

Our Ref: S24.144
Planning Application Ref: P2024/0597

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13 November 2024

Dear Sir/Madam,

Planning Application P2024/0597 – Proposed substantial demolition of existing factory building and construction of satellite dialysis unit (use class D1), including associated car parking, landscaping, refuse storage and engineering works.

Stationery House, Acacia Avenue, Sandfields, Port Talbot, SA12 7DP

On behalf of the applicant, Fresenius Medical Care Renal Services Ltd, we write in respect of planning Application P2024/0597 – Proposed substantial demolition of existing factory building and construction of satellite dialysis unit (use class D1), including associated car parking, landscaping, refuse storage and engineering works at Stationery House, Acacia Avenue, Sandfields, Port Talbot, SA12 7DP.

This statement has been prepared in response to comments received by the Local Planning Authority (NPTCBC) via email on 06 November 2024. The Case Officer (Jessica King) provided the following comments, during the application consultation period of application P2024/0597.

"I am currently awaiting the last couple of consultee responses once these are received I will be able to provide a further update.

However, I have gone through the planning statement regarding the principle of development and have the following comments;

The marketing and justification information submitted is not considered to be sufficient. There are no details on where the property was marketed, number of interest, why the rental/ sale didn't progress. The planning statement notes 6 months of marketing from February 2024, so just to confirm the marketing ceased in July 2024?

The assessment of alternative site is not sufficient – the exercise identifies sites significantly below the required sizes eg 84sqm -557sqm and did not consider town centre sites such as the old Wilko's in Port Talbot and the old Marks and Spencer in Neath. The planning statement identifies that discussions with the LA were undertaken and no sites were identified. Could you confirm who in the Authority you discussed this with?

The structural survey submitted largely discusses the proposed works your client wishes to undertake to the building and not the structural integrity of the building. The Economic Development section of the Authority has provided a response that they do not believe that the building is at end of life, resulting in a loss of an employment building."

In order to address the consultation comments received from the Case Officer, each point will be considered and responded to in turn.

Comment 1

"The marketing and justification information submitted is not considered to be sufficient. There are no details on where the property was marketed, number of interest, why the rental/ sale didn't progress. The planning statement notes 6 months of marketing from February 2024, so just to confirm the marketing ceased in July 2024?"

Response: A marketing exercise has been undertaken which demonstrates how the existing employment use is no longer viable at the application site. In order to fully address comment 1 regarding the marketing and justification information submitted, Knight Frank, the property agent tasked with disposing of the site have provided supplementary information which provides a detailed breakdown of the marketing exercise undertaken. The correspondence is appended to this statement.

Neil Francis, Logistics, Industrial & Development Partner at Knight Frank indicates the marketing of the property commenced in February 2024 – quoting offers in . A copy of the sales particulars is also included. The marketing exercise included forwarding details of the property to South Wales based industrial agents, businesses within the Knight Frank database, and the Economic Development department at Neath Port Talbot CBC.

Details of the property availability were posted on social media channels (including LinkedIn and X (formerly Twitter)), alongside online property portals Rightmove and EG Property Link. It is noted NPTCBC also placed the availability of the property on their website.

A physical marketing board was erected at the front of the property.

Viewings were undertaken with the following parties. The reason for their lack of interest is also set out.

- – an investor who would have been interested in sub-dividing and refurbishing the property. They felt the property required too much work and were concerned regarding the practicalities of sub-dividing the unit.
- interest in sub-dividing and refurbishing the property. They felt the property required too much work and raised concerns regarding the practicalities of sub-dividing the unit.

- – similar concerns to those noted above, regarding amount of work and practicalities of subdivision.
- – Required a better representing building and raised concerns over the building height.
- – With a view to developing the site for residential purposes. An offer was made however this did not match the property valuation and was rejected by the vendor.
- – Raised concerns over the building height and the ability to operate equipment within the property.

Whilst the online marketing period has now concluded following the Applicant's agreement to let the unit subject to planning consent, the physical marketing board has remained on site, however no further enquiries have been received since May 2024.

To summarise, it has been demonstrated how the application site has been marketed in excess of a period of 6 months – as set out above. Therefore, the proposal demonstrates compliance with criteria 1 of Policy EC 4 which seeks to regulate the loss of existing employment sites.

Comment 2

"The assessment of alternative site is not sufficient – the exercise identifies sites significantly below the required sizes eg 84sqm -557sqm and did not consider town centre sites such as the old Wilko's in Port Talbot and the old Marks and Spencer in Neath. The planning statement identifies that discussions with the LA were undertaken and no sites were identified. Could you confirm who in the Authority you discussed this with?"

