

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Refusal**

<b><u>APPLICATION NO:</u></b> P2016/0320	<b><u>DATE:</u></b> 04/05/2016
<b>PROPOSAL:</b>	Proposed change of use from former lorry park to caravan/ motorhome storage and servicing
<b>LOCATION:</b>	Former Lorry Park, Tata Steel , Cefn Gwrgan Road, Margam , Port Talbot SA13 2PT
<b>APPLICANT:</b>	Mr Paul O'Dwyer
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Margam

### **Background:**

The application has been called into Planning Committee by Ward Member Councillor Rob Jones on the grounds that he believes this application should have been recommended for approval. It will create employment and this land has been used for many years as a Lorry storage area on behalf of TATA. If the main entrance to TATA had not been closed the Councillor believes it would still be doing that. The Councillor sees little difference between Lorry storage and Caravan storage.

At the 12<sup>th</sup> July Planning Committee, Members resolved that the application should be deferred “to allow the applicant the opportunity, in consultation with Officers, to submit additional supporting information outlining their comprehensive plans for the site including the full list and extent of uses proposed, (as defined within their business plan) which will in turn demonstrate the employment potential of the site. The applicant was also requested to demonstrate their assessment of alternative sites (as required by TAN23) and as such the reason why this site was the preferred option”.

The report which follows is that which was presented to the 12<sup>th</sup> July Committee, amended to incorporate the Officers assessment of the additional information submitted.

### **Planning History:**

None

## **Publicity and Responses:**

The application was advertised by site notice displayed on 10<sup>th</sup> May 2016 and by letter to the adjacent site (ECM2). To date no representations have been received.

National Resources Wales: No objection

Wales and West Utilities: No objections

Head of Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objections

Pollution Control: No objections

Petroleum Officer: No objections

Contaminated Land: No objections

Public right of ways: No objections

## **Description of Site and its Surroundings:**

The site comprises an irregular parcel of land measuring approximately 1.07 hectares. It is currently accessed off Cefn Gwrgan Road and is situated outside but adjacent to the settlement limit, with the Abbots Mews and Abbots Close estates nearby. To the west of the site lies Tata Steel and to the east is a bowling green, tennis court and golf club.

The applicant has indicated that the land has not been in use since 2012 when the land was acquired by Welsh Government. The applicant has referred to a previous use on the site of HGV storage, although there is no lawful planning use on site. Aerial imagery going back to 2004 on the Councils records do not indicate use of the site, nevertheless there is local knowledge that it has been known to be used for HGV use over the years.

## **Brief description of proposal:**

The application seeks full planning permission for the change of use of the land to Caravan/Motorhome storage, servicing and an ancillary sales element. For the purposes of the Use Class Order, this proposed development falls within the B8 Use Class. The applicant has indicated that the capacity of the use will be for 151 units and will look to employ nine members of staff in its first year of which two will be full-time.

The shift pattern for this first year can be broken down below:

Year 1:     Director x2 (4 hrs each Mon-Fri)  
              Security guard x1 (12hr nights employed through an agency, 7 days per week)  
              Valet x2 (4 hr shift each, 1 Mon-Fri, 1 Tue-Sat)  
              Sales x1 (4 hr shift Tue-Sat)  
              Servicing x1 (8 hr shift Mon-Fri)  
              Vehicle technician x2 (4 hr shift Tue-Sat)

### *Additional submissions received after 12<sup>th</sup> July Planning Committee*

Following the deferral at Committee, the applicant has submitted additional supporting information, including a business plan projection for the years 2017-2020, along with a number of accompanying emails providing supplementary information.

The most relevant detail to be extracted from the business plan was with regard to staffing levels. The staff structure proposed is shown below:

Directors/Owners  
Security Guard  
Valeters  
Sales  
Servicing  
Engine management  
Technicians

This structure and the predicted expansion can be summarised as the following:

	<b>Year One</b>	<b>Year Two</b>	<b>Year Three</b>
<b>Director</b>	<b>x2</b> (4 hrs each Mon-Fri)	<b>x2</b> (8hr shift each Mon-Fri)	<b>x2</b> (8hr shift each Mon-Fri)
<b>Security guard</b> (calculated as 1FTE)	<b>x1</b> (12hr nights employed through an agency, 7 days per week)	<b>x1</b> (12hr nights employed through an agency, 7 days per week)	<b>x1</b> (12hr nights employed through an agency, 7 days per week)
<b>Valeter</b>	<b>x2</b> (4 hr shift each, 1 Mon-Fri, 1 Tue-Sat)	<b>x2</b> (4 hr shift each, 1 Mon-Fri, 1 Tue-Sat)	<b>x2</b> (4 hr shift each, 1 Mon-Fri, 1 Tue-Sat)
<b>Sales</b>	<b>x1</b> (4 hr shift Tue-Sat)	<b>x1</b> (8 hr shift Tue-Sat)	<b>x1</b> (8 hr shift Tue-Sat)
<b>Servicing</b>	<b>x1</b> (8 hr shift Mon-Fri)	<b>x2</b> (8 hr shift Mon-Fri, Tue-Sat)	<b>x3</b> (8 hr shift Mon-Fri, Tue-Sat)
<b>Vehicle technician</b>	<b>x2</b> (4 hr shift Tue-Sat)	<b>x2</b> (4 hr shift Mon-Fri, Tue-Sat)  <b>x1</b> (8 hr shift Mon-Fri)	<b>x1</b> (4 hr Tue-Sat)  <b>x2</b> (8 hr shift Mon-Fri)
<b>Total (no.)</b>	<b>9</b>	<b>11</b>	<b>12</b>
<b>FTE (approx.)</b>	<b>5 ½</b>	<b>9</b>	<b>10 ½</b>

