



Planning Statement

JCG Building, Milland Road Industrial Estate, Milland Road, Neath

July 2022

SP22-1031

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Document 1: Appeal Decision Reference APP/Y6930/A/20/3251715

1. Introduction

1.1 This Planning Statement has been prepared by Simply Planning Limited (SPL), on behalf of our client, Hale Construction, and is submitted in support of a planning application for a change of use of the redundant industrial floorspace to provide a café and a not-for-profit gym at the JCG Building, Milland Road Industrial Estate, Milland Road, Neath, SA11 1NJ.

1.2 The full description of development is, therefore, as follows:

“Change of use of vacant industrial floorspace (Use Class B2) to provide a gym (Use Class D2) and a café (Use Class A3),”

1.3 The application is supported by the following documents:

- Completed Planning Application Forms and Certificate A;
- Supporting Planning Statement, prepared by Simply Planning Limited;
- Transport Statement, prepared by Corun Associates Ltd; and
- Architectural drawing package, prepared by Chamberlain King Moss comprising the following drawings:

Drawing no.	Drawing Title	Scale
A184 Rev A	Site Location Plan	1:2500
A183	Existing Parking Layout	1:250
A180	Site Plan as Proposed	1:250
A181 Rev B	Existing Ground Floor Plan	1:100
A172 Rev C	Proposed Ground Floor Plans	1:100
A182	Existing Ground Floor Plan	1:100
A173 Rev A	Proposed Ground Floor Plan	1:100

1.4 The planning application fee of £460 will be paid to the Local Planning Authority upon submission of the application. Once the fee has been received, we consider that all the Local and National validation checklist requirements will have been met and the application can be validated accordingly.

1.5 This supporting Planning Statement sets the planning context for the consideration of the application proposals. In particular, it assesses the proposal against the relevant policies of the statutory Development Plan, national guidance and non-statutory planning documents. It demonstrates that the proposal complies with the relevant guidance and policies. Accordingly, the development should be granted consent, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

1.6 This Statement is structured as follows:

- **Section 2** sets out the factual background and development context, including a description of application site and surrounding area, the planning history and development proposals.

- **Section 3** reviews the Planning Policy context against which the proposals should be judged, including Planning Policy Wales (edition 11), Future Wales 2040 and the Neath Port Talbot Local Development Plan up to 2021 (March 2011).
- **Section 4** considers the matters at issue and assessed the scheme against the Development Plan policies.
- **Section 5** draws our conclusions.

2. Factual Background

Site and Surroundings

- 2.1 The application site comprises a 0.87 ha area of land containing part of the JCG Building and its associated car parks, located on the Milland Road Industrial Estate, Neath. The application site falls within the administrative boundaries of the Neath Port Talbot Council ('the Council').



Approximate Site Location

- 2.2 The Milland Road Industrial Estate is located at the western edge of Neath and is separated from the retail and residential area to the east by a railway line and the A474. To the north of the application site are further industrial units associated with the industrial estate, with the River Neath to the west and agricultural land to the south. Neath Canal runs along the eastern boundary of the site with the vehicular access into the site crossing over a small bridge off the Milland Road, which falls within the applicant's ownership.
- 2.3 The building contained within the application site forms part of the demise of Hale Construction, but is currently vacant and is not being used for the business as part of their modular house building construction factory.
- 2.4 The application site benefits from a substantial surface car park which adjoins the main factory building to the north. This provides capacity for 220 parking spaces, as shown on the parking layout plan which accompanies this planning application.
- 2.5 The application site is in a sustainable location, with a pedestrian footbridge that connects the nearby residential properties to the east of the industrial estate. Bus stops are located approximately 100m east on the A474 from which the nos. 87, 900, 901, 902 and X5 Cymru Clipper services can be accessed. These provide travel to Neath Town Centre, Magam, Swansea City Centre, Sandfields, Port Talbot and the areas between. The Neath Train Station is located less than a mile north of the application site and provides travel to a wider area.
- 2.6 There are a number of services in the near area. As well as the Milland Industrial Estate, there is a Castle Retail Park, which includes a Lidl, a petrol station, bingo hall, primary school, post office, places of worship

and takeaways approximately 200 metres to the north-west of the application site. Contained within this retail park is Vitality Health and Fitness Centre, which is being required to vacate the premises due to the expansion of the adjoining Lidl supermarket. Therefore, as outlined in further detail below, the proposal is an effective relocation of this business from this current location to the application site.

Designations and Constraints

LDP Proposals Map



- 2.7 A search of the Neath Port Talbot Proposals Map shows that the application site is located adjacent to the Settlement Limit for Neath (yellow shaded area) and within the Coastal Corridor Strategy Area. The application site is located within an Existing Employment Area ref EC2/5 (Melincryddan CMB / Milland Road Industrial Estate Neath) (brown shaded area) and the Settlement Protection Zone. The application site is not subject to any other policy constraints or designations.
- 2.8 A search of the Cadw website does not show any Listed buildings within the near vicinity. The site is located within Flood Zones B (areas known to have flooded in the past) and C2 (areas of floodplain without significant flood defence infrastructure).

