

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012**

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr Tavis Knoyle
UNIT9 GYM
Quay Road
Neath
SA11 1SL

DATE REGISTERED: 29 September 2021

APPLICATION NO: P2021/0965

LOCATION: Quay Road, Neath, SA11 1SL

PROPOSAL: Variation of conditions 1, 3 and 4 of planning permission P2019/5650 to allow a permanent consent, change of opening times to 06:00 to 21:00 Monday to Friday, 07:00 to 16:00 Saturday and 08:00 to 15:00 Sunday, and to allow the playing of amplified music in accordance with submitted noise assessment report.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Conditions:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan received 16th September 2021.

Reason:
In the interests of clarity

Action Conditions

- 2 Monitoring for Verification of Noise Levels

Within 3 months of the date of this permission the following actions must be completed and a factual and interpretive report demonstrating the completion must be submitted to and approved in writing by the Local Planning Authority.

1. Adjust the Gym sound system taking account of day to day operation of the site, including any adjustable ventilation methods for the building (see note 1) to an acceptable level for operation of the Gym (see condition 4) and measure the sound level in the same location "the monitoring location" used to establish background levels in Feasibility Assessment of Proposed Noise Management of Unit 9 Gym dated 24th January 2022.

2. If the operational level is not measurable at the monitoring location confirm the internal level at the locations identified in condition 1. If the operational level is measurable reduce the sound system to a level that is not at the monitoring location and record this level as the operational level to be used as the new control point for the electronic limiter.

3. Seal Noise Limiting Device with a tamper proof seal to be retained as such thereafter

Reason:

To ensure that the development operates within the limits permitted in the interest of the amenity and to accord with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 3 The use hereby approved shall operate and be open to customers between 06:00 to 21:00 Monday to Friday, 07:00 to 16:00 Saturday, 08:00 to 15:00 Sunday only. No amplified music shall be played outside of these hours.

Reason:

In the interests of amenity, and to accord with Policies EN8 and BE1 of the Neath Port Talbot Local Development Plan

- 4 Operational Noise Levels
During the operation of the development hereby permitted, noise levels shall not exceed the agreed internal levels at any location as set out in Section 2.4 of the Noise Management Assessment of Unit 9 Gym dated 20 August 2021 (reproduced below) unless amended in compliance with condition 5 of this permission.

	Measured sound		
	level LAeq,1min		
	Near Speaker cluster	Far Speaker cluster	Centre of Counter
6am Levels 4 & 5	77	74	69
7am Levels 4 & 5	77	74	69
9am Levels 4 & 6	77	89	80
6pm Levels 4 & 6	77	89	80
Daytime (no classes) Levels 4 & 4	76	76	69

Reason:

In the interest of clarity and the amenity of the neighbouring occupiers and to accord with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

5 Noise Limiting Device

The noise limiting device, as detailed in Feasibility Assessment of Proposed Noise Management of Unit 9 Gym including use of limiter dated 14th February 2022 must be fully functional and in proper working order at all times during the playing of recorded music and retained as such thereafter. If the noise limiting device breaks down the responsible person shall inform the Local Planning Authority as soon as reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay.

Reason:

In the interest of the amenity and Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan

6 There shall be no playing of amplified music or activities associated/ancillary to the use hereby approved outside of the building other than for the parking of motor vehicles.

Reason:

In the interest of the amenity and to accord with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

Informatives:

1 The developer shall ensure that in relation to the noise verification undertaken as required under condition 2 of this permission, that these should take into account all and any methods of ventilation of the building including the opening of doors, windows or other opening elements of the building to ensure that during operation of the gym all year round the noise levels are maintained appropriately.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in

determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon the residential amenity or general amenities of the nearby residential occupier or result in an adverse impact on the land bank of employment land and buildings. Hence the proposed development would be in accordance with Policies SC1, EC2, EC3, EC4, BE1 and EN8 of the Neath Port Talbot Local Development Plan.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 9 March 2022

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.