

**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 25 AWST 2020
ON 25 AUGUST 2020**

***I'W BENDERFYNU*
FOR DECISION**

***Ardal
Dwyrain/
Area East***



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.

COMMITTEE:	PLANNING COMMITTEE
DATE:	25 AUGUST 2020
REPORT OF:	HEAD OF PLANNING

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<p>APPLICATIONS RECOMMENDED FOR REFUSAL</p>
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Application No	E/40436
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Application Type	Full
Proposal & Location	CHANGE OF USE FROM IN-FORMAL VEHICLE PARKING TO SELF STORAGE CONTAINERS SECURE COMPOUND (B8 USE CLASS) RE SUBMISSION OF E/39180 AT LAND ADJACENT TO STATION ROAD WORKSHOPS, STATION ROAD, AMMANFORD, SA18 3SY

Applicant(s)	MR STEVE AITKEN
Agent	DAVIES RICHARDS DESIGN LTD.
Case Officer	Andrew Francis
Ward	Ammanford
Date registered	16 April 2020

Reason for Committee

This application is being reported to the Planning Committee following a call-in request by Cllr. D. Harris.

Site

The application site is a rectangular flat area of land situated to the south of Station Road (C2130) which measures approximately 60 metres in depth by 23 metres in width for a total area of 1225 m² or 0.3 of an acre (0.12 Ha). The application site has an obvious step down to a lower level approximately half way along its depth. Both distinct levels are flat and gravelled with the area closest to Station Road used as an informal car parking area to serve the retail units and gym that occupy the adjacent buildings to the west. The lower level can also be used for parking, though this is less busy. Beyond this area to the south is a large flat field constrained on both sides, to the east by the River Loughor and to the west by train tracks that travel north to Llandeilo. These train tracks constrain the application site to the west also and necessitate a Level Crossing on Station Road approximately 33 metres from the access to serve the application site.

The area is in mixed use with retail units to the west, a further education college beyond these further to the west, residential units to the east and north east, and industrial units to the north. The applicant has a site of existing storage units off Shands Road to the north.

The application site is situated within a C2 Flood Zone, as defined by the Development Advice Maps associated with Technical Advice Note (TAN) 15.

Proposal

This planning application seeks to change the use of the land from informal vehicle parking to self storage containers within a secure compound, similar to what the applicant has at his site off Shands Road to the north.

In order to provide the security required, a 2 metre high green security fence set into a low level blockwork wall is proposed around the southern and eastern boundaries, with a 2.4 metre high blue palisade fence proposed along the northern boundary, with the pavement. The eastern fencing and mature boundary with the railway line is to be retained.

The existing compacted stone surface is to be retained and improved to provide a more level surface for the containers.

Planning Site History

The following previous applications have been received on the application site:-

E/39180	Change of use from informal vehicle parking to self storage containers secure compound (B8 Use Class) Full planning refused	19 December 2019
E/29054	Proposed change of use of an existing warehouse (Class B8) into a studio/gym (Class D2) Full planning permission	12 December 2013
AM/00143	Second hand car sales Full planning permission	11 December 2001
E/02889	Second hand car sales Withdrawn	4 January 2002

Planning Policy

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

SP1 Sustainable Places and Spaces

SP2 Climate Change

EMP2 New Employment Proposals

TR3 Highways in Developments – Design Considerations

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

[Technical Advice Note 15 - Development and Flood Risk - 2004](#)

Summary of Consultation Responses

Head of Transportation & Highways – Recommends the same refusal response as the previous application (E/39180) as the details submitted are exactly the same. The Head of Transport recommended that this application be refused

- The proposal seeks to construct self-storage containers on an existing car parking area which currently serves existing businesses such as:
 - Functional7 Strength & Conditioning Gym;
 - B+R Factors;
 - Amman Upvc;
 - ‘It Only Tickles’ (Tattoo Parlour).
- Planning history suggests that the gym (E/29054) and tattoo Parlour (E/19997) have conditions imposed securing the same area for purposes of car parking.
- There is a lack of supporting information with the application to mitigate for the loss of car parking provision.
- There is a lack of information relating to the number of containers, vehicular access within the site and car parking to serve the proposal.

Head of Public Protection - No objections to the proposal.

Ammanford Town Council – Fully supports the schemes that bring new business but have concerns regarding the aesthetic appearance of the storage containers should they be in full view. Would have no objection to a landscaping scheme to enhance the site.

Local Member - Councillor D. Harries has requested that this application be presented before the Planning Committee and wishes to address the Committee.

Natural Resources Wales – Advises that as no Flood Consequences Assessment (FCA) has been submitted, the advice given for the previous application (E/39180) remains the same. The application should be supported by a FCA to demonstrate the risks and consequences of flooding can be managed to an acceptable level, as the site is within a Zone C2, as defined by the Development Advice map referred to under TAN15 – Development and Flood Risk. Without this, TAN 15 requires that the application be refused.

Coal Authority – No objections to this proposal.

Network Rail – Initially raised queries regarding the proximity of the level crossing. On providing the requested information, no further comments have been received.

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

Summary of Public Representations

The application was the subject of notification by way of a site notice.

