



ADDITIONAL INFORMATION

SITING OF A CONVERTED TIMBER CLAD SHIPPING CONTAINER TO
BURGER HUT, LAND AT THE REAR OF 2-4 LEWIS ROAD

Submitted on behalf of Mr Marc O'Mahoney

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Contents

1. Purpose	2
2. Impact on Visual Amenity	2
3. Impact of Vitality and Viability of the Town Centre.....	5
4. Impact on Highway Safety	6
5. Environmental Health: Extraction and Control of Noise and Odours.....	9
6. Conclusion.....	9

1. Purpose

- 1.1 The purpose of this document is to address comments and observations made by statutory consultees in relation to the Planning Application P2023/0705 and raised by the Local Planning Authority (LPA) by email on October 20, 2023.
- 1.2 This application is for the siting of one converted timber clad shipping container to burger hut on land within the car park of the Old Neath British Legion Club.
- 1.3 The advice received set out four issues which are currently considered by the LPA to result in a recommendation for refusal of the application, namely:
 - (i) Unacceptable impact upon visual amenity given the nature if the proposed design and its prominent siting;
 - (ii) Unacceptable impact upon the vitality and viability of the town centre given its out of town centre location;
 - (iii) Unacceptable impact on highway safety and
 - (iv) Unacceptable impact on residential amenity.
- 1.4 The discussion below will address each of these elements in turn and will also cross reference to further discussion and analysis on these matters which has previously been addressed through the Planning Support Statement dated September 2023 and emailed to the determining Officer on September 13th 2023.

2. Impact on Visual Amenity

- 2.1 The proposal involves the placing of a timber clad shipping container within the car park which used to serve the Neath British Legion Club.
- 2.2 Sections 4.5 and 4.6 of the earlier Planning Support Statement (September 2023) set out the context and environment in which the burger hut is proposed to be sited and explains clearly the reasoning for the design choice. Significant points to be repeated here include that the burger hut is capable of being moved on and off site easily; the timber cladding provides a natural and softer finish visually including giving the appearance of subordination on the plot. This is enhanced by the modest size of the structure (6.1m (L) x 2.6m (W)); the siting has been carefully considered in order that its position sits within the plot, nestled to the rear of the buildings 2-4 Lewis Road and located within a well established cluster of retail shops, restaurants and community centres.
- 2.3 The applicant is content to amend their proposed design of the burger hut to be more mobile/towable if the LPA considers this preferable. They have sourced a similar structure with greater mobility as depicted in Figure 1 and 2 below.

Figure 1, Possible alternative to proposed Burger Hut design (image taken from front left corner)



Figure 2, Possible alternative to Burger Hut design (image take from front elevation right corner)



- 2.4 The Neath British Legion Club vacated this building a number of years ago and this area, including the car park had become a notorious location for antisocial behaviour and illegal waste dumping. Indeed, the site has been described in Walesonline (January 31, 2020) as

being in a “disgusting state” and an “eyesore”. Surely, the poor and unsafe conditions of this plot as a consequence of antisocial activities such as drug dealing and drinking are not conditions which the LPA wishes to maintain or support.

- 2.5 There is also a video which is available to view on WalesOnline at: <https://cdn.jwplayer.com/previews/y4QRQUE8> This shows clearly the condition of the car park and proposal site prior to the applicant’s purchase. Indeed, the applicants have, to their credit, since purchasing the British Legion Club also purchased separately the adjoining car park. Through civil enforcement and dogged commitment the applicant has almost entirely now resolved the flytipping and anti social behaviour at the site. This should be applauded by the LPA and support given to the applicant’s efforts to rejuvenate this area of the town.
- 2.6 In terms of visual amenity of the site, it is evident from the applicant’s investment in the car park and old British Legion Club building, that their planning proposals intend to improve the visual appearance of the site and its wider environment, as well as provide benefits to the local community in terms of the provision of a new daytime hot food and drink takeaway, improve community cohesion and provide a safer environment in this neighbourhood.
- 2.7 Figure 3 below shows a photo of the car park and the rear of 2-4 Lewis Road taken November 6, 2023. As can be seen from the image, the current appearance of the site, whilst clear, clean and safe, lacks any visual quality from the public realm. Indeed, without intervention through positive and suitable business development the site is likely to become subject to the re-emergence of antisocial behaviour.

Figure 3, Photo of the Car Park adjacent to the old Neath British Legion Club



- 2.8 The eventual aim of the applicant is to curb and feather edge fence the perimeter of the car park, resurface the car park and add soft landscaping. The applicant is content for a condition of approval to be to this effect. Figure 4 below provides a CGI image suggestive of the type of appearance of the site the applicant is considering.

Figure 4, CGI image suggestive of the wider visual character for this plot in the long term (for illustration purposes only)



- 2.8 Therefore, in terms of concern over the impact of the proposal on visual amenity, it is contended that any genuine development proposal put forward at this site which is sympathetic and suitable to the locality and existing character of the area will be a significant improvement on the current poor condition at this site.

