



# Planning Support Statement

For  
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# 1. Proposal

1.1 This planning support statement is prepared on behalf of the applicant, Mr O'Mahoney who is also the owner of the proposal site. This document is a revised draft following an earlier submission of the application which was deemed by the Local Planning Authority (LPA) as invalid on August 8<sup>th</sup> 2023 for a number of reasons. It was subsequently withdrawn (on September 12<sup>th</sup> 2023) prior to being validated and is resubmitted herewith alongside the amended proposed location and block plan. This supporting statement has duly been amended to update these revised plans to reflect the telephone discussion held with the LPA on September 12<sup>th</sup> 2023. In addition, it seeks to address matters of planning consideration commented on within the Invalid letter which had been dealt with initially by way of an Addendum dated 09/08/2023.

1.2 This proposal seeks permission for the siting of one converted timber cladded shipping container to burger hut on land within the car park of the Old Neath British Legion Club, see Figure 1 below.

Figure 1, Proposed Location Plan



## 2. Description of Proposal

2.1 The shipping container measures 6.1m(L) x 2.6(W). It will be clad in timber along with a roller shutter door for a servery. The burger hut will be sited to the northwest corner of the car park along with a commercial waste container for the capture of waste associated with the burger hut. The waste will be removed

from the site daily by a registered waste carrier. Figures 2(a) and (b) provide a copy of the design of the converted shipping container.

Figure 2(a), Proposed Front and Side Elevation

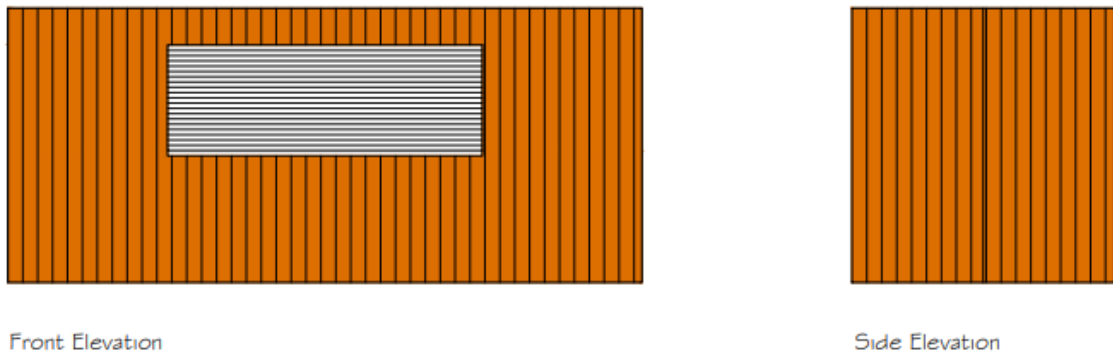
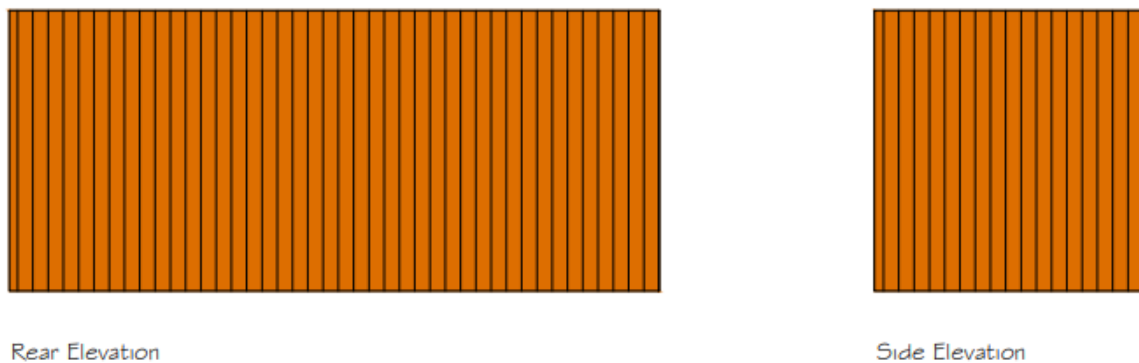


Figure 2(b), Proposed Rear and Side Elevation



2.2 The car park serving the old British Legion Club has ample capacity for cars as well as the siting of the burger hut on site. The siting of the burger hut in the car park will reduce the capacity of the car park by a maximum of two car parking spaces, although parking spaces are not marked out on the tarmacadam surface.

