

# **LOCAL DEVELOPMENT ORDER: LLANELLI TOWN CENTRE**

## **STATEMENT OF REASONS (CONSULTATION DRAFT)**

### **CONTENTS**

- 1.0 Legislation and Policy
- 2.0 Overview
- 3.0 Justification for the creation of the Llanelli Town Centre LDO
- 4.0 Lifetime of the LDO
- 5.0 Permitted Uses
- 6.0 Policy context and expected impact
- 7.0 Conditions
- 8.0 Notes
- 9.0 Compliance
- 10.0 Results and Monitoring
- 11.0 Planning contributions/Community Infrastructure Levy
- 12.0 Risk Assessment
- 13.0 Plan of the LDO Area
- 14.0 Plan of Listed Buildings and Conservation Area
- 15.0 Development Advice Maps (TANs) – (January 2015) for LDO Area
- 16.0 Key Contacts

### **APPENDICIES**

- A1 Application form for LDO
- A2 Sample Certificate of Conformity
- A3 Notification Procedure
- A4 Consultation Report (to be prepared post consultation)

## **1.0 Legislation and policy**

1.1 Local Planning Authorities may issue a Local Development Order (LDO) under section 61 (A, B, C and D) of the Town and Country Planning Act 1990, as inserted by section 40(1) of the Planning and Compulsory Purchase Act 2004 and amended by sections 188 and 238 and Schedule 13 of the Planning Act 2008. This power became effective in Wales on 30 April 2012.

1.2 The Community Infrastructure Levy Regulations 2010 state that permission granted by a LDO will constitute “planning permission” (regulation 5(3)(a)ii). As a consequence, an LDO may obviate the need to submit a planning application for a certain type of development, but it will not prevent a levy from being charged, when appropriate, under any prospective Community Infrastructure Levy (CIL) charging schedule. It should be noted that at the time of writing no CIL charge is in place within Carmarthenshire.

1.3 Welsh Government Circular 003/2012 states that an LDO may not grant planning permission for development that would:

- a) Have a significant effect on a European Site or a European Offshore Marine Site (either alone or in combination with other projects) unless the development is connected to, or necessary for, the management of the site;
- b) Constitute “Schedule 1 development” or “Schedule 2 development” within the Town and Country Planning (Environmental Impact Assessment) Regulations 1999; or
- c) Affect a listed building.

1.4 In relation to point b) above, reference is made to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. These supersede the 1999 Regulations and specifically make provision for Local Development Orders to grant

planning permission for Schedule 2 EIA development in certain circumstances. In this respect the Schedule 2 EIA screening thresholds for 'Urban Development Projects' increased from 0.5ha to:

- 1ha if the development does not include housing; or
- The construction of over 150 new houses; or
- An overall development area exceeding 5ha.

1.5 The LDO has been subject to a screening opinion for the purposes of the Environmental Impact Assessment Regulations and does not constitute "Schedule 1 development" or "Schedule 2 development". A Test of Likely Significant Effect (TLSE) for the purposes of the Habitats Regulations has concluded that the LDO will have no significant effect (alone or in combination) with a European Site or a European Offshore Marine Site. The LDO has also been screened as part of the Equalities Impact Assessment process.

1.6 The LDO does not require its own Sustainability Appraisal – Strategic Environmental Assessment (SA-SEA) because the LDO is deemed to be an elaboration upon the provisions of the Carmarthenshire Local Development Plan 2006 — 2021( Adopted December 2014). The LDP has already been subject to SA-SEA along with a Plan level Habitats Regulations Assessment.

1.7 The draft LDO, along with these draft summary of reasons, are being made available for public consultation for a minimum of six weeks between in accordance with procedural and regulatory requirements. There is also a suite of supporting documentation available for reference, include those referenced above - along with a Strategic Flood Consequence Assessment and Drainage Strategy.

## **2.0 Overview**

2.1 A Local Planning Authority (LPA) may use a LDO to grant blanket planning permission for non-contentious, though not necessarily minor, forms of “development” / changes in use within a defined spatial area.

2.2 The Llanelli LDO is shown on the map in Section 13.

2.3 The LDO grants *conditional* planning permission for specified uses in ground and upper-floor units. It is envisaged that the LDO, in permitting a wide range of compatible uses, will help to increase occupancy levels and footfall in the town centre.

2.4 The LDO permits only certain changes of use (as listed in Section 5) within the area identified on the Plan in Section 13).

2.5 In order to protect the living conditions of existing and future residents in the town centre, every applicant must ensure that they satisfy the pertinent provisions within the relevant legislation. For example, building regulations and environmental health & public protection. For reference, a list of key contacts is provided in Section 16.

2.6 After three years, the LDO will be considered a success if two or more of the following changes have occurred in the LDO area:

- Five or more vacant ground-floor units have been issued with Certificates of Conformity allowing a change of use (source: Forward Planning) ;
- Annual footfall has increased within the LDO area (source: Council Regeneration Department footfall counters);
- The number of vacant ground-floor units has decreased (source: Forward Planning) ;
- Three or more upper floor vacant units have been issued with Certificates of Conformity which would allow them to be brought back into use – this includes flats and residential uses – use class C3 - (source: Forward Planning) .

### **3.0 Justification for the creation of the Llanelli Town Centre LDO**

3.1 Where a retail centre is demonstrating signs of decline, national planning policy makes provision for that decline to be managed and/or for action to be taken to regenerate a centre. In such circumstances an LDO may (as part of a collective approach) contribute to local economic development and regeneration, helping make places more attractive and more competitive, helping in incentivising development and reducing vacancy rates. There is clear evidence that Llanelli town centre faces specific challenges. Whilst this may not impact wholly across the town centre, there are areas where implications of changing retail patterns may be most prevalent often manifesting in the form of long term vacancies.

3.2 The *Genecon Study on Town Centres and Retail Dynamics in Wales* undertaken for Welsh Government (WG) identified Llanelli as a case study to show the impacts of out of centre retail development. Published in April 2014, the study indicated a 27.9% town centre vacancy rate (2012), highlighting one of the main effects of town centre decline being an increased pressure to change A1 uses in the town centre to A2 and A3 uses. It emphasises that from a planning perspective, Llanelli demonstrates the challenge when a centre has declined to a point where the viability of retaining an A1 retail core could be brought into question. It notes that the geographical shift in Llanelli's retail sector to a major new out of town Retail Park has placed pressure for changes of use from retail within the town centre.

