

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2024/0257	<u>DATE:</u> 26 April 2024
PROPOSAL: Change of use from Class A1 (retail) to Class D2 (gymnasium)	
LOCATION: What (former Carpet Right/topps Tiles) Vale Of Neath Retail Park, Neath	
APPLICANT: Pure Gym Limited	
TYPE: Full Plans	
WARD: Bryncoch South	

BACKGROUND

This application is reported to Planning Committee at the request of the local Ward Members. The local Ward Members consider the application should be determined by Members of the Planning Committee rather than by Officers' delegated powers. The Ward Member's comments are set out below in the relevant section of this report and relate to Noise and Traffic generation.

SITE AND CONTEXT

The application property is located on the Vale of Neath Retail Park which is a small retail development to the North of the town centre of Neath. It comprises two freestanding retail warehouse units which until recently was occupied by What! (with the previous occupier being Carpet right and Topps Tiles units), and by Halfords. The site is accessed from Cadoxton Road (A4230) via Golwg-Y-Gamlas which also provides access to a Lidl store to the north-east. To the south of the site is a railway line the A465 dual carriageway and the River Neath. Burger King and Neath College are located to the southwest, there are residential properties to the north side of Golwg-Y-Gamlas and to the opposite side of Cadoxton Road.



DESCRIPTION OF DEVELOPMENT

This is a full application for the change of use of a retail unit (Class A1) to a fitness gym (PureGym Class D2) there are no external alterations proposed as part of this application.

The building is a single storey unit measuring a length of 48.5 metres and 23 metres in width with two canopies to the front elevation over the two access doors.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

In response to the initial consultation period, the Authority's Highways Department raised concerns regarding the parking facilities available at the site. The applicant subsequently provided a transport sustainability report. Further details were also requested and submitted regarding the noise insulation from our Environmental Health Section.

PLANNING HISTORY

The application site has the following relevant planning history: -

P2007/0245 - 3 no. internally illuminated signs to front, rear and right-hand side elevations and 1 non-illuminated panel sign – approved 3.4.2007.

P2006/1358 - New external porch, shop front entrances and display window to existing vacant retail unit together with ramp and handrail and internal alterations. - Approved 14.11.2006

P1998/0067 – Proposed free-standing advertising sign – Approved 12.03.98.

P1997/1333 – Proposed temporary hoarding advertisements – Approved 24.12.97.

P1997/0878 – Proposed advertisement signs for unit one – Approved 27.11.97.

P1997/0857 – Proposed retail development (A1) with associated parking and servicing (on former Llanellec site) – Approved 06.11.97.

P1995/0413 – Demolition of existing building and construction of new retail development (A1) & restaurant (A3), with associated car park & servicing – Approved 30.08.96

CONSULTATIONS

Head of Engineering and Transport (Highways): No objection subject to conditions

Environmental Health (Noise) – No objections to conditions

Blaenhondda Community Council – Concerns are raised regarding traffic circulation and capacity at the bottom of Penywern Hill, and a 24-hour operation in proximity to residential properties.

Contaminated Land – No objections to conditions

Wales Government (Transport) – No reply to date (noting that this consultation is required due to the proximity to the A465 only, which is unaffected by the development)

REPRESENTATIONS

The local Ward Members were notified on 29.4.24

Ward Member comments:

I am greatly concerned, I strongly feel that a 24 hour Gym is unfeasible in a residential area which would create high noise levels, especially as all the other surrounding businesses are not open 24 hours and Lidl having conditions on delivery lorries.

I would like to express concerns regarding 24 hour opening in a residential area. Also, possible noise pollution, traffic congestion on the main round about at Cadoxton. As well as the lack of parking spaces which could affect other business located nearby.

A site notice was displayed on 31.5.24.

In response, to date 1 representations has been received. The issues raised are summarised below.

- There are already 6 other gyms within 1.5 miles, the introduction of a seventh gym is considered to be reaching an unfortunate saturation point.
- Although a sequential test has been submitted which concludes that the loss of this retail unit is perfectly acceptable because it is not located in the identified Neath Town Centre. Such a unit, however, because of its size; the type of products on sale; the clear need for customer parking; and the delivery traffic required; would not be appropriate within the Town Centre. The loss of such a retail unit would, nevertheless, represent an unfortunate loss to the shopping offer in Neath because of its close proximity to the Centre and its ability to accommodate the larger goods that need greater display space and easier access.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[**Future Wales: The National Plan 2040**](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

Policy 8 – Flooding

Policy 9 – Resilient Ecological Networks and Green Infrastructure

[Planning Policy Wales \(Edition 12, February 2024\)](#)

