

CITY AND COUNTY OF SWANSEA**BREACH OF CONDITION NOTICE*****IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY***

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)**

**BREACH OF CONDITION NOTICE
SERVED BY: THE COUNCIL OF THE CITY AND COUNTY OF SWANSEA
("THE COUNCIL")**

TO: Kate Leonard, 105 Hanover Street, Swansea, SA1 6BQ

1 THIS NOTICE is issued by the Council under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the requirements specified in this notice. The annex at the end of this notice contains important additional information.

2 THE LAND TO WHICH THE NOTICE RELATES

Land at **Exist Skate Park, 1 Mount Pleasant, Swansea** shown edged red on the attached plan.

3 THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on the 29th October 2010 for the change of use from a warehouse (Class B8) to an indoor skatepark and community hall, Ref 2010/1311 (copy enclosed).

4 THE BREACH OF CONDITION

The following condition has not been complied with:

3. The use shall not commence until a scheme specifying the provisions to be made for the control of noise emanating from the site, has been submitted to and approved by the Local Planning Authority in writing and implemented in accordance with the approved scheme.

5 WHAT YOU ARE REQUIRED TO DO

As one of the persons responsible for the breach of condition specified in paragraph 4 of this notice, you are required to secure compliance with the stated condition by complying with the requirements specified below:

Cease the use of the site as an indoor skatepark and community hall until such time as the Noise Attenuation Scheme dated 8th April 2013 (attached as Appendix 1) is implemented in full.

Period for Compliance: 28 days beginning with the day on which this notice is served on you.

Date 13th September 2013 Signed



Designation : HEAD OF ECONOMIC
REGENERATION & PLANNING
(The Council's authorised officer)

Address to which all communication should be sent:

PHIL HOLMES
HEAD OF ECONOMIC REGENERATION & PLANNING
CIVIC CENTRE, OYSTERMOUTH ROAD, SWANSEA, SA1 3SN

ANNEX

WARNING

THIS NOTICE TAKE EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST

THERE IS NO RIGHT OF APPEAL TO THE NATIONAL ASSEMBLY FOR WALES AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with **Chris Healey, Enforcement Team Leader, Planning Department, The Civic Centre, Swansea, SA1 3SN – Tel 01792 637424.**

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

Exist Skate Park, 1 Mount Pleasant



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CITY AND COUNTY OF SWANSEA

TOWN AND COUNTRY PLANNING ACT 1990-2004

GRANT OF PLANNING PERMISSION

TO:
MR JAMES PHILLIPS
WE WILL HOMES
DRYSLWYN HOUSE
DE LA BECHE STREET
SWANSEA
SA1 3HH

DATE REGISTERED: 19/08/2010
APPLICATION NO: 2010/1311
APPLICANT: Mr Richard Cartwright

The CITY AND COUNTY OF SWANSEA, in exercise of its powers under the above ACT, hereby GRANTS planning permission for:

SITE LOCATION:	PROPOSAL:
1 Mount Pleasant Swansea SA1 6EE	Change of use from a warehouse (Class B8) to an indoor skatepark and community hall

as referred to in your application and shown on the accompanying plan(s), subject to the following condition(s):-

- 1 The development shall be commenced not later than the expiration of 5 years from the date of this planning permission and shall be completed in accordance with the said application plans and conditions prior to any part thereof being brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990 and to ensure that the development is completed in accordance with the plans approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 2 The premises shall not be used by customers before 10am nor after 9pm Monday to Friday; or before 11am nor after 8pm on Saturdays, Sundays and bank holidays.
Reason: To safeguard the amenities of the occupiers of neighbouring properties.
- 3 The use shall not commence until a scheme specifying the provisions to be made for the control of noise emanating from the site, has been submitted to and approved by the Local Planning Authority in writing and implemented in accordance with the approved scheme.
Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and/or the surrounding area.
- 4 Prior to the use hereby approved commencing, a scheme for the provision of cycle parking within the development site shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be implemented and therefore maintained in accordance with the approved details.
Reason: In the interests of highway safety.

INFORMATIVES:

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, EC15, CC1, AS1 and AS2 of the adopted City & County of Swansea Unitary Development Plan (2008).
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

PLANS:

Site location plan, block plan, existing floor plan, proposed floor plan received 19th August 2010

DATED: 29 October 2010

P. J. HOLLAND

HEAD OF ECONOMIC REGENERATION & PLANNING

PLEASE NOTE: Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.

APPENDIX 1

April 8th, 2013.

Exist Skate Ltd Park Noise Attenuation Scheme.

The Whole Roof Structure: -

Mineral Wool (minimum of 50mm thick) - Evenly spread between every joist (acting as an absorbent)

Mineral wool (minimum of 50mm to sit flush to joist edge to enable air flow between mineral wool and roofing material.

Once mineral wool in place a double layer of plasterboard shall be screwed to the joists. The first layer of plasterboard shall be a acoustic plasterboard, screwed to the joists.

The second layer of plasterboard shall be a minimum of 12.5mm and shall be glued to the first layer of acoustic plasterboard with the seams being offset. This second layer of plasterboard shall also be screwed to the joists.

All edges are to be sealed with mastic as are any cable entries. If cable entries are necessary then they must be as small as possible and sealed with mastic.

The Rear Roller Shutter Door: -

A stud partition shall be constructed to completely enclose the area of the rear roller shutter door. A double layer of exterior 18mm ply-board shall be fixed to each side of the stud partition frame, with the seams offset. There shall be a minimum of 50mm mineral wool secured to the inside of each side of the partition. The first layer of ply-board shall be screwed to the partition and the second layer of ply-board shall be glued (with the seams offset) to the first and then screwed to the stud partition frame. The whole partition shall be treated with a suitable finish to ensure that it will be weather proof.

Windows on the Western Elevation (backing onto 4 Willows Place): -

The materials previously used to block the windows are 50mm mineral wool with a single layer of acoustic board, which was screwed to a batten frame.

Additional measures required as a means of rectification is a minimum of 50mm mineral wool and a single layer of acoustic board screwed to the batten frame and **a second plaster board (minimum 12.5mm) glued to the acoustic plaster board and screwed to the batten, the seams for the first and second boards are to be offset.**

The Skateboard Ramps: -

Each metal skirt that provides access to each ramp shall have a layer of soft mastic fixed to the underside so as to reduce the impact noise level.

The ramp structures (especially the areas of landing) have 'noggins' already placed at 40cm. Additional 'noggins' will be placed at a minimum spacing of 20cm to the structures so as to increase its rigidity.

The intention is to remove this landing platform area completely.