3.3 In order to further understand the shopper and visitor activity on *Street Shopper Surveys* were carried out during weekdays and a Saturday in June 2015 both within Llanelli Town Centre and Parc Trostre. In summary, the survey indicated that the majority of respondents (28%) visiting Llanelli town centre did so primarily to use services such as the post office, bank, hairdressers etc. Whilst other key reasons listed were a combination of food and non food shopping (16%) and just food shopping (15%), it should

be noted that 10% of respondents were visiting for work/business purposes and 9% for social/leisure reasons.

3.4 In relation to visitors to the town centre, the emerging trend is to a diverse and mixed offer where a range of uses are utilised by visitors. This is in contrast to Parc Trostre where the survey indicates that the majority of visits are focused on food and non-food shopping and just food shopping.

3.5 This can be seen as an indication of a shifting role for the Town Centre, where the potential to accommodate a versatile mix of day and night uses can complement both its existing retail function and, rather than compete against, that which is available at Parc Trostre.

3.6 In transport and sustainability terms, it should be noted that 44% arrived by a car and 14% by a bus at Llanelli Town Centre which contrasts with the 87% arriving by car in Parc Trostre.

3.7 Reference is drawn to the content of the 2015-16 LDP Annual Monitoring Report (AMR). This represents the first AMR post adoption of the LDP and sets the baseline for future AMRs and the consideration of any future review or amendments to the Plan. Regard should also be had to the recently published Carmarthenshire updated Retail Study 2015 and the Carmarthenshire Town Centre Retail Audit 2016.

3.8 The Town Centre Retail Audit 2016 conducted as part of ongoing LDP policy monitoring indicates 73.8% of units in occupied as A1 retail (based on retail frontage). However, whilst this is a healthy indication of retail occupancy, it is accompanied by a 16.7% vacancy rate with a further 9.5% in non-retail use (A2 and A3). It should be noted that this includes the St Elli Centre which exhibits a high level of retail use with low vacancy levels.

3.9 Taking that area of the Retail Core outside the St Elli Centre ‘focused around Stepney Street and Vaughan Street’ the levels of A1 occupancy drops to 66% with vacancy levels at 24%. This represents a marked change with areas of long term vacancy clustered within the eastern end of Stepney Street.

3.10 That area designated within the LDP as Retail Frontage, reflects the greater flexibility attached to the scale of non-retail units within this area. This demonstrates a greater mix of use types with some 49.5% occupied by A1 retail with 15% vacancy with 26% in non retail (A2 and A3) and 9.5% in other uses.

3.11 National Planning Policy reflects that in some circumstances where there has been an over emphasis on A1 uses these may undermine a centre’s prospects, with potential consequences such as higher vacancy rates. In such circumstances the role of uses other than A1 (retail) in increasing diversity and reducing vacancy may be considered. This may be achieved through a rationalising of boundaries, allowing appropriate changes of use whilst focusing A1 (retail) uses in a more concentrated area.

3.12 In this context an LDO can facilitate changes of use, alterations, extensions etc, replacing many minor planning applications which are routinely approved. LDOs can be particularly effective when combined with other regeneration proposals to bring about more comprehensive improvements to centres, including as part of environmental and infrastructure enhancements. To this end, the LDO can be seen as a wider package of policy interventions in the Town Centre which the County Council is undertaking in partnership under the auspices of the Task Force.

3.13 Whilst the LDP sets a strong policy direction for retail within a Carmarthenshire, the challenges facing Llanelli require specific consideration. The opportunities exist to co-ordinate with and develop upon the successful grant award under the Vibrant and Viable Places initiative and the ‘Opportunity Street’ scheme for properties at the eastern end of Stepney Street. In addition the establishment of a ‘Task Force’ tasked with addressing

matters surrounding the decline of the town centre and its environs, presents an opportune time evaluate options. There is potential to review and develop an effective strategy to promote uses to complement the town centre and out of town retail offer. In this respect it should not be predicated on an abandonment of the town centres overall retail focus, but the consideration of a flexible approach to complement activities which support the centres vitality and viability. The platform for engagement, together with a direct policy intervention, is also confirmed by the establishment of the Llanelli Business Improvement District (BID) in 2016. Reference is given to the Task Force Policy Themes and Actions whereby the exploration of an opportunity for an LDO is listed as Action 4 under the Environment and Access Theme.

3.14 For the time being, developers who wish to change the use of a town centre unit must operate within the legislative and policy parameters. This means that most changes of use, no matter how desirable, require planning permission. The practice of allowing a valuable unit to remain empty for up to eight weeks while a planning application is processed is inimical to economic growth. By creating a more permissive planning regime in the town centre, the LDO will seek to promote a living town centre environment.

3.15 In scoping and drafting this LDO it was considered necessary to clearly establish its purpose, scope and extent linking into the regeneration and other objectives. Discussions, including input from local members and interested groups, were undertaken at an early stage during 2016. In this respect, it was considered essential to consult informally with communities, statutory consultees and other stakeholders, with the emphasis on the future of the area rather than the specific details of the LDO. This allowed an opportunity to build on the partnership work to date. There has also been an ongoing liaison with the Task Force along with Llanelli Town Council and Llanelli Rural Council. There has also been a requirement to undertake an iterative and collaborative liaison with officers from Natural Resources Wales (NRW) and Dwr Cymru Welsh Water (DCWW).



3.16 Such liaison, along with a clear understanding of evidential and legislative requirements, have allowed the LDO spatial extent, along with the draft schedule of permitted uses, to be developed.

#### **4.0 Lifetime of the LDO**

4.1 The LDO is active for a period of three years from its adoption. This period will however be subject to ongoing review and may be extended or reduced in light of the success or failure of the LDO.

4.2 Development that commences while the LDO is in effect may be completed and/or continued after this three-year period. Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. Towards the end of the three-year period, Carmarthenshire County Council will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions or (iii) revoke the LDO.

## 5.0 Permitted Uses

5.1 The following table outlines the relevant use classes which will be permitted or otherwise through the LDO and within its defined spatial area.

