</p> <p>Sales value</p> <p>We consider low level of demand for a new build scheme, however on the Assumption the site had planning permission or an allocation for industrial, the sales value would be in the region of £200,000 to £250,000 excluding abnormals.</p>	<p>Score = 3 'low'</p> <p>Low demand from developers in this location, allied to low planning prospects.</p>

Tourism attraction	Planning report indicates 'support in principle'	<p>Relying upon our experience and judgement, we consider the viability will be challenging for any Tourism/visitor attraction uses, without a public sector funding in support such a scheme.</p> <p>This types of uses tend to have very high upfront capex to create a scheme, and bank funding is traditionally difficult to obtain for a speculative tourism type scheme.</p> <p>The tourism footfall in Llanrwst is much lower than at nearby Betws Y Coed, and hence the tourism and attractions tends to be focused more into central Snowdon areas or at the coast at Llandudno/Conwy.</p> <p>Surf Snowdonia An example of the challenge to Tourism attraction type uses is that of Surf Snowdonia is currently closed. While a private enterprise by Aincough Griup who are large established and experienced property investor, the property had been a recipient of substantial Welsh Government funding in excess of £4mm but has still made substantial losses. The location site includes a Hilton Hotel, and is a short distance from Llanrwst, however the access is via small lanes and is more remote than Llanrwst.</p>	<p>Score = 4 'not viable'</p> <p>In our experience, not commercially development for new build projects of high quality, in this location.</p>
Tourism Hotel	Planning report indicates 'support in principle'	<p>Whilst attractive sector, a niche or boutique hotel development is likely to be unviable in this location.</p> <p>Premier Inn Premier Inn were historically actively seeking a site in Betws Y Coed, and had been unable to identify a site. We have spoken with their retained agent who has confirmed that Llanrwst would be considered as an alternative location to Betws Y Coed, and Premier Inn will now undertake an inhouse assessment to review the hotel projected turnover and viability.</p> <p>Sales pricing If a hotel operator is identified, they would not require the whole site, but typically a site of circa 1.00 acres. If a hotel operator were to come forward, pricing would likely be in the region of £200,000-£250,000 for the required plot.</p>	<p>Score = 3 'low'</p> <p>Viability is dependent on a narrow selection of hotel operators.</p>

Caravans/Lodges/ glamping etc	Planning indicates not supported	<p>Planning is indicated as not being supported.</p> <p>Relying on our judgement and experience, we consider the location would be in low demand for such a use.</p> <p>Development costs are high for a high quality well serviced site.</p>	<p>Score = 4 'not viable'</p> <p>Planning unlikely and set costs high</p>
Community Facilities	Planning likely supported	The Council confirms currently no proposed new projects identified for this location, such as School, Nursery, dentist or other.	<p>Score = 4 'not viable'</p> <p>Funding is a challenge across the UK in public sector at present time for new developments and high build costs.</p>
Forthcoming LDP – candidate site	Not applicable	<p>At this early stage of a potential longer term redevelopment being considered, relying upon our experience and judgement as commercial agents, valuers active in North Wales, we are of the opinion that the properties most suitable and viable uses in terms of a planning zoning are for:</p> <ul style="list-style-type: none"> • Residential use, including Affordable Housing • A potential hotel use, subject to establishing a main hotelier can be identified. This would be on circa 1.00 acres leaving a balance of land for Affordable residential housing. 	Not applicable

Appendix III

Planning Report by Owen Devenport

PLANNING APPRAISAL

In respect of the development potential
of
Land at Plas yn Dre, Llanrwst, Conwy

Prepared on behalf of
Conwy County Borough Council



OWEN DEVENPORT CYF LTD

Cynllunwyr Tref Siartredig • Chartered Town Planners

Agents Ref: - CB1054/09/23



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Office Administrator

Date: 27/10/2023

DRAFT

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Issued/Approved By:

Review only not for submission

Name: Jamie Bradshaw

Director

Date: 27/10/2023

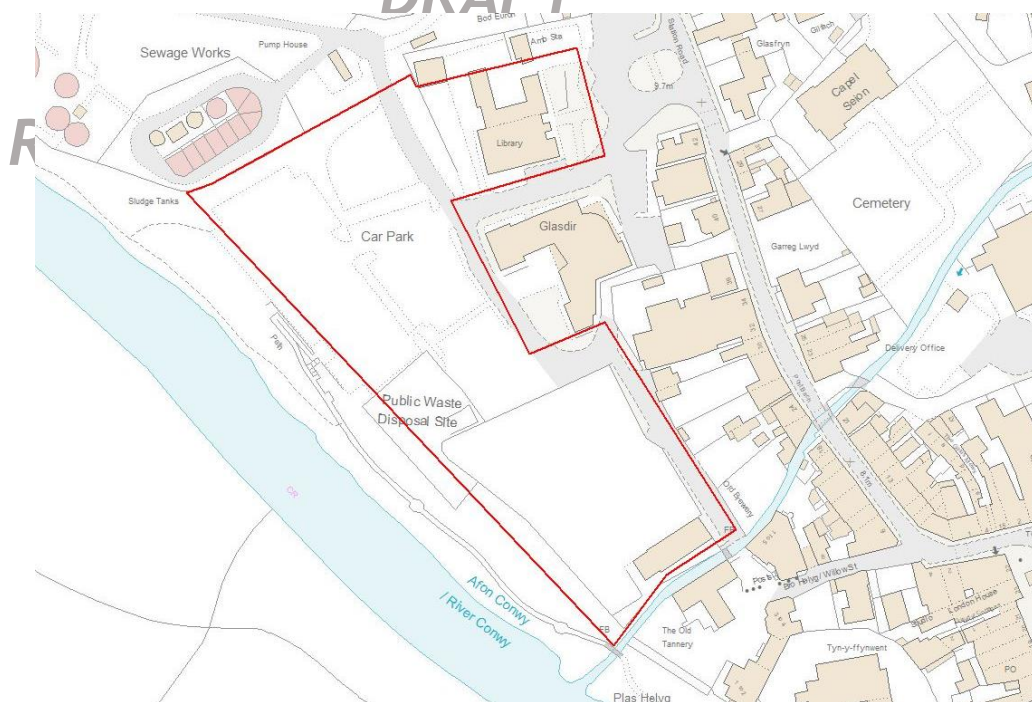
PLANNING APPRAISAL

LAND AT PLAS YN DRE, LLANRWST, CONWY: IN RESPECT OF THE DEVELOPMENT POTENTIAL

1.0 INTRODUCTION

- 1.1 The purpose of this Planning Appraisal is to assess the potential uses that could be sought under relevant planning policy, and key constraints for the site known as Land at Plas yn Dre, Llanrwst, Conwy. It is understood that the instructing party wishes to explore the potential for gaining permission for various uses on the land in order to inform plans for its redevelopment or sale to another party for development.
- 1.2 The area under consideration is shown below in figure 1, and is the land edged in red. As can be seen from the map, the land is set to the north, west, and south of the Glasdir building, and to the east of the River Conwy, and comprises a substantial area of land that is presently used for car parking, as a Council Highways & Waste Depot, and contains a building previously used as the town's Library and as a Police Station. Access to the main highway network is off Station Road/A470 to the east of the site, which is a trunk road and thus is the responsibility of the Trunk Road Agency.

Figure 1 - Map provided by client showing study area for this assessment



- 1.3 It should also be noted that this is a desk top study, based on the information given and an analysis of relevant planning policy relating to the site's location within Conwy as a County and planning policies relating to development applicable at the time. The author also visited the site on the 04/09/2023. This document only provides the author's professional opinion on planning matters, and does not assess issues covered by other disciplines such as law, engineering matters, highways issues, design, heritage, ecology, drainage etc.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1** As noted above the site is set within the built form of Llanrwst, on the edge of the centre of the town which is set a short distance to the south-east with the main focus being the junction of Bridge Street with Denbigh Street and the adjoining town square.
- 2.2** The site is essentially entirely developed, comprising main car parking (both formal and informal) and associated access roads, but also including a building in its north eastern corner (that previously contained the town's library and also a police station), and a Local Authority depot in its southern part, which is used by the Authority's Highways and Waste teams to serve the locality. The north-western part of the site used as car park is also elevated above the rest of the site.

