

OFFICER REPORT

Application Number: P2024/0426

Site Address: 22 Victoria Gardens Neath SA11 3BH

Proposal:

Change of use of existing guest house (use class C1) to 3 no. apartments (use class C3) at first and second floors, with ancillary offices and stores at ground floor. Plus associated bicycle and bin stores, drying facilities, landscaping, parking provision and associated works. The proposal would also include the construction of a services riser on the northern elevation, the replacement of an existing dormer with a roof light window, alterations to fenestration, and the construction of a dormer to the southern roof slope.

Applicant: Mr Sean Tristham

Agent: Mr Arfon Hughes

Ward: Neath North

Application Type: Full Plans

Valid Date: 22nd July 2024

Statutory Expiry Date: 15th September 2024

Ext. of Time / PPA date: 26th May 2026

Publicity Expiry Date: 29th July 2025

RECOMMENDATION - Approved

SITE AND CONTEXT

The application site is located at 22 Victoria Gardens, Neath. The site comprises of a three-storey, semi-detached, vacant property, which formally operated as a Guest

House (Use Class C1). The property is served by a moderately sized curtilage situated to the side of the property, which appears to have previously been entirely hard surfaced but in more recent years has become overgrown.

The property to the south of the application site is in the process of being converted into 6 no. 1-bed residential apartments (Use Class C3) following planning permission being granted in December 2022, under planning reference P2021/1178. The property to the north of the site also benefits from a residential use. The application property benefits from a gated pedestrian access onto the class 'B' highway referred to as 'Victoria Gardens', which runs parallel with the western boundary of the site. To the rear of the property, runs 'Victoria Gardens Rear Lane', off which the application site benefits from an existing vehicular access.

The application site is located within settlement limits as defined within the Neath Port Talbot Local Development Plan and falls within the Neath Town Centre Conservation Area.

DESCRIPTION OF DEVELOPMENT

This application seeks consent to change the use of 22 Victoria Gardens from a Guest House (use class C1) to 3 no. apartments (use class C3) at first and second floors, with ancillary offices and stores at ground floor, with associated bicycle and bin stores, drying facilities, landscaping, parking provision and associated works.

The proposal would comprise of 3 no. one-bedroom residential units, over the first and second floors, each of which would be served by their own separate living, kitchen and bathroom facilities. Internal alterations are required to facilitate the conversion, including the reconfiguration of internal walls to accommodate a revised internal layout.

The ground floor office / storage space would comprise of 2 no. office rooms with designated staff kitchen space, 2 bathrooms, a supervisor's room and 2 no. office/storage rooms. These spaces would be utilised by employees of Caredig independent housing association.

There are several works proposed to the external appearance of the property to facilitate the proposed change of use. These include the construction of a services riser on the northern elevation, the replacement of an existing dormer with a roof light, alterations to fenestration, and the construction of a dormer on the southern roof slope. The amenity space associated with 22 Victoria Gardens would be subdivided into bin storage, drying and cycle storage areas, each of which would be enclosed with close boarded fencing and gates measuring 1.8m in height. A section of the amenity space situated to the rear of the property would also be enclosed and has been designated to be utilised as a communal garden area serving the residential units. Two car parking spaces have also been incorporated within the scheme.

NEGOTIATIONS

The proposal initially sought two residential units on the ground floor, however in response to the initial public consultation Natural Resources Wales objected to the proposal on the grounds that the submitted Flood Consequences Assessment failed to demonstrate that the risks of flooding could be managed to an acceptable level. Following further consideration and independent discussions with Natural Resources Wales, the applicants opted to amend the scheme to remove the ground floor residential units and replace them with office/storage space to be utilised by employees of Caredig independent housing association.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2005/0355 Change of use – from dwelling to guest house with managers accommodation, approved 30-JUN-05.
- P2003/0823 Change of use from nursing home to dwelling, approved 31-JUL-03.
- N1993/0468 Change of use offices to nursing home (extension to home at 20 Victoria Gardens), approved 22-NOV-93.
- N1991/0366 Change of use to nursing home, withdrawn 11-JAN-92.