Figure 3. Car park access from the southern approach (Google Maps, September 2022).

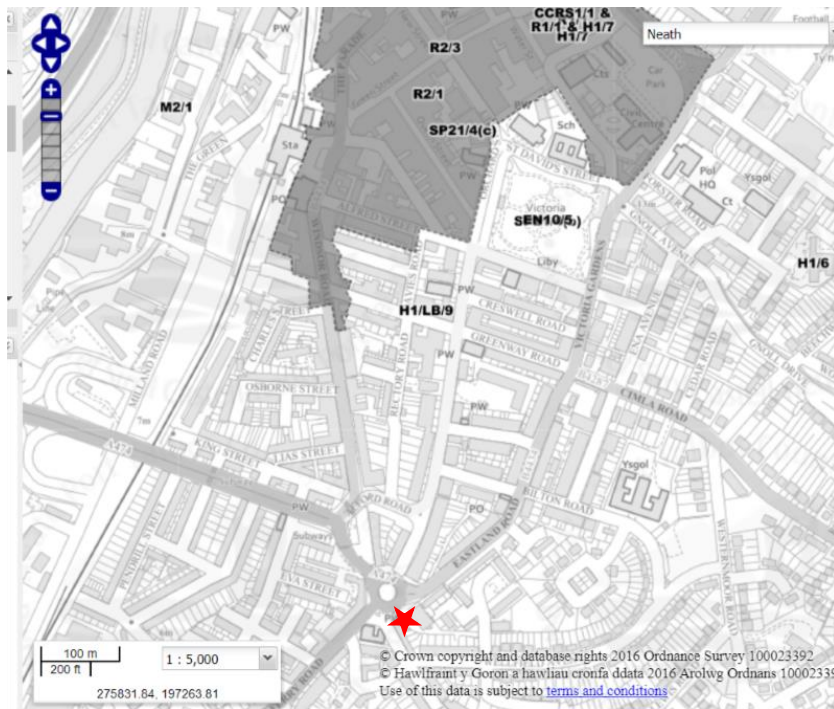


### 3. Description of Existing Site

3.1 The site is located within the centre of Neath on the car park of the old Neath British Legion Club. It is located to the south of Neath town centre. Neath is identified as a regionally important settlement in the hierarchy under Policy SP3 of the LDP.

3.2 The site is located approximately 300m south of the retail core area of Neath town centre, shown on Figure 1 below with a red star. The site is located in a busy area adjacent to Windsor Road roundabout. This area offers localised retail including Nisa, One Stop, a pharmacy, veterinary practice and a variety restaurants and takeaways, for example Highlander Thai Restaurant and Takeaway (to the immediate rear of the application site) and Dragon House Chinese Takeaway (20m to the east). These local retailers and restaurants serve both the residential and commercial uses to the immediate south east and west, as well as serving those attending the community and visitor centres, Neath Boys and Girls Club, the Scouts Club and the snooker club.