Use Class	WITHIN C2 ZONE		OUTSIDE C2 ZONE	
	Ground Floor (GF)	Other Floors (OF) (Excluding basements)	GF	OF (Excluding basements)
<b>A1</b> Shops	Yes	Yes	Yes	Yes
<b>A2</b> Financial and Professional Services	Yes	Yes	Yes	Yes
<b>A3</b> Restaurants and Cafes	Yes	Yes	Yes	Yes
<b>A4</b> Drinking establishments (but not night clubs)	Yes	Yes	Yes	Yes
<b>A5</b> Hot food takeaways	Yes	No	Yes	No
<b>B1</b> Business (offices other than those within A2)	No	Yes	No	Yes
<b>C1</b> Hotels, boarding houses and guest houses	No	Yes	No	Yes
<b>C3</b> Dwellings (residential incl. flats)	No	Yes	No	Yes
<b>D1</b> Non-residential institutions (Note - LDO excludes Law Courts, Church Halls and Libraries)	No	Yes	Yes	Yes
<b>D2</b> Assembly and leisure buildings (Note LDO only permits gymnasiums and area for indoor sports or recreations - except for motor sports, or where firearms are used)	No	Yes	Yes	Yes
<b>Other (specified sui)</b> Launderettes and taxi businesses only	Yes	Yes	Yes	Yes

Further information in relation to the Use Class Order can be viewed through the following link:

[https://www.planningportal.co.uk/info/200130/common\\_projects/9/change\\_of\\_use](https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use)

## **6.0 Policy context and expected impact**

6.1 The relevant Development Plan for Llanelli is the Carmarthenshire LDP. To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 37(6) : Planning and Compulsory Purchase Act 2004).

6.1.1 Given that proposals will be permitted under this LDO without the need for planning permission, it is important to note the LDO's overall linkages and compliance with the LDP. This also confirms that an SA-SEA on the LDO is not required (see paragraph 1.5). This Section reviews the LDO against the 14 LDP Strategic Objectives (SO) and those LDP Strategic Policies (SP) of relevance. There is also commentary provided in relation to relevant Area Wide (AW) policies.

### **LDP - Strategic Objectives**

6.1.2 *SO1: To protect and enhance the diverse character, distinctiveness, safety and vibrancy of the County's communities by ensuring sympathetic, sustainable, and high quality standards of design.*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse town centre which acts as a catalyst to the wider regeneration of the area.

6.1.3 *SO2: To ensure that the principles of spatial sustainability are upheld by:*

*(a) enabling development in locations which minimise the need to travel and contribute towards sustainable communities and economies and respecting environmental limits, and*

*(b) to wherever possible encourage new development on previously developed land which has been suitably remediated.*

Expected impact of LDO: By concentrating developmental opportunities within the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

*6.1.4 SO3: To make provision for an appropriate mix of quality homes; access to which will be based around the principles of sustainable socio-economic development and equality of opportunities.*

Expected impact of LDO: By providing opportunities for upper floor conversion to residential, the LDO will be consistent with efforts to provide a range and mix of homes across the area as well as promoting vibrant and living town centres.

*6.1.5 SO4: To ensure that the natural, built and historic environment is safeguarded and enhanced and that habitats and species are protected.*

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment or the natural environment. Anyone wishing to make alterations to a listed building would still require the relevant consent.

*6.1.6 SO5: To make a significant contribution towards tackling the cause and adapting to the effect of climate change by promoting the efficient use and safeguarding of resources.*

Expected impact of LDO: By concentrating commercial uses in the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development. It will promote the appropriate use and/or re use of existing buildings (including but not exclusively vacant buildings).

6.1.7 SO6: *To assist in widening and promoting education and skills training opportunities for all.*

Expected impact of LDO: A more permissive planning regime in the town centre may provide opportunities for additional facilities.

6.1.8 SO7: *To assist in protecting and enhancing the Welsh Language and the County's unique cultural identity, assets and social fabric.*

Expected impact of LDO: A more permissive planning regime in the town centre may well generate additional opportunities and facilities for promoting the County's special characteristics.

6.1.9 SO8: *To assist with widening and promoting opportunities to access community, leisure and recreational facilities as well as the countryside.*

Expected impact of LDO: A more permissive planning regime in the town centre may well generate additional opportunities and facilities.

6.1.10 SO9: *To ensure that the principles of equal opportunities and social inclusion are upheld by promoting access to a high quality and diverse mix of public services, healthcare, shops, leisure facilities and work opportunities.*

Expected impact of LDO: The LDO is designed to encourage a mix of appropriate and complementary town centre uses. This would seek to encourage social and/or physical inclusion.

6.1.11 SO10: *To contribute to the delivery of an integrated and sustainable transport system that is accessible to all.*

Expected impact of LDO: By concentrating developmental opportunities within the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

6.1.12 SO11: *To encourage investment & innovation (both rural and urban) by:*

*(a) making an adequate provision of land to meet identified need; and,*

*(b) making provision for the business and employment developmental needs of indigenous /new employers, particularly in terms of hard & soft infrastructural requirements (including telecommunications/ICT); and,*

*(c) making provision for the infrastructural requirements associated with the delivery of new homes particularly in terms of hard & soft infrastructural requirements (including foul and surface water); and,*

*(d) adhering to the principles of sustainable development and social inclusion in terms of the location of new development.*

Expected impact of LDO: The LDO is designed to encourage a mix of appropriate and complementary town centre uses. It is considered that a more permissive planning regime will provide opportunities to increase employment opportunities.

6.1.13 SO12: *To promote and develop sustainable & high quality all year round tourism related initiatives.*

Expected impact of LDO: The LDO is designed to encourage a mix of appropriate and complementary town centre uses. It is considered that a more permissive planning regime will provide opportunities to increase visitor economy related opportunities.

6.1.14 SO13: *To assist with the development and management of safe and vibrant places & spaces across the County.*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse living town centre which acts as a catalyst to the wider regeneration of the area.

6.1.15 SO14: *To assist with the delivery and management of mixed & sustainable communities by:*

*(a) promoting safe, vibrant and socially interactive places; and,*

*(b) promoting the utilisation of local services and produce whenever possible.*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse living town centre which acts as a catalyst to the wider regeneration of the area.

## **LDP – Selected/Relevant Strategic Policies**

6.1.16 SP1: *Sustainable Places and Spaces*

Expected impact of LDO: The LDO will be consistent with efforts to promote a vibrant, safer and diverse town centre which acts as a catalyst to the wider regeneration of the area. By concentrating upon town centre appropriate uses, which are accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

6.1.17 SP2: *Climate Change*

Expected impact of LDO: The LDO will promote the re use of existing buildings (including but not exclusively vacant buildings). In relation to flood risk, the LDO is supported by a Strategic Flood Consequence Assessment (SFCA) and as such there is potential for the



LDOs implementation to mitigate and manage given that a large part of the town is already located within Development Advice Map Zone C2. No Highly Vulnerable Development is permitted on the ground floors by the LDO.

