

## **CARMARTHEN TOWN CENTRE**

## **LOCAL DEVELOPMENT ORDER**

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## **1.0 Overview**

1.1 A Local Planning Authority (LPA) may use an LDO to grant blanket planning permission for non-contentious, though not necessarily minor, forms of “development” / changes in use within a defined spatial area. Reference should also be made to the Statement of Reasons accompanying this LDO. It is advised that before submitting an application, interested parties liaise with Planning Services to scope out any potential issues and requirements and also confirm “validation” requirements. Reference is also made to the LDO Application Form in this respect.

1.2 The Permitted Uses are set out in Section 3. The Area is shown in Section 8. (for the purposes of the report to Executive Board – this is provided as an Appendix).

1.3 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. The LDO does not grant approval for external works. Proposals cannot commence until a Commencement Notice Approval is issued by the Council, irrespective of whether a Certificate of Conformity has been issued. Listed Buildings are not applicable to the LDO. A Certificate of Conformity will last for 3 years and should the proposal not commence before the end of that period then it will lapse.

1.4 After eighteen months, 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 (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 within the LDO area (source: Forward Planning );
- Three or more upper floor vacant units have been issued with Certificates of Conformity– this includes flats and residential uses – use class C3 - (source: Forward Planning).

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

## **2.0 Lifetime of the LDO**

2.1 The LDO is active for a period of one and half years, or to coincide with the adoption of the Revised LDP 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.

2.2 Development that commences while the LDO is in effect may be completed and/or continued after this eighteen month 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 eighteen month 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.

### **3.0 Permitted Uses**

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

<b>Use Class</b>	<b>Ground Floor</b>	<b>Other Floors (Excluding basements)</b>
<b>A1</b> Shops	Yes	Yes
<b>A2</b> Financial and Professional Services	Yes	Yes
<b>A3</b> Food and Drink <i>Restaurants and Cafes</i>	Yes	Yes
<b>A3</b> Food and Drink <i>Drinking establishments (but not night clubs)</i>	Yes	Yes
<b>A3</b> Food and Drink <i>Hot food takeaways</i>	Yes	No
<b>B1</b> Business (offices other than those within A2)	No	Yes
<b>C1</b> Hotels, boarding houses and guest houses	No	Yes
<b>C3</b> Dwellings (residential incl. flats)	No	Yes
<b>D1</b> Non-residential institutions (Note - LDO excludes Law Courts, Church Halls and Libraries)	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)	Yes	Yes
<b>Other (specified sui)</b> Laundrettes and taxi businesses only	Yes	Yes

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

[https://www.planningportal.co.uk/wales/en/info/3/common\\_projects/6/change\\_of\\_use](https://www.planningportal.co.uk/wales/en/info/3/common_projects/6/change_of_use)

## **4.0 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). In all circumstances, and irrespective of whether a Certificate of Conformity is issued, proposals cannot commence until a Commencement Notice Approval is issued by the Council.

**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. Reference is made to the provisions of TAN 15 in this respect the LDO area is not located within Flood Zones C1 or C2 as defined on the DAMs. Reference is also made to Note 11 set out within Section 5 of this LDO.

**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 (i.e C4 use for small HMO or sui generis for large HMO).

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

### Licensable Activity

7. Where applicable, non-planning related requirements must be satisfied prior to commencement of change of use. Reference is made to Condition 1 of this LDO and the requirement to attain Commencement Notice Approval from the Council. The contractor/developer will need to ensure that licensing approval is sought prior to any works commencing on site. Contact Tel: 01267 234567, email publicprotection@carmarthenshire.gov.uk

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

### 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.**

### Public Amenity

9. Where required and requested; a detailed Risk Assessment (the scope of which must be agreed with the Homes and Safer Communities team (HSC)) should be submitted to, and approved by the HSC prior to the Local Planning Authority (LPA) issuing a commencement notice approval. The Risk Assessment should assess/predict the likely impact of the proposed development as a whole on the existing commercial and residential properties within the area and/or predict the likely impact of existing commercial and residential properties on the proposed development. Where necessary the risk assessment shall identify the required



mitigation in the form of a Management Plan. The change of use shall thereafter be carried out in accordance with any approved Management Plan.