Response: A thorough sequential search exercise was undertaken in order to identify any sites that would be considered sequentially preferable, ahead of the application site. Dialogue with the Local Planning Authority surrounding the pre-application advice indicated the application should consider the Town Centre First Policy advocated within Planning Policy Wales Ed 12 and TAN 4. The approach adopted in the sequential site search is consistent with the recommendations and guidance set out in PPW and TAN 4 in respect of the sequential approach to site selection.

In response to the LPA concerns that the sequential search *"identifies sites significantly below the required sizes"*, a correctly administered sequential search identifies all available, sequentially preferable sites, regardless of size (i.e. those located within a defined centre, or edge of centre). It is the correct procedure to then identify and disregard available units which are unsuitable of accommodating the proposal – as accepted as common practice in retail planning. This approach has been followed in this instance, to demonstrate a thorough approach towards site selection.

The Sequential Site identified three available units which were capable of accommodating the required floorspace of the proposal. However, these units were located outside of the defined Port Talbot Town Centre and were therefore no more sequentially preferable than the application site.

With respect to the recommendation in comment two to consider the old Wilko's in Port Talbot and the old Mark and Spencer in Neath, there are numerous factors which render the units entirely unsuitable. Firstly, both of the units are located on Primary Shopping Street frontage, protected under Policy R2/3, which states: *"Within the designated Primary Shopping Streets in Neath and Port Talbot town centres, ground floor uses other than Class A1 (Shops) will only be permitted where:*

- (a) The proposal falls within Class A2 (Financial and Professional Services) or Class A3 (Food and Drink); and*
- (b) The proposal does not result in the overdominance of any non-A1 use; and*
- (c) The proposal on its own and/or in combination with other proposals and commitments does not lead to:*
 - (i) A material adverse effect on the retail function of the Primary Shopping Streets; or*
 - (ii) A material reduction in the number and distribution of shop premises within the retail frontage that it will occupy and within the Primary Shopping Streets as a whole*
- (d) Within the district and local retail centres, proposals that would result in the over dominance of one use to the detriment of the vitality, viability and attractiveness of the retail centre will be resisted."*

It is unclear how the proposed development of a dialysis unit within Use Class D1 (non-residential institution) could demonstrate compliance with the permissance criteria of Policy R2/3. It appears the recommendation to consider these units is contrary to the policies of the adopted Neath Port Talbot Local Development Plan. A proposal for class D1 use in the primary retail frontage would represent a departure from the policies of adopted LDP and would likely present as a reason for refusal in the determination of an application.

Asbri Planning have undertaken a further property search to understand if either of these recommended units is currently available. Having searched through the property portal websites including Zoopla, Prime Location, On The Market, Rightmove, Estates Gazette Property Link, alongside local agents including RJ Chartered Surveyors and BP2 Land & Property Consultants, we conclude that the former Marks and Spencer unit is not currently available. This unit would be immediately discounted from any sequential search as it is unavailable.

We have identified units within Aberafan Shopping Centre that are currently available. These are:

- Unit 3/4 – 174 sqm
- Unit 25/26 – 205 sqm
- Store D1 – 662 sqm
- Kiosk 5 – 25 sqm

The identified available units are well below the required floorspace of the proposed development. These units are incapable of accommodating the proposal and would therefore be deemed unsuitable

and discounted from a sequential search. Through our research, we understand the former Wilko unit is under offer and is not being marketed. On this basis the unit is unavailable and is discounted.

In addition to the lack of availability highlighted above, the recommended units would not satisfy the Applicant's requirements for the development site. For reference these are:

- A site that can accommodate a floorspace requirement of approximately 1,163 sqm GIA. There is no prospect for disaggregation in this instance due to operational requirements;
- A site that is located in close proximity to Neath Port Talbot Hospital;
- A site or unit that has suitable access to accommodate dedicated patient and staff car parking, alongside circulation areas to enable ambulance drop off for patients.

In response to the final point of comment two, the applicant's agent held discussions with David Phillips, who advised that he deals only with property owned by the Council and that no suitable sites were available. The applicant's agent also discussed the property search with Adil Pirmohamed – Senior Economic Development and Inward Investment Officer within the Regeneration & Economic Development department in NPTCBC. Adil suggested considering Stationery House as a potential site.

In addition to the sequential site search undertaken by Asbri Planning, and the enquiries made by the Applicant, Avison Young undertook an initial property search on behalf of the Applicant to identify a suitable property or development site. This involved a market scoping exercise that consulted 22 local agents across 15 companies. The parameters of the search were deliberately widened to ensure every possible option was considered. Avison Young also contacted Swansea Bay University Health Board to understand if any opportunities existing within their estate. Numerous site visits were also undertaken in Port Talbot to appraise available sites against the requirements of the Applicant. The search did not identify any suitable units within the defined town centre of Port Talbot.