Figure 4, Plan showing Neath town centre boundary and location of site



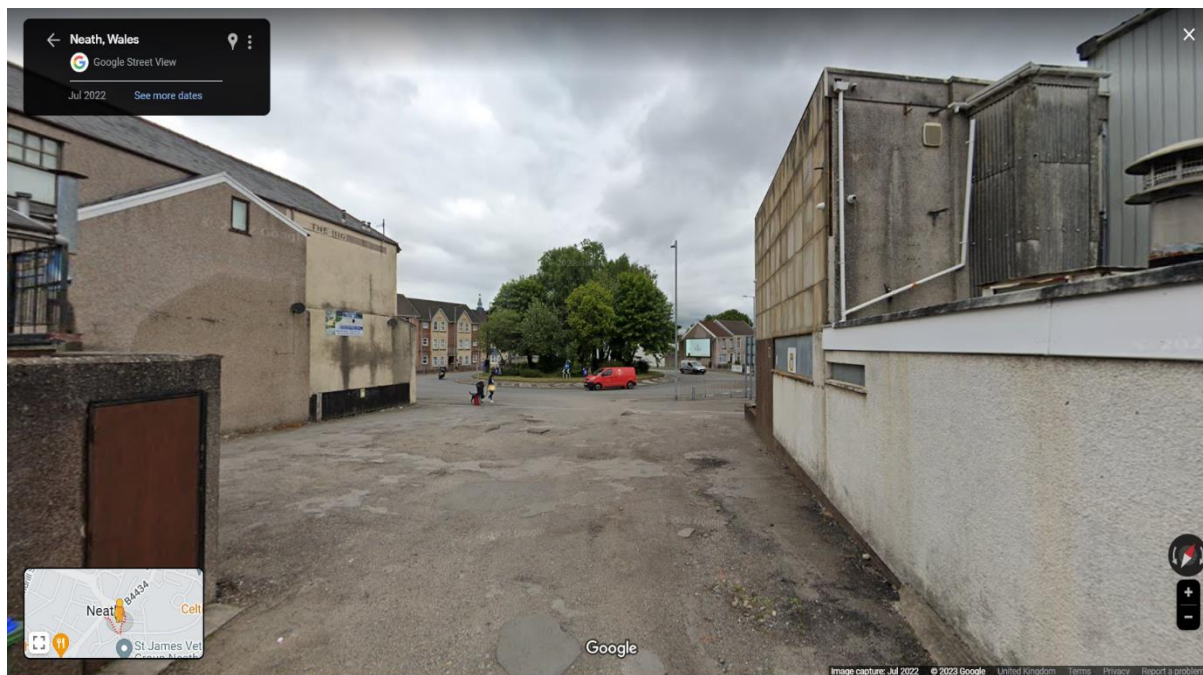
- 3.3 This proposal seeks to enhance and diversify the existing hot food options in the locality by providing takeaway hot drinks, breakfast baps and burgers between 7am and 2pm from a timber clad container. This type of offering does not compete with high street business in the retail core of Neath town centre, but seeks to capture passing through trade and customers working and living in this area of Neath. This burger hut is capable of being moved on and off site with ease and in one piece.

## 4. Assessment of Planning Considerations

### 4.1 HIGHWAYS

- 4.1.1 The site is in a sustainable location and is accessible by sustainable modes of transport. Whilst food facilities situated in or adjacent to busy roads may cause congestion, the siting of the proposed burger hut utilises an existing and long established access to the old British Legion Club in Neath town centre. Figure 5 below demonstrates the high visibility and wide entrance and egress point to the site.

Figure 5, Photo of existing Neath British Legion Car Park (Google Maps, July 2022)



4.1.2 The existing car park is of hardstanding with an open access and egress point to the north of the plot. The access and egress measures approximately 16m wide (this will reduce to approximately 11.95m in width with the siting of the container). The access and egress has excellent visibility onto the B433 at Windsor roundabout and benefits from a wide pedestrian pavement.

Figure 6, Photo showing existing access and egress to proposal site



Figure 7, Photo showing visibility from the access point looking east



4.1.3 Comments included in the invalid letter dated August 8<sup>th</sup> 2023 suggested the council's highway's section are likely to provide an "unfavourable response". It stated:

"The proposed development is likely to be met with an unfavourable response from the council's highways section as it is likely to result in increases in vehicular traffic over and above the existing use at the site and given the nature of the use is likely to result in a danger to highway safety".

4.1.4 Irrespective of the above comment, it is not anticipated that there will be significant additional traffic movements associated with the proposed burger hut use given that the old British Legion Club, which previously used this car park, has relocated. Therefore, the movements in and out of the car park are considered to be similar to that experienced when the car park served the British Legion Club. In addition, it should be recognised that the customers which the burger hut is marketed at will largely be coming from the local residential neighbourhoods and from the local commercial and industrial enterprises in the area. Consequently, many are likely to arrive on foot.

4.1.5 Traffic accessing and egressing from the site is unlikely to significantly impact highways safety given that traffic approaching from the east will be slowing down and traffic from the west is limited to the speed restrictions in place. Furthermore, the development is accessible by a range of travel means including public transport and safe cycle and pedestrian routes.