CONSULTATIONS

Neath Town Council - no response received.

The Authority's Head of Engineering & Transport (Highways Section) - raised concerns, full details of which can be found within the 'parking and access requirements and impact on highway safety' section of this report.

The Authority's Head of Engineering & Transport (Drainage Section) - no objection subject to conditions.

Dwr Cymru Welsh Water - raised no objection subject to a standard informative note being attached to any given consent.

The Authority's Biodiversity Unit - no objection subject to a condition requiring the biodiversity enhancements to be implemented as detailed in the proposed Green Infrastructure Plan.

Natural Resources Wales – no objection to the proposed development as submitted and provided advice in regard to flood risk and protected species.

The Coal Authority - Advised that the application site does fall within the defined Development High Risk Area; however, confirmed that the nature of the development is exempt from Version 7, January 2023, of the Coal Authority's Guidance for Local Authorities. Accordingly, they advised that there is no requirement under the risk-based

approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

The Authority's Contaminated Land Team - no comments or objection.

The Authority's Pollution Control (Noise) Team - recommended conditions be attached to any given consent preventing the installation any external plant without first undertaking a noise assessment to ensure that future occupiers and neighbours are not subjected to noise from mechanical plant and regulating operating hours.

The Authority's Housing Team - no response received.

The Authority's Environmental Health (Housing) Team - no objection.

REPRESENTATIONS

The neighbouring properties were initially consulted via letter on the 23/07/2024. Following the submission of further information, the neighbours were re-consulted via letter on the 14/10/2024 and on the 09/07/2025.

A site notice was displayed on the 23/07/2024, the 16/10/2024, and on the 08/07/2025.

The application was also advertised in the press on the 26/07/2024.

In response, to date, no representations have been received.

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 6 – Town Centre First

Policy 7 – Delivering Affordable Homes

Policy 8 – Flooding

Policy 9 – Resilient Ecological Networks and Green Infrastructure

[Planning Policy Wales \(Edition 12, February 2024\)](#) The primary objective of PPW 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.

PPW 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.

The following is of particular relevance in the assessment of this planning application:

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.

3.14 Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a

development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

5.4.13 Planning authorities should aim to: ... promote the re-use of previously developed vacant and underused land...

PPW12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 2: Planning and Affordable Housing.
- Technical Advice Note (TAN) 12: Design.
- Technical Advice Note (TAN) 15: Development and Flood Risk.
- Technical Advice Note (TAN) 18: Transport.

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 SP3** Sustainable Communities
- **Policy SP4** Infrastructure
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policy

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space provision
- **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

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Affordable Housing](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Design](#) (July 2017)

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, biodiversity, drainage, flood risk, contaminated land and Section 106 Planning Obligations.

Principle of Development

The application site is located within settlement limits as designated within the Neath Port Talbot Local Development Plan (LDP). Policy SC1 of the LDP states that *development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle*. It is also of relevance to note that the application site is currently vacant. Proposals to bring the building back into beneficial use would therefore be supported in principle, subject to detailed development management considerations as set out in the following sections of this report.

Impact on Visual Amenity

The core placemaking and good design principles of Planning Policy Wales are embodied within Policy BE1 of the Neath Port Talbot Local Development Plan, which states that *all development proposals are expected to demonstrate a high quality of design which full takes into consideration the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places*.

The application site is located within the Neath Town Centre Conservation Area. The application property is a large, semi-detached building, characteristic of a residential premises. The external works to the existing building, which comprise of the construction of a services riser on the northern side elevation, the replacement of an existing dormer with a single roof light window, alternations to the fenestration, and the construction of a dormer within the southern roof slope, are considered to be modest alterations, which would not unduly harm the original character and appearance of the building.

While fairly extensive work would be undertaken internally to convert the building, the works would not alter the character and appearance of the building when viewed from a public vantage point. It is therefore considered that this aspect of the proposed works would respect the context and character of the application site.

The application proposes bin and cycle storage, together with clothes drying facilities, situated to the side of the application property. These facilities would be largely screened by approximately 1.8m high close boarded timber fencing. The fencing would be readily visible from a public vantage point, however, would be set back from the road and would be of an acceptable height that is not considered to be out of keeping with the surrounding area.

