

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 16 Mawrth 2021  
ON 16 March 2021**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal Del/  
Area South*



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16.03.2021</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA SOUTH**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS.</b>
<b>PL/01050</b>	<b>DEMOLITION OF NO. 8-16 MARKET STREET AND REDEVELOPMENT TO PROVIDE MIXED USE ARCADE DEVELOPMENT INCLUDING HOTEL, RETAIL, OFFICE AND BAR/RESTAURANT UNITS (CLASS A1/A3/B1/C1)</b>	<b>35 - 63</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>PL/01050</b>
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<b>Application Type</b>	FULL PLANNING
<b>Proposal &amp; Location</b>	DEMOLITION OF NO. 8-16 MARKET STREET AND REDEVELOPMENT TO PROVIDE MIXED USE ARCADE DEVELOPMENT INCLUDING HOTEL, RETAIL, OFFICE AND BAR/RESTAURANT UNITS (CLASS A1/A3/B1/C1)

<b>Applicant(s)</b>	CYGNUS HOLDINGS (LLANELLI) LTD
<b>Agent</b>	ASBRI PLANNING
<b>Case Officer</b>	ROB DAVIES
<b>Ward</b>	LLIEDI
<b>Date registered</b>	12/02/21

## Reason for Committee

This application is being reported to the Planning Committee

\* as the County Council has a significant financial interest in the application.

## Site

The application site consists of numbers 8-16 Market Street, which are located to the eastern side of Llanelli town centre, effectively positioned between the St.Elli shopping centre and the more recent Eastgate leisure led development. The site occupies a position to the southern end of Market Street, close to the rear servicing yard of the St.Elli centre, at which point the road becomes a “dead end” for vehicles. There are some pedestrian links to the north and south of the application site that run in an easterly direction.

The site comprises of no's 8, 10 and 12 Market Street which are former nightclubs that in part front on to Market Street, whilst an element can also be accessed from the east from an area of public realm to the western side of the Eastgate development. These buildings which are part two, part three storey in scale and massing, have fallen into a state of neglect on the Market Street side.

Numbers 14 and 16 Market Street are former public houses which front on to Market Street, and are again part two storey, and part three storey in scale. These Public Houses have been vacant for a significant length of time.

The main bus station for Llanelli town centre is located to the immediate east of the application site at the Eastgate development.

The application site is not located within a conservation area, whilst the buildings contained within the application site are not offered any form of statutory protection. The former Exchange Buildings to the immediate north of the application site however are a Grade II listed building.

Due to the site's location within the town centre boundary it is unsurprising that the immediate area is primarily commercial in character. The St. Elli shopping centre is located to the south west, the Eastgate leisure development to the east, whilst the aforementioned Exchange Buildings to the north consists of a variety of commercial uses at ground floor with residential flats above. On the opposite side of Market Street there are a number of other commercial uses including a Bingo hall.

The application site is located partially within Zone C2. The Development Advice Maps referred to under TAN 15 shows that the north west corner of the site is encroached by Zone C2. Zone C2 is defined as 'areas of floodplain without significant flood defence infrastructure'. The remainder of the application site is outside any defined flood zone.

## **Proposal**

The application seeks full planning permission for the demolition of the buildings and the redevelopment of the site by constructing a mixed-use arcade development including hotel, retail, office and bar/restaurant units (Classes A1/A3/B1/C1).

The proposed development as shown on the plans submitted takes the form of an arcade style development either side of a central, partly covered walkway. The walkway will provide a direct link between the southern end of Market Street and the public realm area located between the application site and the Eastgate development.

Due to the topography of the site and the change in levels of some 4m between the higher southern part of the site to the lower part at Market Street, the proposed development will appear at different heights and will have a staggered built form. Notwithstanding this, the building will primarily provide two storeys of accommodation, with a partial third storey linked to the serviced accommodation element. It is also worth noting that there will be a part basement, which is proposed to house the plant room.

The proposed ground floor will primarily consist of A1 and A3 units, separated by the communal arcade walkway. The A1 element is located to southern end towards Market Street, with the A3 units occupying the remainder of the ground floor. The walkway will provide a direct permeable link between Market Street to the north and the Eastgate public realm area to the south. Due to the change in levels between the northern and southern parts of the site the communal walkway will consist of a series of diagonal ramps, steps and plateaus. The ground floor will also accommodate an internal garden and store delivery area.

It is understood that the pedestrian access through the arcade will be closed off and locked up upon the closure of the A3 unit whose times are envisaged to be late evening and early morning. The arcade will re-open at 7-8am when staff are back in the next day. The operation of the area will be managed by the operators of the units.

The proposed first floor primarily consists of B1 office units and serviced accommodation rooms (C1), with the latter also extending into a section of second floor accommodation. A couple of the ground floor A3 units proposed to the northern section of the development also extend up to first floor level.

In total the floorspace of the proposed development is broken down as follows:-

- A1 – 159 sqm
- A3 – 568 sqm
- B1 – 92 sqm
- C1 – 12 serviced rooms (it is understood that this element of the scheme is based on some form of 'air bnb' style model which would operate via an online booking system, and subsequently there would be a point of collection for the key via a secure box that uses a code. Therefore there will not be any form of face to face reception area required.

It is notable from the floor plan drawings submitted that a number of the A3 units proposed already have identified and named end users.

In terms of its external appearance, as aforementioned the proposed building will have differing heights, albeit retaining a two and three storey scale, and will adopt a staggered building line.

It is of a purposeful contemporary design, albeit using a mixture of both contemporary and traditional materials. The walls are to be finished in a mixture of Welsh Larch timber cladding and black slate stone cladding, whilst there are also some living walls and gardens proposed. The roof is to be designed as a part blue and green roof to aid in terms of sustainability and surface water drainage, whilst a striking canopy over the arcade is proposed, the underside of which will be finished with timber.

The proposed windows will be contemporary with use made of either black aluminium or upvc frames. There are a number of large window openings proposed, including projecting windows, which along with the use of timber louvres will aim to create interest and maximise natural light penetration.

Members will have noted from the Planning History relating to the site that Prior Notification to demolish the buildings was granted under reference PL/00920, and therefore demolition works can commence in advance of any decision being made on this planning application.