4.1.6 The size of the structure, being 6.1m in length and 2.6 in width will result in the loss of two car parking spaces. Given that the car park has capacity for over 15 vehicles in total the proposal is not expected to constrain parking on site for visitor to the old British Legion Club (now snooker club). Indeed, it is expected that both uses can be safely and satisfactorily accommodated on site.

4.1.7 On site there is ample available land not only for car parking off the highway, but also for onsite manoeuvring. The car park measures approximately 16m x 21m (336m<sup>2</sup>) in total. This enables vehicles to leave the site in a forward gear. Therefore, the proposal does not have an adverse impact on highway safety, nor does it create unacceptable levels of traffic generation. Accordingly, the proposed development complies with Policy TR2 of the LDP.

## 4.2 PROPOSED OPERATING HOURS

4.2.1 The burger van is proposed to operate on the days and times provided below under Table 1. The operating hours have been selected to ensure there are no conflicts of interest with nearby businesses. Furthermore, it protects parking for patrons of the Club and Highlander Restaurant during their opening hours.

Table 1, Proposed operating times

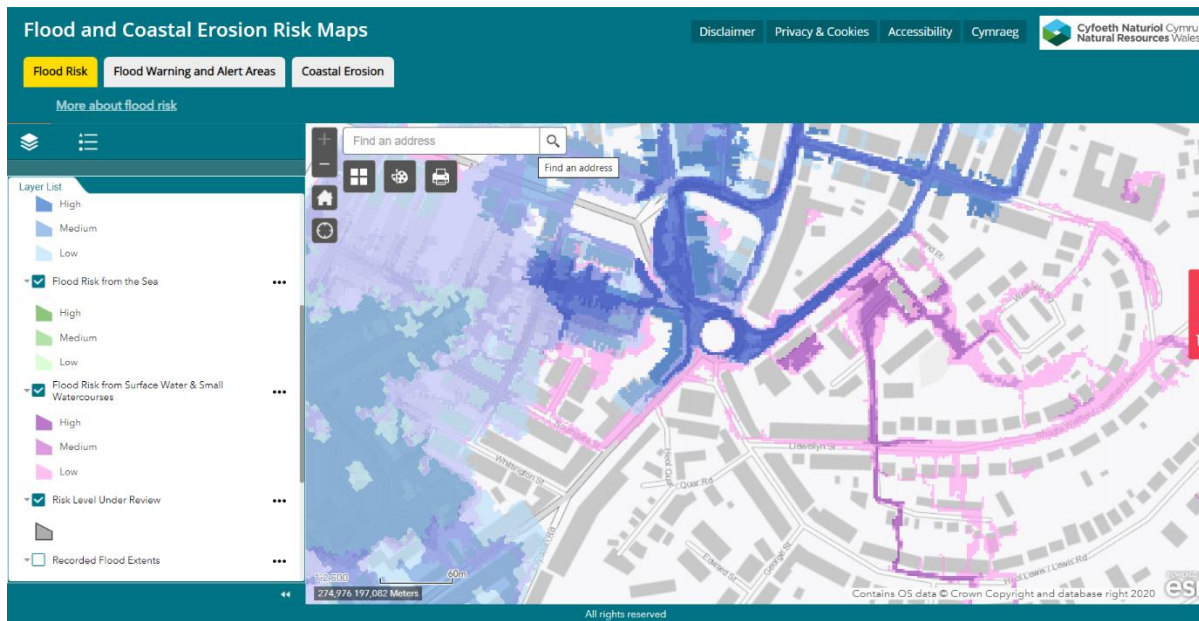
| Day of the Week | Opening Time | Closing Time |
|-----------------|--------------|--------------|
| Monday          | 7am          | 2pm          |
| Tuesday         | 7am          | 2pm          |
| Wednesday       | 7am          | 2pm          |
| Thursday        | 7am          | 2pm          |
| Friday          | 7am          | 2pm          |
| Saturday        | 7am          | 2pm          |
| Sunday          | 7am          | 2pm          |

4.2.2 The proposal will involve the creation, at a minimum, of 2 full time and 2 part time employees.

## 4.3 FLOOD RISK

4.3.1 According to Natural Resources Wales Flood and Coastal Erosion Risk Map, the proposed siting of the burger hut lies in proximity to an area identified as having a low flood risk from surface water and/or small watercourses.