Planning History

- 2.9 The NPT Planning Application Search shows a number of previous applications on the site. The recent planning history is set out in the table below:

Application Reference No.	Description of Development	Decision	Decision Date
P2022/0395	External alterations to extend the cladding and associated works	Approved	16 th June 2022
P2019/5082	Demolition of an existing building and erection of a new biomass boiler house building to house woodchip fed biomass plant (Max 2 MW thermal output), plus chimney and associated works.	Approved	3rd October 2019

Application Reference No.	Description of Development	Decision	Decision Date
P2019/0176	Removal of existing roof structure and provision of new roof to an increased height	Approved	9th May 2019

- 2.10 The planning permission granted on 16th June 2022 included external works to the building where the proposed gym and café would be located, including the provision of new access ramps into these building. Therefore, these works are to be completed under this existing planning permission, but are shown on the existing and proposed plans for completeness.

The Proposed Development

- 2.11 The application seeks planning permission for the change of use of part of the JCG building from industrial use, to provide 151 sqm of floor space at ground floor level for us as a café (Use Class A3) and 702 sqm of floor space at first floor level to provide a gym (Use Class D2).
- 2.12 Submitted in support of the application are proposed floor plans which show the layout of the proposed gym and café at the site.
- 2.13 The proposed development has arisen as the Hale Construction are keen to provide an on-site facility for staff members to be able to exercise and get healthy meals before and after work and also during their lunch breaks. During the course of discussions with potential operators for the company gym, Hale Construction became aware that Vitality Gym are being required to close their successful gym at Castle Retail Park, due to the expansion plans for Lidl at the site.
- 2.14 The proposals have now been brought forward that Vitality will be the operator of the gym at the site, with it providing a company gym for people who work at Hale Construction, as well as a commercial gym for members of the public. The gym will aim to retain their current client base from their existing location, 250m away from the application site, but also seek to provide facilities for employees of other businesses on the industrial estate.
- 2.15 The business model of Vitality is different to many commercial gyms, in that it is run as a not-for-profit organisation and has a large focus on creating a community atmosphere amongst its members. The overall health benefits of gym membership, on both a physical and mental-health wellbeing, have been widely advertised during the pandemic, and Vitality offers an important facility to its members. As a not for profit organisation, the business reinvests profit back into the development and growth of the business and also provides its facilities to local groups and charitable organisations, free of charge.
- 2.16 The proposed café and gymnasium would employ a range of staff, including baristas / chefs, waiting staff, personal trainers, cleaners and administrative assistants. It is anticipated by the operators of the businesses that this would equate to 30 full-time members of staff within the two businesses.
- 2.17 The development would be served by two parking areas, with 9 spaces to the frontage of the gym and cafe, including disabled spaces and a surface car park with 220 parking spaces on the land to the north of Hale's main factory building. The main surface car parking would be shared with Hale's business operations and Section 4 of this report confirms that the level of parking is sufficient for both businesses to operate.

3. Relevant Planning Policy

- 3.1 This section of the Planning Statement outlines the principle national and development plan policies that are relevant to the determination of this application.
- 3.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the Development Plan and that determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.3 In the context of this application, the Development Plan for Neath Port Talbot County Borough Council (NPT) comprises the NPT Local Development Plan 2011-2026 (LDP), adopted in January 2016, and Future Wales 2040, adopted February 2021.
- 3.4 Material considerations include Planning Policy Wales (Edition 11, February 2021) (PPW), associated Technical Advice Notes (TANs) and NPT Supplementary Planning Guidance (SPGs).

Planning Policy Wales (Edition 11)

- 3.5 Planning Policy Wales Edition 11 (PPW) was published on 11th February 2021 and this sets out the land use planning policies of the Welsh Government. The primary objective of PPW11 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 (WBFG Act) and other key legislation.
- 3.6 The WBFG Act places a duty on public bodies to carry out sustainable development. This is not a new concept for the planning system as the principles of sustainable development have been at the heart of planning policy since PPW was first published in 2002. However, the concept has been expanded under the WBFG Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural.
- 3.7 Paragraph 1.17 of PPW confirms that a plan led approach is the most effective way to secure sustainable development and that:

“Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.”

- 3.8 Chapter 2 of PPW introduces the concept of ‘Placemaking’ and paragraph 2.1 states the following:

“Everyone engaged with or operating within the planning system in Wales must embrace the concept of placemaking in both plan making and development management decisions in order to achieve the creation of sustainable places and improve the well-being of communities.”

- 3.9 PPW also defines placemaking as the following:

“Placemaking” is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public spaces that promote people’s prosperity, health, happiness, and well-being in the widest sense.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.”