The application has been accompanied by the following supporting reports:-

- Pre-application Consultation Report
- Design and Access Statement
- Planning Statement
- Bat Building Inspection and Activity Report
- Transport Statement
- Drainage Report
- Flood Consequences Assessment

The Planning Statement states that the key elements of the design principles of this proposed development known as 'Y Linc' comprise:

- *Y Linc aims to interconnect the old and new spaces of the Town Centre and Eastgate; a sustainable gateway to Llanelli town*
- *Strong connectivity and movements; and*
- *Sustainable features*

The Planning Statement goes on to explain in more detail what the scheme comprises of and the benefits that it expects to bring to Llanelli. It states that the proposed development will comprise:

- *An arcade style development either side of a central walkway;*
- *Direct permeability between Market Street and the Eastgate Development;*
- *Bar and retail units;*
- *12 no. serviced apartments;*
- *3no flexible office units;*
- *Green / Circulation areas;*
- *Refuse areas and soft landscaping.*

*The development will house several elements including:*

- *Juniper Place, a relaxed dining, gin and fine food focused restaurant;*
- *Old Havana traditional Cuban restaurant and cocktail bar;*
- *Carma Coffi, coffee house and roastery;*
- *Hestia Lofts, modern office space and new world desk hire service, 1 stop business hub.*

*The application is of significant scale and comprises a development which has the potential to provide a wide range of benefits – both on and off site in an environmental and economic sense. It is seen as a regeneration project of note, largely backed by private finance and is a signal of confidence by the market in respect of Llanelli Town Centre.*

*Given the scale of the proposed development and its foreseen role within the Town Centre, it will result in significant economic benefits. To that end, on the basis of the experience of the developer in operating such outlets, the development is anticipated to result in the creation of a minimum of 100 jobs.*

## **Planning Site History**

PL/00920 - Demolition of Buildings to facilitate Proposed Development – Prior Notification Granted 07/01/20

S/17401 - New balcony added to front elevation, existing canopy removed. new doors added at first floor to access balcony - full refusal - 30/11/2007

LL/02567 - Renewal and enclosure of existing fire escape from first floor - full granted - 19/11/2002

S/02508 - Wall mounted illuminated fascia sign - advertisement granted - 11/7/2000

S/02369 - New single storey extension pitched roof extension and double storey flat roof extension - full granted - 3/4/2000

S/02225 - New shop front for bar & restaurant - full granted - 17/12/1999



S/02104 - Change of use from bank to licensed bar/club with associated facilities - full granted - 21/10/1999

S/01982 - Extension to existing fire escape from first to second floor and new door opening - full granted - 14/9/1999

S/01466 - Fascia and projecting signs: (1) 530mm high fascia sign with 200mm high internally illuminated letters and background panel halo lit from reverse of fascia panel (2) 600 x 600mm internally illuminated projecting sign with cashpoint addendum - advertisement granted - 29/9/1998

S/01188 - Conversion of part of dynevor castle public house, llanelli to public conveniences - withdrawn - 2/4/1998

S/01062 - New public house entrance, alterations and additions to external escape stairs and associated works - Withdrawn - 5/3/1998

D5/14578 - New ramp and steps to bank entrance - full Granted 31/06/1994

D5/13439 - New shop front and internal refurbishment - Planning Permission Granted 17/12/1990

D5/13435 - Display of Advertisement - Consent to display advertisements approved 17/12/1990

D5/8804 - Beefburger/Takeaway bar - Planning Permission Refused 07/11/0985

D5/8745 - Fire Escape - Planning Permission Granted 25/09/1985

D5/8446 - Display of Advertisement - Consent to display advertisements approved 06/06/1985

D5/7971 - Beefburger/Takeaway bar - Planning Permission Refused 18/10/1984

D5/7905 - Display of Advertisement - Consent to display advertisements approved 23/07/1984

D5/5938 - Cashpoint auto-tellar in the main window - Planning Permission Granted 10/09/1981

D5/2739 - Alterations and rear extension - Planning Permission Granted 08/12/1977

## **Planning Policy**

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces

SP2 Climate Change

SP3 Sustainable Distribution – Settlement Framework

SP8 Retail

SP9 Transportation

SP13 Protection and Enhancement of the Built and Historic Environment

SP14 Protection and Enhancement of the Natural Environment  
SP15 Tourism and Visitor Economy  
SP17 Infrastructure  
SP18 Welsh Language  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP4 Infrastructure and New Development  
EMP2 New Employment Proposals  
RT1 Retail Hierarchy  
RT4 Town Centre Zone  
TR2 Location of Development – Transport Considerations  
TR3 Highways in Developments – Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage  
TSM4 Visitor Accommodation

### [Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 11, February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## **Summary of Consultation Responses**

**Head of Transportation & Highways** – No objection subject to conditions.

**Head of Public Protection** – No objection subject to conditions.

**Suds Approval Body** – No objection. Advise that SAB approval is needed.

**Llanelli Town Council** – No response received to date.

**Local Member(s)** – County Councillors R James and S Najmi have not responded to date.

**Natural Resources Wales** – No objection.

**Dwr Cymru/Welsh Water** - No objection subject to conditions and advisory notes.

**Dyfed Archaeological Trust** – No response received to date.

**Dyfed Powys Police (Secure by Design)** – No response received to date.

All representations can be viewed in full on our [website](#).

## **Summary of Public Representations**

The application was the subject of notification by way of site notices and publication in the local newspaper.

To date three letters of representation have been received raising the following concerns and objections:-

- Detrimental to the heritage of the town
- Whilst the principle of regeneration is supported, it is considered that the proposed development should seek to incorporate historic buildings within the overall scheme of development. Whilst there seems to be no objection to demolishing the former nightclubs, it is considered that the former Dynevor Castle and Black Lion Inn Public Houses should be incorporated within the development. No assessment of how they could be retained and incorporated has been provided. It would be more sustainable to re-use.
- Llanelli has lost a number of heritage buildings over the last 15 years already.
- The proposed development is not sympathetic to the historic area.
- A Heritage Impact Assessment and Archaeological Assessment are needed to inform the consideration of the application.
- There is a historic 'turning stone' still located in the north west corner of the former Dynevor Castle Inn PH, which used to prevent carriages from colliding with it when negotiating the narrow lane turning. This should either be incorporated as a feature within the development, or relocated to Parc Howard Museum.
- 'Y Linc' is not an appropriate name for such a development and it should be re-named to something more appropriate to its location and heritage.
- The proposed development has little regard to the setting of the adjacent Grade II listed Exchange Buildings.
- Is there sufficient demand for such units within the town especially considering the current economic climate. The developer's business plan needs to be scrutinised before committing tax payer's money to this scheme.

All representations can be viewed in full on our [website](#).

## **Appraisal**

### **Principle of development**

The application site is located within the defined settlement limits of Llanelli and is within the defined town centre boundary as delineated within the Adopted Carmarthenshire Local Development Plan. As such there is no in-principle objection to the nature of the development proposed.

As aforementioned, Prior Notification approval has already been given to the demolition of the existing vacant buildings.

The proposed development represents welcomed private sector investment, supported in part through grant funding by Welsh Government, and the town centre loan scheme into a development that will provide quality commercial units that can support business start ups and create jobs. It is considered that the proposed scheme is highly sustainable, and will provide a mixture of uses appropriate to such a town centre location that will positively contribute to vibrancy and footfall within the town centre throughout the day and night.

The end product of the proposed development aligns well with the Llanelli Town Centre Local Development Order which seeks to reduce town centre vacancies and introduce uses compatible with such a town centre location.

### **Impact upon character and appearance of the area including heritage assets**

As aforementioned, the LPA has received objections towards the proposed development on the basis that it will be detrimental to the heritage of the town. Whilst the principle of regeneration is supported, the objectors opine that such development schemes should seek to incorporate historic buildings within the overall scheme of development. In this instance, whilst there seems to be no objection to demolishing the former nightclubs, it is argued that the former Dynevor Castle Inn Public House should be incorporated within the development. They opine that no assessment of how they could be retained and incorporated has been provided, whilst it would be more sustainable to re-use.

The objectors opine that Llanelli has lost a number of heritage buildings over the last 15 years already, and state that the proposed development is not sympathetic to the historic area. They go on to state that a Heritage Impact Assessment and Archaeological Assessment are needed to inform the consideration of the application.