The primary objective of Planning Policy Wales 12 is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

Planning Policy Wales 12 promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem-solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

Planning Policy Wales 12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

Technical Advice Note (TAN) 4: Retail and Commercial development (2016)

Technical Advice Note (TAN) 11: Noise (1997)

Technical Advice Note (TAN) 12: Design (2016)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004)

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies

- [Policy SP1](#) [Climate Change](#)
- [Policy SP2](#) [Health](#)
- [Policy SP3](#) [Sustainable communities](#)
- [Policy SP11](#) [Employment Growth](#)
- [Policy SP12](#) [Retail](#)
- [Policy SP15](#) [Biodiversity and Geodiversity](#)
- [Policy SP20](#) [Transport Network](#)
- [Policy SP21](#) [Built Environment and Historic Heritage](#)

Topic Based Policy

- [Policy SC1](#) [Settlement limits](#)
- [Policy EC4](#) [Protection of Existing Employment Uses](#)
- [Policy R3](#) [Out of Centre Retail Proposals](#)
- [Policy EN6](#) [Important Biodiversity and Geodiversity Sites](#)
- [Policy EN7](#) [Important Natural Features](#)
- [Policy EN8](#) [Pollution and Land Stability](#)
- [Policy TR2](#) [Design and Access of New Development](#)
- [Policy BE1](#) [Design](#)

Topic Based Policies:

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Renewable and Low Carbon Energy](#) (July 2017)
- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (July 2017)
- [Biodiversity and Geodiversity](#) (May 2018)

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Design](#) (July 2017)
- [Biodiversity and Geodiversity \(May 2018\)](#)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, highway safety.

Principle of Development

The application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of development at this location is generally acceptable.

The application site is located outside of the designated Town Centre, (located approximately 325 metres to the south of the application site), Local Centre, District Centre and Retail Allocations as defined by the LDP. Policy R3 addresses Out of Centre Retail proposals and Planning Policy Wales 12 requires the application of a sequential test when considering the location of new retail and commercial development. Noting however that the building is already in place and lies within an existing established commercial area. Therefore, the proposal is accompanied by a Sequential Assessment illustrating how other sites have been considered and found unsuitable for a leisure development.

The proposed gym is intended to primarily serve residents of Neath itself and the main built-up area of the town and its surrounding urban areas are considered to comprise the primary catchment area. As such, it was considered that it is appropriate for the sequential assessment to be focussed on alternative sites within and on the edges of Neath Town Centre.

The supporting information indicates that it is propose to operate a large-format gym, providing a floor space of approximately 964 square metres. The proposed gym will provide areas for cardiovascular fitness machines, functional fitness equipment resistance weight machines, free weight equipment, room for fitness classes and changing facilities.

The applicant has indicated that it is considered that the floor area is required to provide the core components to allow the gym to operate at scale as a budget operator. Alternative sites should provide +/-10% of the proposed floor space (approximately 875 square metres and 1075 square metres), large floorplates to

accommodate large equipment and facilities, appropriate ceiling heights and access to parking.

The supporting documentation has not identified any alternative sites that would meet the search parameters set out above including in terms of floor space and layout. It is claimed that the largest available commercial properties are at Wind Street, forming part of the town centre redevelopment scheme between the new leisure centre and The Range having largest unit provides floor space of 291 sq. m at ground floor. This would represent only 30% of the floor space at the application site and would require a very significant reduction in the size of the proposed gym and its proposed facilities. It is also considered that as the library occupies the first-floor significant acoustic mitigation would be required between the proposed gym and such a use.

The applicant is of the opinion that it would not be possible to deliver the application scheme at this site and it would be unsuitable for the proposed development.

In terms of other sites within the town centre, it is claimed that the next largest available property is at Windsor Road a former 3 story public house. The ground floor is now available for alternative commercial uses but provides floor space of only 167 sq. m. As such, it would be unsuitable on the basis of size alone, being significantly smaller than the required floor space and the identified search parameters.

The supporting documentation indicates that there are a relatively small number of other properties being actively marketed on a freehold or leasehold basis within and on the edges of Neath Town Centre. These are all significantly smaller than the application site and mainly comprise traditional commercial properties that will evidently be unsuitable for the proposed development.

It is considered that assessment of sequentially preferable sites has indicated that there are no alternative sites that are both available and suitable for the proposed development. The proposal therefore accords with the relevant provisions of paragraphs 4.3.18 to 4.3.24 of Planning Policy Wales 12 12.