3. Impact of Vitality and Viability of the Town Centre

- 3.1 The site is located approximately 300m south of the retail core of Neath town centre. Figure 4 in the Planning Support Statement (September 2023) provides a location plan showing the relationship between the proposal site and the retail core.
- 3.2 When examined pragmatically, the proposed siting of the burger hut enhances the retail and food offering which already exists in this area at Windsor Road roundabout. Indeed, there are a strong and varied retail offering, hot and cold food shops, a pharmacy, veterinary practice and other convenience shops.
- 3.3 Accordingly, the burger hut, which is proposed to be open from 7am-2pm is intended to serve those local people who live and work in the area immediately south east and west. It is also forecast that customers will mainly be those living and working in the vicinity, those visiting the community and visitor centres and the Neath Boys and Girls Club. (This has previously been set out In Table 1 and Section 3.2 of the Planning Support Statement, September 2023).
- 3.4 Given the proposed opening times and the catering which would be available from the burger hut, the proposal will not interfere detrimentally with existing business within the retail core and nor will it risk the vitality and viability of Neath town centre.
- 3.5 The proposed burger hut will enhance existing retail and food and drink establishments in this area. It will serve largely the residents living nearby and those working in the commercial and business services in the vicinity. Motorists which are traveling through the area will be able to pull safely off of the highway onto the car park, which is owned by the

applicants), take a break from driving and replenish (Wiltshire 23/4/2012 DCS No 100-076-930). Further discussion on highways is set out under Section 4 below.

- 3.6 Consequently, this proposal is in keeping with the character of the area. Indeed, within a 1 minute walk from the proposal site for the burger hut is (i) a thai food café; (ii) NISA shop selling hot takeaway food; (iii) Shillingford Chip Shop (iv) Chinese restaurant and (v) Hikary's Chip shop.

4. Impact on Highway Safety

- 4.1 The Highways comment stating "The existing car park is for the use of the old British Legion Club" is incorrect and thus much of the initial first paragraph which refers to the car park as serving the British Legion Club does not reflect the actual use and functioning of this car park given the British Legion Club vacated the building several years ago.
- 4.2 Upon the closure of the British Legion building the car park became used for local drop offs, drug dealing, car abandonment, coach pick ups and people using it for parking to go to work. Section 2.4 above describes the visual appearance and use of this area).
- 4.3 The car park proposed to be used for the burger hut was separately purchased by the Applicant. It did not come with the purchase of the British Legion building and has never functioned to provide car parking purely for the British Legion Club. The reality of the use of the car park is that it has provided parking over the years for not only the old British Legion Club, but also for the Highlander Pub, the Thai Food café and Cash for Clothes without any highways safety concerns or parking problems.
- 4.4 The old British Legion Club is used as a snooker club. This opens at 5pm until 11pm. Consequently, there is no conflict between the use of the car park for the snooker club and the use of the car park for the proposed burger hut since the opening times of both operations do not overlap. Indeed, there is a window of 3 hours where both operations will be closed.
- 4.5 Therefore, the calculations of parking requirements set out by Highways is erroneously based on upon the false understanding that the proposed burger hut and snooker club will be open concurrently and thus demand for car parking spaces will be from both operations. This is not the case. The proposed operating hours for the **burger van are Monday – Sunday 7am – 2pm**. The operating hours of the **snooker club are 5pm-11pm**. Consequently, the conclusion that "the current car park does not have adequate parking for its current use, where the addition of the proposal reduces the available parking spaces, would exacerbate the lack of parking for its current use" indicates a misunderstanding of the timings of the activities at this site.
- 4.6 The SPG Parking Standards state that for a hot food takeaway the following spaces are required:
- 1 commercial vehicle space;
 - 1 space for non-resident staff; and
 - Adequate on street parking

The car park proposed to be used for the burger hut provides at a minimum 8 spaces, where the number of parking spaces is taken from the Highways own assessment. Where three spaces were taken up in the positioning of the burger hut on the car park this still leaves at least 5 car parking spaces in the car park. The applicant is agreeable to marking out car parking spaces should the LPA consider this necessary. This does not take into account the other plots of land in the wider site that are owned by the applicants and are currently used for parking by neighbouring pub and restaurant businesses.