There is reference made to a historic 'turning stone' still located in the north west corner of the former Dynevor Castle Inn PH, which used to prevent carriages from colliding with it when negotiating the narrow lane turning. They request that this is either incorporated as a feature within the development, or relocated to Parc Howard Museum. The objectors also opine that 'Y Linc' is not an appropriate name for such a development and it should be re-named to something more appropriate to its location and heritage.

Finally, the objectors also opine that the proposed development has little regard to the setting of the adjacent Grade II listed Exchange Buildings.

This is of course an important material planning consideration and will be addressed in detail in this section of the report. It should be noted however, that the concern raised over the name of the development is not a material planning consideration in the determination of this application. There is a separate process to consider and agree development names and addresses.

As already noted in this report, the application site is not located within a conservation area, whilst the buildings contained within the application site are not listed or offered any form of statutory protection. The former nightclub buildings have little architectural merit and have fallen into a state of neglect, especially on the Market Street side. The former Public Houses have more historical context, with Public Houses dating back to the mid to late 19<sup>th</sup> century in this location. Whilst they are more aesthetically pleasing, they have been altered over time, and have unfortunately been vacant for a significant length of time and as a result their condition has deteriorated.

Members will be aware that the LPA has to determine the application as submitted, which in this instance involves the complete demolition of both the former Public Houses and nightclubs. It will have been noted from the Planning History section of this report, that the principle of demolishing the buildings has already been established by virtue of the prior notification decision made.

Notwithstanding this however, it is difficult to envisage how the former Public Houses could be retained and incorporated within a comprehensive development scheme, one of the main aims of which is to create a permeable link development between Market Street and Eastgate. The historic character and street pattern in this part of Llanelli has changed significantly over the years, and that is the current position. Historically the southern end of Market Street would have linked at a junction with Stepney Place/Murray Street which ran in a east-west direction. The main change in this respect was as a result of the St.Elli Centre and Asda development in the 1990's. Today the southern end of Market Street is effectively a dead end and is peripheral to the town centre, as evidenced by the number of vacant buildings in this location, including those that form part of the application site. The proposed arcade style, link development will re-connect this part of town with the new modern Eastgate development, where the main bus station is located. A more purposeful and legible link between the Eastgate development and the town centre at Stepney Street and Vaughan Street will be provided as a result. The proposed development will provide an active frontage on to the existing large public realm area in front of Sports Direct which is currently unattractive and under-utilised.

In terms of the requests for a Heritage Impact Assessment and Archaeological Assessment, there is no statutory requirement for a HIA from an application of this nature. Notwithstanding this, there is a detailed section within the Design and Access Statement that provides and assessment of the impact of the proposed development on the adjacent heritage assets.

It is noted from the PAC report that Cadw were consulted during the pre-application consultation process, and advised in their response that there are no scheduled monuments or other designated historic assets of concern located within a 500m buffer of the application area.

The Authority's Archaeological advisors, Dyfed Archaeological Trust were also consulted at PAC, and advised having checked the application proposals against the regional Historic Environment Record, do not consider that the work requires archaeological mitigation. Therefore, no further action is needed to protect the historic environment.

In terms of the referenced 'turning stone', the LPA has drawn this to the attention of the applicant and asked them to confirm their intention and willingness in this respect. In response the agent has confirmed that the applicant is willing to either try and incorporate the stone within the development or donate it to the heritage society for them to re-located to a museum as they see fit.

With regards to the setting of the adjacent Grade II listed Exchange Buildings to the immediate north of the application site, whilst the Historic Environment (Wales) Act 2016 made some amendments to the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the 1990 act is still the primary legislative instrument addressing the treatment of listed buildings through the planning process in both England and Wales.

The way in which historic assets are assessed remains largely the same. In this respect Section 66(1) of the 1990 Act is particularly relevant in this instance and sets out the statutory duty of the decision-maker, where proposed development would affect a listed building or its setting:

*'...in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or*

*its setting or any features of special architectural or historic interest which it possesses.'*

This section of the report will apply the "special regard" test referred to in Section 66(1) in considering the potential impact on the setting of the listed buildings. In doing so reference will be drawn to the Design and Access Statement submitted on behalf of the applicant, relevant legislation, and relevant national and local planning policies.

## **Design and Access Statement**

As aforementioned the DAS includes a section assessing the impact on the adjacent heritage assets. In line with Cadw guidance, this section of the DAS first of all establishes the significance of the adjacent heritage asset, before going on to assess the impact of the proposed development on the heritage asset and its setting.

The DAS states that the group of properties known locally as Exchange Buildings is made up in fact of a number of separate entities. In fact there are six buildings listed which make up the heritage asset.

Exchange Buildings which is located on a prominent corner position on the junction of Market and Park Street was designed and built in 1915-20 as a large corner block of shops and offices by the well-respected local architect William Griffiths of Llanelli. These Grade II listed buildings are designated due them being considered an imposing early C20 commercial building.

Today the ground floor of the Exchange Buildings is used for a variety of individual commercial uses, whilst the upper floors consist of residential flats.

In terms of the significance of the listed buildings, the DAS states that the present building forms part of the Llanelli town centre as it developed through the late 19th and early 20th Century. Essentially it was built as ground floor retail with offices above and these uses have been retained in various forms up to the present, until the upper floors were recently converted to residential accommodation.

The building is acknowledged as a good example of an imposing early C20 commercial building with interesting architectural features substantially intact, and with good character. It is considered an important survivor of a significant local commercial building which are limited in the town. As a result, the proper preservation of the building is critical as well as the enhancement of its setting.

After establishing the significance of the building the DAS goes on to assess the scheme against the Conservation Principles published by Cadw in respect to managing change to historic assets. The DAS states that the conservation principles acknowledge that changes to the historic environment are inevitable and that conservation is often more about the careful management of that change rather than the prevention of it. In this respect the DAS goes on to consider the evidential, historical, aesthetic and communal values of the heritage asset.

In terms of evidential value, the DAS opines that the historic asset itself has high evidential value associated with its historic function, but opines that its setting has low evidential value due to fragmentation of the town caused by modern developments.

Due to its historic commercial function which has evolved over time, the DAS opines that the Exchange Buildings has high historical value.

With regards to aesthetic value, the DAS opines that the Exchange Buildings design and appearance has high aesthetic value to those who are aware of its historic commercial function, however opines that its setting has low aesthetic value due to the aesthetically displeasing surroundings.

Finally in terms of communal value, the DAS opines that it has moderate communal value as many people will have some form of connection with it.

The DAS then goes on to assess the capacity for change to the historic asset. In this respect it will be noted that there are no direct changes proposed to the listed buildings, and therefore the consideration in this respect relates to in-direct impacts on the buildings setting. In this respect the DAS opines that the current setting of the listed buildings is severely compromised by the surrounding built form and their condition. Therefore the DAS opines that any redevelopment proposal in the area will be the opportunity to enhance the overall setting of the asset.

The DAS then goes on to define the setting of the Exchange Buildings in terms of townscape and settlement pattern, with reference drawn to photographs of dilapidated surrounding developments, including the application site, and modern imposing developments such as the Tinopolis Building. It then tries to understand how the setting contributes to the significance of the historic asset, before going on to assess the impact of the proposed development on this setting.

