

**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 Simon Brennan
Neath Port Talbot Council CBC
The Quays
Brunel Way
Baglan Energy Park
SA11 2GG

Name and address of the agent

Mr Mike Cox
Childs Sulzmann Architects
9th Floor Beacon Tower
Bristol
BS1 4XE

DATE REGISTERED: 14 November 2022

APPLICATION NO: P2022/0956

LOCATION: Pontardawe Arts Centre , 60 Herbert Street, Pontardawe, SA8 4ED

PROPOSAL: Construction of new extension to existing arts centre building to provide a purpose built cinema with toilet facilities and internal reconfiguration and refurbishment works to provide an improved reception and cafe area

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:

This decision notice is REVISION NUMBER 2, issued on 25/04/2024

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:

20-568-001-C-Location-Plan
20-568-101-I-GA-Plan-Ground-Proposed
20-568-102-G-GA-Plan-First-Proposed
20-568-103-F-GA-Plan-Second-Proposed
20-568-104-I-GA-Plan-Roof-Proposed
20-568-105-GA-G-Plan-Lower-Ground-Proposed
20-568-300-F-GA-Sections-Proposed
20-568-202-G-Elevations-Proposed
20-568-120-F-Storm+Flooding
220112-Pontardawe-KB2 Drainage Layout-SK20
Flood Consequences Assessment V2 -17 March 2022
Design and Access Statement Rev.C November 2022 (Parts 1, 2 and 3)
TAN 15 justification report dated 10.02.2023
Noise Impact Assessment Reference 9627/PL/LN Version 2.0 dated 10.02.2023
Ecological Survey Reports October 2021 and May 2022
Bat Survey Report November 2020
Ecological Management Plan May 2022
d-Sedum-species-M-Tray-2021 (1)
d-Wildflower-species-M-Tray-2021 (1)
20-568-005-C-Plan-Site-Existing
20-568-010-C-GA-Plan-Ground-Existing
20-568-011-C-GA-Plan-First-Existing
20-568-012-C-GA-Plan-Second-Existing
20-568-013-C-GA-Plan-Roof-Existing
20-568-021-C-Site Sections-Existing

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis (a minimum Level 2 survey) has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact.

Details in respect of the above condition were approved by application P2023/0806 on 19/12/2023

- 4 No works to which this consent relates shall commence until a programme of maintenance and management of the flood attenuation and storage proposals has been secured and implemented in accordance with a detailed report which has been submitted to and approved in writing by the local planning authority. The

development shall thereafter only proceed in accordance with the approved maintenance and management programme which shall be adhered to in perpetuity.

Reason:

To ensure the risks and consequences of flooding can be managed to an acceptable level and to comply with Technical Advice Note 15.

Details in respect of the above condition were approved by application P2023/0806 on 19/12/2023

- 5 No development shall commence, including any works of demolition or site clearance, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall be in accordance with the requirements of British Standard BS5228-1:2009 - 'Code of practice for noise and vibration control on construction and open sites'. The approved Plan shall be adhered to throughout the demolition and construction phases. The Plan shall provide for:
- a) Construction methods: details of the extent and phasing of development; details for the storage and management of plant and materials used in constructing the development
 - b) Drainage: Details of drainage measures during construction phases to ensure that the drainage of any adjoining land, and land downstream is not interrupted or otherwise adversely affected by the development.
 - c) General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing.
 - d) Control of Nuisances: Wheel washing facilities and measures to control light spill.
 - e) Traffic Management: details of site deliveries including routes of vehicles, plus delivery and construction times, taking into account the location of the site, there shall be no deliveries in excess of 3.5 tonnes shall access or leave the site via any route during the hours of 8am to 9.30am and 2.30pm to 4pm during school term times; details for the loading and unloading of plant and materials; details for the parking of vehicles of site operatives and visitors; scheme for the erection of temporary/semi-temporary signage warning drivers of the presence of children and speed restrictions; Measures to prevent stacking of vehicles onto the public highway; The frequency and size of vehicles used to transport the waste material arising from the demolition works;
 - f) Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
 - g) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, the CEMP must also be signed by the responsible person.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

**Details in respect of the above condition were approved by application
P2024/0183 on 25/04/2024**

Action Conditions

- 6 The development shall not be brought into use until facilities for the secure parking and storage of cycles have been provided on site in accordance with the plans hereby approved, 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.

