

Planning Statement in Support of a Revised Application to Delete and Amend Conditions Attached to an Existing Temporary Consent at Unit 9 Gym, Quay Road, Neath, SA11 1SL

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1. INTRODUCTION

- 1.1 This statement has been prepared by CDN Planning (Wales) Ltd on behalf of Mr Tavis Knoyle, the owner and manager of the Unit 9 Gym. On September 16th last Mr Knoyle submitted an application to amend conditions 1 and 4 of planning permission number P2019/5650. The application remains undetermined. Mr Knoyle has now asked CDN to take over as agents for the application and to revise the application to better reflect the changes that he is seeking. To that end, therefore, a new application form has been prepared to replace the original one submitted and this support statement seeks to better explain what is now requested.

2. THE APPLICATION SITE

- 2.1 The gymnasium occupies a former double-bay industrial building measuring some 34m x 13m. The building is of a typically industrial construction of profiled metal sheeting with a 2m concrete block curtain wall. Some sound-proof measures have been introduced into the building in the form of overcladding with plasterboard and insulation, but it is not economically or practically viable to add any further insulation to the building envelope.
- 2.2 The interior of the building has been extensively modernised and adapted for use as a gymnasium and includes a wide range of exercise machinery and other facilities including changing rooms, a small café area, a spin room, a beauty and hair salon, a physio suite and yoga room. A mezzanine floor provides additional space as required. In all some £400,000 has been spent to create a first class and very popular sporting facility. Externally the gym is supported by a large self-draining car park capable of accommodating some 100 cars.
- 2.3 The gymnasium is situated within a small industrial area lying between the River Neath and the Neath Canal. Most of the neighbouring properties, therefore, are in use for industrial or storage purposes. There is one residential property nearby, which is situated on nearby Bridge Road, some 130m. away from the application building.



3. PLANNING HISTORY

- 3.1 Change of use permission was first sought for the creation of the gym in October 2017 with the submission of application number P2017/0990. The development proposed was the change of use of the building from Class B8 to a gym (Class D2). The permission was granted on November 22nd 2017 but only for a limited period of 2 years. The reason given for making it a temporary permission was as follows :-
- “ To provide a suitable period in which the planning authority can assess the impact of the development and to consider if the planning use is appropriate for the building and that the use does not accord with policies EC2 and EC3.”*
- 3.2 Condition 3 of the permission set out the agreed opening times for the gym as being between 06:00 to 21:00 hours Monday to Friday and 08:00 to 14:00 on Saturday and Sunday. Notably there was no condition attached to the permission relating to the playing of amplified music in the premises.
- 3.3 At the end of the first 2 year period a second application was submitted in December 2019 seeking the retention of the gym and sports facility. Planning permission was granted on January 29th 2020 but was again, somewhat surprisingly, subject to a time limiting condition of 3 years. The reason given was again to allow the planning authority a suitable time to assess the impact of the development.

4. THE REQUESTED CHANGES

4.1 The three conditions that now need to be either deleted or changed are as follows :-

1. *The development hereby permitted is for a temporary period only and shall cease not later than 24th January 2023 after this time the gym shall cease trading and the use revert back to a B8 use.*
3. *Customers shall only be allowed on the premises between 06:00 to 21:00 Monday to Friday and 08:00 to 14:00 on a Saturday and Sunday.*
4. *There shall be no playing of amplified music at the premises or activities associated with the gym outside of the gym building.*
In the event of noise complaints being received, the Local Authority may require the applicant to undertake a suitable and appropriate noise assessment and produce the findings and recommendations in a written report. The assessment shall be undertaken by a suitably qualified and competent person.

4.2 In regard to condition 1, it is now requested that this condition be deleted altogether, thus making it a permanent permission. It is vital that this happens in order to secure the on-going viability of the business. Mr Knoyle has invested his life savings to convert this building, spending in the region of £400,000 and has had to rely on a bridging loan from his bank to purchase the property. Servicing that loan is a considerable drain on the business and it urgently needs to be replaced by a business mortgage. This cannot happen, however, without the security of a permanent planning permission.

4.3 It is requested that condition 3 be amended slightly by changing the Saturday opening times to 07:00 to 16:00, and the Sunday times to 08:00 to 15:00. These time changes reflect customer demand and it is considered will not create any amenity problems.

4.4 In regard to condition 4, a Noise Assessment has been carried out and was submitted with the application. Recent responses from the Environmental Health Department of the Council have made it clear that further monitoring needs to take place, and this will happen in the near future. It is accepted that the sound-proofing measures carried out to date are inadequate to contain the volume of noise initially chosen, and that it is neither practically nor financially possible to introduce any more sound-proofing

measures. It is now necessary, therefore, to determine what noise levels will be appropriate going forward, and how this can be properly controlled by condition.

- 4.5 The appointed noise consultants in this case will now undertake an agreed monitoring exercise to determine appropriate volume levels for the gymnasium, and produce a Noise Management Plan that is agreed by all parties, and which ensures that this is maintained on a permanent basis. This will be submitted for consideration by both the planning and health departments as soon as it has been completed.
- 4.6 Following an acceptance of the Noise Management Plan it is suggested that condition 4 should then retain the first section prohibiting either music or activities on the outside of the building, but replace the second section with a simple statement to the effect that the gymnasium business shall at all times comply with the agreed Noise Management Plan.

5. CONCLUSION

- 5.1 Unit 9 Gym is a family run and potentially successful business. It is clearly a popular facility in the town as it now has approximately 1100 members, with some 2-300 visits on average per day. It is also providing employment for 8 full-time and 7 part-time workers. For this business to be fully viable and to go forward with confidence it clearly needs to rid itself of the uncertainty provided by a temporary planning permission. It is suggested, therefore, that with the imposition of a condition requiring full compliance with an appropriate and agreed noise management plan, the granting of a permanent permission would not result in any loss of amenity, and would comply with all appropriate planning policies.

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