The DAS acknowledges that the proposed development due to its proximity will have an impact on the setting of the adjacent Grade II listed buildings. The architecture used in the building coupled with its prominent corner position in the historic townscape at the time of construction would have reflected its commercial importance. The building would have historically dominated the street scene in terms of scale and design. This setting however has evolved drastically through the late part of 20<sup>th</sup> Century. The street pattern has been significantly altered so now the Exchange Buildings is located on the periphery of the towns commercial centre with much of the towns new retail/commercial development having turned its back on the building leaving it somewhat isolated. Access to the site is now convoluted.

The DAS specifically draws reference to the scale of 1980's built former Tesco store which dominates the setting, whilst the service yard of the 1990's St. Elli Centre acts as a dead end and prevents active pedestrian routes.

The DAS opines that the buildings contained with the application site, apart from age, have little significance and their dilapidated appearance is currently severely prejudicial to the setting of the historic asset. In this regard, the DAS goes on to opine that by removing the dereliction and replacing it with a modern, subordinate development, the proposed development will improve the urban setting of the Exchange Buildings.

This section of the DAS concludes by saying that it is considered that the proposed development is wholly acceptable when assessed against the relevant statutory duty, policy and guidance. In conclusion, it is considered the proposal will not have any adverse impact on the setting of the adjacent Exchange Building (Grade II) and will in fact actively enhance the setting to remove an area of dilapidation and dereliction to create a new focus for commerce in the town centre.

## Local Planning Authority assessment

The LPA agree that there is no direct impact on any heritage assets, and that the main consideration at hand is the indirect impact on the setting of listed buildings.

Cadw's guidance 'Setting of Historic Assets in Wales' (2017) states that '*the setting of a historic asset includes the surroundings in which it is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive, negative or neutral contribution to the significance of an asset.*'

The Guidance advises that setting is not itself a historic asset, and the document goes on to advise that it needs to be established what the setting contributes to the significance of a historic asset and then evaluate the potential impact on that significance.

Planning Policy Wales provides the national planning policy framework for the consideration of the historic environment and this is supplemented by guidance contained in Technical Advice Note 24. These documents are consistent with Cadw's guidance in terms of assessing impact upon the setting of a listed building.

Paragraph 1.26 of TAN24 is particularly useful and states that ".....For any development within the setting of a historic asset, some of the factors to consider and weigh in the assessment include:

- The significance of the asset and the contribution the setting makes to that significance
- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset such as noise.

Paragraph 1.28 of TAN 24 goes on to acknowledge that "...Mitigation of damaging effects could be achieved through good design and in some cases screening or landscaping".

In relation to the Exchange Buildings, its setting has always been urban in nature surrounded by built form as confirmed on historic maps. When it was first constructed however, due to the street pattern at the time and the fact that the buildings around it would have been subordinate in scale, the Exchange Buildings would have been an imposing and prominent building in the town. This degree of prominence has diminished over time as a result of modern developments, and as a result its setting has also changed in this respect.

The imposing Tinopolis building screens views of the Exchange Buildings from the north, whilst as aforementioned, the southern end of Market Street would have historically merged into Stepney Place/Murray Street to the south, however the St. Elli development now effectively acts like a book end. The LPA agrees with the DAS that the current setting detracts from this historic asset and that an arcade/linked style development proposed in this location will allow permeability in a southerly direction from Market Street, which in turn will increase footfall and activity to this end of town which has become increasingly peripheral in modern times.

The design of the proposed scheme is purposefully contemporary and contrasting in nature, and is therefore not trying to compete or replicate any of the intricate detail on the listed



building. The scheme is of differing heights, is two/three storey in massing and is therefore subordinate in scale to the listed buildings as shown on the section drawings submitted with the application. The varying pallet of materials is considered appropriate within its context and will serve to break up the massing of the building. The lane between the proposed development and the listed buildings is to remain. The listed buildings will therefore remain to be the primary buildings within the immediate street scene.

Therefore whilst the development will affect the historic setting of the listed buildings in the sense that it involves development immediately adjacent to it, the listed buildings themselves being functional commercial urban buildings have always been surrounded by built form. This surrounding built form and street pattern has changed over time, to the detriment of heritage asset's setting, however the LPA opines that the proposed development will positively enhance this side of town and in turn the setting of the listed building. The LPA therefore does not consider that the effect on this setting adversely affects the significance of these historic assets.

The Authority's Senior Built Heritage Officer has assessed the planning application submission, and whilst the retention and re-use of buildings, especially historic buildings, should be encouraged, she confirms the fact that the buildings are not offered any form of statutory protection. In terms of the former Public Houses themselves, she confirms that in her opinion they have been significantly altered externally, whilst there is a high likelihood that the buildings will be suffering from significant structural deterioration.

In terms of the setting of the adjacent listed buildings, the Senior Built Heritage Officer opines that the Exchange Buildings are a significant and imposing structure in the area and is satisfied that the proposed development will not detract from the importance of these buildings. The development as proposed appears subservient to The Exchange Buildings, and in her opinion should actually serve to draw people down Market Street encouraging them to take greater notice of the retail units in The Exchange in passing. She considers that this will in fact be of benefit to the listed structure where greater profitability will only serve to improve the prospects of the historic building. The Senior Built Heritage Officer confirms that the DAS has adequately addressed the setting of the Exchange Buildings, and believes that the proposed development is of a satisfactory design in this respect.

## **Privacy Impacts**

Whilst there will of course be an inevitable degree of noise and disruption during demolition and construction works, this will only be on a short term basis only. The completed development and end uses proposed are considered by be fully compatible with such a town centre location.

The Authority's Public Health section has been consulted on the application and has raised no objection towards the proposed development subject to the imposition of conditions. These conditions require the submission of a scheme for dust mitigation, and noise related conditions that restrict the timings of demolition and construction works and to impose noise restrictions with regards to the end use. With regards to the latter, it must be remembered that the existing established uses for the site are a nightclub and public houses, which in themselves would have generated noise late into the evening and early hours especially on weekends.

## **Biodiversity Impacts**

The application has been accompanied by a Bat Building Inspection and Activity Report which concluded that there was no evidence of roosting bats externally, with no evidence identified internally within the former pub (no internal access available to the nightclub structure). The Local Record Centre data search also identified no records of roosting bats onsite, with the closest known bat roost located approximately 285m south west of the site within the former YMCA. However, multiple bat roosting features were identified on all the structures and as such they were considered to be of moderate bat roosting potential, and further bat surveys were conducted at the buildings.

The subsequent dusk emergence surveys identified no bats roosting, with very low levels of bat activity attributed to individual Common Pipistrelle that were considered to be roosting in an offsite location to the west of the site.

On this basis the Bat report considers that the applicant will not be required to apply for a European Protected Species (EPS) derogation license. It is however recommended that a precautionary approach should be adopted towards demolition works and a condition to this effect can be imposed on any planning permission granted.

Both NRW and the Authority's Planning Ecologist have reviewed the Bat report and raised no objection towards the proposed development. The Planning Ecologist has recommended the imposition of conditions relating to the precautionary recommendations, and also a condition relating to biodiversity enhancement.