3.10 Paragraph 2.13 of PPW 11 states that:

“The plan-led system underpins the delivery of sustainable places. To ensure all development plans and decisions taken by the planning system work together to deliver sustainable places. The 5 Key Principles (see Figure 4) represent a guiding vision for all development plans, including the NDF.”

3.11 Figure 4 of PPW11 provides the key planning principles which are as follows:

- Growing our economy in a sustainable manner;
- Making best use of resources;
- Facilitating accessible and healthy environments;
- Creating and sustaining communities;
- Maximising environmental protection and limiting environmental impact.

3.12 In providing context for the first key principle, growing our economy in a sustainable manner, PPW 11 states under figure 4 of page 17 the following:

“The planning system should enable development which contributes to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services. Communities, national and local government, businesses, and the third sector must work together to take a long term view, integrating and aligning priorities through greater collaboration to achieve sustainable economic benefits for all in line with the well-being goals.”

3.13 Paragraph 2.17 of PPW 11 states:

“In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver development that address the national sustainable placemaking outcomes.”



3.14 In paragraph 2.27 of PPW11 it states that planning authorities should ensure that the social, economic, environmental and cultural benefits are considered in the decision-making process. The economic considerations set out under paragraph 2.28 of PPW 11 include:

- the numbers and types of long term jobs expected to be created or retained;
- whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities or upgrading the environment;
- the contribution the development would make to achieving wider strategies, for example the growth or regeneration of certain areas; and
- the contribution this economic activity will have to wider policy goals.

3.15 Of particular relevance to this application is paragraph 3.55 of PPW 11 which relates to brownfield land and this states:

“Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.”

3.16 Chapter 4 ‘Active and Social Places’ addresses transport, with paragraph 4.0.3 stating that:

“This theme aims to ensure new development is located and designed in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment, local services and community facilities”.

3.17 Paragraph 4.1.1 of PPW 11 states:

“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development”.

3.18 Paragraph 5.4.3 concerns economic development and states *“Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level”*, whilst Paragraph 5.4.4 elaborates that wherever possible, *“planning authorities should encourage and support developments which generate economic prosperity and regeneration”*.

3.19 Overall, it is our view that the proposals are fully consistent with the principles established within PPW and the development meets a number of the national sustainable placemaking outcomes contained within national planning guidance, in particular, the need to grow our economy in a sustainable manner.

Technical Advice Notes

Technical Advice Notes (TANs) provide detailed planning advice that developers and Local Planning Authorities should consider the planning application determination proceed. The key TAN in relation to the proposed development is TAN 23, which provides guidance on the role of land use planning in generating wealth, jobs and income.

Future Wales – The National Plan 2040

3.20 The National Development Framework ‘Future Wales- The National Plan 2040’ (NDF) was published on 24th February 2021. This document sets a framework for planning the change and development in Wales over the next two decades.

- 3.21 Policy 1 (Where Wales Will Grow) of the Future Wales – The National Plan 2040 (NDF) relates to where Wales will grow. It identifies both National and Regional Growth Areas. Three National Growth Areas are identified within the policy, with one of these being ‘Swansea Bay and Llanelli’, which the application site falls within.
- 3.22 Policy 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking) relates to the location of development and amongst other criteria, states:

“The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:

- *creating a rich mix of uses;*
- *providing a variety of housing types and tenures;*
- *building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;*
- *increasing population density, with development built at urban densities that can support public transport and local facilities;*
- *establishing a permeable network of streets, with a hierarchy that informs the nature of development;*
- *promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and*
- *integrating green infrastructure, informed by the planning authority’s Green Infrastructure Assessment.*

Planning authorities should use development plans to establish a vision for each town and city. This should be supported by a spatial framework that guides growth and regeneration, and establishes a structure within which towns and cities can grow, evolve, diversify and flourish over time.”

- 3.23 Policy 28 (National Growth Area – Swansea Bay and Llanelli) of the NDF relates to the Swansea Bay and Llanelli National Growth area and states as follows:

“Swansea Bay and Llanelli will be the main focus for growth and investment in the South West region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure. The Welsh Government will work with regional bodies and local authorities to promote and enhance Swansea Bay and Llanelli’s strategic role and ensure key investment decisions support places in the National Growth Area and the wider region.”

Therefore, it is clear through the NDF that employment generating employment is encouraged within the Swansea Bay and Llanelli area, which includes Neath, where the application site is located. As such, this will form a material consideration in the determination of this application.

Local Planning Policy

Neath Port Talbot County Borough Council Local Development Plan 2011 – 2026

- 3.24 The Neath Port Talbot County Borough Council Local Development Plan covers the period 2011 to 2026. It was adopted in January 2016 and comprises the statutory Development Plan for Neath Port Talbot.