#### 6.1.18 *SP3: Sustainable Distribution- Settlement Framework*

Expected impact of LDO: The local and regional importance of Llanelli within the LDP is recognised given its classification as a Growth Area. The LDO will be consistent with this classification in seeking to facilitate a vibrant town centre.

#### 6.1.19 *SP5: Housing*

Expected impact of LDO: By providing opportunities for upper floor conversion to residential, the LDO will be consistent with efforts to provide a range and mix of homes across the area. The LDO will not create any new buildings, but it will encourage appropriate conversions in the town centre, thus contributing to the housing supply.

#### 6.1.20 *SP6: Affordable Housing*

Expected impact of LDO: By providing opportunities for upper floor conversion to residential, the LDO will be consistent with efforts to provide a range and mix of homes across the area, including affordable housing.

#### 6.1.21 *SP8: Retail*

Expected impact of LDO: The LDO will be consistent with the aim of protecting and enhancing the role of Llanelli as a principal centre. It is hoped that a more permissive planning regime will help ensure its continued attractiveness as a destination with a strong retail offer.

#### 6.1.22 *SP9: Transportation*

Expected impact of LDO: By concentrating commercial uses in the town centre, which is accessible to pedestrians and users of public transport, the LDO will be consistent with efforts to promote sustainable development.

#### 6.1.23 *SP13: Protection and Enhancement of the Built and Historic Environment*

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment. Anyone wishing to make alterations to a listed building would still require the relevant consent.

#### 6.1.24 *SP14: Protection and Enhancement of the Natural Environment*

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to the Habitats Regulations, the LDO has been subject to Test of Likely Significant Effect.

#### 6.1.25 *SP15: Tourism and the Visitor Economy*

Expected impact of LDO: The LDO will be consistent with the aim of protecting and enhancing the role of Llanelli in the tourism hierarchy. It is hoped that a more permissive planning regime will help provide opportunities in relation to the visitor economy.

#### 6.1.26 *SP16: Community Facilities*

Expected impact of LDO: A more permissive planning regime in the town centre may provide opportunities as part of a living town centre environment.

#### 6.1.27 SP17: Infrastructure

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to supply and treatment of water, the LDO is accompanied by appropriate evidence.

### **LDP –Relevant Area Wide Policies**

#### 6.1.28 GP1: Sustainability and High Quality Design

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact on the appearance of the built environment. A more permissive planning regime can however assist in countering instances of vacant units and dead spaces with a view to enabling a more vibrant street scene with active frontages.

#### 6.1.29 GP3: Planning Obligations

Expected impact of LDO: Permitted uses will not be required to make financial contributions through current planning obligation provisions. Developments may however make a voluntary contribution as appropriate. However, any future implementation of CIL may result in a requirement for contributions to be sought.

#### 6.1.30 GP4: Infrastructure and New Development

Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to supply and treatment of water, the LDO is accompanied by appropriate evidence.

#### 6.1.31 RT1: Retailing Hierarchy

Expected impact of LDO: The LDO will be consistent with the aim of protecting and enhancing the role of Llanelli as a principal centre. It is recognised within this statement of reasons and as supported by evidence that Llanelli Town Centre currently exhibits

signs of decline. It is considered at this point that the Town Centre requires specific consideration and policy intervention. It is hoped that a more permissive planning regime will help ensure its continued attractiveness as a destination with a strong retail offer.

#### 6.1.32 RT2: Principal Centres (Growth Areas): Primary Retail Frontage

Expected impact of LDO: The policy is intended to resist any further over-concentration of non-retail (non A1) uses in the Primary Retail Frontages. The Primary Retail Frontage confirms that the principle function should be retail. The policy also states that proposals involving the change of use and / or re-development of a ground floor frontage to residential are not considered compatible with a 'town centre' location. Reference is however made to Section 3 of this Statement of Reasons (Policy Justification). Furthermore, paragraph 6.4.3 of the LDP written statement states that: *"Whilst shopping will be expected to continue as the principal activity in town centres, it is only one of the factors which contribute to their wellbeing. It is evident that retail policies cannot be divorced from the broader functions of the larger towns as centres for other services and facilities, including food and drink establishments (cafes, restaurants, public houses, etc.) and commercial leisure developments. A diversity of uses in town centres assists in promoting their continued viability and, particularly with regard to leisure uses, contributes to the vitality of a successful evening economy"*. This is particularly pertinent in respect of Llanelli Town Centre with the challenges currently being exhibited. Paragraph 6.4.19 of the LDP written statement outlines that: *"As part of the monitoring and review process, the Council will undertake an annual survey of uses within the identified town centres including the Primary Retail Frontages. The survey will not only look at the nature of occupants but also the levels of vacancy which may occur. The survey together with future updates of the retail study will inform policy updates and supplementary guidance emerging from any changes in town centre conditions."* In this respect, the 2016 Carmarthenshire Town Centre Audit highlights the challenges in relation to vacancy etc. being exhibited within certain parts of Llanelli Town Centre. The introduction of the LDO

will mean that the potential conflict between the LPA and a proponent of non-A1 use within Llanelli Town Centre will be removed, subject to the proposal meeting the requirements of the LDO. It should be noted that the LDO does not permit changes of use of ground floor units to residential. It is also recognised that the designation of the LDO reflects the emphasis within Planning Policy Wales.

#### 6.1.33 RT3: Principal Centres (Growth Areas): Secondary Retail Frontage

Expected impact of LDO: Whilst the policy recognises the importance of a strong retail element and seeks to control the extent of non-retail uses to protect the general retail character of central streets and maintain continuity of shopping frontages, it does also acknowledge the contribution that a complementary retail, leisure and business offer can make in increasing the overall attractiveness of the town centre. The introduction of the LDO will mean that the requirement to provide a policy justification and/or challenging the LPA's position within the planning application process will not be required as the process would be streamlined and simplified.

#### 6.1.34 RT4: Principal Centres (Growth Areas): Town Centre Zone

Expected impact of LDO: The policy creates opportunities for the introduction of beneficial economic commercial uses to properties which may otherwise become rundown or vacant. It permits the change of use or redevelopment of shops to other appropriate town centre uses within these areas. In this regard, it demonstrates synergy to the objectives of the LDO within the context of Llanelli Town Centre. It should be noted that the LDO does not impact upon those areas covered by this policy.