DRAFT

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Review only not for submission

3.0 PLANNING POLICY CONTEXT

- 3.1 Any potential for development must conform to Planning Policy. Local planning policy is developed from the national planning policy document Planning Policy Wales (Edition 11 - 2021)¹ (PPW), as well as Future Wales (the National Plan). These set out the overarching requirements that Local Planning Authorities (LPAs) should include within their Development Plans.
- 3.2 The adopted Development Plan for Conwy is the Conwy Local Development Plan 2017-2022 (CLDP), which was adopted in October 2013. This to all intents and purposes is the main local policy document that will govern the future development of the site.
- 3.3 It has been announced that the CLDP will be replaced, and a preferred strategy was released for public consultation in mid-late 2019. Since that time work on the LDP has stalled due to the challenges posed by Covid-19, and an expectation that the approach of the CLDP may need to change to reflect the new dynamic post-pandemic. Anecdotally it is understood that the LDP will be advancing early in 2024, and the next stage is expected to be production of the Deposit LDP for public consultation. However, realistically the process up to adoption would take 2-3 years to conclude. At this point there is no clarity on what future policy may be, so this is not explored in this document.
- 3.4 There are also a number of Technical Advice Notes (TAN's) issued by the Welsh Government providing more detail on certain topics than is set out in the strategic policies within PPW. The areas the TAN's cover are, for example, Design, Welsh Language Impact, Flood Risk, Transport, and the Historic Environment. These advice notes would govern the details of any scheme rather than the principle of any form of development on any particular site.
- 3.5 Similarly, the LPA publishes Supplementary Planning Guidance (SPG's) that look at more detailed aspects of a planning matter, such as, for example, affordable housing, the Welsh language, and other similar issues. In essence, SPG's expand on the policy principles within the LDP.
- 3.6 So, the CLDP is the focus of attention in terms of development potential for the parcel of land as the policies it contains will steer the Authority's Planning Officers and Members (or indeed a Planning Inspector) towards a decision, favourable or otherwise.

¹ This is due to be revised shortly.

4.0 THE LOCAL DEVELOPMENT PLAN AND FUTURE DEVELOPMENT POTENTIAL

4.1 The CLDP includes Llanrwst as falling within the Urban Development Strategy Area of the plan, which is expected to be the focus development under the plan.

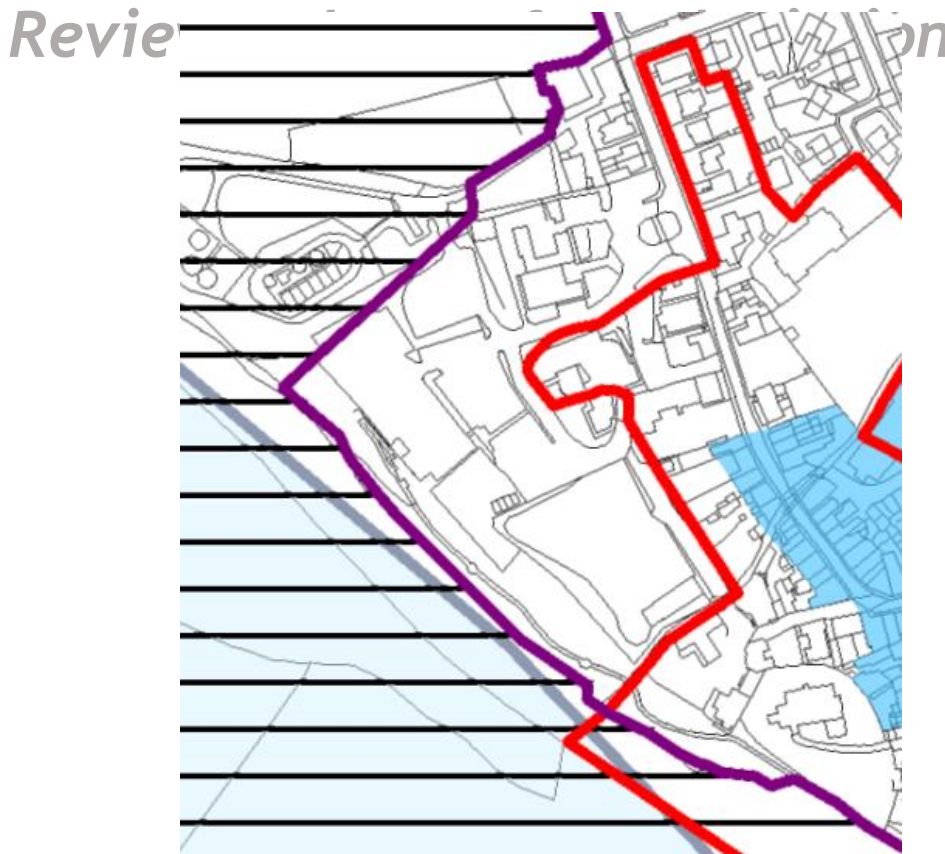
4.2 However, per para. 3.9.13 of the plan:-

“Llanrwst is classed as an urban area and forms part of the UDSA as a result of its size, the facilities and services that it offers and the support it provides to the Main and Minor Villages. Llanrwst is located in a rural setting some 13 miles south of Conwy town. It is not as accessible in terms of its position and access to the strategic road and rail network and to employment opportunities. For these reasons, the urban area of Llanrwst will accommodate an element of market, AHLN and employment to contribute to demand, but the level of development will be to a lesser extent to what is proposed in the urban coastal locations to protect its rural character, natural and built environment.”

4.3 As such, it is clear that the level of growth and new development that will be supported within the town is less than the other urban parts of the County.

4.4 The site is set with the development boundary of the town (purple line) per the extract from the proposals map for the settlement shown below, and abuts the edge of the Conservation Area (marked with a red line)

Image 1 - Extract from proposals map for the town showing the site



- 4.5 As a result of the site's setting within the development boundary a wide variety of uses are available for consideration that would not be achievable if it was set outside of the boundary and thus considered to be in the 'open countryside.

CURRENT USES

- 4.6 However, prior to examining potential new uses for the site it is important to examine the current uses and confirm if they would be subject to any protection under policy within the CLDP.

- 4.7 **Car parking** - There is no policy within the plan that would protect such a use in general, and neither is the site subject to any designation for that purpose in particular.

- 4.8 **Former Library and Police Station** - Such uses are not subject to any protection under policy within the CLDP (with CFS/6 setting out a definitive list of community facilities subject to protection), and neither is the site subject to any designation for that purpose in particular.

- 4.9 **Local Authority Depot** - It appears likely that this use would be considered to be sui-generis, and therefore there would be no policy within the plan that would protect such a use in general. Again, the site is also not subject to any designation for that purpose in particular.

- 4.10 However, if the Local Planning Authority were to consider that the use could be classed as a B2 or B8 use then its use as such would be subject to some degree of protection by policy EMP/4 of the LDP which seeks to protect such site from loss to other uses unless the following requirements are met:-

"a. The site has no reasonable prospect of it becoming marketable for B1, B2 and B8 employment development or;

b. The site is incompatible with the surrounding area for B1, B2 & B8 employment uses and an alternative land use would benefit the surrounding area and community;

In either of these cases the applicant must also demonstrate that the non-employment use;

c. Would be compatible with neighbouring employment uses and;

d. Will respect the character and amenity of the surrounding area and is landscaped accordingly."

- 4.11 It is suggested that advice is sought from the LPA to confirm that they do consider the extant use of this part of the site to be sui-generis and thus that policy EMP/4 would not apply to it.

POTENTIAL USES

- 4.12 Per the brief provided by CCBC, the Authority wishes to consider a wide variety of potential uses, with a key objective being to add value to the town's offer and that any scheme should be a driver for its regeneration, though this is tempered by the need for any vision to be deliverable. As such, this section will examine a wide variety of potentially achievable uses and key issues for each, ***though other important considerations are examined***

in the following section and must also be referenced when considering uses for the site.

Residential

- 4.13 Any application for housing brought forward within Llanrwst must in particular comply with policies HOU/1, HOU/2, HOU/3, HOU4, HOU/5, and CFS/11, with HOU/7 also being relevant as the site is owned by the Authority. Dealing with each in turn:-
- 4.14 **HOU/1 - General housing policy** - This sets out general policy on meeting housing need, and seeks to distribute housing suitably across the County according to the settlement strategy in the plan, with the main focus being on housing allocations. As the site falls within the development boundary it can be advanced under this policy, but would be considered as a 'windfall site' as it is not allocated for housing development. Table 3 that accompanies the policy sets out an expected level of growth for Llanrwst, and includes an expectation for 58 dwellings to be delivered via windfall sites. Importantly, the policy also favours the development of previously developed land over 'greenfield' sites, and the site would certainly fall within this classification.
- 4.15 **HOU/2 - Affordable housing** - This policy sets out the LPA's expectations and requirements in respect of affordable housing. For Llanrwst all housing development is expected to provide 30% affordable housing unless there are demonstrable issues with viability. The Authority also expects the mix of affordable homes to reflect local circumstances and to form an integrated part of the development.
- 4.16 However, *as the site is owned by the Authority policy HOU/7 also applies*, which sets out an expectation that higher levels of affordable housing will be delivered such sites than for privately owned land. This would be relevant if the site is taken forward by the Authority for housing development.
- 4.17 **HOU/3 - Phasing housing development** is less relevant here as it simply expects sites to be delivered in line with the phasing plan set in the LDP.
- 4.18 **HOU/4 - Housing density** also sets a minimum expected density of 30 dwellings per hectare on large windfall sites (i.e. sites of 10 or more houses), and seeks a higher density of 50 dwellings per hectare where this is sustainable and does not result in unacceptable impacts, though this is discouraged where it results in lower levels of affordable housing. There is also some allowance for lower densities where circumstances justify this.
- 4.19 **HOU/5 - Housing mix** is also of some relevance as it requires that developments include a mix of tenures, house types, and sizes that reflect local needs as shown in the Local Housing Market Assessment and the Affordable Housing registers, unless evidence for particular local circumstances is provided.
- 4.20 **CFS/11 - open space** - This policy sets a requirement to provide open space as part of housing developments of 30 or more houses at a level of 3 hectares of open space per 1000 population, with a set proportion of differing types of open space required as part of this. There is scope to provide commuted sums in lieu of this in exceptional circumstances. Where the number of dwellings falls below 30 houses then a commuted sum payment is expected instead of

on-site provision. This would need to be factored into any housing development on the site.