- 3.25 Policy SP1 (Climate Change) states that amongst other measures, the causes of climate change will be addressed by enhancing the efficiency and sustainability of the County Borough's settlements through developing more cohesive and efficient settlements and settlement patterns, and consequently more sustainable travel patterns; and reducing the dependence on the private car and the need to travel in general through more efficient use of existing facilities, co-location and joint use of facilities.
- 3.26 Policy SP2 (Health) advises that to address high levels of poor health within Neath Port Talbot, the development of sustainable, safe and confident communities will be promoted through the colocation of jobs and facilities and the development of community facilities and services in accordance with the settlement framework; healthier, more active lifestyles will be encouraged through the retention of a range of accessible leisure, recreational, health, retail, social, cultural and community facilities throughout the County Borough; and the provision of new employment opportunities will be promoted to reduce unemployment and economic inactivity rates.
- 3.27 Policy SC1 (Settlement Limits) outlines that development outside of settlement limits will only be permitted if it meets one of a number of criteria. The most relevant to this scheme are that the proposal constitutes sustainable small scale employment use adjacent to the settlement limit; and it constitutes the small-scale expansion of an existing unit or the conversion of an existing building.
- 3.28 Policy SC2 (Protection of Existing Community Facilities) states that any proposals which would result in the loss of an important existing community facility will only be permitted where it can be demonstrated that the facility is surplus to requirements, or the existing use is no longer viable.
- 3.29 Policy SP5 (Development in the Coastal Corridor Strategy Area) advises that sustainable growth and development will be achieved via a number of criteria, including safeguarding existing employment uses and sites for employment purposes.
- 3.30 Policy SP11 (Employment Growth) outlines that existing employment uses will be supported and safeguarded and new and expanding employment developments will be encouraged. Existing employment areas will be safeguarded for employment uses and premises in existing appropriate lawful employment use will be safeguarded for employment purposes.
- 3.31 Policy EC2 (Existing Employment Uses) outlines the County Borough's existing employment areas, which includes Milland Road Industrial Estate, which has been given the reference EC2/5. Policy EC3 (Employment Area Uses) states that within existing employment areas, uses will be restricted as follows:
- Uses within Classes B1, B2 and B8;
 - Ancillary facilities or services which support and complement the wider role and function of the primary employment use;
 - Commercial services unrelated to class B.

The policy continues to advise that developments will be required to demonstrate that proposals do not cause any adverse impacts on the overall function of the employment area and neighbouring commercial and residential properties, the proposal can be sustainably justified in this location and is appropriate in scale and form to the role and function of the employment area.

- 3.32 Policy EC4 (Protection of Existing Employment Uses) states that proposals which would result in the loss of existing land in employment use within existing employment areas will only be permitted where it is demonstrated that employment uses are no longer viable or appropriate in this location; or the existing space can be redeveloped for employment uses that achieve an increased level of employment combined with other appropriate uses.

4. Matters at Issue

- 4.1 Having set the planning context against which the proposals should be judged in the preceding section, we now consider the proposals against that guidance, alongside any other relevant considerations.

Principle of Development

Location adjacent to Neath Settlement Limits

- 4.2 Policy 1 (Where Wales Will Grow) of the NDF outlines the locations in Wales where growth will be supported. One National Growth Area is Swansea Bay and Llanelli, which page 146 of the NDF confirms that the 'area comprising Neath, Port Talbot, the City of Swansea and Llanelli will be the primary growth area for the region.
- 4.3 Policy 1 is further expanded upon by Policy 28 (National Growth Area – Swansea Bay and Llanelli) which provides greater detail specific to the levels of growth anticipated in the National Growth Area of Swansea Bay and Llanelli. Policy 28 advises that the Swansea Bay and Llanelli area will be the main focus for growth and investment in the South West region.
- 4.4 Therefore, at the national level of the Development Plan, the application site is located in a national growth area, where the NDF identifies that will be the main focus for growth and investment in the south west region of Wales.
- 4.5 In terms of local planning policy, Policy SC1 (Settlement Limits) of the LDP advises that development outside of settlement limits will be permitted if the proposal constitutes the small-scale expansion of an existing unit or it involves the conversion of an existing building. The proposed café and gym would be provided through the conversion of part of the existing building, which is adjacent to the settlement limits.
- 4.6 The proposed gym floorspace would be utilised by Vitality Health & Fitness, which is currently located approximately 250m northeast of the application site. The proposed relocation to the application site will allow an increase in floorspace for the gym, which would allow the business to expand. As such, the proposed development complies with Policy SC1 on the grounds of two criteria.
- 4.7 The location of the proposed development is supported by national policy by virtue of its siting within the Swansea Bay and Llanelli National Growth Area, which is main focus for growth and investment in the South West region. Local Planning Policy also supports development adjacent to the settlement boundary, as it allows for the small-scale expansion of a local business and the floorspace is provided by the conversion of part of an existing building.