Figure 8, NRW Flood and Coastal Erosion Risk Map showing proposal site



4.3.2 Given that the existing site has a hard impermeable surface in order to serve the current tarmacadem car park, the insertion of a small structure on the site will not exacerbate existing surface water and flood events at this site, which is of hardstanding. Indeed, the structure may operate to reduce surface water levels by providing a delay to the volume of water impacting the ground surface simultaneously.

4.3.3 The invalidation letter received on August 8<sup>th</sup> 2023 to the previous submission of the proposal (P2023/0593) required the agent, amongst other things, to ascertain from NRW whether the proposal requires a Flood Consequence Assessment (FCA) given its location adjacent to a site of low flood risk from surface water. In a telephone conversation on August 9<sup>th</sup> 2023 at 14:30 the Enquiries Department of NRW, taking advice from NRW Planners, advised that such an assessment will only be made by NRW once Neath Port Talbot Local Planning Authority has formally consulted them under the statutory consultation process.

4.3.4 Therefore, whether a FCA is required for this proposal is reliant upon the consultation response from NRW during the formal planning process undertaken by the LPA following validation of the application.

## 4.4 AMENITY

4.4.1 Mobile food stalls are often located in car parks belonging to commercial enterprises and businesses. Therefore, this type of development proposal is not unusual. Whilst it may not be mobile in the sense that it is not intended to

be frequently moved on and off the site, it is capable of being moved with ease as one complete structure.

- 4.4.2 The siting of the burger hut on the car park has been carefully considered in order that its position is secluded from many aspects of view from the public realm and to mitigate impact on residential amenity. In an appeal decision concerning a car park which was open all night in a central part of Haverfordwest, the Planning Inspector concluded that activity would occur there anyway and that a properly run establishment would not materially affect the living condition of residents. Given that the site is located within a large cluster of retail shops, restaurants, takeaways, community centres and the snooker club, activity already occurs in this locality and thus residential amenity will not be affected by the addition of the burger hut. Furthermore, the opening times reflect daytime hours (see Table 1 above).
- 4.4.3 Attendant concentration of vehicles at the site is unlikely to harm residential amenity given the mixed uses in this area and the range of travel means to get to the site, see Section 4.1 above). Activity associated with the burger van will be focused within the car park. The location of the burger van is not in proximity to residential units, but will face on to the car park (and the side elevation of the old British Legion Club) and to its rear the burger van will be situated to the rear of the Highlander Restaurant and Take Away.
- 4.4.4 No external lighting is proposed in addition to that already on site. Therefore, there are no significant detrimental impact on residential amenity. The proposal thereby complies with Policy BE1.

## 4.5 LANDSCAPE

- 4.5.1 The locality in which the proposed burger hut is to be sited is a mixed character, being located in Neath and central to a large cluster of local services, shops, restaurants and commercial activity. It is not within or adjacent to a designated site or conservation area and is not in proximity to any listed buildings.
- 4.5.2 There is a variety of design and material finish to the built environment in this area with mixed uses to both side of the burger hut. Therefore, the addition of the burger hut will not impact detrimentally on the area given that it is not in an area identified as sensitive to change and the scale of the structure is unobtrusive. As observed in Maidstone 18/09/2006 DCS No 100-044-750 the vehicles parked on the car park for the purpose of patronising the burger hut would be seen in the context of parked vehicles.
- 4.5.3 The small portion of the overall site occupied by the burger hut does not dominate the site or character of the area. Indeed, viewed against a backdrop of the adjacent buildings, the burger hut will appear unobtrusive. In these ways the proposal satisfies Policy BE1 of the LDP.

## 4.6 DESIGN

4.6.1 The Invalid Letter, dated August 8<sup>th</sup> considers the timber clad shipping container to be a “poor design”. It stated:

“The proposed development being a flat roof shipping container represented poor design, this is compounded by being sited in a prominent position adjacent to the public highway. Consideration should be given to altering the position of the proposed unit and the construction of a more permanent structure. In advance of this, preference would be for the existing British Legion building to be used for the hot takeaway”.