## **Highway Impacts**

Vehicular access to the site can be achieved to the north whereby the site is well connected to the main A484. Whilst there are no parking facilities provided within the scheme, the site is located within a sustainable town centre location accessible by a variety of means of transport. The DAS states that it is envisaged that staff and users of the development arriving by car will use one of the numerous public car parks in operation within the vicinity of the site.

The site is well served by pedestrian infrastructure, and as aforementioned the arcade nature of the proposed development will improve pedestrian permeability to the eastern side of the town.

The site is located within reasonable proximity to a number of major cycle routes including Route 4, Route 47 and the Millennium Coastal Path.

The main bus station for Llanelli is located at East Gate, a short distance to the immediate east of the site.

In terms of servicing the commercial units, the layout design and accompanying Transport Statement advises that this can be done from the north east at Park Street.

The Authority's Head of Highways has considered the information submitted with the application and has raised no objection subject to the imposition of conditions relating to cycle stands; Construction Traffic Management Plan and Travel Plan. The response from the Head of Highways acknowledges the established uses made of the site and the site's sustainability credentials.

## **Flood Risk Implications**

Technical Advice Note 15 Development and Flood Risk (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

The application site is partially located within Zone C2 which is defined as 'areas of floodplain without significant flood defence infrastructure'. The proposed development represents a mixture of highly vulnerable and less vulnerable development as defined by TAN15. However, as the last sentence in Paragraph 5.2 of TAN15 states that "the vulnerability attributed to a mixed-use proposal will be defined by the most vulnerable use", this mixed-use development from a flooding policy perspective will be assessed on the basis of the most vulnerable use. As the hotel element of the scheme is considered to be a highly vulnerable form of development, the development as a whole will be considered as highly vulnerable development

Paragraph 6.2 of TAN15 states that highly vulnerable development should not be considered in Zone C2 and that only less vulnerable development should be considered in Zone C2 subject to the application of the justification test, including acceptability of flooding consequences. This was re-affirmed by the Chief Planning Officer's letter from Welsh Government dated the 9<sup>th</sup> January, 2014. Therefore it is accepted that the justification tests in Paragraph 6.2 of TAN15 do not apply to the proposed development. Therefore if a literal and rigid interpretation of TAN15 is adopted, it is accepted that the proposed development in respect of flood risk does not accord with national planning policy as set out in PPW and TAN15, and conflicts with criterion 'd' of Policy SP2 of the LDP.

## **Other Material Considerations**

Notwithstanding the above, whilst it is accepted that this mixed-use development is classed as highly vulnerable development and is partially located within Zone C2, and thus does not strictly accord with PPW and TAN15, it is opined that there are other important material considerations which need to be considered in the overall balance in making an informed decision on this application.

The combined effect of s. 38(6) of the Planning and Compulsory Purchase Act 2004 and S. 70(2) of the Town and Country Planning Act 1990 is that the determination of an application for planning permission is to be made in accordance with the development plan unless material considerations indicate otherwise. Whilst the previous section of this report has identified a conflict with criterion 'd' of Policy SP2 of the LDP, along with PPW and TAN15 in terms of flood risk, this section highlights some important material considerations that need to be considered in the determination of this application.

Planning Policy Wales emphasises that the planning system should support economic growth in the context of sustainable development, whilst Paragraph 5.4.4 states that:

*"Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration..."*

TAN 23 Economic Development (2014) re-iterates the broad definition of economic development as contained within the Chapter 7 of PPW, which includes retail and tourism, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

The proposed development represents an important town centre regeneration scheme on a brownfield site, that will actively enhance and introduce vitality to this eastern part of the town which has become increasingly peripheral in recent times. The area has seen a marked deterioration in terms of its overall appearance and environmental quality, whilst the town's retail and commercial function has suffered due to the advent of out-of-town retail, general decline and changes in the retail sector and more recently the adverse effects resulting from the Covid 19 pandemic.

The continued re-development of Llanelli Town Centre is a key priority of the Local Authority and a dedicated Task Force for Llanelli which comprises of key town centre stakeholders from a mix of different organisations has been set up to seek to address the current issues. The main purpose of the task force is to drive forward initiatives to ensure the future success and vibrancy of the town centre through a collaborative and holistic approach.

The County Council's own strategies for the regeneration of Llanelli closely align with those of Welsh Government under the Targeted Regeneration Initiative (TRI) Programme which is aligning significant investment and resource into addressing, in particular, empty properties within the town centre and re-introducing a new and modern building stock to support a mix of end uses in accordance with the Welsh Government's Town Centre First Strategy.

Whilst the Regeneration Delivery Strategy for Llanelli town centre pre-dates this project and thus does not specifically mention it, it is nevertheless considered that this proposed private sector development will assist with the delivery of the Local Authority's regeneration strategy aimed at improving Llanelli town centre. The proposal accords with the key priority themes and actions of the Llanelli Task Force which seeks to reduce the number of derelict buildings, improve the environment and improve the commercial offer. It is understood that the scheme is to be supported in part by the aforementioned Targeted Regeneration Investment fund programme by Welsh Government aimed at improving town centres.

Whilst the Local Authority has directly intervened to deliver sustainable change and to bring forward schemes at Stepney Street, the northern end of Market Street and the former YMCA due to a lack of private sector interest, it is encouraging to see this ambitious private sector led scheme, supported in part by public funding, coming forward. The development will provide a mixture of uses appropriate to such a town centre location, whilst it is understood that the intention is for several independent and operational restaurant/bar owners to trade from the development. This non speculative element of the scheme is encouraging during the current uncertain economic times that we find ourselves in as a result of the pandemic. In addition to improving the environmental quality of the area, and contributing towards the aims of creating a town centre as a location to live, work and visit, it is estimated that the proposed development will create a minimum 100 jobs. Such local job provision is certainly welcomed in the current economic climate and in this respect the proposed development will positively contribute towards the job creation aspirations of the Local Authority as outlined in its Corporate and Economic Development Strategies. In addition to the employment created by the end uses, it is highly likely that local building contractors and supply firms will benefit during the demolition and construction phases.

This proposed development provides a striking mixed-use development which will link the core town centre with the newly established and modern East Gate development. As a result footfall will be significantly increased, and the proposal will have positive economic, social and environmental outcomes.

Regeneration funding is key to unlock the development site and without regeneration funding the scheme will not be delivered. In fact, it is understood that this project is supported in part through the Welsh Government's TRI Programme, and also forms part of the Town Centre Loan scheme administered by Carmarthenshire County Council. However as aforementioned, the significant amount of private sector funding element involved is a huge positive and highlights welcomed developer interest and confidence in Llanelli town centre.

Given the Town Centre location, the site is highly accessible by a range of public transportation options. As such the proposed development is considered to be highly sustainable and likely to benefit from linked trips with other operators within the Town Centre. The development is considered to have transformative potential in the context of the regeneration of the centre which as set out above is a key priority of the Council and Welsh Government.

The site itself and this section of Market Street currently detracts from the town centre given its vacant and a derelict nature, however the proposed development will provide a modern development that will actively enhance and provide a positive image of the town on the eastern approach.

Given the range of uses proposed, the proposed development will enable an all-day use and increase footfall and visitors into the Town Centre. As a result it will hopefully create a ripple effect which will boost nearby traders and increase footfall more generally.