These figures predict that the maximum number of employees in the third year of employment will be 12 (approx. 109 ½ FTE).

With regard to exploration of alternative sites, the applicant has stated in an email that they looked at land adjacent to the Copper Penny restaurant in Port Talbot but did not pursue it given its planning history. The applicant state they contacted St Modwen about land available on the old BP site, but were put off due to its location being 'out of the way'. Finally, they were offered land on Harbour Way but it was considered that the cost in site preparation was 'extortionate'.

## **Material Considerations:**

The issues to be considered during the determination of this application relate to the principle of development at this site, having regard to its location outside of the settlement boundary, and its effect on residential and visual amenity as well as any impact on highway and pedestrian safety.

## **Policy Context:**

### National Guidance

Planning Policy Wales, Edition 8 (2016)

TAN 15 - Development and Flood Risk

TAN 23 - Economic Development

### Local Development Plan

The Council formally adopted the Local Development Plan on 27<sup>th</sup> January 2016, within which the following Policies are of relevance: -

Policy SP1 Climate Change  
Policy SP3 Sustainable Communities  
Policy SP11 Employment Growth  
Policy SP17 Minerals

Policy SC1 Settlement Limits  
Policy EC3 Employment Areas Uses  
Policy M1 Development in Mineral Safeguarding Areas  
Policy TR2 Design and Access of Mineral Safeguarding Areas  
Policy BE1 Design

## **Principle of Development**

The site is located outside of, but adjacent to, the settlement limits defined by Policy SC1 of the adopted Local Development Plan, and is therefore defined as 'countryside' where Policy SC1 states that development will only be permitted under 12 identified circumstances.

For the purposes of this proposal, Criterion 1 is the most relevant, which allows development where "*it constitutes a sustainable small scale employment use adjacent to a settlement limit*".

The supporting text at paragraph 3.0.17 defines 'employment use' as "uses that provide significant employment opportunities as set out in Policy EC3". This requirement for significant employment opportunities is considered to be consistent with National Policy in Planning Policy Wales and TAN 23 (Economic Development) which seek to protect the countryside and direct development to the most appropriate and sustainable locations.

In locational terms, the site lies adjacent to the defined settlement limit, and therefore could comply with this criterion. The proposed storage use, however, based on the revised submissions would employ a maximum of 5 ½ FTE staff (9 in total) in its first year potentially raising to 10 ½ FTE (12 in total) in the third year. While acknowledging the local Member's views that it will create employment, it is nevertheless considered that while small in scale – with the indicated FTE staff greater than initially indicated in the application - the proposal could not be considered to provide the *significant employment opportunities* necessary to justify such development outside of settlement limits. It is therefore considered to be contrary to Policy SC1 of the adopted Local Development Plan.

Notwithstanding the above, consideration has been given to the thrust of National Policy in TAN23 in respect of economic development, and in this regard paragraph 1.2.7 outlines that a sequential test should be used when identifying land for economic uses, or when determining planning applications. Judgement should be applied to the economic use and its applicability to the particular location. First preferences should be given to sites within settlement limits, second preference to edge of settlement sites, and third preference should consider land in the open countryside. It also notes that if land supply within settlements is already sufficient to meet demand, then generally it will be wrong to identify sites in the countryside

TAN 23 further advises that where a planning authority is considering a planning application ... it should ask three questions in order to help clarity and balance the economic, social and environmental issues. These are considered in turn below:

**Alternatives:** if the land is not made available (the site is not allocated, or the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where? This test follows from the principle in PPW, that the planning system should steer development to the most sustainable locations.

Evidence of seeking alternative sites has been discussed earlier in this report. This evidence merely consisted of naming three locations where they were either offered land or made enquiries. The appropriateness or lack of was never elaborated on in any great detail and the limited search undertaken (3 sites) is not considered to be enough justification to promote the development at this site above others. In the Council's attempts to steer economic development to the most appropriate and sustainable locations, it is considered that the proposal could be located within defined settlement limits or within existing, allocated employment areas.