Given the above, we believe the applicant has undertaken an exhaustive search for a suitable site/property to accommodate the development proposals. We therefore strongly push back on the notion that the assessment of alternative sites is insufficient.

Comment 3

The structural survey submitted largely discusses the proposed works your client wishes to undertake to the building and not the structural integrity of the building. The Economic Development section of the Authority has provided a response that they do not believe that the building is at end of life, resulting in a loss of an employment building."

Response: We believe the existing building is at end of life. This view is substantiated by Sandycroft Projects who provide the following comments on the current condition of the building.

Building Fabric

- The building is generally in very poor condition with spalling and cracked brickwork, leaking roofing, dilapidated windows and external doors etc
- The building is riddled with asbestos, please see attached asbestos report in this respect. Any future user will have to remove this asbestos in order to refurbish the property. Costs for asbestos removal are estimated to be in the region of £150,000.
- None of the existing external walls, roof structures, floors etc are insulated in any way and do not remotely comply with current building standards
- The standard of internal finishes, fixtures and fittings etc is particularly poor requiring complete replacement.
- Fire compartmentation is inadequate within the building requiring significant remedial works to make the building safe. Internal fire doors are generally non-compliant.
- The pitched roof areas comprise two layers of corrugated asbestos cement sheeting with asbestos rainwater goods. Corrugated asbestos sheeting also forms a significant ratio of the warehouse area walls.
- Mechanical and electrical installations are not compliant with current standards.

Externals

- In our opinion there is insufficient parking on the site and the existing tarmac is breaking up and overgrown with vegetation.
- The perimeter of the building is particularly overgrown and unsafe for access/egress in the event of fire.
- There is no surface water attenuation on the site and very little surface water drainage at all. All rainwater therefore enters the combined drainage or flows out to the road, increasing the risk of flooding.

In addition to the comments provided above, an Asbestos Survey prepared by Westland Environmental Safety Ltd observed a significant presence of asbestos installations within the building. It is considered this would substantially limit the potential for refurbishment within the current parameters of the property, given the associated costs of remediation. Given the above, we consider the property to be at end of life stage.

In any case, should the LPA consider the proposal to represent a loss of an 'employment building', justification of such a loss is provided by adherence to Policy EC 4, with the marketing exercise demonstrating that employment uses are no longer viable in this location. To summarise, regardless of building condition the loss of the employment building is justified in line with Policy EC 4 of the adopted LDP.

It should also be noted, whilst not considered a traditional Class B employment use, the development will create a number of high value employment opportunities as a result of the proposed dialysis unit. This comes at a time when the town of Port Talbot has faced significant socio-economic challenges and uncertainty related to the closure of the blast furnaces at Tata Steel. We believe the creation of high value job should be afforded significant weight in the 'planning balance'.

Conclusion

This statement has been prepared in response to comments received by the Local Planning Authority (NPTCBC) via email on 06 November 2024. The statement positively addresses all of the concerns raised in the comments provided by the LPA. The statement provides the following conclusions:

- A through marketing exercise has been undertaken as part of the site disposal. It has been demonstrated how the application site has been marketed in excess of a period of 6 months – as set out above. Therefore, the proposal demonstrates compliance with criteria 1 of Policy EC 4 which seeks to regulate the loss of existing employment sites.
- A comprehensive sequential site search was undertaken by Asbri Planning as part of the application. The Applicant and their agents have also undertaken additional site searches, which informed the site selection. Furthermore, we have reviewed the suggested sites put forward and have discounted them from the sequential search due to a lack of availability. We have also raised concerns over the policy compliance of units located on protected primary shopping frontage. Details of the discussions held with contacts in NPTCBC is provided.
- Sandycroft Projects have provided additional information which clarifies the condition of the existing building – which is described as “*generally in very poor condition*” and “*riddled with asbestos*”. Westland Environmental Safety have prepared an Asbestos Report which highlights the extensive volume of asbestos observed at the site. This supplemental information points towards the property being at end of life stage. In any case, the loss of an ‘employment building’ is justified by adherence to Policy EC4 of the adopted LDP – as highlighted in the response to comment two. It should be noted the proposal will create a number of high value employment opportunities, that should be afforded significant weight in the ‘planning balance’.

We therefore conclude that a robust principle of development has been established at the application site, evidenced through the proposal’s adherence to the policies noted above and compliance with the strategic and spatial vision of the adopted LDP, alongside the overarching sustainability objectives of PPW12 at a national level. We have proactively and positively engaged with the LPA to address all comments raised regarding the principle of development.

We trust the above is helpful in your consideration of the application. In the meantime, please contact us directly should you require any additional information regarding the proposals.

Yours sincerely,

Oliver Hanney

Senior Planner

Asbri Planning Ltd