- 4.21 As such, it is clear that development of parts of the site for housing would be likely to be acceptable in principle under the CLDP subject to the detailed considerations set out in the following section of this statement. Any such scheme would be expected to meet the CLDP requirements on delivery of affordable housing, target densities, and a suitable mix of dwelling types and tenures.
- 4.22 However, any residential development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Commercial - retail & town centre uses

- 4.23 The CLDP defines the retail hierarchy in policy CFS/2, with Llanrwst designated a Town Centre. The main shopping area of Llanrwst is identified as a 'Shopping Zone' in policy CFS/4, and is located to the east/south-east of the site. The practical impact of this is that any development on the site for retail or similar 'town centre uses' would be likely to be considered 'edge of centre' or even 'out of centre', and thus require strong justification to be supported in line with the strategy of the plan and National Planning policy as set out in section 4.3 of PPW and TAN4.
- 4.24 To be successful it would be necessary to show a clear need for additional floor space of this type in the locality, and that this could not be met by other sites within town centres. This would require detailed study from a specialist consultancy to identify such a gap in supply and show evidence of need.
- 4.25 Again, any such development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Commercial - offices

- 4.26 There would be no barrier in principle to such a use (which would usually fall under use class B1) under relevant policy within the CLDP, with policy EMP/3 allowing for development of B1 uses outside of allocated sites provided that the following requirements are met:-

“New, office and industrial facilities development within or adjacent to the main built up areas of the Urban Development Strategy Settlements and the Tier 1 & 2 Main Villages and Minor Villages will be supported on non-allocated sites, subject to other policies in the Plan and all the following criteria being met:

- A. The proposal is appropriate in scale and nature to its location;*
- B. It can be demonstrated that the proposal could not be accommodated on land allocated for the particular use or be located on a suitable brownfield site or building;*
- C. The proposal is supported by evidence of local employment benefits in terms of viable jobs provided and local skills generated;*

- D. The proposed development would not have an unacceptable adverse impact on occupiers of neighbouring properties or the environment;*
- E. The proposal is sustainably accessible;*
- F. There is no adverse impact on the Welsh language in line with Policy CTH/5 - 'The Welsh Language'."*

4.27 The site would appear to be of sufficient size to meet these requirements without undue difficulty, subject of course to a suitable design and approach for the site being proposed.

4.28 Again, any such development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Commercial - Industrial and equivalent

4.29 The policy cited for offices/B1 uses would also apply to an application for industrial (B2) or storage and distribution uses (B8). However, such a use would likely pose some difficulty in terms of its compatibility with occupiers of neighbouring properties due to the proximity of the site to properties in residential use, though the extant use as a depot would have some equivalence in that respect which may be helpful if this route is taken.

4.30 Again, any such development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Tourism - tourist attraction/facility or recreational development

4.31 Any development involving creation of a tourist attraction or recreation development is assessed under policy TOU/2 of the plan and this sets out the following requirements:-

"1. New high quality sustainable tourism and recreational development within the Urban and Rural Development Strategy Areas will only be supported provided all the following criteria are met:

- A. The proposal represents an all year-round high quality tourism offer which provides a range of tourism facilities and leisure activities;*
- B. The proposal is appropriate in scale and nature to its location and demonstrates resource efficient design;*
- C. The proposal is supported by evidence to demonstrate that there would be local employment benefits in terms of the number and range of jobs;*
- D. The proposal is sustainably accessible and encourages the use of non-car based transport;*
- E. The proposal makes use of any suitable existing buildings in preference to new build and previously developed land in preference to greenfield sites, where appropriate;*

- F. *The proposal would not have an unacceptable adverse impact on occupiers of neighbouring properties;*
- G. *The proposal would support and extend the range of facilities on offer within the County;*
- H. *The proposal would assist the Council's regeneration objectives of Conwy;*
- I. *The proposal meets other related policies in the Plan;*
- J. *The proposal would not appear obtrusive in the landscape and is accompanied by a detailed landscaping scheme and, where appropriate, a Landscape and Visual Impact Assessment.*

2. New high quality holiday accommodation will only be supported where it forms an ancillary or complementary part of an existing or proposed new tourism development scheme and meets all of criteria 1 a) - j) above. There will be a presumption against the development of new static caravan sites."

- 4.32 As can be seen this policy is supportive of tourism facilities and attractions provided that they are suited to their site and setting, and the site would appear to be well placed to accommodate such a use depending upon the exact nature of such a development. Again, issues of impacts upon neighbours would be likely to be key as tourism attractions & facilities do have the potential to create significant levels of activity and thus disturbance if of inappropriately intensive nature for their location.
- 4.33 There is also scope to high quality accommodation as part of such a proposal provided that it is ancillary and complimentary to the main use as a tourism attraction, which also provides greater flexibility.
- 4.34 Again, any such development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Tourism - Hotel

- 4.35 Policy within the plan on this topic is limited but criterion f. of policy TOU/1 states that the authority will *"support, in principle, the establishment of new or converted high quality (4 and 5*) hotels which broaden the range of accommodation available in line with Policy TOU/2"*. Policy TOU/2 is detailed earlier in this section, and the conclusion that we have set out on tourism facilities would be equally applicable to a hotel, though of course the impact would likely be lower than a substantial tourism attraction.
- 4.36 Again, any such development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Tourism - Static caravans, lodges, touring caravans & tenting, and glamping

- 4.37 Policy TOU/4 sets out policy on this topic and clearly mandates against the approval of new static caravan sites, and is also only supportive of the improvement of existing lodge, caravan, and camping sites rather than the development of new ones. This policy also applies to glamping development. The limited support for new sites is only set out in supporting paragraph 4.4.4.3 which accompanies policy and this must be linked to “*an existing hotel/motel facility, working farm or an established tourist attraction*”. This would not apply here.
- 4.38 As such, this kind of scheme would not receive support under the CLDP.

Community facilities and uses

- 4.39 There are various uses which fall under this banner such as libraries, community centres etc. There is no specific policy to cover such uses with the CLDP, so it would appear that they would be assessed on their own merits. However, the site’s location within an urban area and on a previously developed site would be likely to be helpful to such a development.
- 4.40 Creation of an education facility such as a school or similar would be assessed under policy CFS/15 which states “*development proposals for new schools during the Plan period will be supported providing they are in accordance with the Development Principles*”. As such, there would appear to be potential for such a use provided that it meets general requirements for all development.
- 4.41 Again, any such development would also have to comply with other detailed considerations, with flood risk being particularly important (see following section for greater detail).

Forthcoming LDP

- 4.42 I must highlight that there will be an option to put the site forward as a so-called ‘candidate site’ for allocation in the forthcoming LDP. This may result in the site being allocated for a set use, such as housing, commercial purposes etc. This would have the benefit of providing any party seeking to develop the site assurance that a certain use is acceptable in principle under the plan, and often allocations such as housing give an indication of number of dwellings that site is expected to achieve. However, you would also be competing against other sites that will doubtless be put forward and at present the timetable for the LDP is somewhat uncertain.
- 4.43 It is also important to note that policy within the forthcoming LDP is likely to be different in some respects to that in the current CLDP, and that the advice set out in this statement is predicated on the policy within the current CLDP only. That being said the process of adoption is likely to take several years, and during the intervening period the current CLDP would apply.

CONCLUSION

- 4.44 It appears likely that there is no protection of the existing uses established on the site, subject to the Local Authority Depot not being considered to be a B2/B8 use (advice should be sought from the LPA on this point). The site is potentially suitable for a wide variety of uses, including residential development, commercial development for offices, a hotel, and community facilities. There would also be potential for a tourism facility or attraction (subject to impacts upon neighbours and the locality being acceptable), and possibly light industrial use (though this would likely be difficult due to the impact upon the site's neighbours). Other uses would be more difficult to achieve as they would clash with policies within the CLDP.
- 4.45 Per the detail set out earlier in this section, *the following section summarises other general considerations that would apply to all uses examined in this section, and this must also be referred to when assessing potential uses for the site.*

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Review only not for submission

5.0 OTHER DEVELOPMENT CONSIDERATIONS

5.1 The following would also apply to any proposed use of the site:-

Flooding

5.2 This is a substantial issue that will need to be accounted for in any development plans on the site. The situation is complicated by the current and expected state of planning policy nationally on this issue.

5.3 **Current national planning policy** - As it stands the site is set within a mixture of zone B (areas known to have flooded in the past) and C1 (areas that are at risk of flooding and served by flood defences), along with some incursion of zone C2 (areas at risk of flooding but not defended) flood risk areas (per the extract from Development Advice Map [DAM] that accompanies the TAN) under the current Technical Advice Note 15 - Development and Flood Risk, which is the national TAN that expands upon and sets out policy in respect of flood risk.