The applicant has demonstrated within the above information that there are no available retail properties within the town centre of a size to meet their requirements the only alternative to this location would be an employment use unit. Members may also be aware that there are policies within the development plan that protect employment uses and as such the re-use of existing B1, B2 or B8 uses within any industrial uses are restricted by these policies and PPW and Future Wales. It is also considered that the proposed use would encourage multiple destination journeys thereby helping to support the adjacent retail units, and is accessible by both public transport, and active travel modes of transport.

As such, it is therefore considered that the principle of the use would generally accord with the aforementioned policies of the Local Development Plan.

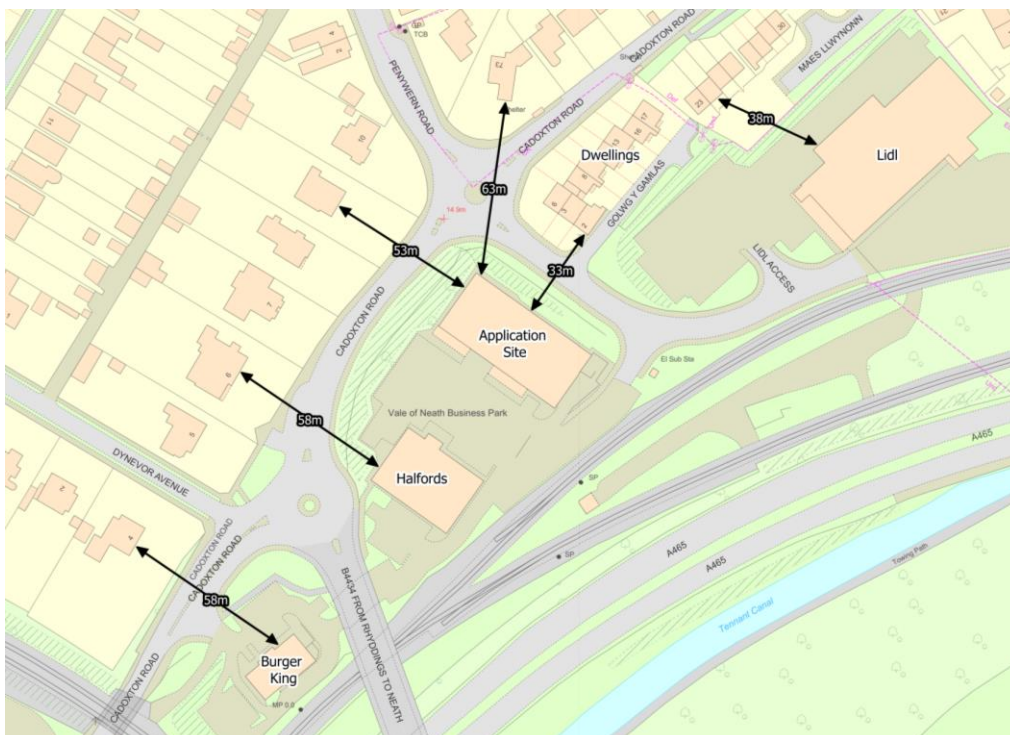
Impact on Visual Amenity

From a visual perspective the building will not be altered externally and would thus not have a detrimental impact upon the character and appearance of the surrounding area. Any signage that may be necessary may be subject to a separate advertisement consent application.

Impact on Residential Amenity

Policy BE1 (4) requires that development does not have a significant adverse effect on the amenity of local residents. The Authority has Supplementary Planning Guidance (adopted July 2017) on Design which provides specific advice on how to consider residential amenity impacts in determining planning applications.

The whole of the site including the wider area comprising Halfords through to the Lidl store is located at a lower level than Cadoxton Road, and the access road into the site drops in level as you enter the site, and branches left and right. As such all of the units, including the parking areas are set below the level of Cadoxton Road and the B4434 which runs into and out of Neath itself. The nearest residential property along Cadoxton Road is approximately 53 metres away from the unit on the opposite side of the main road and set at a higher ground level. The nearest residential properties located on the opposite side of the main site access road to the retail park, Golwg y Gamlas, are 33 metres away from the rear of the unit and again at a higher ground level than the application unit.



Adjacent to the rear of the properties along Golwg y Gamlas is the existing Lidl store for which the opening hours are from 8 am to 10pm, and deliveries to the store from 7 am until 11pm. The unit which is the subject of this application property was granted consent in 1997 although the range of goods were restricted there were no conditions restricting the opening hours. The unit could therefore operate as a retail store without an opening hour restriction.