#### 6.1.35 EP1: Water Quality and Resources, EP2: Pollution and EP3: Sustainable Drainage

6.1.35.1 Expected impact of LDO: The LDO does not permit any building operations; therefore, it will have no impact. In relation to supply and treatment of water, the LDO is supported by appropriate evidence. For the purposes of the Habitats Regulations, a Test

of Likely Significant Effect (TLSE) has been undertaken by the Local Planning Authority. This concluded that the implementation of the LDO was unlikely to have a “significant effect” alone or in combination on the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) and that an Appropriate Assessment is not required.

6.1.35.2 In relation to surface water, those units within the LDO Area are already linked to the sewer/surface water system (in most instances likely to be the combined system). The Memorandum of Understanding (MoU) would not apply in relation to the LDO.

6.1.35.3 Reference should be made to the Procedural Notification process which will ensure that relevant parties (e.g. Natural Resources Wales and Dwr Cymru Welsh Water) are informed of certificates of conformity issued.

## **7.0 Conditions**

### **General**

1. No change of use permitted by the LDO shall commence until an application for a Certificate of Conformity has been submitted to, and approved in writing by, the Local Planning Authority (LPA).

**Reason: To ensure that proposed changes of use comply with the terms of the Local Development Order.**

2. With reference to Planning Policy Wales Technical Advice Note 15 (TAN15): Development and Flood Risk (or any document that updates or replaces it during the course of the LDO), no change in use to highly vulnerable development (as defined in TAN 15) is permitted in any ground-floor unit located in Development Advice Map Zone C2.

**Reason: To accord with the provisions of national planning policy in the form of TAN 15.**

3. Change of uses to highly vulnerable development permitted by the LDO on non ground floor units that are located within Development Advice Map Zone C2 shall accord with the provisions of the LDO SFCA and TAN 15. Any required details or measures shall be fully implemented and maintained in that state thereafter.

**Reason: To ensure that no development permitted by the LDO has unacceptable flooding consequences.**

### **Removal of permitted-development rights**

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking or re-enacting that Order), no development within Schedule 2, Part 40, Classes A, B, C, D, E, F, G, H or I may be

carried out at any dwelling house (as defined in Welsh Statutory Instrument 2009 2193(W.185)) created under the LDO without the prior written permission of the LPA.

**Reason: To ensure that a satisfactory form of development takes place.**

#### Residential Proposals

5. No conversion scheme implemented under the terms of the LDO, whether in isolation or in combination with another scheme (regardless of ownership), may create an inappropriate concentration of single bedroom units.

**Reason: To allow the opportunity for the creation of suitable mix of unit sizes and tenure mix within a living town centre environment.**

#### Units of multiple occupation

6. No conversion scheme implemented under the terms of the LDO, whether in isolation or in combination with another scheme (regardless of ownership), will be considered appropriate where it results in the creation of a unit of multiple occupation.

**Reason: To allow the opportunity for the creation of suitable mix of unit sizes and tenure mix within a living town centre environment.**

#### Internal floor space

7. No dwelling created under the LDO may be occupied until floor plans that satisfy the relevant minimum standard for internal floor space have been submitted to, and approved in writing by, the LPA. The approved scheme must be retained in that state thereafter.

**Reason: To secure an adequate level of residential amenity for occupiers.**

#### Street Scene

8. Existing ground-floor windows and shop fronts must not be obscured, either internally or externally, by paint, whitewash, film, curtains or any other opaque material.

**Reason: To maintain the commercial character and appearance of the Town Centre.**



### Licensing and Public Protection

9. Those uses permitted by the LDO will be required to adhere to requirements in relation to Licensing and matters of public protection. Advice should be sought from the relevant department. The required permissions/licenses must be in place prior to commencement of change of use (irrespective of whether a LDO statement of conformity has been issued).

**Reason: To protect the amenities of persons in neighbouring properties.**

### Building Regulations

10. Those uses permitted by the LDO will be required to adhere to requirements in relation to Building Regulations. Advice should be sought from the relevant department. The required approvals must be in place prior to commencement of change of use (irrespective of whether a LDO statement of conformity has been issued).

**Reason: To ensure compliance with legislative provisions.**

### Lettings Policy

11. Where appropriate, residential uses permitted by the LDO will be required to adhere to requirements in relation to any County Council Lettings Policy. Advice should be sought from the relevant department.

**Reason: To allow the opportunity for the creation of suitable mix of unit sizes and tenure mix within a living town centre environment.**

### Other Regulatory Regimes

12. Those uses permitted by the LDO will be required to adhere to any other relevant requirements. For example, operational times and regimes (including arrival, departure, loading or unloading of any commercial delivery vehicles). Appropriate advice can be sought from the LPA in this regard. Any required approvals (notwithstanding 10 and 11

above) must be in place prior to commencement of change of use (irrespective of whether a LDO statement of conformity has been issued).

**Reason: To protect the amenities of persons in neighbouring properties.**

## **8.0 Notes**

1. The LDO is active for a period of three years from its adoption. This period will however be subject to ongoing review and may be extended or reduced in light of the success or failure of the LDO.

2 Development that commences while the LDO is in effect may be completed and/or continued after this three-year period. Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. Towards the end of the three-year period, Carmarthenshire County Council will assess the impact of the LDO and decide whether to (i) renew the LDO with no revisions, (ii) renew the LDO with new terms and conditions or (iii) revoke the LDO.

3. The LDO does not grant planning permission for any “development” (as defined in Part III, Section 55 of the Town and Country Planning Act 1990) except the changes of use described in section 5 of these reasons.

4. In order to alleviate the impact of development on local services and facilities, section 106 and Community Infrastructure Levy contributions may be sought in accordance with current council procedures.

5. The LDO does not remove any requirement for advertisement or listed-building consent.

6. The LDO does not remove any requirement for consent under non-planning regulations, such as those relating to licensing, environmental health and building control.

7. The LDO applies only to the area indicated on the LDO plan (see section 13).

8. Occupiers of dwellings created under the terms of the LDO will not be entitled to council parking permits.

9. The LDO has been screened under the Environmental Impact Assessment Regulations, and it is considered that an Environmental Statement is not required.

10. A Test of Likely Significant Effect (TLSE) has been undertaken by the Local Planning Authority for the purposes of the Habitats Regulations. This concluded that the LDO was unlikely to have a “significant effect” alone or in combination on the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) and that an Appropriate Assessment is not required.

11. Applicants may need to submit access statements for proposals that would necessitate access by employees and/or provide services to the public. (If the proposed and existing uses should belong to the same class, or if an A2 or A3 use should become an A1 use, an access statement will not be required.)