Extract from DAM for current TAN15 showing the site. Zone C1 is green, zone C2 blue, and zone B yellow



5.4 The practical impact of this policy is set out in most clearly in para. 6.2 of the TAN which states the following:-

“6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified

in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹; or,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.”

- 5.5 Uses are divided into differing tiers of vulnerability depending upon the nature of the use and activity, with these set out in figure 2 of the TAN as follows:-

Figure 2

Development category	Types
Emergency services	hospitals, ambulance stations, fire stations, police stations, coastguard stations, command centres, emergency depots and buildings used to provide emergency shelter in time of flood
Highly vulnerable development	all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites
Less vulnerable development	General industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites

- 5.6 The practical result of this is that the development of residential and other highly vulnerable uses is very strongly presumed against in zone C2, and only capable of being advanced in zone C1 where it is clear that they are required/justified under criterion i. or ii. of para. 6.2 of the TAN, and that the consequences of flooding are acceptable for that particular form of development. The latter aspect is naturally fairly technical, but briefly there

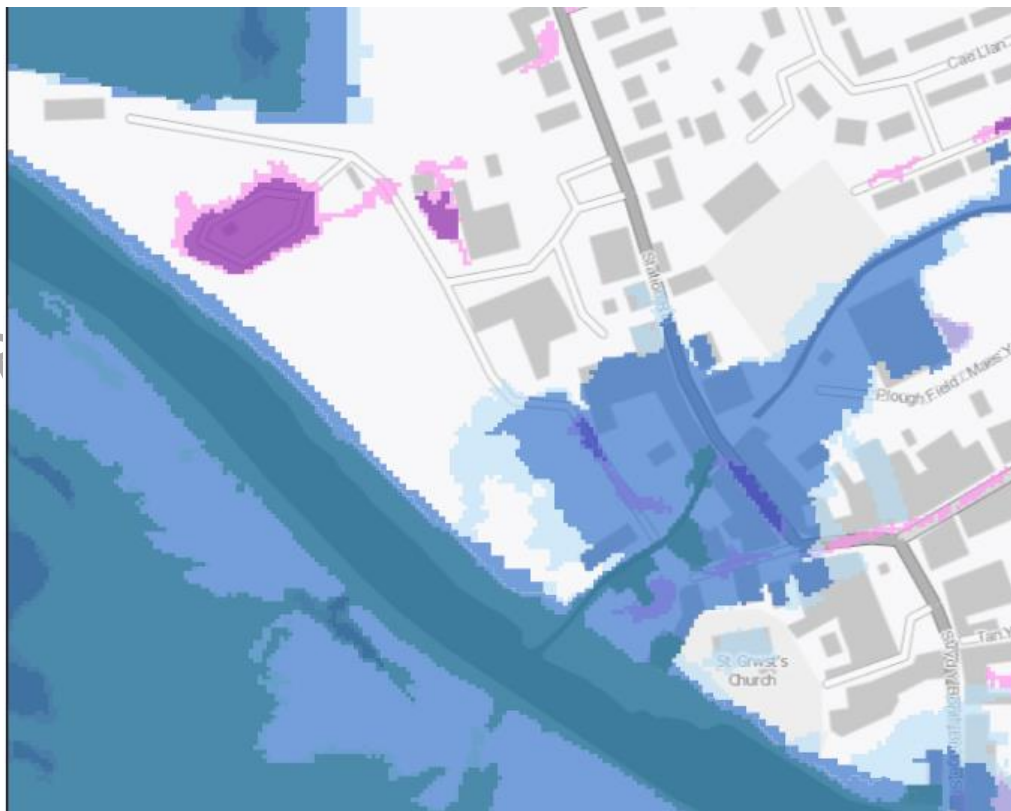
is a requirement for the development to be flood free for particular threshold flood events (such as a 1 in 100 (1%) fluvial (river) flood event for residential), and for depths and speeds of flood water not to exceed set levels in less likely events. This applies to all parts of highly vulnerable development not just the actual accommodation itself, and includes the surroundings/external areas as well as parking areas serving such a use.

- 5.7 The inclusion of parts of the site within zone B will also trigger the need to assess flood risk to some extent to account for potential localised risk.
- 5.8 As such under current policy there will need to be a strong justification for developing the parts of the site at risk of flooding
- 5.9 For less vulnerable development the same requirements apply.
- 5.10 Therefore, under current flood risk policy there will need to be an assessment of flood risk and a clear and substantial justification for establishing new uses on the parts of the site shown to be at risk of flooding and possibly for the other parts as well, and in particular for highly vulnerable uses where the consequences of flooding are greater.
- 5.11 The site is helped in this respect by the fact that very little of the site is in zone C2, and only part is set within zone C1. For zone C1 this may lead to the conclusion that less vulnerable uses should be targeted toward that part of the site as the current use would also fall within that vulnerability classification, so the consequences of flooding would be more likely to be acceptable.
- 5.12 ***Draft future planning policy*** - However, it is important to note that a new TAN15 has been consulted upon several times and those responses are currently under consideration. The latest written statement from the responsible Welsh Government Minister for the issue (dated:- 12/05/2023) stated that work was underway on analysing consultation responses and that it was “*unlikely that the new version of the TAN will come into force before the end of this year*” and that further announcements would be made in due course. As a result, the current operating assumption of the development sector is that a new TAN15 will be adopted by or shortly after the end of 2023.
- 5.13 However, per previous ‘Dear Chief Planning Officer’ letters from the Welsh Government in November and December 2021 it has been stated that up until any formal announcement the ‘new’ 2021 TAN15 is not ‘official’ planning policy for development control decisions, and as such has no practical implications for deciding any application.
- 5.14 This is though tempered by the same Dear CPO letters stating that the FMfP represents better and more up to date information than the DAM, but have also acknowledged that the FMfP has no formal weight as it is not yet National Policy (until its formal coming into effect) whilst also stating that it can be regarded as a material consideration. This leaves the issue of flooding in the situation where Authorities & NRW can choose what weight to place on the emerging TAN15.
- 5.15 Whilst the situation is uncertain it appears likely that the emerging TAN15 would be a consideration for any development on the site, and so it is

pertinent to examine it here though it is important to note that the policy is only available in draft and so circumstances could change.

- 5.16 The draft New TAN15 includes new flood risk zones, with the currently available draft Flood Map for Planning (FMfP) that accompanies the TAN showing the site as including areas of zone 2 (less than 1 in 100 but greater than 1 in 1000 (plus climate change chance) of river flooding in a given year) and zone 3 river flooding (greater than 1 in 100 (plus climate change) chance of river flooding in any given year) in the southernmost area of the site (essentially the depot area), as well as a small area of surface water flood risk (to rear of the former library/police station building). The majority of the site is in zone 1 (less than 1 in 1000 (plus climate change) chance of flooding in a given year)

Extract from FMfP for current TAN15 showing the site. Zone 2 river flooding in light blue, zone 3 in dark blue, and surface water flooding zones 2 and 3 in light and dark purple respectively, sea flood risk also underlies some areas of river flood risk in green



- 5.17 The practical impact of this policy is set out in chapter 10 of the TAN, which briefly:-

- a. Allows any development within zone 1;
- b. Allows any development in zone 2 where the following requirements are met:-

"1. It will assist, or be part of, a strategy supported by the Development Plan to regenerate an existing settlement or achieve key economic or environmental objectives; AND

*2. Its location meets the definition of previously developed land;
AND*

3. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable in accordance with the criteria contained in section 11.”

- c. Only allows less vulnerable development in zone 3 where the following requirements are met, and expressly prohibits any highly vulnerable development:-

“1. There are exceptional circumstances that require its location in Zone 3, such as the interests of national security, energy security, public health or to mitigate the impacts of climate change; AND

*2. Its location meets the definition of previously developed land;
AND*

3. The potential consequences of a flooding event for the particular type of development have been considered, and found to be acceptable in accordance with the criteria contained in section 11.”

- 5.18** The matter of the consequences of flooding is naturally fairly technical, but there is a requirement for the development to be flood free for particular threshold flood events (such as 1% fluvial (river) flood event for all uses except emergency services which have a higher threshold), and for depths and speeds of flood water not to exceed set levels in less likely events. This applies to all parts of highly vulnerable development not just the actual accommodation itself, including external and parking areas.

- 5.19** Importantly, the draft policy states that mixed use development will be assessed based on the highest vulnerability development contained within it, so for instance if a scheme includes residential uses on upper floors even if lower floors are in less vulnerable uses then assessment would be on the basis of the development being highly vulnerable. This would appear to preclude residential development in zone 3 areas even if it is set above the flood level with less vulnerable uses on lower floors.

