

Community Scrutiny Committee

30th March 2017

Draft Local Development Order – Llanelli Town Centre

To consider and comment on the following issues:

To consider the proposed Local Development Order for Llanelli Town Centre as prepared for public consultation (minimum of 6 weeks).

Reasons:

- To receive the report for the committee's consideration. Any comments raised will be considered prior to adoption of the final document along with those comments received during Public Consultation.
- To reflect the corporate regeneration objectives within the Llanelli Town Centre.
- To ensure the issues of ongoing vitality and viability within the Llanelli Town Centre are appropriately considered and to utilise the provisions of national Planning Policy in this regard.

To be referred to the Executive Board / Council for decision:

No (Reported to Council 22nd February 2017)

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Councillor L Mair Stephens

Directorate

Environment

Name of Head of Service:

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Draft Local Development Order – Llanelli Town Centre

1. BRIEF SUMMARY OF PURPOSE OF REPORT

1.1 This Report sets out progress and proposals in relation to the preparation of a Local Development Order (LDO) within Llanelli Town Centre which will shortly be issued for public consultation. This Consultation Draft LDO was approved for consultation purposes by Council on the 22nd February 2017. A copy of the Consultation Draft LDO and its Statement of Reasons is attached to this report.

Background

- 2.1 It should be noted that this report has been prepared in the context of the Carmarthenshire Local Development Plan (LDP) and its recommendations emerge from the need to continually monitor and assess its successful implementation. In this respect the LDP Annual Monitoring Report (AMR) for 2015-2016 was received by full Council on the 14 December 2016. It should be noted that there is specific reference within the AMR to consideration being given to identifying a LDO within Llanelli Town Centre (Notably Policy Targets 17 and 18).
- 2.2 The LDO will seek to consider and address issues of vacancy and activity on both ground and upper floors, and to examine the potential for alternative uses within a defined spatial area within the Llanelli Town Centre.

2. What is an LDO?

- 3.1 An LDO is made by Local Planning Authority (LPA) and grants planning permission for the type of development specified within the terms of the LDO, and within a defined spatial area. It offers an LPA the opportunity in particular circumstances to streamline the planning process by removing the need for developers/applicants to make a planning application to the LPA. This can allow an LPA to act proactively in response to locally specific circumstances within their area. As stated above it should relate to a geographical area, and should reflect the focused purpose of the LDO and the nature of its intended outcomes. An LDO may also be permanent or time limited depending on their objective, in this respect a time limited LDO provides for increased flexibility in fast changing and developing areas allowing for easy revision and updating, or to deliver a set objective over a fixed timescale.
- 3.2 Certain types of development as set out within the Town and Country Planning (General Permitted Development) Order 1995 (PDO) are already permitted without the need for planning permission. The PDO grants a general permission for various types of relatively

small scale and normally non contentious development without the need to make a planning application. LDOs can therefore be seen as an extension of permitted development, but decided upon locally in response to specific local circumstances.

- 3.3 For information an LPA can revoke an LDO at any time. Where it is proposed to modify a Local Development Order, re-consultation may be required.
- 3.4 The appended report provides further information in respect of the Legislative and Policy Framework and outlines some of the core considerations and limitations in respect of an LDO.

4. Developing an LDO - Llanelli Town Centre

- 4.1 Whilst the LDP sets a strong policy direction for retail within 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' to address 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.
- 4.2 As part of its consideration and preparation the LDO the Llanelli Town Centre Task Force has received regular reports on progress and potential outcomes with spin off discussions held with Llanelli Town Council and Llanelli Rural Council. Further discussion have also be held with Natural Resources Wales, Dwr Cymru and representatives of the Business Improvement District. Further engagement has also been held with representative of pertinent internal service areas in ensuring the effective operation of the LDO.

5. Spatial Extent of the LDO

- 5.1 The extent of the town centre to which the Draft LDO's provisions will relates is shown in the attached Draft LDO and the Statement of Reasons. Further details are also included within the attached documents in relation to the extent of the Llanelli Conservation Area, the location of Listed Buildings and the extent of the C2 Flood Zone as defined through Technical Advice Note 15.

6. What will the LDO Permit

- 6.1 The following table (as contained within the attached Draft LDO and Statement of Reasons) 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)
A1 Shops	Yes	Yes	Yes	Yes
A2 Financial and Professional Services	Yes	Yes	Yes	Yes
A3 Restaurants and Cafes	Yes	Yes	Yes	Yes
A4 Drinking establishments (but not night clubs)	Yes	Yes	Yes	Yes
A5 Hot food takeaways	Yes	No	Yes	No
B1 Business (offices other than those within A2)	No	Yes	No	Yes
C1 Hotels, boarding houses and guest houses	No	Yes	No	Yes
C3 Dwellings (residential incl. flats)	No	Yes	No	Yes
D1 Non-residential institutions (Note - LDO excludes Law Courts, Church Halls and Libraries)	No	Yes	Yes	Yes
D2 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
Other (specified sui) 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

7. Lifetime of the LDO

- 7.1 It is proposed that the LDO operate for an initial 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.
- 7.2 Development that commences while the LDO is in effect may be completed and/or continued after this three-year period (subject to the conditions of the LDO). Once the LDO has expired, however, no new changes of use will be allowed under its terms without conventional planning permission. Reference should be had to the content of Appendix A1 in relation to the legislative framework in respect of revocation and revision and the potential for compensation should an LDO be withdrawn.