As aforementioned the current Covid 19 health crisis has undoubtedly had a massive adverse impact on the economy in general, and especially on our town centres with enforced remote working, and there are many uncertainties moving forward. In this regard the proposed development represents welcomed developer confidence in the town, which will provide commercial units tailored to some occupants needs and other opportunities for business start ups.

It is also worth referring to the Llanelli Town Centre Local Development Order, the main aim of which was to reduce town centre vacancies and introduce uses compatible with such a town centre location. The Council's objective was to introduce a permissive planning regime that would allow specified changes of use to take place without the applicant having to apply for planning permission.

The Llanelli Town Centre Local Development Order (LDO) was adopted in February 2019 and 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. Whilst it is fully acknowledged that the redevelopment nature of the proposed scheme means that it cannot benefit from the provisions of the LDO, it is considered that the policy approach adopted to flood risk within the LDO is relevant.

The key requirement of the LDO from a flood risk perspective was that it only allowed for less vulnerable developments to be located at ground floor within Zone C2, with highly vulnerable developments having to be located on upper floors.

The LDO was informed by a strategic FCA and hydraulic model that were considered by NRW in 2018. The FCA highlighted that the majority of the LDO area was C2 and that it was at risk of fluvial flooding from the Lledi River which runs through the town within a substantial culvert.

That FCA acknowledged the flood risks to the LDO area. It was indicated that the LDO did not comply with TAN15 tables A1.14 and A1.15, with potential flooding depths to certain areas of the town centre up to 1m in the 1:100 year event and 1.5m in the 1:1000 year event. Therefore, the FCA focussed on mitigating and managing the risk from flooding, especially through the management of vulnerability groups e.g. no highly vulnerable uses at ground floor within C2 with residential on upper floors only. NRW at that time confirmed that they would be acceptable to this form of mitigation.

Table 3 in the SFCA provides a recommendation of the suitability of development types and NRW note that for those development classes which are highly vulnerable, the development will not be located on the ground floor or basement. Provided that proposals are in line with these recommendations NRW offered no objection to the LDO, however advised that the Council must be satisfied that the proposal is acceptable in terms of flood risk particularly regarding access and egress considerations; and for emergency planning purposes.

The LDO was supported by Welsh Government who were consulted prior to its formal adoption.

As aforementioned, whilst the proposed development cannot benefit from the provisions of the LDO, the end product of the development proposed which ensures that only less vulnerable development is proposed at ground floor, with the highly vulnerable hotel element on the upper floors, aligns with the approach adopted in the LDO which was agreed by all relevant parties prior to its formal adoption. This consistency in approach is considered relevant, whilst as will be noted below in drawing reference to the FCA submitted with the application, a new build allows more opportunity than a change of use to factor in flood resilient design measures.

### **Flood Consequences Assessment**

As already noted in this report, the planning application was accompanied by a site-specific Flood Consequences Assessment produced by WSP, which provides technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15. Whilst acknowledging the planning policy position, it is considered useful to summarise the key conclusions of the FCA and the expert technical advice offered by Natural Resources Wales in their response to the application.

The FCA states that external ground levels are generally between 8.6m AOD in the northern edge along Market Street itself, rising to above 12m AOD to the south. The Lliedi river is culverted through the town centre and is approximately 150m to the south of the site at Mincing Lane. The flood risk to the site is therefore fluvial from the Afon Lliedi and not tidal.

The FCA states that the footprint of the new development is similar to that currently in existence and therefore opines that there would be no increase to third party flood risk, and therefore no compensatory flood storage is required. The highly vulnerable hotel units are located on the upper floors and are accessed via a separate stairwell on the north east side of the building where the existing ground levels are 9.25m AOD. Only less vulnerable uses are proposed at ground floor. The development is in two halves split by the accessway. As aforementioned the existing levels on Market Street are 8.6m AOD, and the entrance to the development at this location is 9.3m AOD. Whilst there is a basement proposed, this is not underground and is openly accessible from Market Street at 9.3m AOD, and will be used for plant equipment and storage. The new build nature of the proposed development allows for opportunities to introduce flood resilient design measures into the proposed scheme.

The FCA acknowledges that the north west corner of the application site is encroached by Zone C2, and accepts the policy position that highly vulnerable development should not be proposed within Zone C2.

The FCA draws reference to the flood modelling work undertaken to inform the Local Development Order. The proposed finished floor level of the Market Street entrance is proposed as 9.3m AOD, meaning that it should remain dry in the 1:100 plus climate change event and flood to a depth of 0.23m in the 1:1000 extreme event. Compared to the existing

ground levels of 8.6m AOD to the north, the external depths of floodwater would be 0.9m and 1.2m respectively during those events. The external depths of floodwater would therefore be greater than the 0.6m guidance in TAN15.

The base of the hotel stairwell will be around 9.25-9.3m AOD to tie in with existing external ground levels and would flood in both events, however the maximum flood depth would be less than the 0.6m guidance with TAN15. The LDO modelling also considered blockage scenarios where a blockage on the A484 could increase water levels on site by up to 5cm.

The FCA also draws reference to a previous NRW flood model. The predicted maximum water level in the 1:100 plus climate change event is 8.9m AOD and in the 1:1000 extreme event is 9.4m AOD. Compared to the external levels of 8.6m AOD, this would result in external flood depths of 0.3m and 0.8m respectively. The finished floor level of 9.3m in this location suggests that the building will remain dry in the 1:100 plus climate change event and only experience shallow flooding of up to 0.1m in the extreme event. The FCA acknowledges that the flooding information that informed the LDO is the most up to date.

The FCA acknowledges that the external depths and velocities of flooding to the Market Street side do not accord with Tables A1.14 and A1.15 of TAN15. It also acknowledges the risks from surface water flooding.

In terms of access, egress and evacuation, the FCA states that levels continue to rise throughout the communal walkway as you go southwards, whereby there is minimal flood risk to the southern parts of the site. Commercial areas on the first floor are accessible via stairways set above 9.3m AOD and can exit on to higher ground in the communal walkway.

The hotel stairway to the north east, albeit more sheltered from the direction of flood waters, may be impeded in flood events. The existing ground level by the access is 9.25m AOD, and the most direct route to higher ground is passed the parking bays and up the steps to the communal public realm area. The FCA acknowledges that access to the hotel stairway is not fully compliant with TAN15, and therefore suggests that the more appropriate approach would be to refuge on upper floors during a flood event until matters improve, or evacuation prior to a flood event. The FCA therefore recommends the creation of a secondary emergency access for hotel residents, which will exit into the higher central part of the scheme. At the request of the LPA the agent has amended the scheme to include such a secondary access.

The application site is within a flood alert area and the FCA states that the Afon Lliedi has approximately 13 hour response time from onset of storm, although actual warning time will be significantly shorter. The lead warning time for fluvial events is typically a couple of hours during which evacuation process could be enacted. For no notice events or significant pluvial events, the FCA states that upper floors could provide refuge.

Whilst there are risks to the site they are acknowledged in the FCA and through the mitigative measures outlined in the FCA, the FCA opines that there is potential to reduce the risk of flooding when compared to the existing situation.

Mitigative measures include raising thresholds as much as possible; physical internal design/flood resilience measures; producing a Flood Action Plan (including Evacuation and Safe Refuge Procedures); sign up to NRW flood warning service; only less vulnerable uses at ground floor as per the Local Development Order; no basement levels; appropriate signage including evacuation procedures.