- 5.20** Uses are divided into differing tiers of vulnerability depending upon the nature of the use and activity, with these set out in figure 3 of the draft TAN as follows:-

Figure 3 – Development vulnerability categories

Development category	Types
Highly vulnerable development	<p>All residential premises (including hotels, Gypsy and Traveller sites and caravan parks and camping sites).</p> <p>Schools and childcare establishments, colleges and universities.</p> <p>Hospitals and GP surgeries.</p> <p>Especially vulnerable industrial development (e.g. power generating and distribution elements of power stations, transformers, chemical plants, incinerators), and waste disposal sites.</p> <p>Emergency services, including: ambulance stations, fire stations, police stations, command centres, emergency depots.</p> <p>Buildings used to provide emergency shelter in time of flood.</p>
Less vulnerable development	<p>General industrial, employment, commercial and retail development.</p> <p>Transport and utilities infrastructure.</p> <p>Car parks.</p> <p>Mineral extraction sites and associated processing facilities (excluding waste disposal sites).</p> <p>Public buildings including libraries, community centres and leisure centres (excluding those identified as emergency shelters).</p> <p>Places of worship.</p> <p>Cemeteries.</p> <p>Equipped play areas.</p> <p>Renewable energy generation facilities (excluding hydro generation).</p>
Water compatible development	<p>Boatyards, marinas and essential works required at mooring basins.</p> <p>Development associated with canals.</p> <p>Flood defences and management infrastructure.</p> <p>Open spaces (excluding equipped play areas).</p> <p>Hydro renewable energy generation.</p>

- 5.21** It is also important to note that part of the site is shown as being at risk of surface water flooding (both the higher risk zone 3 and lower risk zone 2). This will require a specific assessment of that risk in any development, and that it is demonstrated that the risk and consequences of flooding is resolvable or in fact acceptable, and may require that development is not proposed in the impacted locations if the matter cannot be resolved. The assessment of this issue would fall to the Lead Local Flood Authority rather than NRW. This matter will therefore require careful assessment in any development.
- 5.22** The practical result of this is that development within the zone 3 impacted areas of the site will be difficult, and any form of highly vulnerable development would be expressly against policy and even less vulnerable development may be difficult to achieve. For the zone 2 areas these would require a clear justification under strategy within the CLDP and that the consequences of flooding are acceptable for that particular form of

development. The potential for surface water flooding in part of the site will also need to be assessed, and may prevent use of all or some of the small parts shown as impacted if it cannot be resolved. That being said the extant less vulnerable use established in the parts of the site at risk of river flooding in the form of a Local Authority Depot may well be useful in arguing for another less vulnerable use on the basis of a lack of change of the consequences of flooding. However, this would have to be subject to negotiation with NRW and careful assessment of the actual vulnerability of the relevant uses, with more passive uses that do not require occupancy by staff or visitors likely to be more acceptable due to the lower impact of a flood event.

- 5.23 Therefore, under draft flood risk policy there will need to be an assessment of flood risk and a clear and substantial justification for establishing new uses on the parts of the site shown to be at risk of flooding.
- 5.24 It is also important to note that the FmFP will be updated every 6 months, so areas of flooding may extend further or recede depending upon best available modelling, so the situation can change rapidly and should be kept under review.

- 5.25 It is also important to note that under both the current and draft TAN15 the extant uses of the site would be material factor, importantly the former library and police station building would fall within a highly vulnerable use (though only the emergency services use for the draft new TAN15). As such this building and use should be retained (i.e. not demolished and with no change of use taking place) before any development is proposed & approved as this may prove valuable in providing a 'trade off' against any proposed uses.

Trees

- 5.26 The site contains several substantial mature trees which have significant merit from an amenity perspective as well as ecology/biodiversity value (see following section). It is highly likely that these will have to be retained as part of any development, which will require an assessment of the trees health & condition and most critically their required root protection area (RPA). The RPA's would then impact upon the layout of any development on the site as construction would not be allowed within those areas unless the trees health and future prospects is such that they do not form a barrier to development.

Biodiversity & ecology

- 5.27 Ecology Surveys and a Biodiversity Statement assessing the impact of the scheme and detailing mitigation and enhancement measures will be required as part of any scheme (per relevant LDP policy [e.g. NTE/3] as well as national planning policy). This is key as all schemes must avoid loss of features of ecology and biodiversity value or impacts upon such features wherever possible, mitigate for any such impact where it is justifiable and unavoidable, and deliver net biodiversity gain. The trees on the site have obvious ecological /biodiversity potential and as stated are likely to have to be retained as part of any scheme, with care to avoid harmful impacts upon them or upon any species utilising them with bats and birds likely to be of particular importance.

Heritage assets

- 5.28 Parts of the site are set adjacent to the town's Conservation Area, and there are also Listed Buildings in proximity. As a result, impact upon their setting and character will be a factor in any development as it will be necessary to demonstrate that this is not being compromised (per relevant LDP policy [e.g. CTH/1, CTH/2], the LPA's SPG on Conservation areas, and national planning policy). This will require input and advice from experienced designers and Heritage Consultants to ensure that any scheme accounts for this, along with direct engagement with the Authority's Heritage Officer. The extant use of part of the site as a Depot for the Authority is likely to be helpful in this respect as this does little to enhance the character and value of the area.

Highway & access

- 5.29 The main vehicular access for the site is onto the A470, which is a **Trunk Road** and so is under the management and control of the Welsh Government's Trunk Road Agency. This has practical implications for any consent as the Agency are particularly demanding of any application that has potential to impact upon flows of vehicles on their network and often raise so called Holding Objections that delay cases progress or can result in refusal. Therefore, any scheme advanced on the site would require input from a Highway/Transport Planning Consultancy and early engagement with the Agency to scope out their requirements and ensure that the required level of information is agreed prior to any scheme being advanced, and ideally that they are satisfied in principle with the scheme before it is formally submitted to them as a planning application.
- 5.30 Any scheme will also require careful consideration in terms of parking as it may involve loss of existing **public car parking**, which may have implications for the functioning of the local highway network and town centre, as well as the reaction of local residents & their representatives to the scheme. This will need careful consideration and it is suggested that efforts are made to maximise retained public car parking in any scheme. If a reduction is proposed then it would be helpful to undertake work to survey use of the car park over an extended period to confirm its actual level of use, and that of other car parks within the town, as this may reveal over capacity which would form an argument for a reduction in the number of spaces.

Drainage

- 5.31 Any development will be required to include a formal Drainage Assessment, and this must consider both surface water and foul drainage. Recently adopted requirements in respect of surface water drainage (mandating the use of SUDS approaches) will require a full and formal assessment of this matter at the start of the project, and that a surface water drainage design is considered and accommodated at the start of the design process. It will be necessary to ensure that any design scheme is acceptable to the Local Authority's Drainage/SAB Team as they will resist anything that they view to be unacceptable. Any firm engaged should also enter into initial discussions with Dŵr Cymru Welsh Water on the capacity of the sewerage network to accommodate any development to confirm that there are no issues in this respect.

Odour

- 5.32 As parts of the site are set close to a sewage treatment plant there is potential for odour to be a factor in any planning application. Initially this matter should be scoped out by discussion with the Authority's Public Protection (Environmental Health) Department and Dŵr Cymru Welsh Water to establish if this is relevant in this case. If so then specialist advice will be needed on the topic to confirm what steps are required to address the issue.

Landscape impact & ENPA

- 5.33 As the site is set on the edge of the settlement any development on the site may impact upon the setting of Eryri National Park. This will need to be considered in any scheme, though the backdrop of existing development is likely to be helpful, as is the separation from the boundary of the ENPA.

Neighbour amenity

- 5.34 As with any scheme the issue of impact upon neighbour's amenity and privacy will be key, and it will be necessary to demonstrate that any development has accounted for this and that harmful impacts upon these are avoided. This will require careful layout and design of any scheme.

Welsh language

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- 5.35 Impact upon the Welsh Language is a material consideration for any planning application, and policy CTH/5 of the CLDP requires the following:-

"1. The Council will ensure that development supports and sustains the long term well-being of the Welsh language, and will resist development which, because of its size, scale or location, will significantly harm the character and linguistic balance of a community. The LDP strategy has been assessed for Welsh language impact and the following requirements identified:

A. Allocated housing sites in Abergele and Llanrwst and the allocated mixed use site in Dolgarrog will require 'Mitigation Statements' in line with the results of the Welsh Language Impact Assessment;

B. A 'Community and Linguistic Statement' should accompany:

- Housing applications on unallocated sites of ten units or more in the Urban Development Strategy Area and five units or more in the Rural Development Strategy area;*
- A commercial, industrial or tourist development on unallocated sites with an area of 1,000 square metres or more in the Plan Area and;*
- Development which is likely to lead to the loss of community facilities as defined in Policy CFS/6.*

C. Once housing windfall delivery is met for a spatial strategy area in line with figures in table 3 HOU1a, this will trigger a review which

would introduce assessment of all unallocated housing applications against the Welsh language;

D. A more detailed assessment in the form of a 'Community and Linguistic Impact Assessment' should accompany:

- Housing applications on windfall sites of 20 units or more in the Urban Development Strategy Area and ten units or more in the Rural Development Strategy Area;
- A commercial, industrial or tourist development on unallocated sites with an area of 2000 square metres or more in the Plan Area.

2. The Council will encourage throughout the Plan Area both the provision of bilingual signs and the retention of traditional Welsh names for new developments and streets."

- 5.36 Therefore, it is very likely that at minimum a Community & Linguist Statement will be required as part of any development of this site, and more likely a Community & Linguistic Impact Assessment due to the scale of the site and thus the expected level of development. Should potential impacts be found then this may require changes to the scheme and/or provision of mitigation to address these.