Location within an Existing Employment Site

- 4.8 Policies SP5 (Development in the Coastal Corridor) and SP11 (Employment Growth) of the LDP safeguard existing employment sites and existing lawful development use for employment purposes. Policy EC3 (Employment Area Uses) of the LDP states as follows:

Within allocated and existing employment areas, unless otherwise specified and where appropriate, uses will be restricted as follows:

- *Uses within classes B1, B2 and B8;*
- *Ancillary facilities or services which support and complement the wider role and function of the primary employment use;*
- *Commercial services unrelated to class B.*

Developments will be required to demonstrate that proposals do not cause any adverse impacts on the overall function of the employment area and neighbouring commercial and residential properties, the proposal can be sustainably justified in this location and is appropriate in scale and form to the role and function of the employment area.

- 4.9 Therefore, the LDP is supportive of facilitates that are ancillary to employment uses and also commercial services unrelated to Use Class B.
- 4.10 In terms of the café, this is being developed to primarily provide healthy meal alternatives to employees working within Hale Construction company. The business would also be open to wider companies working on the state, as well as visitors to the proposed gym, and so is considered to be a use which is ancillary to employment uses on the industrial estate.
- 4.11 The same is also true of the proposed gym, as one of the main functions is to provide a place for Hale Construction employees to exercise before and after work and during lunchbreaks. However, the business will also bring its existing clientele and seek to attract custom from adjoining businesses.
- 4.12 It is considered that the proposed gym use would meet the third criteria listed under Policy EC3, as it would form a commercial service unrelated to Use Class B. The provision of a gym within an existing employment area has been considered at appeal previously under appeal reference APP/Y6930/A/20/3251715 for a site at 5 Llewellyn Quay, Port Talbot. A copy of the Appeal Decision is provided as **Document 1**.
- 4.13 In the above appeal, the Council refused the change of use of car spraying / repair and vehicle rental (Sui Generis Use) to a gym, due to the site falling within the wider employment allocation of EC2/10 'Llewellyn Quay, Port Talbot'.
- 4.14 At paragraph 7 of the Appeal Decision, the Inspector considered where a gym use could be considered to form a 'commercial services unrelated to Class B' and concluded the following:
- "There is little doubt in my mind that, despite not comprising one of the acceptable uses listed in paragraph 5.2.21 of the reasoned justification to Policy EC3, the proposed use represents a 'commercial service' for the purposes of that Policy."*
- 4.15 Therefore, the Planning Inspector concluded that the use of a gym within an existing employment area is acceptable, subject to the following considerations:
- i) The proposal not causing any adverse impacts on the overall function of the employment area and neighbouring commercial and residential uses;
 - ii) The proposal can be sustainably justified in this location; and
 - iii) It is appropriate in scale and form to the role and function of the employment area.
- 4.16 The proposed gym and café would not undermine the overall function of the employment area, as it represents a very small proportion of the overall floor space and it is utilising floor space which is currently vacant and not being used. In addition, the existing business at the site is noise generating and so the noise impacts to the adjoining residents and commercial uses would be acceptable.
- 4.17 As outlined in further detail below, the development can be sustainably justified in this location. In addition, the scale and form of the gym is appropriate to the role and function of the employment area, as the size of both the gym and café are small in the context of the surrounding industrial units.

- 4.18 Therefore, it is considered that the proposed gym and café uses comply with Policy EC3 of the LDP and would form acceptable uses within the existing Milland Industrial Estate employment area, as confirmed by the appeal decision provided at **Document 1**.
- 4.19 Policy EC4 (Protection of Existing Employment Uses) advises that proposals which result in the loss of existing land in employment use within existing employment areas will only be permitted where it is demonstrated that employment uses are no longer viable or appropriate in this location; or the existing space can be redeveloped for employment uses that achieve an increased level of employment combined with other appropriate uses.
- 4.20 The introduction of a gym and café in this location will result in the loss of land which has lawful use as B2. This floorspace is owned by Hale Construction Ltd, but the floorspace is not currently used for any purpose and has fallen into a dilapidated condition. Much of the floorspace is exposed, with the roof needing repair in many places and sections of walls missing. The proposed scheme would bring this vacant floorspace back into use, which would renovate and future-proof the building.
- 4.21 In addition, the café and gym would be employment generating uses. The café would employ baristas and cleaners as a minimum, whilst the gym would employ personal trainers, cleaners and administrative assistants, with the operator considering that the employment generation from the site would be up to 30 full-time employees, some of which will have their existing jobs safeguarded from the exiting gym site.
- 4.22 Therefore, it is considered that the proposed loss of the employment floorspace is acceptable and in accordance with Policy EC4, as the proposed uses would bring this area of the building back into use and also provide significant employment as part of the development.