As there are no proposed structural additions it is considered there are no unacceptable issues to consider regarding overlooking, overbearing, or overshadowing issues in relation to neighbouring residential properties.

With regards to the potential impact in terms of noise and disturbance, the application has been supported by an Acoustic Feasibility Report and an Environmental Noise Survey Report, dated 4th April 2024.

The report has assessed the current sound attenuation provided by the existing building and has suggested a number of parameters within which the proposed PureGym could operate to avoid an unacceptable noise impact on nearby residential properties.

The Environmental Health Section has considered the reports and following negotiations it is considered that conditions which relate to the following should be attached which will restrict the operation of the proposed gym.

- The LAeq noise level of the breakout sound does not exceed a level 5dB below the otherwise ambient LAeq sound level in any 1/3 octave band at the façade of the nearest affected noise sensitive property.

- Restriction on amplified music and speech to between the hours of 06.00 and 22.00 hours, because these have been identified within the report as a significant source of noise, particularly during group classes and monitoring has not been conducted past 22.00 hours to demonstrate that these will not have an unacceptable impact on amenity. The condition also requires that all doors and windows must be closed when amplified music or speech such as in the form of class instructions are taking place.
- The studio/spin studio shall not be sited on the southeastern façade of the building, unless a noise impact assessment is conducted and suitable mitigation installed to the existing roller shutter door which has been identified as a significant potential weakness for sound attenuation.
- The noise rating level emitted from external plant shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with “BS 4142:2014 Method for rating and assessing industrial and commercial sound”.
- A condition requiring a noise impact assessment is conducted by the operator on receipt of justified complaints, a post-operation Noise Impact Assessment shall be undertaken, and the results submitted to the Local Planning Authority within one month of such request being made. Any remedial measures shall be fully implemented on site within one month of written approval of the assessment and retained as such thereafter.

In support of the application the agent has commented that the number of visitors to the gym at night is low and opening 24 hours helps to facilitate access for those who work shifts, for key workers and those who are more comfortable using the gym at quieter times. On weekdays, there would typically be an average of 10-15 visitors per hour between 2300 and 0600, with lower numbers at weekends. Exercise classes are not held at night-time so there are no issues with groups of people coming and going from the site during these hours. Access to the gym is by secure entry systems that are specifically designed to prevent tailgating and are monitored at all times by CCTV. Details of all members use is logged and if there are ever any issues with inappropriate use or anti-social behaviour then action can be taken swiftly, including termination of membership where this is appropriate. PureGym also has a dedicated in-house acoustics manager who will investigate and deal with any noise-related complaints.

In respect of noise or disturbance from traffic generation, the levels of use on the highway from activity related to the Gym use alone would not significantly increase disturbance over and above that already generated within the area, due to its location on a main transport gateway into and out of Neath town centre and close to a junction serving access to large residential conurbations, and links to the wider area.

Considering the aforementioned information, it is not considered that the proposed use, subject to the imposition of a suite of noise specific related conditions, would detrimentally impact upon the amenity of the area and specifically . The proposal is therefore considered to accord with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

Parking and Access Requirements and Impact on Highway Safety

Policy TR2 identifies that proposals will only be permitted where appropriate levels of parking and cycling facilities are provided and that the development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes.

Policy BE1 requires, amongst other things, that new development has no significant adverse impact on highway safety, with Policy TR2 emphasising that development proposals will only be permitted where all of the stated criteria are satisfied, including that the development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation.

The existing Vale of Neath Retail Park car park accommodates 114 parking spaces including 6 disabled spaces for the existing retail unit (Halfords) opposite and the existing retail unit (What). It should be noted however that 14 of the parking spaces are obstructed by bollards, reducing the maximum parking spaces to 100.

The total number of parking spaces required for the proposed Pure Gym and the existing Halfords store is 121.

The application has been supported by a parking assessment which claims that a reduction is justified based on the highly sustainable location of the site. The sustainability scoring in the Car Parking SPG is such that a reduction in parking provision is justified. The SPG indicates that due to the sustainability of the site that a reduction over 30% in the parking requirement could be justified, (i.e. 68 spaces for the proposed gym or 92 in combination with the Halfords unit).

This results in a total of 92 spaces required for both units leaving an extra 8 spaces available.

The Head of Engineering and Transport has not raised any concerns with regard to the access to the site or traffic congestion within the area and offered no objections subject to the inclusion of a cycle parking provision being attached to any permission granted.

On balance, therefore, given the availability of car parking facilities within the site, the existing use of the building and the sustainability assessment it is not considered that any shortfall in on site car parking would result in indiscriminate car parking within the area or have an unacceptable impact upon highway safety sufficient to justify a recommendation of refusal in this instance.