While not strictly part of this 'test', it is also noted that in contrast to the current proposal, it is considered quite likely that an alternative scheme could come forward on this site which could provide the significant employment opportunities required to justify such development outside settlement limits, having regard to the excellent communication links of this site.

**Jobs accommodated:** how many direct jobs will be based at the site?

This test provides an approximate measure of a development's contribution to the wider economy, but as identified above, it is considered that 2 full time employees (5 ½ FTE) in the first year eventually rising to 12 (10 ½ FTE) in the third year based on projections does not offer the significant level of employment necessary to justify such development on this site.

**Special merit:** would the development make any special contribution to policy objectives? For example, a major employment site may be a key element of a wider spatial strategy which aligns jobs, development and infrastructure.

With regard to special merit, whilst it is acknowledged that the proposal would make use of previously developed, vacant and underused land, the employment use proposed is not considered to provide significant economic benefit to warrant the location outside of settlement limits.

Accordingly, while acknowledging the local Member's view that the proposed use would 'create employment', this is not considered to be of such significance that it would justify development outside of settlement limits contrary to Policy SC1 and TAN23.

Following the above assessment of the 'principle' of development, other matters are considered in turn below

### **Visual Amenity:**

The application site area is flanked on its western side by an existing industrial site which houses the EC2 at the entrance to the Tata Steelworks whilst to the north are houses and a golf course to the south-east. While visible from the PDR / Harbour Way, the site is not highly visible in local views, while the character of the immediate area is very much mixed in appearance rather than one distinct uniform pattern. The site, while undeveloped, also has existing boundary treatments and an adjacent sub-station which ensures it does not have a 'countryside' appearance.

In view of this it is considered that the introduction of a caravan storage facility would not be unacceptably out of character, nor would it have an unacceptable adverse effect on visual amenity given the existing vegetation present on the boundaries which offers a shielding effect to the non-industrial uses. Furthermore should the application have been recommended for approval, a landscaping scheme would have been required by condition to further enhance the site boundaries and soften the appearance of the use and allow it to appear less regimented visually.

Therefore, in view of the above it is considered that there would not be any unacceptable impact on visual amenity to warrant a refusal recommendation.

### **Residential Amenity:**

As identified above, the site is largely screened from adjacent residential properties on Abbots Close, and such screening could be enhanced through a landscaping condition. The nature of the development also does not lend itself to any likely impacts in terms of overlooking; therefore there will be no issues with invasion of privacy in terms of conflict between distances between habitable room windows or the overlooking of private space.

The proposal has been assessed by the Environmental Health Section who have concluded that it is unlikely that neighbouring residential properties would suffer noise or any other statutory nuisance as a result of the proposed activity, with noise levels likely to be quieter than those



from the HGV movements that used to take place on this site or its access road.

Therefore after taking into account the above findings, it is considered that the proposal will not adversely affect residential amenity.

### **Flooding:**

The application site lies within zone C2 as defined by the development advice map referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Furthermore National Resources Wales (NRW) flood information confirms the site is at risk flooding.

Notwithstanding the above, the NRW considers that due to the scale of the development it is not considered that a flood consequence assessment is required in this case. They do however suggest that the applicant should be made aware of the potential risk of flooding to the property.

In view of this above NRW assessment, the flooding issues on the site or not considered significant to warrant a refusal recommendation on an application of this type.

### **Highway Safety (e.g. Parking and Access):**

The Head of Engineering and Transport (Highways) has assessed the proposal and is satisfied that the proposed use can be accommodated within the existing infrastructure and the storage of caravans will not negatively impact on highway and pedestrian safety.

### **Conclusion:**

The site is located outside of the settlement limit, and outside of land allocated or safeguarded for employment use by the LDP, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. While the site is located immediately adjacent to the settlement limit, Policy SC1 only allows exceptions for small scale employment uses, and it is considered that the proposed use would not provide the significant employment opportunities necessary to justify such development. Accordingly, in the absence of such justification, and notwithstanding its previous use, it is considered that the proposal would amount to unjustified new

development in the countryside, contrary to Policies EC3 and SC1 of the Neath Port Talbot Local Development Plan and guidance in Technical Advice Note 23 (Economic Development).

**RECOMMENDATION: Refusal**

(1) The site is located outside of the settlement limit, and outside of land allocated or safeguarded for employment use by the Neath Port Talbot Local Development Plan, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. While the site is located immediately adjacent to the settlement limit, Policy SC1 only allows exceptions for small scale employment uses, and it is considered that the proposed use would not provide the significant employment opportunities set out in Policy EC3 necessary to justify such development and, accordingly, in the absence of such justification, and notwithstanding its previous use, it is considered that the proposal would amount to unjustified new development in the countryside, contrary to Policies EC3 and SC1 of the Neath Port Talbot Local Development Plan and guidance in Technical Advice Note 23 (Economic Development).