12. The Welsh Government’s Development Advice Map may be viewed on their website. Reference is also made to the Plan set out in Section 15.

## **9.0 Compliance**

Carmarthenshire County Council will monitor changes of use within the Town centre and, when appropriate, may take enforcement action against unauthorised development, including any uses that operate in breach of the conditions.

## **10.0 Results and monitoring**

In addition to reviewing applications for Certificates of Conformity, Carmarthenshire County Council will monitor vacancy levels in ground-floor units and footfall. The findings of such research will be presented in annual monitoring reports as part of the statutory LDP Monitoring Process. Consideration is also being given to introducing a periodic monitoring regime within the Town Centre.

## **11.0 Planning contributions/Community Infrastructure Levy**

Section 106 and Community Infrastructure Levy contributions may be sought in accordance with current council procedures and regulatory and legislative requirements.

## **12.0 Risk Assessment**

The below sets out some of the key issues that are considered to be worthy of review:

- Democratic control and the role of Elected Members and the Community;
- Officer workload, particularly in terms of monitoring and compliance;
- How would bodies that are ordinarily be notified/consulted through the planning application process be engaged?;
- Loss of Planning application fees;
- Planning Obligations;
- Legal and Financial matters arising from any future LDO revocation;
- Residential amenity;

- The integrity of the historic environment;
- Parking;
- Regulatory matters;
- Flood Risk.

12.1 It is considered that the LDO may ultimately reduce workload in development management, cutting out routine work within the defined LDO area. Furthermore in relation to monitoring, there are established mechanisms available and a data capture system has been set up by the Data Management Officer within Planning Services.

12.2 A notification system whereby key consultees (e.g. Town/Rural Councils, Dwr Cymru or Natural Resources Wales) are informed of LDO proposals has been established by the Council. This reflects the fact that such bodies would ordinarily be notified/consulted through the planning application process.

12.3 Any LDOs will result in a reduced income from planning applications fees, as developers only need to submit a pre-notification, for which they pay the Council a nominal fee for administrative purposes. It is considered however that the scope and extent of the impact would be potentially minor in income terms (based on the potential number of applications likely to be received). Whilst not quantifiable the impact in income terms will be negated through regeneration benefits within the town centre.

12.4 It should be noted that as part of the democratic reporting process, the Council has been afforded the opportunity to review a range of pertinent considerations, particularly in terms of resource and legal implications.

12.5 An LDO may be revoked or revised at any time by the LPA on its own initiative. The Welsh Government also has reserve powers to direct an LPA to revoke an LDO or prepare a revision of it. Where an LPA revokes an LDO the authority must :-

- Publish on their website a statement that the LDO has been revoked
- Give notice of the revocation by local advertisement. This is a requirement to publish the notice in as many newspapers as necessary to secure that the press coverage (taken as a whole) extends to the whole of the area to which the LDO relates, and
- Give written notice of the revocation to every person whom the authority consulted before the making of the order.

12.6 Section 189 of the Planning Act 2008 amends Sections 107 and 108 of Town and Country Planning Act 1990, which provide for compensation where a development order or local development order is withdrawn. In summary, where planning permission granted by a LDO is withdrawn, there will be no entitlement to compensation where notice of the withdrawal is published not less than 12 months or more than the prescribed period (24 months) before the withdrawal takes effect.

12.7 If development is started before the notice is published, compensation will be available unless the order in question contains provision permitting the completion of development. The reform may therefore offer LPAs reassurance, through providing additional flexibility when considering the revision or withdrawal of LDO permissions, although the Welsh Government considers that an LPA would only rarely need to do this where the merits and effect of an LDO have been properly considered during its preparation.

12.8 Residential amenity is an important consideration because there are already people residing within the LDO area. There are separate legislative frameworks that seek to can control various threats to residential amenity, including noise and odour.

12.9 In relation to parking, the Town Centre is well served by public transport and pedestrian networks; therefore, it is considered unlikely that the LDO will substantially increase demand for off- and on-street parking. Occupants of new dwellings will not be entitled to parking permits.

12.10 The LDO does not allow developers to display advertisements on, or make external alterations to, any building in the town centre. In order to ensure the continuing protection of the built heritage, development which would affect a listed building is also excluded from the scope of LDOs. In view of this, it is felt that the LDO will preserve the special character and appearance of listed buildings and the Conservation Area.

12.11 In relation to flooding, the LDO area is heavily impacted by the C2 flood zone, with several buildings already located within the C2 flood zone (Lliedi). Technical Advice Note (TAN15): Development and Flood Risk (July 2004) confirms that Highly Vulnerable Development (HVD) should not be considered in zone C2. HVD includes all residential premises (use classes C1 and C3), public buildings (often use class D1) and, in some cases, leisure-related businesses (use class D2).

12.12 It should be noted that the LDO will not permit any change in use to a highly vulnerable use (HVD) in any ground-floor unit within that area of the LDO which is within the C2 Zone. In relation to upper floors, it should be noted that a Strategic Flood Consequence Assessment (SFCA) has been completed by the LPA to the satisfaction of Natural Resources Wales (NRW). As a result, the LDO permits HVD uses (including C3) on upper floors and remain complaint with TAN 15 - subject to the required details or measures being fully implemented and maintained in that state thereafter.



12.13 In regulatory terms, the LDO has been subject to a screening opinion for the purposes of the Environmental Impact Assessment Regulations and does not constitute “Schedule 1 development” or “Schedule 2 development”. A Test of Likely Significant Effect (TLSE) for the purposes of the Habitats Regulations has concluded that the LDO will have no significant effect (alone or in combination) with a European Site or a European Offshore Marine Site. The LDO has also been screened as part of the Equalities Impact Assessment process. The LDO does not require its own Sustainability Appraisal – Strategic Environmental Assessment (SA-SEA) because the LDO is deemed to be an elaboration upon the provisions of the Carmarthenshire Local Development Plan 2006 — 2021 (Adopted December 2014). The LDP has already been subject to SA-SEA along with a Plan level Habitats Regulations Assessment.