- 7 The development shall be carried out strictly in accordance with the recommendations contained within the Ecological and Bat Survey Reports hereby approved. For the avoidance of doubt these advise that if there is a need to erect scaffolding in front of either of the gable ends (which contain bat roosts), then a works timetable to avoid obstructing the entrance to the roost must first be submitted to and approved by the local planning authority, or else an Ecological Method Statement (EMS) provided, to ensure that the roost location is not obstructed. If any part of the main roof gable identified to contain the bat roost location needs modifying in any way or the ridge tile of the studio theatre gable needs replacing or modifying, then an EPS licence application for the removal or modification works must first be made to Natural Resources Wales.

Prior to the beneficial occupation of the development, the green cinema roof and replacement tree planting shall be installed in accordance with the plans and planting schedule/details hereby approved. These areas shall be retained as part of the development in perpetuity.

Reason:

In the interest of biodiversity, to maintain and mitigate against the loss of any foraging habitats, and to accord with Policy 9 of Future Wales: The National Development Plan 2040 and Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

- 8 The development shall not be brought into use until an Ecological and Landscape Management Plan (ELMP) has been submitted to and approved in writing by the Local Planning Authority. The ELMP shall relate to the proposed green roof and shall include the following:

- a) Description and evaluation of features to be managed;
- b) Aims and objectives of management;
- c) Appropriate management options for achieving aims and objectives;
- d) Preparations of a work schedule (including an annual work plan capable of being rolled forward);
- e) Details of the body or organisation responsible for the implementation of the plan;
- f) Monitoring plan (a minimum of years 1, 3 and 5) and remedial measures; and
- g) Programme of review and update;

The ELMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Ecological and Landscape Management Plan (ELMP) are not being met) how contingencies and /or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

Reason:

In the interest of visual amenity and ecology, and to ensure the long term management and maintenance of all landscaped areas and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by application P2023/0806 on 19/12/2023

- 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.

Regulatory Conditions

- 10 Notwithstanding any other details which may be given in the application, customers are not permitted on the premises outside the hours of 09.00-00.00 (midnight) Monday to Sundays (including bank holidays).

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 11 The noise rating level emitted from external heating and ventilation 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.

Informatives:

1 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

2 The archaeological work must be undertaken to the appropriate Standard and Guidance set by the Chartered Institute of Archaeologists (CIFA), and it is recommended that it is carried out either by CIFA Organisation or an accredited Member.

3 The developer is advised that this consent does not relate to the displaying of advertisements, and separate Advertisement Consent may be required.

4 Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales must be contacted. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work shall cease and NRW should be contacted immediately. Where bats or their roosts are present, no works of site clearance, demolition or construction shall take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. NRW can be contacted at:-Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000Bat Conservation Trust can be contacted at:-5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0345 1300228

5 Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

6 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred

into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist Welsh Water in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

7 Flood resilience measures should be included in the design and construction including raised electrical points. The developer should provide appropriate signage and prepare a Flood Emergency Plan to make all site occupiers aware of the risk of flooding and actions and/or evacuation procedures to be followed during an extreme event. The developer should sign up to NRW's Floodline Warnings Direct Service. This is a free service that provides flood warnings, giving time to prepare, direct by telephone, mobile, email, SMS text message and fax.

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 development proposal represents an appropriate form of development that would have no unacceptable impact on the vitality and viability of Pontardawe Town Centre, residential amenity, the Welsh language or highway and pedestrian safety, it would be visually acceptable, having no detrimental impact on the building of local importance or the setting of any listed structures. Accordingly, the proposed development is in accordance with Policies SC1, BE1, BE2, TR2 and R2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 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.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 8 March 2023

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.