

Community and Regeneration Scrutiny Committee

17 DECEMBER 2020

Local Development Orders

Carmarthen Town Centre and Ammanford Town Centres

To consider and comment on the following issues:

To consider the following report and scope of the proposed LDO and approve for consideration through the democratic reporting process.

The preparation the LDOs for the respective town centres including undertaking informal consultations as appropriate and to further report on their proposed scope, content and geographical extent.

The publication of the LDOs for public consultation for a minimum of 6 weeks.

Reasons:

To set out the scope of LDOs and their potential use in relation to Carmarthen and Ammanford town centres.

To reflect the corporate regeneration objectives, and the Covid-19 Recovery Plan.

To ensure the issues of ongoing vitality and viability within the Town Centres 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: YES

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-
Stephens – Strategic Planning Portfolio

Councillor L Mair

Directorate
Environment

Designations:

Tel Nos. 01267 228659

Name of Head of Service:
Llinos Quelch

Head of Planning

E Mail Addresses:
LQuelch@carmarthenshire.gov.uk

Report Author:
Ian Llewelyn

Forward Planning Manager

01267 228816
IRLlewelyn@sirgar.gov.uk

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1. BRIEF SUMMARY OF PURPOSE OF REPORT

1.1 The report seeks to consider the potential role that LDOs may play as part of broader regeneration proposals within a town centre context particularly in relation to Carmarthen and Ammanford supporting the vibrant places initiative.

1.2 The report will seek to consider the potential role that LDOs may play a part in ensuring Carmarthenshire's Town Centres are resilient to the economic effects of COVID-19 with due regard to the Council's Corporate Recovery Plan and the WG Planning guidance 'Building better Places'.

2. Local Development Orders

What is an LDO?

2.1 A Local Development Order (LDO) is made by Local Planning Authority (LPA) and grants planning permission for the type of development specified within the LDO, and within a defined spatial area. It offers an LPA the opportunity 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.

2.2 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.

2.3 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.

2.4 Appendix 1 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.

LDO in a Retail Context

2.5 The Welsh Government in Building Better Places: The Planning System Delivering

Resilient and Brighter Futures - Placemaking and the Covid-19 recovery clearly identified the impact of the Covid-19 lockdown on our retail and commercial centres. Town Centres largely became deserted except for those people shopping for essential items with the comparison retail sector notably impacted. In this respect supermarkets and convenience retailers became the few shops still trading, all of this at a time when components of the retail sector and certain town centres were already struggling.

2.6 Building Better Places identifies that: “The economic consequences have meant that many retailers are struggling financially, and this will lead to higher vacancy rates in all of our commercial centres. Online competition to our town centre retailers was strong before the crisis; this situation will become more apparent as more retailers increase their online presence and more people have become used to doing the majority of their non-essential shopping online.”

2.7 There is a recognition that retail and commercial centres are hubs of social and economic activity and that their function extends beyond retail providing a focal point for a diverse range of services and cultural activities/functions. These functions are often equally important in supporting the needs of local communities.

2.8 The WG in recognising the central role of retail and commercial centres state that they “should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered.”

2.9 Indeed, as the challenges to respond to the impact of Covid-19 becomes clear and as town centres reshape themselves, this would suggest that traditional retailing uses will not be as prevalent and the demand for new retail space will lessen for the foreseeable future.

2.10 Consequently, the role of primary retail areas will need to be reviewed in light of Covid-19, and this must be realistic recognising that retail occupiers will return in the way prior to the pandemic. This will require a review and reassessment of policies emerging within the Revised LDP.

2.11 It is however noted that whilst the Revised LDP is under preparation any proposals will need to be considered against the provisions of the current adopted LDP. In this respect there is a clear need to understand and respond to the impacts of Covid-19 on the future of our town centres in advance of the adoption of the Revised LDP.

2.12 This report seeks to address this interim position through the consideration and designation of LDO's for Ammanford and Carmarthen Town Centres. LDOs can contribute to local economic development and regeneration, helping make places more attractive and competitive. In town centres, LDOs can help address the problem of vacant properties to achieve more viable and vibrant centres. They can specify what is or is not an acceptable development or use or impose limitations to exclude certain developments within a use class.

2.13 It should be noted that an LDO for Llanelli Town Centre was adopted in February 2019 and remains in operation.

2.14 An LDO can contribute to local economic development and regeneration, helping make places more attractive and competitive. They simplify the planning process by removing the need for planning applications, allowing developers to progress with more speed and

certainty whilst reducing costs. In town centres, LDOs can help address the problem of vacant properties to achieve more viable and vibrant centres. They can specify what is or is not an acceptable development or use or impose limitations to exclude certain developments within a use class.