The applicant has confirmed in writing that they fully acknowledge the flood risks to the site as outlined in the FCA submitted with the application, and has also confirmed that as landlord of both the commercial and hotel elements of the scheme, Flood Management Plans will be produced, kept up to date and communicated to future tenants and occupants.

The FCA makes reference to the Llanelli Town Centre Local Development Order and its approach in terms of flood risk. The application site is within the LDO area, however it cannot benefit from the provisions of the LDO as it involves a new build development.

The FCA has been assessed by NRW who has raised no objection towards the proposed development. In their response, NRW advise that the application site is partially within Zone C2 of the Development Advice Map and flood zones 2 and 3 of the NRW flood map. They also advise that the proposed development is a change from less vulnerable to highly vulnerable development according to TAN15, and refer to the advice given in Paragraph 6.2 of TAN15 in this respect.

In terms of the FCA, NRW acknowledge that the site is within the LDO boundary, however the scheme cannot fall for consideration under the remit of the LDO.

NRW confirm that the data from the hydraulic model developed for the LDO has been used to assess the flood risk to the site and the FCA confirms that the proposed development is not compliant with TAN15 as elements of the development will flood during the 1%+climate change design event therefore not complying with section A1.14 and depths and velocities exceed the tolerance levels outlined in Table A1.15.

Whilst the FCA does state that as there will be no significant difference between the pre and post development footprints, compensatory flood storage is considered to be unlikely, no figures have been provided to support this statement in the FCA according to NRW.

As aforementioned, the positive economic and regeneration benefits of this proposed development are significant material considerations in the determination of this application. The LPA agree with the applicant that the proposed scheme has “transformative” potential for Llanelli town centre and contributes in a positive manner to the placemaking objectives of PPW and will improve the well-being of the community by having clear social benefits also.

Resisting redevelopment on this site would have a significant detrimental impact on the regeneration aspirations for Llanelli town centre, and will result in vacant buildings being left to deteriorate further. Whilst the flooding Policy position is acknowledged, the LPA considers that the applicant has demonstrated through the submission of an FCA that the risks and consequences of flooding can be managed, especially when compared to the existing situation. The FCA has been appraised by NRW, who again whilst acknowledging the policy position, has not objected to the management and mitigating approach adopted similar to the LDO.

Therefore whilst the FCA acknowledges, and the LPA accept that the proposed development does not comply with PPW, TAN15 and criterion ‘d’ of Policy SP2 in terms of flood risk, the LPA are satisfied that there are, in this instance, overriding “other material” reasons for considering to grant planning permission contrary to national planning policy.

## **Drainage**

In terms of drainage, the application was accompanied by a detailed Drainage Strategy. Notwithstanding this, as the proposed development is over 100sqm it is understood that



separate SAB approval will be needed and this will need to be discussed separately with the SAB team.

In terms of the existing situation, foul drainage from the existing development drains to the main sewer. Existing surface water from roofs and hard paved areas also enters the combined sewer at an unattenuated rate. The site at present is 100% impermeable.

The proposed foul sewerage will continue to be discharged to the mains sewer which is considered to be the most appropriate and sustainable method. In terms of dealing with the surface water, the drainage strategy assesses options using the hierarchical approach. In this respect it concludes that infiltration is not an option, whilst discharge to a watercourse is not a viable option as the Afon Lliedi culvert is some 150m away. As there are no designated surface water sewers in the immediate area, it is proposed to continue to dispose of surface water to the combined sewer, albeit at a reduced rate. Surface water will be restricted by the use of flow control devices and temporarily stored in attenuation features, before slowly being released into the combined system. The flat roof areas of the building will utilise a blue roof system, which will allow water to be temporarily stored. The external ground floor entrance areas will continue to discharge at an unattenuated rate however.

The proposed surface water strategy is considered acceptable in principle, subject to any separate consents required under SAB legislation, and will ensure that there is betterment in comparison to the existing situation. The Drainage Report estimates a 30% betterment in terms of surface water flows, whilst it is also estimated that the peak foul flow from the development is 20% less than historic foul flows. This ensures compliance with the CBEEMS Memorandum of Understanding, and the LPA's drainage register will be updated accordingly.

In relation to drainage it is also worth noting that relevant consultees including Dwr Cymru/Welsh Water and the Authority's SAB team have raised no objection.

### **Air Quality**

Whilst the proposed development site is located within the Llanelli Air Quality Management area, the Authority's Environmental Health section have raised no concerns in terms of air quality. They have nevertheless requested that a condition is imposed requiring a scheme for the mitigation of dust during demolition and construction phases.

The condition recommended by Highways in terms of a Construction Traffic Management Plan is also relevant, and such a CTMP could provide clarification on the routes for demolition and construction traffic to ensure that they avoid the key pinch point areas in terms of air quality.

Whilst the development proposes new commercial development within the designated AQMA, the existing built form and established uses must be acknowledged in this respect.

### **Other Matters**

In terms of historic coal mining activity, the Coal Authority confirmed at PAC stage that the proposed development is outside the defined Development High Risk Area and therefore no Coal Mining Risk Assessment is needed.

The concerns raised which questioned whether there was sufficient demand for such units within the town centre in the current economic climate, and whether the business plan had been sufficiently scrutinised before committing public funding to assist the scheme, are not considered to be material land use planning considerations.

## Planning Obligations

There is no S.106 required in this instance.

## Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## Conclusion

The determination of such a planning application is to be made in accordance with the development plan, unless material considerations indicate otherwise. The appraisal has shown that the proposed development accords with the majority of LDP policies, however as it does not strictly comply with TAN15, Criterion 'D' of Policy SP2 of the LDP is not adhered to. In this regard, a proposal does not need to comply with each and every policy (or indeed each and every part of a development plan policy) in the development plan in order to comply with the development plan as a whole as noted in R v Rochdale Metropolitan Borough Council ex p Milne [2001].

Whilst the LPA accept that the proposed development does not comply with PPW and TAN15 in terms of flood risk, the LPA are satisfied that there are, in this instance, overriding "other material" reasons for considering to grant planning permission contrary to national planning policy.

As with all planning applications, an on-balance decision must be made taking into consideration a number of factors.

The Welsh Government in Chapter 5 of PPW defines Economic Development as:

*"the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses." (Paragraph 5.4.1)*

It goes on to state that:

*"Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy" (Paragraph 5.4.2)*

Paragraph 5.4.4 states that:

*“Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration...”*

TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

As aforementioned, the positive economic, regeneration and job creation benefits of this proposed development are considered to be significant material considerations in the determination of this application. The LPA agree with the applicant that the proposed scheme has “transformative” potential for Llanelli town centre and contributes in a positive manner to the placemaking objectives of PPW and will improve the well-being of the community by having clear social benefits also.

The scheme involves the re-development of a brownfield site within a sustainable town centre location, and will actively enhance the immediate environment. This part of Market Street has become increasingly peripheral in recent times and the immediate environment has suffered as a result. The introduction of this contemporary development will re-connect this end of the town, and introduce appropriate uses that will increase footfall and vibrancy during both the day and evening times. In this regard also, the setting of the adjacent Listed Building will be improved and the adjacent, currently unused large public realm area will be reinvigorated.