Transport and Parking

- 4.23 PPW Paragraph 4.0.3 outlines the need for new development to be located in a way which minimises the need to travel, reduces dependency on the private car and enables sustainable access to employment.
- 4.24 In addition, Paragraph 4.1.1 of the same document recommends that the planning system enables people to access jobs and services through shorter, more efficient and sustainable journeys.
- 4.25 Policy SP20 (Transport Network) of the LDP states that the development will be restricted which would have an unacceptable impact on highways safety and also that development proposals are required to provide safe and efficient access and promote sustainable transport.
- 4.26 Corun Associates have completed a Transport Statement for the proposed development and this accompanies the planning application submission. In section 5 the Transport Statement assesses the traffic generation arising from the development from both the gym and café. This determines that the gym would have a maximum peak trip generation between 5pm and 6pm, with 18 arrivals and 12 departures. Therefore, at the PM peak, it would result in an additional vehicular movement every two minutes on the highway network.
- 4.27 The peak traffic movement associated with the Café would be between 12pm and 1pm, with 7 arrivals and 8 departures, resulting in a total of 15 vehicular movements or one every four minutes on the highway. The assessment clearly demonstrates that the peak travel times for the two uses at the site would be at different times of the day.
- 4.28 The Transport Statement confirms that the accident record in the vicinity of the site does not identify any significant highway safety issues. Therefore, it concludes that the minimal additional traffic arising from the development would not cause unacceptable harm to highway or pedestrian safety.

- 4.29 In addition, the above approach is based on using TRICS database information. The Transport Statement identifies that the likely impacts of the development would be lessened compared to the assessed data, due to the fact that people working at Hale Construction, who will already be travelling to the site, would be using the café and gym. Therefore, these would not be additional highway movements compared to the existing baseline scenario.
- 4.30 In relation to parking provision, The NPTCBC parking standards are set out in the LDP Supplementary Planning Guidance (SPG) document 'Parking Standards (October 2016)'. This document sets out detailed parking requirements according to land use and type of development across the county. These parking standards differ across distinct zones identified within the document. The proposed development falls within 'Zone 3'.
- 4.31 Parking standards for gyms are identified at section 4.8 of the guidance. The Zone 3 parking standards for the 'Fitness Clubs, Leisure Clubs & Sports Clubs' category, identify that a maximum of 1 vehicle space per 10 m² (GFA) should be provided. For the proposed development this equates to a maximum of 64 car parking spaces. With an additional operational space required.
- 4.32 Parking standards for cafés are identified at section 4.7 of the guidance. The Zone 3 parking standards for the 'Cafés & Drive-Thru Restaurants' category, identify that a maximum of 1 space per 3 members of non-resident staff and 1 space per 14m² (GFA) should be provided. For the proposed development this equates to a maximum of 12 car parking spaces, with an additional operational space required.
- 4.33 Based on the above, in total the development will be required to provide a maximum of 76 vehicle parking spaces and 2 operational spaces. The proposed development has 9 parking spaces to the frontage of the building and 220 parking spaces in the shared car park to the rear. Therefore, the site is afforded with ample parking to accommodate the gym and café, whilst also retaining sufficient parking spaces for the existing Hale Construction business at the site.

Flood Risk

- 4.34 The application site is partly contained within Flood Zone B and C2. The existing industrial use of the site is defined by Technical Advice Note 15 as less vulnerable development. The proposed café and gym use would not form a public building and would be commercial / retail development and so the use would remain as less vulnerable development.
- 4.35 Therefore, the classification of the use of the building, in terms of flood risk, is not changing from less vulnerable development and so the flood risk associated with the proposed change of use is considered acceptable.

5. Conclusion

- 5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the Development Plan and that determination shall be made in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2 The proposed development accords with the development plan and should, therefore, be granted consent without delay. We say this for the following reasons:
- The proposed café and gym use are located within the Swansea Bay and Llanelli National Growth Area and also are an acceptable conversion of an existing outside, but adjoining to, the identified settlement limits;
 - The proposed café is an operation that is ancillary use to the employment area, as it will serve the workers at Hale Construction and the surrounding employment operations;
 - The proposed gym is considered a commercial use outside of the B-Use Class and so is an acceptable use within an employment area;
 - Both the gym and café use would not cause any adverse impacts on the overall function of the employment area and neighbouring commercial and residential uses; are sustainably justified in this location; and are at an appropriate in scale and form to the role and function of the employment area;
 - The development is an employment generate use that would employ up to 30 employees and would safeguard existing jobs in the local area;
 - The impacts of the development on the surrounding highway network would be acceptable;
 - The level of parking on-site can accommodate the new development, alongside the existing business in operation; and
 - The development would have an acceptable impact to flood risk.
- 5.3 Paragraph 2.17 of PPW states *“In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver development that address the national sustainable placemaking outcomes.”*
- 5.4 Paragraph 2.20 of PPW confirms that a development will not be required to demonstrate they can meet all the national sustainable placemaking outcomes. However, we consider that the development would meet the following national sustainable placemaking outcomes:
- Intensifies the use of the site to provide an appropriate development density;
 - Provides local jobs through the increase of employment buildings on the site and in the construction phase of development. These elements will support the local economy and fostering economic activity;
 - Fosters economic activity through the new businesses at the site;
 - Prioritises the use of previously developed land through intensifying the use of an existing site; and

- Is accessible by means of active travel and public transport through it's proximity to the existing employment operations at the site.