Archaeology

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- 5.37 As the site previously contained a manor house and Llanrwst is a long-established settlement it may be the case that the Archaeological Advisors to the Local Planning Authority require archaeological investigation to take place to establish whether there are any remains of value in the site. This risk is countered somewhat by the previously developed nature of the site, though there may well be potential for features of value to be present under the surface. Early consultation with the Archaeological Advisors to the Authority is recommended to establish if they would require such work. This is often a risk factor that experienced developers will pay particular attention to as the potential costs and delays of such work are substantial.

Infrastructure contributions & Commuted sums

- 5.38 Policy DP/5 and its accompanying SPG on Planning Obligations set out requirements to provide infrastructure and/or commuted sum payments toward such infrastructure at differing levels for various forms of development. Examples include contributions towards school places, highways & active travel improvements, waste management, employment and training etc. The requirements of the policy differ on a per scheme basis so this matter would have to be assessed as part of the strategy for taking forward any development on the site.

- 5.39 Other matters may well be relevant but I consider the above to represent the likely minimum for any development on the site.

6.0 CONCLUSIONS

6.1 The following conclusions can be drawn from this appraisal:

- ☑ This is purely a desk top study with a single initial site inspection for familiarisation purposes. Therefore, no conclusions have been made on the physical suitability of the development(s) suggested, nor upon technical matters which are the domain of other professional disciplines;
- ☑ As the site is set within the development boundary of the settlement of Llanrwst as defined in the CLDP, which is categorised as an Urban Development Strategy Area and thus forms part of the focus of new development within the plan along with the other settlements in this category. This allows a wide variety of uses to be advanced on the site in principle as plan policy supports a wide range of uses in such locations;
- ☑ Such uses would include residential development, commercial development for offices, a hotel, and community facilities. There would also be potential in principle for a tourism facility or attraction (subject to impacts upon neighbours and the locality being acceptable), and possibly light industrial use (though this would likely be difficult due to the impact upon the site's neighbours);
- ☑ Other uses would be more difficult to achieve as they would clash with policies within the CLDP;
- ☑ In particular, for any retail use (or similar 'town centre uses') it would be necessary to demonstrate that national and local policy that directs such development to be within 'town centres first' has been met (e.g. through undertaking the required sequential test, a retail impact assessment etc.);
- ☑ It is understood that the Authority in advancing any new use/s on this site would wish to achieve regeneration objectives for the town. Although outside the scope of this report, several of the uses above would appear to offer potential for this, particularly so the commercial uses due to their location close to the town centre of the town and in a prominent and central location within the settlement;
- ☑ Although falling outside of the scope of this report, it appears that there is only limited other land within the development boundary that has the potential to accommodate such uses that is sizeable and does not already have either an extant use, or is allocated for another purpose such as housing. There are though allocations of employment land on the Northern and Southern ends of the settlement, and housing allocations set off School Bank & Llanddaged Roads, which would respectively reduce demand for light industrial & similar employment uses and housing development on the site. The only other sizeable area of vacant land that is unallocated within the settlement is set to the North of Parry Road, and if that land is available for development then it would presumably be promoted by its owner for housing as the highest value use. As such it seems likely that sites to achieve the Authority's regeneration objectives are limited;
- ☑ However, any such uses would be subject key detailed considerations to confirm their acceptability beyond their mere principle;

- ☒ Most critically amongst these would be the matter of flood risk, with the area in use as a Depot shown as being at risk of flooding in mapping the current TAN15 as well as that for the draft new TAN15. That flood risk would mandate against the development of the impacted part of the site for highly vulnerable uses (including residential development), and would complicate less vulnerable development (more so in the new TAN15 which sets a very high bar for such development in zone 3 areas). That being said the extant less vulnerable use established in the parts of the site at risk of river flooding in the form of a Local Authority Depot may well be useful in arguing for another less vulnerable use on the basis of a lack of change of the consequences of flooding. However, this would have to be subject to negotiation with NRW and careful assessment of the actual vulnerability of the relevant uses, with more passive uses that do not require occupancy by staff likely to be more acceptable due to the lower impact of a flood event. The surface water flooding shown on the site would also need to be investigated and accounted for, and if such a risk does in fact exist and cannot be addressed then this may mandate against developing the smaller area impacted;
 - ☒ The substantial mature existing trees on parts of the site would also be a constraint as the trees are of amenity and ecology/biodiversity value;
 - ☒ Remaining matters of relevance would impact upon the Trunk Road, any loss of public car parking, ecology & biodiversity (and net biodiversity gain requirements), the Conservation Area & other heritage assets, drainage, possible odour from the sewage works, neighbour amenity, any impact upon the ENPA, the Welsh Language, any possible archaeology value on the site, and any required infrastructure contributions/commuted sums;
 - ☒ It appears likely that there is no protection of existing uses established on the site, subject to the Local Authority Depot not being considered to be a B2/B8 use (advice should be sought from the LPA on this point);
 - ☒ The CLDP is due to be replaced, though this is some time away. The site can be put forward for allocation for other uses, which would provide certainty to any purchaser/developer as to broad acceptability of a new use. Though acceptance & inclusion within the plan is not guaranteed.
- 6.2 In conclusion, it would appear that as policy currently stands there is potential for a number of uses on the site, though this is tempered by the flood risk impacting on the southern parts which will mandate against highly vulnerable development in the most impacted areas, and could well cause issues even for less vulnerable development (subject to NRW's views on any trade off against the extant use). Any scheme will also require careful consideration of other detailed matters set out in this statement, though these are standard development constraints and should be capable of being addressed in any suitably detailed or thought through scheme prepared by a competent development team.
- 6.3 It will be important to keep matters of flood risk under review as policy changes over time, as well as the emerging CLDP, and to engage with key consultees with NRW, the Trunk Road Agency and the Authority's Ecologist being particularly important bearing in mind the constraints that exist.

Jamie Bradshaw - BA (Hons), MSc, MRTPI - November 2023
Owen Devenport Ltd.
Chartered Town Planners

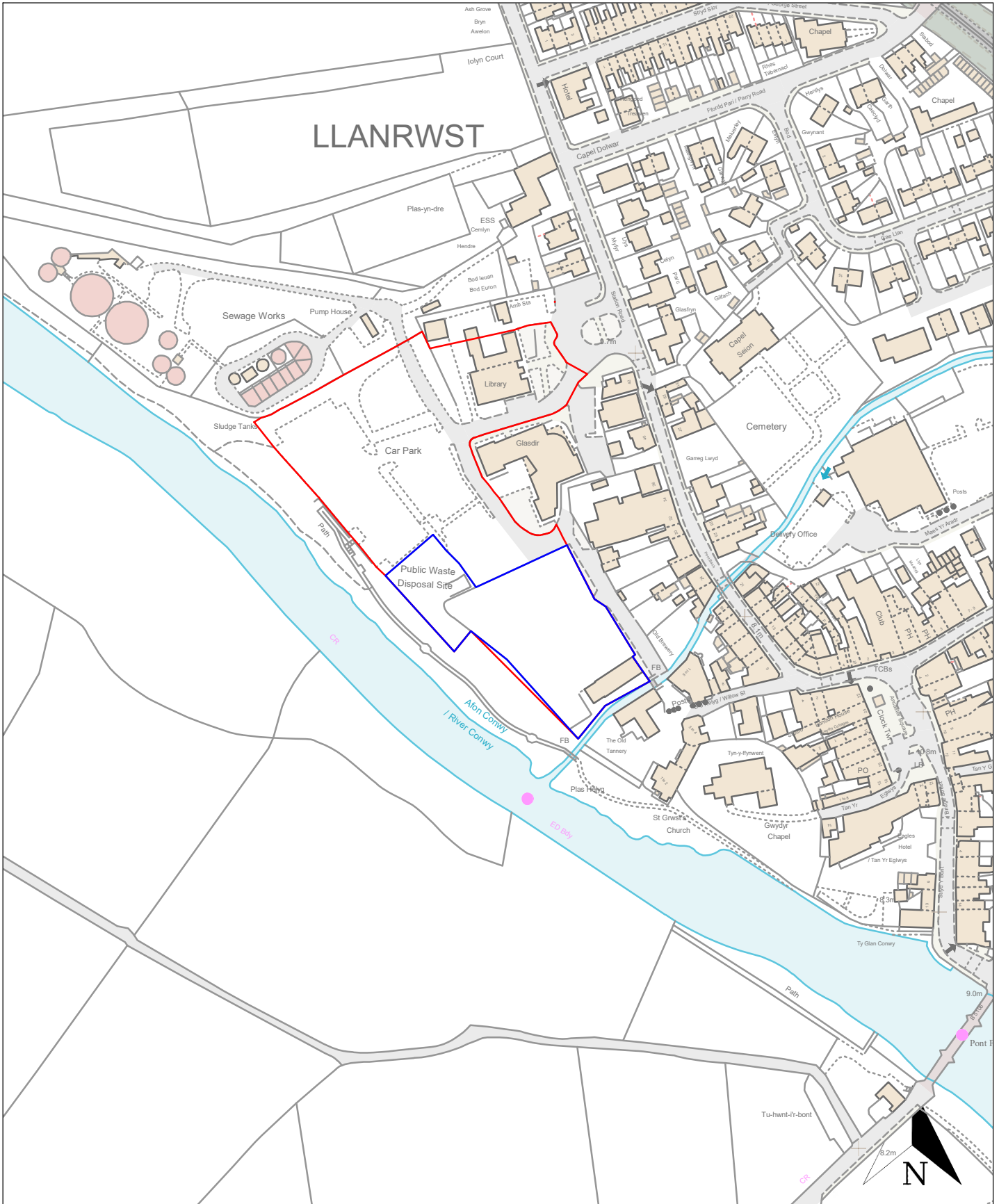
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Review only not for submission