The size, scale and design of the proposed development is considered acceptable, and the contemporary design solution using a mixture of vernacular and modern materials is considered appropriate for this location. The proposal is subordinate to the adjacent listed building.

As aforementioned, the investment in this area of town, which is effectively located between the main town centre and the more modern developments at East Gate and Y Ffwrnes is welcomed, and will add to the vibrancy and footfall in this area and provide an important transitional development between the two.

It is considered that there are no loss of amenity issues associated with the proposed development, whilst the LPA has not received any statutory consultee or technical objections. It is considered that the concerns and objections raised have adequately been addressed as part of the above appraisal.

Notwithstanding the identified conflict with criterion ‘d’ of Policy SP2 of the LDP and TAN 15, as already noted in the report measures can be introduced within the scheme to manage and mitigate flood risk in comparison to the existing situation. Considering all relevant considerations, despite the identified conflict with criterion ‘d’ of Policy SP2 of the LDP, the LPA concludes that the proposal does comply with the LDP as a whole. In this instance, it is considered that the economic and regeneration benefits of the development outweigh the identified conflict with national planning policy on flood risk.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date, the application is put forward with a recommendation for approval subject to the following conditions.

# Conditions and Reasons

## Condition 1

The development hereby approved shall be commenced before the expiration of five years from the date of this permission.

*Reason:*

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

## Condition 2

The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:

- Location plan (011 Rev A) 1:1250 @ A4 received 24<sup>th</sup> December, 2020
- Block plan (002 Rev A) 1:500 @ A4 received 24<sup>th</sup> December, 2020
- Proposed block plan (003 Rev A) 1:500 @ A4 received 24<sup>th</sup> December, 2020
- Urban grain plan (004 Rev A) 1:1000 @ A4 received 24<sup>th</sup> December, 2020
- Proposed contextual elevations (305) 1:200 @ A2 received 24<sup>th</sup> December, 2020
- Indicative roof plan (105) 1:200 @ A3 received 24<sup>th</sup> December, 2020
- Proposed ground floor plan (101 Rev C) 1:200 @ A3 received 24<sup>th</sup> February, 2021
- Proposed first and second floor plans (102 Rev C) 1:200 @ A3 received 24<sup>th</sup> February, 2021
- Proposed side elevations (302 A) 1:200 @ A3 received 24<sup>th</sup> February, 2021
- Proposed internal elevations (303 A) 1:200 @ A3 received 24<sup>th</sup> February, 2021
- Upper and lower entrances 1:100 @ A3 (306) received 24<sup>th</sup> February, 2021
- Cross sections 1:100 @ A2 (401) received 24<sup>th</sup> February, 2021
- Character area plan (106 A) @ A3 received 24<sup>th</sup> February, 2021

*Reason:*

In the interest of visual amenity.

## Condition 3

Prior to work commencing on the construction of the buildings hereby approved samples of the materials to be used in the construction of the external surfaces of the buildings must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason:*

In the interest of visual amenity.

## Condition 4

Prior to work commencing on the construction of the buildings hereby detailed drawings and/or specification of the green roof and green living walls must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason:*

In the interest of visual amenity.

### **Condition 5**

Prior to work commencing on the construction of the buildings hereby detailed drawings and/or specification of the boundary treatment required to close off the arcade during times of closure must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason:*

In the interest of visual amenity.

### **Condition 6**

Prior to the commencement of development, details of how the identified historic 'turning stone' is to be safeguarded and either re-used within the scheme or relocated must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

*Reason:*

In the interest of preserving a historic feature.

### **Condition 7**

Prior to any use of the development herewith permitted, cycle parking provision (cycle stands) shall be provided in full accordance with the *CSS Wales' Parking Standards 2014*. The cycle stands shall be made available, and thereafter maintained at all times, within the curtilage of the site.

*Reason:*

In the interests of highway safety.

### **Condition 8**

No development shall take place until a detailed Construction Traffic Management Plan is submitted for the written approval of the Local Planning Authority. The CTMP should also identify the traffic route management measures. Thereafter the approved scheme shall be implemented in full and as agreed.

*Reason:*

In the interests of highway safety and air quality.

### **Condition 9**

Prior to the beneficial use of the development hereby approved a detailed Travel Plan, setting out ways of reducing car usage and increasing walking and cycling to and from the development, shall be submitted to and agreed in writing by the Local Planning Authority. The detailed Travel Plan shall be implemented in accordance with the approved details at a timescale to be approved in writing by the Local Planning Authority.

*Reason:*

In the interests of highway safety.

### **Condition 10**

Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.

*Reason:*

To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.

### **Condition 11**

During the demolition and construction phases, no noise generating works or demolition or construction shall take place other than within the hours of 07:30 – 18:00 Monday – Friday, Saturday 08:00 – 14:00 and not at all on Sundays, Bank or Public Holidays. As the proposed developments are situated in a mixed residential area, it is recommended to minimise noise disturbance that the construction work be undertaken in compliance with BS 5228-1:2009+A1:2014 [Code of practice for noise and vibration control on construction and open sites. Noise](#) and and BS 5228-2:2009+A1.2014 Code of practise for noise and vibration control on construction and open sites. Vibration and/or its subsequent amendments.

*Reason:*

In order to preserve amenity.

### **Condition 12**

The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed the existing background sound level. The rating sound levels shall be determined at the nearest noise sensitive premises or at another location that is deemed suitable by the authority. Measurements and assessments shall be made in accordance with BS 4142: 2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound and/or its subsequent amendments.

Such detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of the premises and shall be maintained as agreed thereafter.

*Reason:*

In order to preserve amenity.

### **Condition 13**

Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound immissions arising from the development to determine whether they exceed the sound levels specified in condition 12. The assessment shall be undertaken under the supervision of the Local Authority.

*Reason:*

In order to preserve amenity.

#### **Condition 14**

In the event that Condition 12 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 2. These measures will then be implemented forthwith.

*Reason:*

In order to preserve amenity.

#### **Condition 15**

The proposed hotel rooms intended for residential purposes shall be designed so as not to exceed the noise criteria based on current figures by BS8233 “good” conditions given below:

- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

Such detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of the accommodation and shall be maintained as agreed thereafter.

*Reason:*

In order to preserve amenity.

#### **Condition 16**

The development should be undertaken in strict accordance with the precautionary recommendations made in Sections 5.3 and 5.4 of the Bat Building Inspection and Activity Report received on the 24<sup>th</sup> December, 2020.

*Reason:*

In the interest of protected species.

#### **Condition 17**

Prior to the works commencing on the construction of the buildings hereby approved, full details of a scheme of enhancements, including Bat and Swift boxes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the beneficial use of the building.

*Reason:*

In the interest of protected species.

#### **Condition 18**

The development should be undertaken in strict accordance with the recommendations made in Section 5 the Flood Consequence Assessment report received on the 23<sup>rd</sup> December, 2020.

*Reason:*

To manage and mitigate against the risk of flooding to the site.

### **Condition 19**

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details as contained in the Drainage Report received on the 24<sup>th</sup> December, 2020. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

*Reason:*

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

### **Condition 20**

No development shall take place on the application site until the applicant has:

- Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.
- Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards.
- Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

*Reason:*

To protect human health.

### **Condition 21**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason:*

To protect human health.



## **Notes**

### **Note 1**

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.

### **Note 2**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.