**Reason: In the interests of protecting the amenity of people using the surrounding area.**

#### Building Regulations

10. Non planning related requirements must be satisfied prior to commencement of change of use. The contractor/developer will need to ensure that Local Authority Building Control (LABC) approval is sought prior to any works commencing on site. Contact Tel: 01267 246044 email [building.control@carmarthenshire.gov.uk](mailto:building.control@carmarthenshire.gov.uk). Reference is made to Condition 1 of this LDO and the requirement to attain Commencement Notice Approval from the Council.

**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. Non planning related requirements must be satisfied prior to commencement of change of use. Reference is made to Condition 1 of this LDO and the requirement to attain Commencement Notice Approval from the Council.

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

### Drainage Strategy

13 No change of use shall commence where it will result in the hydraulic overload of the public sewerage system. Where required and requested; a drainage strategy should be submitted to, and approved by, Dwr Cymru Welsh Water.

**Reason: To enable the implementation of the LDO drainage strategy**

### Assessment of Assets

14. No change of use shall commence where it will result in the compromising of the integrity of any public sewer and/or water main assets within and/or adjacent to the site. Where required and requested; an assessment should be submitted to, and approved by, Dwr Cymru Welsh Water which clarifies any impact and where necessary any mitigation.

**Reason: To support the implementation of the LDO Drainage Strategy**

## **5.0 Notes**

1. The LDO is active for a period of one and half years, or to coincide with the adoption of the Revised LDP 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 eighteen month 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 eighteen month 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 3.

4. In order to alleviate the impact of development on local services and facilities, Community Infrastructure Levy and/or voluntary 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 8 appended to this report for Executive Board).
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. (this will be confirmed post Executive Board).
10. The TAN 15 Development Advice Map may be viewed on the Natural Resources Wales website. Reference is also made to the Plan set out in Section 10 (appended to the Executive Board report)
11. An Advisory note in relation to Flood Risk management may be appended to Certificates of Conformity.
12. An Advisory note in relation to Ecology may be appended to Certificates of Conformity.
13. Based on the number of existing units within the Project site, it is unlikely that more than 180 residential conversions could be physically delivered. Should a figure of 100 Commencement Notice Approvals for residential units be reached within the eighteen month period lifetime, then a moratorium will be placed on the LDO and it will be reviewed with the outcomes reported to full Council. Such a review will be informed by the input of the notification stakeholders (including NRW and DCWW).
14. An Advisory note in relation to the Built Historic Environment may be appended to Certificates of Conformity.

## **6.0 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.

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

In order to alleviate the impact of development on local services and facilities, Community Infrastructure Levy and/or voluntary contributions may be sought in accordance with current Council procedures.

## **8.0 Plan of the LDO Area (see Appendix)**

## **9.0 Plan of listed buildings and Conservation Area (see Appendix)**



## **10.0 Development Advice Maps (TANs) for LDO Area (see Appendix)**

## Notes

- i) The above Plan is based on the Development Advice Maps (DAMs) October 2020.
- ii) The DAMs are reviewed periodically and therefore may change during the lifetime of the LDO. Reference should be made to Natural Resources Wales' website in this regard.

## **11.0 Key Contacts**

1 Development Management (planning applications) – Llandeilo Office – **TBC**  
planning@carmarthenshire.gov.uk

2 Forward Planning – 01267 228818 forward.planning@carmarthenshire.gov.uk

3 Public Protection 01267 234567 publicprotection@carmarthenshire.gov.uk

4 Building Control 01267 246044 building.control@carmarthenshire.gov.uk