No comments have been received as a result.

Appraisal

The application is proposed within a generally mixed use area and, as such, would not appear particularly incongruous, especially given the industrial land opposite to the north and industrial/retail units to the west. The addition of fencing would also be considered to be generally acceptable at this location, given the proximity of the railway line and set back from the highway. As the comments of Ammanford Town Council note, the site is on a gateway to the town and the visual aspect could be improved with some landscaping, but this would have to ensure that highway visibility would be retained.

As such, in general, it is considered that the development of this site to accommodate storage units would not be detrimental to the general character or appearance of the site or area, instead comfortably resting with the units to the west and north. The fencing may initially appear to be a harsh visual addition, though this can be mitigated with further landscaping if necessary and appropriate.

By virtue of the type of development and the existing site's location, there would be no issues surrounding loss of privacy or amenity for occupiers of any neighbouring buildings. Furthermore, there is no biodiversity value on the site currently.

However, the Head of Transport maintains his previous objection to the proposal stating that the proposed development does not make adequate provision for the parking of vehicles clear of the public highway. In making this objection, they advise that the planning permissions for the adjacent gym and tattoo parlour both have conditions imposed securing the current application site for the purposes of car parking. The other businesses also use the area for parking. Further to this, the application submitted does not include any supporting information to mitigate for this loss of car parking provision.

In addition to the parking issues, it is also noted that there is a lack of information relating to the number of containers, vehicular access within the site and car parking to serve the proposal, which relates to the lack of information supplied with the issue of flood risk, discussed below.

Related to the issue of Highways, Network Rail raised queries regarding this application and the potential impact regarding the level crossing. The agent provided the answers to these queries and Network Rail have not offered any further comments.

The main issue with this application, as it was with the previous application, which was refused under delegated powers, is the issue of Flood Risk. TAN 15 is explicit regarding what should be done in the case on Zone C2 areas, where no FCA is submitted to support the application. As the supporting plan shows, the site is clearly within the highest risk area. Part of the reason a FCA is required is not to save the containers and their contents from flooding as these are clearly low on the list of vulnerabilities. The FCA is required to assess what risk these containers might have in the event of a flood as they may displace water into the nearby residential properties which are highly vulnerable or, in the worst case scenario, what damage they may cause if they were to become untethered and float.

The River Loughor is situated less than 50 metres to the west and the large flat field directly to the south is part of the natural flood plain for this part of the river. This, the second application submitted without any means to assess the flood risk the proposal may have,

beyond what TAN 15 and the Development Advice Maps offer is clearly a departure from nationally established planning policy.

Planning Obligations

There are no planning obligations related to this application.

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

After careful consideration of the scheme as submitted it is concluded on balance that whilst such businesses would generally be supported in suitable locations within Carmarthenshire, the lack of information submitted with relation to flood risk and the clear local and national policy objections that this creates in relation to TAN 15 – Development and Flood Risk. Approving this application would be a serious departure to national planning policy and as such, despite any merits this application may have, this application can only be recommended for refusal.

Recommendation – Refusal

Reasons

- 1 The proposal is contrary to the requirements of section 6, 7, and tests under Table A1.14 and A1.15 of Technical Advice Note (TAN) 15 Development and Flood Risk in that the proposal development is located within an area at risk of flooding (Zone C2), as defined by the development advice map referred to under TAN 15 (July 2004). The available flood map information confirms the site to be within the 1 in 100 year and 1 in 1000 year probability flood outline, and the applicant has declined to provide the necessary justification and assessment of consequences evidence. In the absence of such evidence, to demonstrate that the risks and consequences of the site flooding can be managed to an acceptable level, the development cannot be approved.
- 2 The proposal is contrary to the provisions of section 6.6.22 of Planning Policy Wales Edition 10 (December 2018) in that the proposal development is located within an area at risk of flooding (Zone C2), as defined by the development advice map referred to under TAN 15 (July 2004). The available flood map information confirms the site to be within the 1 in 100 year and 1 in 1000 year probability flood outline, and the applicant has declined to provide the necessary justification and assessment of consequences evidence. In the absence of such evidence, to demonstrate that the risks and consequences of the site flooding can be managed to an acceptable level, the development cannot be approved.

- 3 The proposal is contrary to SP2 Climate Change of the Carmarthen Local Development Plan in that the proposal development is located within an area at risk of flooding (Zone C2), as defined by the development advice map referred to under TAN 15 (July 2004). The available flood map information confirms the site to be within the 1 in 100 year and 1 in 1000 year probability flood outline, and the applicant has declined to provide the necessary justification and assessment of consequences evidence. In the absence of such evidence, to demonstrate that the risks and consequences of the site flooding can be managed to an acceptable level, the development cannot be approved.
- 4 The proposal is contrary to TR3 Highways in Development – Design Considerations of the Carmarthen Local Development Plan in that the proposed development does not make adequate provision for the parking of vehicles clear of the public highway. The lack of information relating to the number of containers; vehicular access; and proposed parking to serve the proposal as well as mitigate for the resulting loss of previously designated car parking spaces dictates that planning permission should be refused.