# 13.0 Llanelli Town Centre

## Draft Local Development Order

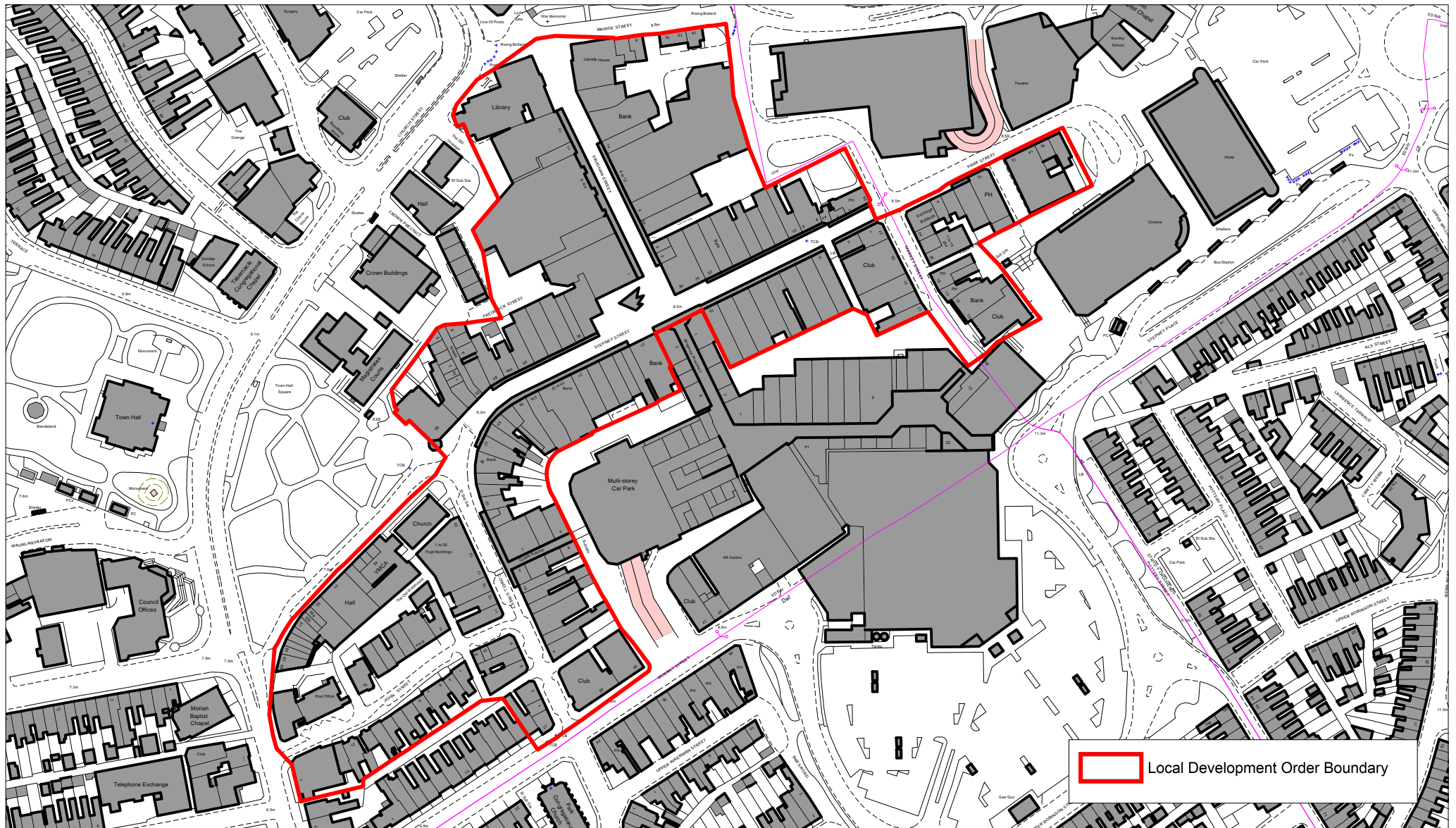
Compiled by on 27 January 2017

Cyngor Sir Caerfyrddin,  
Gwasanaethau Cynllunio, Adran Amgylchedd,  
8 Heol Spilman, Caerfyrddin. SA31 1JY

Carmarthenshire County Council  
Planning Services, Environment Department,  
8 Spilman Street, Carmarthen. SA31 1JY



Scale 1:2500



# 14.0 Listed Buildings & Conservation Area

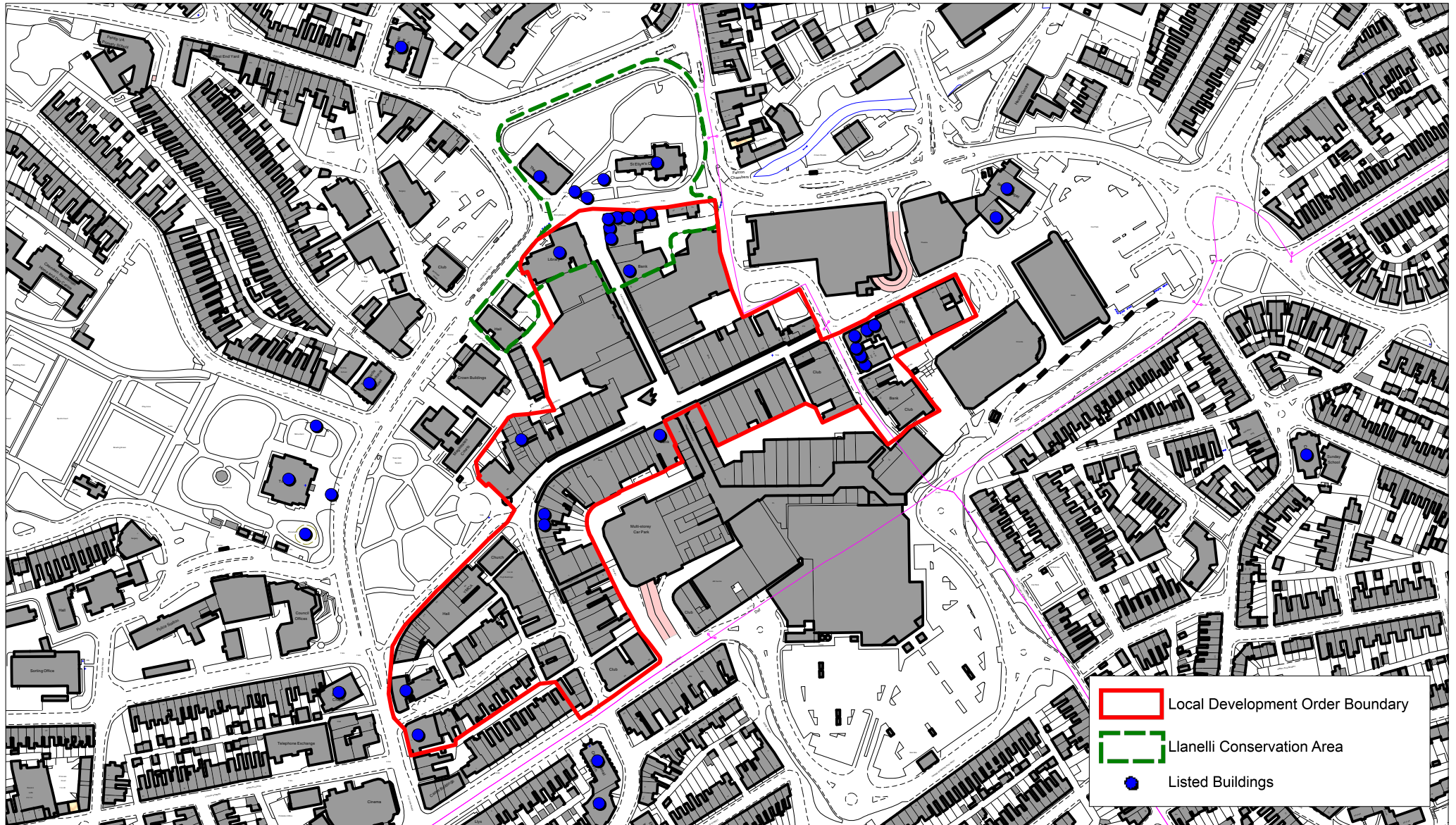
Cyngor Sir Caerfyrddin,  
Gwasanaethau Cynllunio, Adran Amgylchedd,  
8 Heol Spilman, Caerfyrddin. SA31 1JY