The Head of Engineering and Transport offered no objections subject to the inclusion of a cycle parking provision being attached to any permission granted. To ensure that those wishing to access the site by active travel are encouraged.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Planning Policy Wales 12 sets out that;

The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15 of Planning Policy Wales 12) has been applied.

In this case the development will provide a bird box which will be secured by a suitably worded condition.

Contaminated Land

The application site is located on former railway sidings and as such there may be a potential for ground contamination. As the construction of the original building was carried out in the 1990's this preceded current contaminated land regulations and thus it cannot be confirmed that the appropriate assessments applicable today were carried out at that time of construction.

NPT Contaminated Land section originally requested that a contaminated land survey be undertaken. However, as the application is only for the change of use of an existing building and there are no proposed works which would involve ground excavations it was agreed that it would be appropriate to attached a condition for any unexpected contamination found on the site together with a further conditions should any ground excavation works be carried out then a contaminated land assessment and any required remedial works should be carried out.

Advisory notes are also added informing the applicant that the development lies in an area of historic mining activity which may be a potential source of ground gas.

Other Matters

With regard to the objection raised regarding the number of existing gyms within the area. The commercial viability or matters of competition with this or any other gyms within the area is not considered to be a planning matter.

The Loss of an out of town retail unit has been assessed within the report, noting that as an out of town retail unit these are not afforded protection by the retail policies within the Local Development Plan.

CONCLUSION

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 proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity, residential amenity or highway and pedestrian safety.

Accordingly, the proposed development complies with policies SP1 SP2, SP3, SP11, EC4, SP12, R3, SP15, SC1, EN6, EN7, EN8, SP20, TR2, SP20, and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies 2 and 3 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

Approval, Subject to conditions.

Time Limit Conditions

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

2. The development shall be carried out in accordance with the following approved plans and documents:

Transport Assessment - TN01 dated June 2024

Acoustic Feasibility Report dated 21.4.24

Environmental Noise Survey dated 4.4.24

Planning Statement dated April 2024

Green Infrastructure Statement

Location Plan - TQRQM2410084757828

Site Plan TQRQM24110093017974

Reason:

In the interests of clarity.

Action Conditions

3. Prior to first operation of the approved development, including external plant, a Noise Assessment demonstrating compliance with the noise limits imposed by noise conditions 4 and 13 shall be submitted to, and approved in writing by, the Local Planning Authority. In the event that noise limits are not complied with, appropriate remedial actions shall be specified and approved by the Local Planning Authority to ensure compliance and the remedial measures shall be fully implemented prior to the operation of the approved development, and retained as such thereafter.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

4. The noise rating level emitted from external plant shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with "BS 4142:2014 Method for rating and assessing industrial and commercial sound".

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

5. Unless otherwise agreed in writing, on receipt of a Noise Impact Assessment to design suitable mitigation, the Studio/Spin Studio shall not be located on the south-eastern façade of the building, to prevent noise breakout from the roller shutter door which has been identified as a significant potential weakness for sound attenuation.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

6. Upon written request from the Local Planning Authority, following receipt of any justified complaint, a post-operation Noise Impact Assessment shall be undertaken and the results submitted to the Local Planning Authority within one month of such request being made. The methodology for the assessment shall be agreed prior to commencement, and shall upon completion identify the specifications of any remedial actions necessary. The remedial measures shall be fully implemented on site within one month of written approval of the assessment, and retained as such thereafter.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

7. The unit shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and such facilities shall thereafter be retained as approved at all times.

Reason:

In the interest of highway safety and to ensure the development complies

with Policy TR2 of the Neath Port Talbot Local Development Plan.

8. Prior to the first beneficial use of the unit an artificial nesting site for birds shall be erected on the premises to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

10. No ground works shall take place until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment

must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

11. No ground works shall take place until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

12. Prior to beneficial use of the proposed development following any ground works, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 11 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

13. The LAeq noise level of the breakout sound shall not exceed a level 5dB below the otherwise ambient LAeq sound level in any 1/3 octave band at the façade of the nearest affected noise sensitive property.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

14. The playing of amplified music and speech, above that which would be considered background, is restricted to the hours of 06.00 to 22.00 hours. Doors and windows shall remain closed at all times during the playing of amplified music and speech (such as class instructions). No classes should be undertaken between the hours of 22.00 hours and 06.00.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

15. The unit shall be used for as a gymnasium and for no other purpose (including any other purpose in class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In order that other changes of use can be assessed in the interests of amenity and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.