8. Operation of the LDO

- 8.1 Where a 'development' is proposed which is within the LDO area and conforms with the schedule of approved use classes (as set out in the table above) a certificate of conformity will be issued by the Council. Applicants will be required to submit their proposals and pay the nominal fee to the LPA. 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 LPA. This certificate would allow a change of use permitted by the LDO to proceed without the need to apply for planning permission but will be limited to the uses set out in the LDO and its provisions.
- 8.2 Prior to commencement it should be noted that proposals may be required to satisfy other pertinent legislative provisions, for example Building Regulations, Licensing and Environmental Health.
- 8.3 The initial consultations undertaken to date has indicated a requirement to develop a notification system whereby key consultees (e.g. Town/Rural Councils, Dwr Cymru or Natural Resources Wales) are informed of LDO proposals. This reflects that such bodies would ordinarily be notified/consulted through the planning application process.

9. Monitoring and Measuring Success

- 9.1 Throughout 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. In this respect, 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).

10. Evidential Requirements and Documents

- 10.1 As part of a co-ordinated strategic approach evidence is being developed in relation to matters of Flood Risk (to satisfy the provisions of TAN 15) and Infrastructure as part of the Llanelli Town Centre Masterplan being prepared through the Regeneration and Policy Division. This evidence is necessary to support the LDO's adoption and its effective operation and will be required ahead of any public consultation.
- 10.2 The consultants commissioned in respect of the Town Centre Masterplan will also advise upon and inform any other required supporting documentation – including Environmental Impact Assessment and Habitats Regulations- Test of Likely Significant Effect (TLSE). A screening as part of the Equalities Impact Assessment process will form part of the supporting documentation.
- 10.3 The LDO is based on changes of use within existing buildings and as such it is not foreseen that it will be subject to the MoU and betterment requirements.
- 10.4 Such evidence will be published in conjunction with the consultation on any future LDO. Reference is also made to the Carmarthenshire Retail Study Update 2015 and the Carmarthenshire Town Centre Retail Audit 2016.

11. Next Steps

- 11.1 It is requested that Scrutiny Committee consider the Draft LDO and make comment as appropriate. Any comments raised will be noted and considered alongside those received during the public consultation period.

There will follow a minimum 6 week public consultation during Spring/Summer 2017. Representations received during this period will be subsequently considered and reported back to a future meeting of Full Council for consideration prior to its formal adoption and implementation.

- 11.2 This will be accompanied by the publication of the appropriate evidence and any other supporting information.
- 11.3 As part of its preparatory process update reports will be provided through the Llanelli Task Force and RDT as appropriate.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: L Quelch

Head of Planning

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

Reflects the provisions of National Planning Policy and the evidential information set out within the report support and will where appropriate be utilised in the implementation of the LDO and will inform a review of the Local Development Plan. The proposed LDO and LDP where appropriate expresses in land use terms the objectives of the **Integrated Community Strategy for Carmarthenshire 2012-17**. Retail considerations, play an important role in delivering of the outcomes, particularly **Supporting Opportunities for the Building of Economically Viable and Sustainable Communities**. National and local planning policies seek to promote the principles of sustainability and sustainable development by facilitating the creation of communities and local economies which are more sustainable.

The integration of sustainability and the evidential requirements in preparing the LDO ensures an iterative approach to policy making which ensures sustainability is at its heart and that it is reflective of the requirements emanating from the Wellbeing and Future Generations Act.

2. Legal

A Local Planning Authority may issue an 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. The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO), sets out the procedural requirements for making LDOs, including preparation, notices, publicity, consultation, and adoption.

Guidance on the procedures relating to the use of LDOs is contained in Welsh Government Circular 003/2012: Guidance on using a Local Development Order.

3. Finance

Financial costs (including preparation of the LDO) will be covered through the financial provisions in place - including reserves. Established provisions are in place in relation to the gathering and apportionment of financial contributions from developer contributions. The impact on such contributions is unknown and can only be established once the extent of any LDO is understood.

The implication on planning fees through the removal of the need for planning permission is at this stage unknown. Whilst this is not expected to be significant it will be off-set by the economic and regeneration benefits accrued through the successful implementation of the LDO. Reference is made to the potential that Compensation may be payable should an LDO be subsequently withdrawn. The potential for this is subject to the provisions of statutory instruments.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: L Quelch

Head of Planning

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee –are being consulted on the 30th March 2017 and comments raised will be noted and further considered alongside those received through the formal public consultation process.

2. Local Member(s) - Members will be consulted as part of the formal consultation process.

3. Community / Town Council - Llanelli Town Council and Llanelli Rural Council have been consulted as part of the initial preparatory process. They will also be a formal consultee as part of the consultation process.

4. Relevant Partners - Identified partners including the membership of the Llanelli Task Force sub group have been party to discussion and consultation, as have identified external technical consultees.

5. Staff Side Representatives and other Organisations - Contributions have been sought from relevant internal consultees.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Carmarthenshire Local Development Plan		http://www.carmarthenshire.gov.wales/home/residents/planning/policies-development-plans/local-development-plan/
Annual Monitoring Report 2015/16		http://www.carmarthenshire.gov.wales/media/1643860/Annual-monitoring-report-201516-AMR-Document-for-web.pdf
Carmarthenshire Retail Study Update 2015		http://www.carmarthenshire.gov.wales/media/1643869/2015-Retail-Study-Update-Carms-Retail-Study-Update-ENGLISH-NEW-COVER.PDF
Carmarthenshire - Town Centre Retail Audit 2016		http://www.carmarthenshire.gov.wales/media/1643878/Carmarthenshire-Retail-Audit-2016-Final-Retail-Audit-2016.pdf