2.15 An LDO can facilitate changes of use 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. In this regard, reference is made to the Town Centre Forums that are in place for both town centres.

2.16 Since the COVID-19 outbreak, businesses within Carmarthen and Ammanford town centres have struggled, with some businesses deciding to shut down. In formulating the 2 LDOs, due regard will be given to key evidence – notably town centre retail studies undertaken pre and post lockdown (looking at issues such as vacancy rates, uses etc).

3. Developing an LDO – Carmarthen and Ammanford Town Centre

3.1 Whilst the adopted LDP sets a strong policy direction for retail within Carmarthenshire, the challenges facing retail centres particularly as evidence through Covid-19 requires the planning process to adopt a flexible and responsive approach in ensuring our town centres are viable and vibrant.

3.2 In this respect it is essential that Carmarthen and Ammanford are able to respond positively to the changes arising from Covid-19. There is potential to review and develop an effective strategy to promote uses to complement the town centres. 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. With the inevitable economic effects that accompany COVID-19, the adoption of LDOs for the two centres will streamline the planning process and encourage ongoing and new investment in the town centres.

Ammanford Retail Vacancy Rates

3.3 A Town Centre Retail Survey has been conducted for each defined town centre as part of ongoing LDP policy monitoring and to gain an understanding of the immediate post lockdown impact. This survey indicates that within the Retail Core, 64.2% of units are occupied by A1 retail (based on retail frontage). However, whilst this is a healthy indication of retail occupancy, it is accompanied by a 9.5% vacancy rate with a further 2.3% in non-retail use (A2 and A3).

3.4 The Retail Frontage, which represents the second-tier categorisation of retail streets 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 35.8% occupied by A1 retail with a 13.2% vacancy rate, and 7.5% vacancy in non-retail (A2 and A3).

3.5 The remainder of the wider town centre designation within the LDP contains a lower proportion of A1 retail (25.3%) with non-retail spread across A2, A3 and other uses with a 4.23% vacancy rate.

3.6 The total vacancy rate for Ammanford Town currently sits at 11.9% Primary Retail Frontage, 20.8% Secondary Retail Frontage and 14.1% for the remainder of the wider town (excluding Frontage and Core). In total the vacancy rate for Ammanford Town Centre is

15.7% (including core & secondary retail, all use classes).

3.7 When comparing the pre lockdown data with the post lockdown data there has been an increase in vacancies in some areas. The primary retail frontage vacancies rate was at 4.7% pre lockdown but post lockdown it is at 11.9%, that is a 7.2 percentage point increase. This is a considerable increase in a relatively short amount of time. However, the Secondary Retail Frontage vacancy rates have improved over the lockdown period from 24.5% to 20.8%. Although this is a welcome and positive sign it is overshadowed by the fact that the overall vacancies percentage has increased over the lockdown period. The overall percentage for vacant retail building in Ammanford pre lockdown was 13.2%, this has now increased over the lockdown period to 15.7%. This a clear indicator of the effect COVID has had on Ammanford's Town Centre, it also highlights the need for appropriate intervention to ensure the town is resilient to any future and ongoing effects of Covid-19 and that it reflects to the changing pattern of activities within Town Centres in general.

Carmarthen Retail Vacancy Rates

3.8 The Town Centre Retail Survey for Carmarthen indicates that within the Retail Core 75.7% of units are occupied as A1 retail (based on retail frontage). However, whilst this is a healthy indication of retail occupancy, it is accompanied by a 12% vacancy rate with a further 5.4% in non-retail use (A2 and A3).

3.9 The Retail Frontage, which represents the second-tier categorisation of retail streets. 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 59% occupied by A1 retail with a 11% vacancy rate. And 4.7% vacancy in non-retail (A2 and A3).

3.10 The remainder of the wider town centre designation within the LDP contains a lower proportion of A1 retail (9.7%) with non-retail spread across A2, A3 and other uses with a 8% vacancy rate.