5.5 Therefore, given the compliance of the scheme with meeting a number of the key national sustainable placemaking outcomes, we consider the development raises no conflict with PPW11 to an extent where it could be a considered a material consideration to determine the application other than in accordance with the Development Plan.

5.6 In conclusion, the proposals are considered to comply with the policies of the Development Plan, when taken as a whole. In addition, the proposals are in accordance with PPW11 and Future Wales 2040. We consider that there are no material considerations which deem that the application should not be determined in accordance with the development plan. As such, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, we consider that planning permission should be approved for the proposed development.



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JCG Building, Milland Road Industrial Estate,
Milland Road, Neath

Planning Statement

Document 1

Appeal Decision Reference:
APP/Y6930/A/20/3251715

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 10/07/20

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 03.09.2020

Appeal Decision

Site visit made on 10/07/20

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 03.09.2020

Appeal Ref: APP/Y6930/A/20/3251715

Site address: 5 Llewellyn Quay, Port Talbot, Neath Port Talbot, SA13 1RF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Ware against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2020/0049, dated 19 December 2019, was refused by notice dated 25 March 2020.
 - The development proposed is the change of use of industrial unit currently used as a car spraying/ repair and vehicle rental (sui generis use) to Gym (Use Class D2).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of industrial unit currently used as a car spraying/ repair and vehicle rental (sui generis use) to Gym (Use Class D2) at 5 Llewellyn Quay, Port Talbot, Neath Port Talbot, SA13 1RF in accordance with the terms of the application, Ref: P2020/0049, dated 19 December 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have taken the description of development from the Council's Notice of Decision. As this is broadly consistent with the description outlined on the Appeal Form, I am satisfied that there is no prejudice in this respect.

Main Issue

3. This is whether the development is acceptable in principle, having particular regard to the planning policy framework and other material planning considerations.

Reasons

4. The appeal site is currently occupied by a detached industrial unit and is located within close proximity to the A4241 Harbour Way Peripheral Distributor Road, upon the entrance to Llewellyn Quay in Port Talbot. The site was most recently occupied as a car repair and vehicle rental business (Sui Generis) and incorporates significant parking and yard areas. The appeal proposal seeks planning permission to change the use of the unit to a Class D2 gymnasium. The gymnasium would be relocated from an existing site in Taibach, with parking issues and the suitability of the existing premises
-

cited as the reasons for the relocation. The evidence indicates that the existing gymnasium currently employs around 20 members of staff although, given the potential for improved facilities, it is anticipated that the proposed gym would employ some 30 members of staff.

5. The site lies within a wider employment allocation as allocated by Policy EC2/10: *'Llewellyn Quay, Port Talbot'* of the adopted Neath Port Talbot County Borough Council Local Development Plan (2011- 2026) (Adopted 2016) (LDP). Policy EC3 of the LDP is therefore relevant, specifically stating that proposals for a change of use within allocated and existing employment areas will be restricted to: *uses within classes B1, B2 and B8; ancillary facilities or services which support and complement the wider role and function of the primary employment use; and commercial services unrelated to Class B*. That same policy also states that such changes of use should not: *cause any adverse impacts on the overall function of the employment area, be sustainably justified in the proposed location and be of an appropriate scale and form to the role and function of the employment area*.
6. Paragraph 5.2.21 of the reasoned justification to Policy EC3 goes on to state that *"...in order to stimulate growth in the economy a wider mix of uses will be permitted on the allocated sites and the existing employment areas. These are likely to be commercial services and complementary uses (other than uses best located in a retail centre). These will be permitted where they will have no adverse impact on the overall function of the estate and neighbouring commercial and residential properties. Acceptable uses may include activities such as commercial vehicle repair and maintenance facilities, crèche's and cafés etc"*. Policy EC4 is also of relevance, stating that the loss of employment land will only be permitted where: *1) It is demonstrated that employment uses are no longer viable or appropriate; or 2) Continued use for employment purposes would have unacceptable impacts on the environment, local amenity or adjacent uses; or 3) The existing space can be redeveloped for employment uses that achieve an increased level of employment combined with other appropriate uses"*.
7. There is little doubt in my mind that, despite not comprising one of the acceptable uses listed in paragraph 5.2.21 of the reasoned justification to Policy EC3, the proposed use represents a *'commercial service'* for the purposes of that policy. Having regard to the scale and nature of the proposed development, as well as its relatively isolated siting upon the entrance to Llewellyn Quay, I am also satisfied that it would not have an adverse impact upon, or represent an impediment to, the overall function of the wider employment site. Nothing has been submitted to suggest that the proposal would be unacceptable on sustainability grounds, with the location of the site, including its proximity to Port Talbot Parkway Station, making it an attractive location for linked trips. It is also material to note that the proposed use would facilitate the expansion of an existing business and make a positive contribution to the local economy through on-site employment opportunities, whilst the productive use of the site would improve the vitality and viability of the immediate environs. I consider such positive benefits to weigh collectively in favour of the development.
8. I have fully considered the Council's concerns that the premises has not been marketed as an employment site for a continuous period of 12 months. However, a 12 month marketing exercise is not a requirement of Policy EC4 and, in any event, the evidence indicates that the site was marketed from September 2019 with independent chartered surveyors advising that there is very little interest in the premises for traditional employment uses. Specifically, whilst its accessible location has been noted, the surveyors contend that the type of construction, internal layout and overall condition of the premises, alongside current market rents, prevent it from becoming