Appendix IV

Site Plan



Estates and Asset Management
Coed Pella
Conway Road
Colwyn Bay
LL29 7AZ

Ystadau a Rheoli Asedau Estates & Asset Management

Site location Plan

Scale: 1:2,500
Created By: ly0063
Created On: 27/03/2024

Appendix V

Instruction Letter

Albion House, Albion Street,
Chester CH1 1RQ

Tel: 01244 408200

Website: www.legatowen.co.uk

PRIVATE AND CONFIDENTIAL

FAO: Rochane Vye
Conwy County Borough Council

Date: 31 May 2024
Our Ref: SHT/JW
Your Ref:
Email: samtarjomani@legatowen.co.uk
Direct Line: 01244 408273

By email: rochane.vye@conwy.gov.uk

Dear Rochane,

ENGAGEMENT LETTER

SERVICES: Market Demand and Viability with Land Values
PROPERTY: Highways Depot and Glasdir Car Park, Plas Yn Dre, Llanrwst, LL26 0DF
CLIENT: Conwy County Borough Council

We refer to your instructions for Legat Owen Limited to provide the Services detailed above in connection with the Property, and accordingly set out below the terms of our engagement and other matters.

a) Confirmation of Instructions & Terms

The terms upon which we accept this instruction are set out in this Engagement Letter and the Terms and Conditions of Business attached. When you have reviewed this Engagement Letter and accompanying documents, please **COUNTERSIGN AND RETURN A COPY** where indicated as confirmation of your instructions to proceed. We are unable to commence the instruction until we are in receipt of a countersigned copy of this Engagement Letter.

b) Money Laundering, Terrorist Financing and Transfer of Funds Regulations 2017

Under the above Regulations and the RICS mandatory requirements, we are required to verify the identity of individuals and companies, should this matter become a property sale or lease transaction.

c) Personnel

The instruction will be the responsibility of Sam Tarjomani, who we confirm has the requisite regional knowledge of the market, skills and understanding to competently undertake the Services.

d) Property Information

The Client will be responsible for the timeous provision of all information and cooperation reasonably, including that from third parties engaged directly by the Client, required by us to assist in the performance of the Services and Engagement. We will assume that the information provided is complete and correct. We do not accept liability for any inaccuracy or omission contained in information disclosed to us by the Client.

e) Appraisal Conditions & Standard Assumptions

Any appraisal work will be carried out in accordance with our Appraisal Conditions and Standard Appraisal Assumptions are set out in Schedule 1 and 2 below (where applicable). These set out the work we will undertake, the sources of information on which we shall rely and the limitations that will apply to our investigations, any Report and advice. For the avoidance of doubt, any Report and advice provided as part of the Services will not constitute a formal valuation and should not be construed as such.

Directors: Matthew J W Pochin BSc (Hons) MRICS, Susan Wigfield, Mark L Hopley BSc (Hons) MRICS, Mark Atherton BSc MRICS, James Lutton BSc (Hons) MRICS,
William J Sadler MSc MRICS, Natalie L Tansey BA (Hons) MSc MRICS, Andrew T M Butler BSc (Hons) MRICS, William H P Rees BSc Econ MRICS,
Mark R Diaper BSc (Hons) MRICS, Sam Tarjomani MRICS

Associates: Thomas J Creer BSc (Hons) MRICS, Jonathan Hardie BSc (Hons) MRICS, Mark C Eastwood BA (Hons) MRICS, Samantha Sleigh BA (Hons)

Legat Owen Limited Reg No. 2185761. Reg. Office Albion House, Albion Street, Chester CH1 1RQ

Website: www.legatowen.co.uk

Also at Nantwich Court, Hospital Street, Nantwich, Cheshire CW5 5RH - Tel: 01270 621001

Regulated by RICS

f) Public Third Party Data / Information

We may rely on information available in the public domain, such as property portal websites, the Land Registry and databases to which we subscribe. We do not accept liability for any inaccuracy contained in information obtained from any such third party.

g) Inspection

We confirm that we will inspect the Property and carry out investigations to the extent necessary to undertake the Services. We will not inspect parts of the Property which are covered, unexposed or inaccessible. We will not measure any part of the Property to which we are unable to access. When necessary, we may estimate areas from plans or by extrapolation. Such measurements should not be relied upon for any other purpose.

h) Conflicts of Interest

We confirm that there has been no previous material involvement in respect of the subject Property. From time to time we have provided property valuation for the Council, but on an infrequent basis of less than 1-2 reports per annum.

i) Reliance, Use & Liability

Any Report issued in respect of the Services will be addressed to the Client and is for the Client's sole purpose as stated in this Engagement Letter. Neither the whole nor any part of the Report or any reference to it may be included in any published document, circular or statement, nor published, reproduced, referred to or used in anyway without our prior written approval (at our absolute discretion). We accept responsibility for our Report only to the Client and no third party may rely on our Report. Assignment of the Engagement contract is not permitted without the author's consent (at our discretion), for which a fee may be charged.

j) Draft Reports

Draft reports are sent on the basis that they are provisional (i.e. they can be subject to change and to the completion of the final Report) and are for internal informative purposes only. They must not be published or disclosed and are not to be relied upon for any purpose whatsoever.

k) Liability Cap

Our standard liability cap will apply to the Engagement. This liability cap limits the total liability arising under or in connection with our Engagement.

The aggregate liability to (any one, or more or all of) the Client(s) (or any other party who otherwise becomes entitled to rely upon a Report or advice under or in connection with the Engagement (however that liability arises)) shall be limited to a multiplier of five times the fee charged for undertaking the Engagement.

l) Fees

Our fee for undertaking this Engagement will be £1,500 plus VAT due on the submission of the completed Report.

Any third party expenses incurred in order to recover any outstanding fees due will be payable by the Client.

The fees for any additional services will be agreed in writing with you, and such fees shall be payable in the manner as set out above.

m) Conclusion

We trust that we have fully set out your requirements but if we have omitted any matter, please let us know. We look forward to receiving your instructions in due course.

Yours sincerely



SAM TARJOMANI

DIRECTOR

LEGAT OWEN CHARTERED SURVEYORS

e: samtarjomani@legatowen.co.uk

dd: 01244 408273

m: 07939 360269

Acceptance of the Engagement Letter and the Legat Owen Terms and Conditions of Business

I have read the Engagement Letter dated 31st May 2024 and the Legat Owen Terms and Conditions of Business, Schedule 1 and Schedule 2 and confirm instructions to proceed on this basis.

Signature  Name

Position Company

Date

Schedule 1

Appraisal Conditions and Standard Appraisal Assumptions

GENERALLY

Inspections and investigations will be carried out to the extent necessary to produce an appraisal which is professionally adequate for its purpose. Where appraisals have to be made on restricted information, Legat Owen will discuss the Client's needs and requirements prior to reporting. The nature of any restrictions, any resulting assumptions and the impact on the accuracy of the appraisal figure will be referred to within the report. Legat Owen will consider accepting the instruction subject to certain conditions if the restriction is not considered reasonable with regard to the purpose for which the appraisal is required.

Subject to the comments in the following paragraphs, we shall make certain assumptions in relation to facts, conditions or situations affecting the subject of, or approach to the appraisals that will not be verified as part of the appraisal process, but treated as a 'supposition taken to be true'. In the event these assumptions prove to be incorrect then the appraisal figure reported may vary and need to be reviewed.

INFORMATION

The Client will be responsible for the timely provision of all information required by us to assist in the performance of the service and cooperation reasonably, including that from third parties engaged directly by the Client.

Such information will be documented and stated in the Engagement Letter, or in an addendum to the Engagement Letter (if not available at the time the Engagement Letter is sent).

Any information supplied by the Client or their advisors will be relied upon by us as being complete and correct, unless our investigations reveal or suggest otherwise.

STATUS OF THE AUTHOR

The appraisal will be the responsibility of a named suitably qualified individual.

REINSTATEMENT ASSESSMENTS

We will not provide a reinstatement assessment for insurance purposes. Should this service be required, it will be as an additional service to these standard terms.

THIRD PARTY LIABILITY

The appraisal is for the confidential use of the party to whom it is addressed for the purposes stated, and unless provided otherwise by law or regulation, no responsibility or liability is accepted to any third party for the whole or any part of its contents.

LIABILITY CAP

RICS recommends the use of liability caps to members as a way in which to manage risk. Any liability cap agreed between Legat Owen and the Client will be set out in the Engagement Letter.

DISCLOSURE AND PUBLICATION

Neither the whole or any part of the report nor any reference thereto may be included in any published document, circular or statement, nor published in any way or disclosed to a third party without our prior written approval of the form and context in which and to whom it may appear.