3.11 The total vacancy rate for Carmarthen Town Centre Primary Retail Frontage currently sits at 19.5%, 17.3% Secondary Retail Frontage and 11.9% for the remainder of the wider town (excluding Frontage and Core). In total the vacancy rate for Carmarthen Town Centre is 15.4% (including core & secondary retail, all use classes)

3.12 When comparing the pre lockdown data with the post lockdown data there has been an increase in vacancies in some areas. The primary retail frontage vacancies rate was at 12.3% pre lockdown but post lockdown it's at 19.5%, that is a 7.2 percentage point increase. This is a considerable increase in a relatively short amount of time, and the trend continues. The Secondary Retail Frontage vacancy rates have also dropped over the lockdown period, before lockdown the vacancy rate was at 11.4% but post lockdown it is at 17.3%. Another considerable increase of 5.9 percentage points. The overall percentage for vacant retail units in Carmarthen pre lockdown was 11%, this has now increased over the lockdown period to 15.4%. This is a clear indicator of the effect COVID has had on Carmarthen's Town Centre, it also highlights the need for appropriate intervention to ensure the town is resilient to any future and ongoing effects of Covid-19 and that it reflects to the changing pattern of activities within Town Centres in general.

Note: The above figures will be subject to ongoing monitoring to reflect the impacts arising from Covid-19.

4. What will the LDO Permit and its Spatial Extent

4.1 The uses permitted through the draft LDOs, is set out in the appended Local Development Order's and Statements of Reasons. The proposed spatial extent of the town centres to which the Draft LDO's provisions will relate is also forms part of the appended documents to this report. Further details on the location of listed buildings and the extent of any Conservation Areas is also appended.

5. Lifetime of the LDO

5.1 It is proposed that the LDO operate for an initial period from its adoption to coincide with the anticipated adoption of the Revised LDP as outlined within the emerging Revised Delivery Agreement – August 2022. This period will however be subject to ongoing review and may be extended or reduced subject to the progression of the Revised LDP towards adoption.

5.2 Development that commences while the LDO is in effect may be completed and/or continued after its period of operation (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 1 in relation to the legislative framework in respect of revocation and revision and the potential for compensation should an LDO be withdrawn.

6. Operation of the LDO

6.1 The LDO will be subject to a 2-stage process (Certificate of Conformity and Commencement Notice Approval).

6.2 Where a 'development' is proposed which is within the LDO area and conforms with the schedule of approved use classes (as referenced above), a Certificate of Conformity will be issued by the Council. Applicants will be required to submit their proposals and pay the nominal fee of £90 to the LPA.

6.3 A change of use cannot commence however until a Commencement Notice Approval is released by the LPA. In this respect an applicant will need to satisfy any requirements as set out in those regulatory regimes that are outside of the planning system e.g. building regulations and any required pre-conditions as set out within the LDO.

A Commencement Notice Approval will not be issued where the necessary information to support the proposal has not been provided and/or where the required pre-conditions have not been met.

6.4 The processes utilised in operating the Llanelli Town Centre LDO includes 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.

6.5 Reference will be had to the current processes used in implementing the Llanelli Town Centre LDO and utilised as appropriate, including the measures for monitoring its implementation.

7. Next Steps

7.1 In drafting the LDOs it will be necessary to clearly establish their purpose, scope and

extent linking into the regeneration and other objectives. They may differ in form given the differences between the two centres.

7.2 In progressing towards the adoption of the LDO, approval is sought to formally publish its provisions for a minimum formal 6-week public consultation. Representations received during this period will be reported to back to a future meeting of Full Council for consideration prior to its formal adoption and implementation.

7.3 This consultation will be accompanied by the publication of the appropriate evidence and any other supporting information.

7.4 Discussions, including input from local members and interested groups will be undertaken as part of their formulation. In this respect it will also be essential at an early stage to consult informally with communities, statutory consultees and other stakeholders, with the emphasis on the future of the area in a post COVID-19 world and beyond rather than the specific details of the LDOs.

DETAILED REPORT ATTACHED ?

NO
Documentation appended

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

Policy, Crime & Disorder and Equalities

Reflects the provisions of National Planning Policy, and the evidential information set out within the report support, and where appropriate, will be utilised in the implementation of the LDO and will inform a review of the Local Development Plan. It also ensures alignment with the national Well-being Goals set out within the Well-being of Future Generations Act 2015.

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.

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.

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

1. Local Member(s)

Requirement for consultation as part of any LDO preparation.

2. Community / Town Council

Requirement for consultation as part of any LDO preparation.

3. Relevant Partners

Requirement for consultation as part of any LDO preparation.

4. Staff Side Representatives and other Organisations

Requirement for consultation as part of any LDO preparation.

**EXECUTIVE BOARD PORTFOLIO
HOLDER(S) AWARE**

YES

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/
Planning Policy Wales. Ed.10		https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf
Technical Advice Note 4		https://gov.wales/sites/default/files/publications/2018-09/tan4-retail-commercial-development.pdf
Llanelli Town Centre Local Development Order		https://www.carmarthenshire.gov.wales/home/council-services/planning/llanelli-town-centre-local-development-order-ldo/#.X2xtpeSovIU