4.6.2 The timber clad shipping container has been selected for a number of reasons, namely

- (i) it is capable of being moved on and off site and thus can return the site to car park use quickly with no scarring or evidence of the takeaway use on the plot;
- (ii) reuse of shipping containers for catering and takeaway provision is established, having been regarded in previous appeal cases as being a positive feature and addition to a street scene (see the Planning Statement);
- (iii) the container, at present, is the financially viable option for the applicant to introduce the business and catering provision without the significant financial outlay which would be associated with bringing the old British Legion Club building back into serviceable and safe use;
- (iv) the timber finish to the container will soften, enhance and modernise this run down area of Neath. The British Legion Club building was vacated a number of years ago (2017) and had been in a state of disrepair for years prior to them leaving. Indeed, the site was described in Walesonline (31<sup>st</sup> January, 2020) as being in a “disgusting state”, with residents referring to it as an “eyesore” (available online at: [The 'disgusting' state of the old Royal British Legion hall in Neath - Wales Online](#)).

4.6.3 Consequently, given the current tired appearance and condition of the application site and locality, as well as the long standing anti social issues which are experienced by local businesses and residents, it is argued that the presence of a modern structure, finished in timber would not only raise the current appearance of the area on the approach road, but also help to mitigate anti social behaviour in this vicinity.

4.6.4 On site, the timber cladding finish to the container will soften the hard, tired rendering and old block work of neighbouring buildings, whilst given an appearance, both in finish and scale, of subsidiarity. As a result, the design is considered to be appropriate and sympathetic to the site, respecting the wider context, as set out in Policy BE1.

- 4.6.5 The siting of the container has been selected in order to maintain safe access and egress to the site and reduce the loss of car parking provision. The car park narrows from north to south and thus the safest, most convenient positioning for the container is set back from the pavement to the northwest of the car park. The position of the container is not prominently sited, being set back from the roadside and pavement, obscured on the vehicular approach to site somewhat by the road signage and high trees on the roundabout itself. It is also softened in appearance through a timber external finish to the structure.
- 4.6.6 Furthermore, the container will back onto the rear of 2-4 Lewis Road and thus will not impact detrimentally on appearance. Figure c provides a photo of the site as seen from the approach from the south. This positioning also enables the structure to be moved conveniently on and off site.

Figure 9, Application site approached from south (googlemaps, Sept 2022)



Figure 10, Application site and street scene approached from west (googlemaps, Sept 2022)



## 4.7 NEED

- 4.7.1 There is no requirement to demonstrate need for the scheme, as concluded by the Inspector in Swindon 23/10/2006 DCS No 100-045-244. However, the burger hut will clearly provide additional and varied catering offering, which will not only serve local and nearby residents, but will also be of benefit to motorists travelling through the area. Indeed, in Wiltshire 23/4/2012 DCS No 100-076-930 the Planning Inspector opined that a similar scheme to that hereby proposed had the ability to make a positive contribution to road safety by encouraging tired drivers to take a short rest.
- 4.7.2 In addition, the site is readily serviced and will enhance existing community facilities nearby including the family and community centre, residents living in the area and workers from the commercial units.

## 5. Conclusion

- 5.1 As a structure the proposed burger hut has a number of benefits both to the business owner and for land use planning (social and economic benefits) namely:
- (i) this type of eatery reduces business costs associated with finding suitable and economically viable premises;
  - (ii) such a unit will reduce on and off site movements associated with a wheeled van, whilst still enabling quick and easy removal from the site;

- (iii) the structure can be placed on the site in a short time as it comes onto the land in one piece and is ready to function as soon as it is connected to water and electricity;
- (iv) the new business will bring social and economic benefits associated with supporting existing and future community activities, local residents and workers in the commercial premises it is located within;
- (v) the burger hut will attract provide a diversified food offering for those passing through Neath as well as local residents and workers; and
- (vi) improving social cohesion by offering a further and trendy eatery option for local people and visitors alike;
- (vii) improving the built environment quality in this area of neath and
- (viii) tackling anti social behaviour in this area through new business activity and employment opportunities.