TITLE AND TENANCIES

We shall rely upon information provided by you or your solicitor relating to title, boundaries and related matters. We will not commission a formal legal search and will assume the information provided to be accurate, up-to-date and complete.

TENANT STATUS

Although we reflect our general understanding of a tenant's status in our appraisal, we will make no detailed enquiries about the financial status of tenants. We will assume that appropriate enquiries were made when leases were originally exchanged, or when consent was granted to any assignment or under-letting.

PLANNING AND HIGHWAY ENQUIRIES

We shall not make informal enquiries of the local planning and highway authorities and will rely on information that is publicly published or available free of charge. Any information obtained will be assumed to be correct. No local searches will be instigated.

FLOOR AREAS AND AGE

All measurements will be taken in accordance with the RICS Code of Measuring Practice. Any floor areas in our report will be derived from measurements taken on site or that have been scaled from the drawings supplied, or have been provided by the Client. Where the age of a building is estimated, this is for guidance only.

PLANT AND EQUIPMENT

We will include in our appraisals those items of plant and equipment normally considered to be part of the service installations to a building and which would normally pass with the property on a sale or letting. We will exclude all items of process plant and machinery and equipment, together with their special foundations and supports, furniture and furnishings, vehicles, stock and loose tools, and tenants' fixtures and fittings.

DEVELOPMENT PROPERTIES

For properties in the course of development, we will reflect the stage reached in construction and the costs remaining to be spent at the date of appraisal. We will have regard to the contractual liabilities of the parties involved in the development and any cost estimates that have been prepared by the professional advisers to the project. For recently completed developments, we will take no account of any retentions, nor will we make allowance for any outstanding development costs, fees, or other expenditure for which there may be a liability.

DISPOSAL COSTS AND LIABILITIES

No allowance will be made for expenses of realisation or for taxation which may arise in the event of a disposal and the appraisal is expressed as exclusive of VAT or other tax that may be due on such a disposal. Mortgages and similar charges are disregarded.

STANDARD APPRAISAL ASSUMPTIONS

Unless instructed otherwise the following *standard appraisal assumptions* will be made without verification. Where the inspection reveals matters that affect any assumption or the value of the property, the details will be included in the report together with, if appropriate, recommendations for further action to be taken:

- (a) The property will be transferred with vacant possession.
- (b) Unless specifically instructed to carry out a separate building survey, or commission a test of service installations, the appraisal will assume:
 - that except for any defects specifically noted in the report, the property is in good condition;
 - that no construction materials have been used that are deleterious, or likely to give rise to structural defects;
 - that no hazardous materials are present;
 - that all relevant statutory requirements relating to use or construction have been complied with; and
 - that any services, together with any associated computer hardware and software, are fully operational and free from impending breakdown or malfunction.

The general condition noted during the course of our appraisal inspection will be reflected and any defects or hazards of which we become aware in the course of any investigations. Any matters that we consider material to the appraisal will be referred to in our report.

- (c) Unless provided with information to the contrary, our appraisal will assume:

- that the site is physically capable of development or redevelopment, when appropriate, and that no special or unusual costs will be incurred in providing foundations and infrastructure;
- that there are no archaeological remains or other physical restraint on or under the land which could adversely impact on value;
- that the property is not adversely affected by any form of pollution or contamination; and
- that there is no abnormal risk of flooding.

We shall, however, comment on any factors discovered during the course of our appraisal enquiries that could affect the market perception of risks caused by these factors.

- (d) All required, valid planning permissions and statutory approvals for the buildings and for their use or proposed use, including any extensions or alterations, have been obtained and complied with. It is not necessary for the author to make enquiries into town planning and other matters. Any obvious breach of planning control, however, will be reported. The author is not obliged to search for statutory notices, although the client's legal advisers may ask if any such matters that come to light during searches have a material effect on appraisal. Consideration may have to be given to known, or suspected, planning restrictions or conditions. The author is under no duty to search, but may be called upon for advice as to any material effect on the appraisal, if they are disclosed.

- (e) Except where stated to the contrary, that there are no local authority planning or highway proposals that might involve the use of compulsory purchase powers or otherwise directly affect the property.

(f) No deleterious or hazardous materials have been used in the construction. However, if the limited inspection indicates that there may be such materials, this will be reported and further instructions requested.

(g) The site is not contaminated and is free from other environmental hazards. No enquiries regarding contamination or other environmental hazards are to be made but, if a problem is suspected, the valuer will recommend further investigation.

(h) The property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoing, and good marketable title can be shown. This assumption must be checked by the Client's legal advisers and no responsibility or liability is accepted for the true interpretation of the Client's legal title in the property.

(i) The property and its value are unaffected by any matters that would be revealed by a local search (or their equivalent in Scotland and Northern Ireland), replies to the usual pre-contract enquiries or any statutory notice which may indicate that the property and its condition, use or intended use are, or will be, unlawful.

(j) An inspection of those parts which have not been inspected, or a survey inspection, would not reveal material defects or cause the valuer to alter the appraisal materially.

(k) There is unrestricted access to the property from the public highway, and the property is connected to, and there is the right to use, the appropriate main services on normal terms.

(l) Sewers, main services and the roads giving access to the property have been adopted, with rights of access and egress granted in favour of the subject property over all communal estate roadways, pathways, corridors, stairways and use of communal grounds, parking areas and other facilities.

(m) In the case of a newly constructed property, it has been built under a recognised builder's warranty or insurance scheme approved by the lender, or has been supervised by a professional consultant capable of fully completing the CML Professional Consultant Certificate acceptable to the lender.

(n) There are no ongoing insurance claims or neighbour disputes.

ii. That there are no exceptionally onerous covenants upon the leaseholder.

iii. The lease cannot be determined except on the grounds of a serious breach of covenant in the existing lease agreement.

iv. If there are separate freeholders, head and/or other sub-head leaseholders, the terms and conditions of all the leases are in the same form and contain the same terms and conditions.

v. The lease terms are mutually enforceable against all parties concerned.

vi. There are no breaches of covenants or disputes between the various interests concerned.

vii. The leases of all the properties in the building/development are materially the same.

viii. The ground rent stated or assumed is not subject to unreasonable review and is payable throughout the expired lease term.

ix. In the case of blocks of flats or maisonettes of over six dwellings, the freeholder manages the property directly or there is an appropriate management structure in place.

x. There is a dutyholder, as defined in the Control of Asbestos Regulations 2012, and there are in place an asbestos register and effective management plan, which does not require any immediate expenditure, pose a significant risk to health or breach of the Health and Safety Executive (HSE) regulations.

xi. Where the Property forms part of a mixed residential or commercially used block or development, there will be no significant changes in the existing pattern of use.

xii. Where the Property forms part of a development containing separate blocks of dwellings, the lease terms of the Property apply only to the block. There will be no requirement to contribute towards costs relating to the other parts of the development, other than in respect of common roads, paths, communal grounds and services.

xiii. Where the Property forms part of a larger development, the ownership of which has since been divided, all necessary rights and reservations have been reserved.

xiv. There are no unusual restrictions on assignment or sub-letting of the Property for residential purposes.

xv. There are no outstanding claims or litigation concerning the lease of the Property or any others within the same development.

xvi. Where the Property benefits from additional facilities within a development, the lease makes adequate provision for the lessee to continue to enjoy them with exceptional restriction, for the facilities to be maintained adequately, and that there are no charges over and above the service charge for such use and maintenance.

c) In respect of insurance the following assumptions will be made, unless instructed otherwise:

i. The Property can be insured under all-risks cover for the current reinstatement cost and is available on normal terms.

ii. There are no outstanding claims or disputes.

iii. Where individuals in a block makes separate insurance arrangements, the leases make provision for mutual enforceability of insurance and repairing obligations and

Any landlord responsible for insurance is required to rebuild the Property with the alterations that may be necessary to comply with current Building Regulations and planning requirements.

Schedule 2

Appraisal Assumptions for Residential Appraisals

THE FOLLOWING APPRAISAL ASSUMPTIONS APPLY TO RESIDENTIAL PROPERTY APPRAISALS IN ADDITION TO THE APPRAISAL CONDITIONS AND STANDARD APPRAISAL ASSUMPTIONS IN SCHEDULE 1

a) Where the Property comprises flats or maisonettes, unless instructed or otherwise aware to the contrary, we will assume that:

- i. The costs of repairs and maintenance of the building and grounds are shared equitably between the flats and maisonettes.
- ii. There are suitable, enforceable covenants between all leaseholders, or through the landlord or the owner.
- iii. There are no onerous liabilities outstanding.
- iv. There are no substantial defects, or other matters requiring expenditure (in excess of the current amount or assumed amount of service charge payable on an annual basis), expected to result in charges to the leaseholder, or owner of the Property, during the next five years, equivalent to 10% or more of the reported appraisal figure.

b) Where the dwelling is leasehold and it is not possible to inspect the lease or details have not been provided, the following further assumptions will be made, unless instructed to the contrary:

- i. The unexpired term of the lease is 85 years, and no action is being taken by any eligible party with a view to acquiring the freehold or to extending the lease term.