an attractive proposition to such developers. I have not seen any cogent evidence that leads me to dispute such professional advice and it is notable that there are a number of other commercial units at Llewellyn Quay that have been marketed by the same independent surveyors yet remain vacant.

9. I have considered the Council's contention that there are no vacant units in the County Borough apart from those units requiring repair works. However, the evidence in this respect is vague and fails to address the aforementioned issues raised by the independent surveyors. In any event, the units listed in the Council's evidence appear to be of a materially different scale to that considered in this case. I have considered the LPA's contention that the proposed use does not represent an 'essential' facility in the same way as a café or creche. However, this is again not a policy requirement. I recognise the Council's concerns in respect of its siting within the wider Port Talbot enterprise zone and the potential for further loss of employment sites to such uses. However, I have not seen anything to lead me to believe that the development would compromise the aims of the enterprise zone, not least because the evidence indicates that the development would create employment opportunities and not adversely affect the overall function of the employment allocation. Similarly, as it is a well-established principle of planning that each case should be treated on its particular merits, I am satisfied that this decision does not create a precedent for similar developments.
10. Based on the foregoing analysis, I conclude that the development would not be unacceptably harmful to the provision of sufficient employment land within the County Borough and that the development would, therefore, be acceptable in principle. Indeed, I have found above that there would not be any material conflict with adopted development plan policies¹ and neither would the development conflict with the general thrust of national policy set out in Planning Policy Wales (Edition 10, 2018) (PPW) and Technical Advice Note 23: *Economic Development* (TAN23). For these reasons, and having considered all matters raised, including the written representations submitted by interested parties, I conclude that the appeal should be allowed subject to the imposition of suitably worded planning conditions.
11. I have considered 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 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

¹ In particular Policies EC2, EC3 and EC4

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents: *Dwg No.100: Red Line Plan; Dwg No. 200: Proposed Car Parking Layout.*
REASON: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.
- 3) Notwithstanding the submitted details, and prior to the first beneficial use of the gym hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a vehicular entrance and exit point onto the Industrial Estate Access road having a minimum width of 3.2 metres. The approved scheme shall be fully implemented on site prior to the first beneficial use of the gym and retained as such thereafter.
REASON: In the interest of highway and pedestrian - Policy TR2 of the Neath Port Talbot Local Development Plan.
- 4) Notwithstanding the submitted details, and prior to the first beneficial use of the gym hereby approved, an amended parking scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a revised parking scheme to take into account the new access points (as required by Condition No.3 above). The approved parking scheme shall be clearly marked out on site prior to the first beneficial use of the gym and shall be retained for parking use thereafter.
REASON: In the interest of highway and pedestrian safety - Policy TR2 of the Neath Port Talbot Local Development Plan.
- 5) No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by, or under the direction of, a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originated from the site. The report of the findings shall include:
 - (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters

- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

REASON: *To effectively manage the risks of contaminated land for the future users of the land, neighbouring land, controlled waters, property and ecological systems - Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.*

- 6) No development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment is submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

REASON: *To effectively manage the risks of contaminated land for the future users of the land, neighbouring land, controlled waters, property and ecological systems - Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.*

- 7) Prior to the beneficial use of the proposed development, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition No.6 (above) shall have been submitted to and agreed in writing by the Local Planning Authority.

REASON: *To effectively manage the risks of contaminated land for the future users of the land, neighbouring land, controlled waters, property and ecological systems - Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.*

- 8) In the event that contamination not previously identified is found, work on site shall immediately cease and the details of the contamination reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy shall be undertaken in accordance with the following document: *Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006)*. Such work shall be submitted to and agreed in writing with the Local Planning Authority before work recommences and a verification report, which demonstrates the effectiveness of any agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority prior to the beneficial use of the development.

REASON: *To effectively manage the risks of contaminated land for the future users of the land, neighbouring land, controlled waters, property and ecological systems - Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.*

- 9) Prior to the first beneficial use of the gym hereby approved, Flood Warning and Evacuation Signs shall be clearly displayed throughout the property advising occupiers of emergency procedures during an extreme flood event. Such signs shall be retained in perpetuity and the premises shall be registered with Natural Resources Wales (NRW) Floodline Warning Service on Tel: 0345 988 1188.

REASON: To effectively manage flood risk - Policy BE1 of the Neath Port Talbot Local Development Plan.