- 4.7 Staff parking can be accommodated outside of the main car park as the applicants also own other land available for car parking in proximity to the site. Photographs of these parcels of land are provided under Figures 4, 5 and 6 below.
- 4.8 Observations regarding restrictive parking at Eastland Road, Briton Ferry Road and Lewis Road are considered to have little bearing on the proposal since it is maintained that there is on site parking provision available for customers of the proposed burger hut and thus concern over indiscriminate parking is unfounded. Indeed, the Applicant is expecting the vast majority of the business to come from the local residents and those who work in this area of the town i.e the office and commercial businesses. Accordingly, it is expected that the majority of customers are likely to be walking to the site. The high parking pressures referred to in relation to unrestricted parking further along Lewis Road and Llewellyn Street are time sensitive, indeed there is significant vehicle and parking movements in the early morning as residents leave for work and school drop off etc.
- 4.9 The proposal is for a hot food takeaway hut, operating between 7am and 2pm. Such a use will not significantly increase vehicular movements at the entrance and certainly not comparable to the levels of movements calculated by Highways to be experienced at this entrance when the old British Legion Club was open. Again, the Applicant expects most of the business to be local business from those going about their morning activities, going to or taking a break from work or visiting retail and service provisions in this area of the town. The Planning Support Statement (September 2023) provides a description of the current immediate surroundings and service provision in the locality (See Section 3 of this document).
- 4.10 Since the applicant purchased the car park they have almost entirely stopped such antisocial uses of the car park. The applicant continues to enable patrons of the Highlander Pub and Thai café to use the car park. The applicant also owns other parcels of parking space in the immediate area. Figures 4, 5 and 6 provide photos of these areas for additional parking. Figure 6 could be used for the storage of the burger van outside of operating hours and the parking of 3 vehicles or the parking of a total of an additional 6 vehicles.

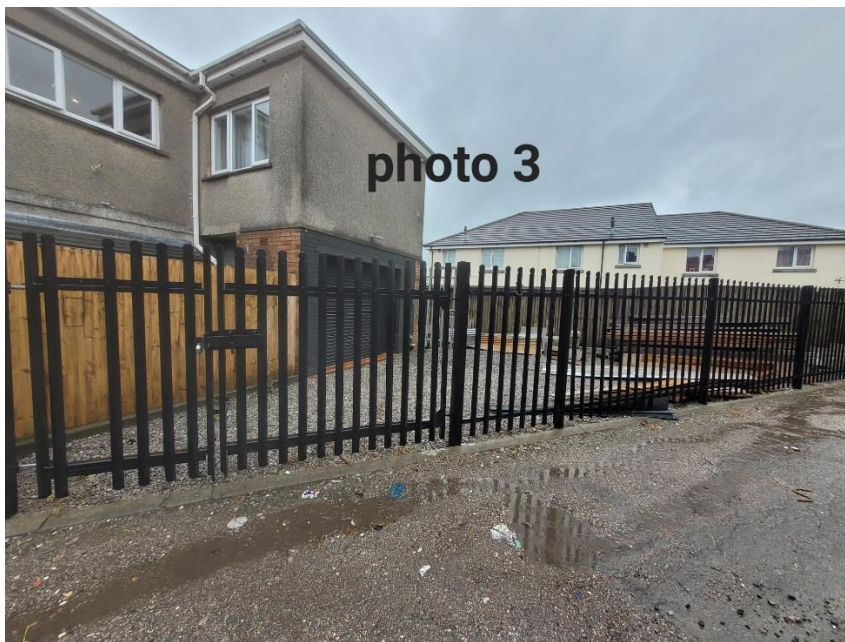
Figure 4, This land has possible parking for 3 vehicles



Figure 5, This land has possible for 1 vehicle



Figure 6, This land has possible parking for either a total of 6 cars or the parking of the burger hut and 3 cars



5. Environmental Health: Extraction and Control of Noise and Odours

- 5.1 The applicant does not have a scheme for the extraction and control of noise and odours from the burger hut. However, they note that any scheme will need to comply with the DEFRA document *Guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems*.
- 5.2 The applicants are agreeable to Conditions attached to any forthcoming planning consent to this effect and those controlling both the positioning of the ventilation system stacks and noise rating level. The applicants will subsequently provide details of the scheme, position of the ventilation stack and noise rating level in accordance with the requirements of the Conditions and adopting the measurement and assessments established under *BS4142:2019: Method rating and assessing industrial and commercial sound*.

6. Conclusion

- 6.1 The burger hut is proposed to be sited within walking distance of the town centre. It provides on site car parking sufficient for the proposed use, according to the SPG Parking Guidelines. The proposal enhances the retail, hot and cold food takeaway and restaurant offerings along Lewis Road, Eastland Road and Windsor Road and intends to serve mainly local residents, workers and passersby.
- 6.2 Indeed, the proposal provides an opportunity for Neath town centre in attracting customers to stop for refreshment at the burger hut and take the opportunity to walk into the town centre, conveniently located just 300m up Windsor Road. It is argued therefore that rather than impacting detrimentally upon Neath town centre, the proposal is likely to provide

benefits to Neath town centre and businesses by encouraging people to explore the town centre on foot having patroned the conveniently located burger hut takeaway.

- 6.3 It has been shown above that the design and siting of the burger hut will improve the visual amenity of the immediate area, reduce antisocial behaviour and bolster social cohesion.
- 6.4 There is no conflict between the snooker club use and the proposed burger hut use due to the different operating times of these operations. Consequently, the calculations for parking demand arrived at by Highways is based upon competing demand for parking from the two uses operating simultaneously. This is not reflective of the proposal. The opening times of the burger hut are proposed to be 7am – 2pm, whereas the snooker club is open 5pm-11pm. The car park could also, between these times, continue to serve the needs of other local businesses and residents, again supporting the success of Neath town centre.