Carmarthenshire County Council  
Planning Services, Environment Department,  
8 Spilman Street, Carmarthen. SA31 1JY

Compiled by on 27 January 2017

Scale 1:3500



# 15.0 Development Advice Maps

## Flood Risk

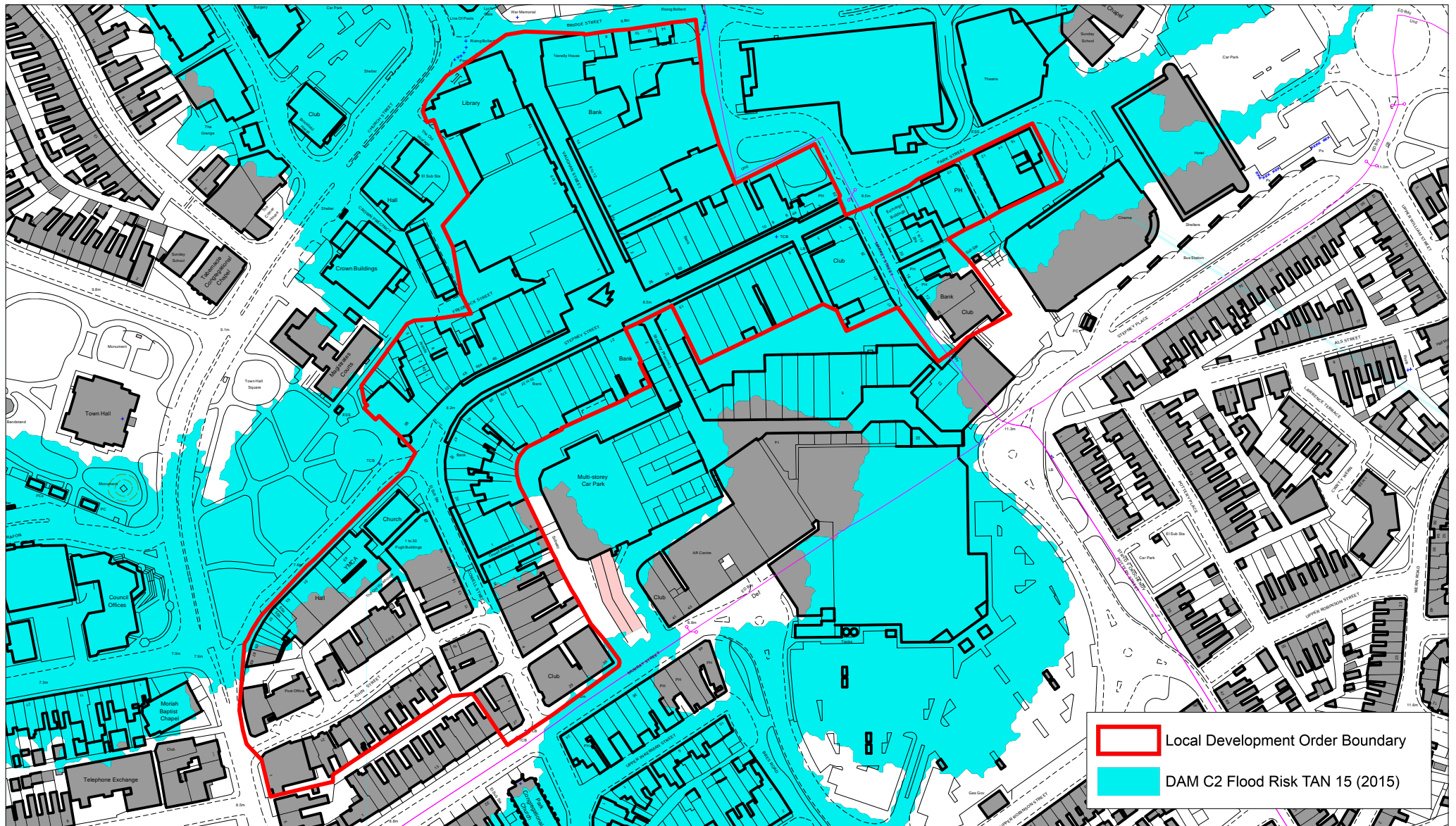
Compiled by on 27 January 2017

Cyngor Sir Caerfyrddin,  
Gwasanaethau Cynllunio, Adran Amgylchedd,  
8 Heol Spilman, Caerfyrddin. SA31 1JY

Carmarthenshire County Council  
Planning Services, Environment Department,  
8 Spilman Street, Carmarthen. SA31 1JY



Scale 1:2500



## Notes

i) The above map is based on the Development Advice Maps (DAMs) published by the Welsh Government in January 2015.

ii) The DAMs are reviewed periodically and therefore may change during the three-year lifetime of the LDO. Reference should be made to the Welsh Government's website in this regard.

## **16.0 Key Contacts**

TBC