The proposal is considered to be sympathetic to the building and the wider Conservation Area and is subsequently considered to accord with Policy BE1 of the Neath Port Talbot Local Development Plan and Section 106 of the Historic Environment Wales Act 2023.

Impact on Residential Amenity

Policy BE1 of the Neath Port Talbot Local Development Plan states development proposals will only be permitted where it is evident that the criteria set out within the Policy can be satisfied, one of which requires development proposals be designed in such a way to ensure it would not have a significant adverse impact upon the amenity of occupiers of adjacent land or the community.

With regards to the adjoining property to the south, it is noted that planning permission was granted in December 2022, under application reference no. P2021/1178, for the change of use of 20 Victoria Gardens from commercial offices to 6 no. 1 bed residential apartments (use class C3). Upon visiting the application site, it was noted that works have commenced on the change of use of 20 Victoria Gardens and whilst the property has not yet been occupied, consideration has been given to the potential impact of the proposed development upon future occupiers. A number of external alterations are proposed to be undertaken to the application property to facilitate the proposed change of use. The vast majority of these works are contained within the northern side and rear elevations of the application property and would therefore not be visible to the future occupiers of 20 Victoria Gardens. As such, it is not considered that the construction of the services riser, the replacement of an existing dormer with a single roof light window, or the alterations to the fenestration proposed would unduly harm the residential amenity of the future occupiers of 20 Victoria Gardens. Notwithstanding this, it is noted that the creation of a new dormer is shown within the southern side roof slope of the application property. The purpose of this dormer is solely to provide additional space for the second floor living space and no window is proposed to be contained within the space. As such, it is not considered that any overlooking impact would arise as a result of this aspect of the development.

Turning to the property to the north, 24 Victoria Gardens, it is acknowledged that the proposed development would utilise existing ground, first floor and second floor level window openings present within the northern side elevation of 22 Victoria Gardens. These windows would subsequently serve a mix of habitable and non-habitable rooms, including living/dining rooms, bedrooms, kitchens, and hallways. Whilst side facing habitable room windows are usually not the preference of the Local Planning Authority, in this instance given that as part of the former use of the property as a Guest House, the windows in question also served a mix of habitable and non-habitable rooms, albeit predominantly bedrooms, it is not considered that the potential impact would be any greater than that experienced from the extant use of the property. In light of this, on balance it is not considered that the proposed development would result in an overlooking impact above and beyond that of the previous, established relationship. With regards to potential overbearing or overshadowing issues, given the location and scale of the proposed services riser relative to the existing property, it is not considered that any detrimental overbearing or overshadowing issues would arise as a result of this aspect of the development.

Whilst it is noted that the use of the building would possibly be intensified due to the number of units proposed, given that the proposal is for a residential use in a predominately residential area, it is not considered that it would result in an unneighbourly form of development that would unacceptably impact upon the residential amenity of the surrounding properties. In order to protect the amenity of the locality, especially for people living and/or working nearby, the Authority's Environmental Health Team have recommended the inclusion of conditions restricting construction working hours and in relation to mechanical plant.

With regards to the residential amenity of future occupiers of the development, the units would have access to the curtilage of the property as shared amenity space. What's more, the proposal includes dedicated external bin and cycle storage. As such, it is considered that the proposal would provide adequate amenities to serve the future occupiers.

Taking the aforementioned information into account, provided the aforementioned conditions are adhered to, it is not considered that the proposed development would have a harmful impact upon the nearby residential amenity. The proposal is therefore considered to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

Parking and Access Requirements and Impact on Highway Safety

Policy TR2 of the Neath Port Talbot Local Development Plan states that proposals will only be permitted where the development: does not compromise the safe, effective and efficient use of the highway network, does not have an adverse impact on highway safety or create unacceptable levels of traffic generation, provides appropriate levels of parking and cycling facilities, and is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes. This Policy is supported by the Council's Parking Standards Supplementary Planning Guidance (SPG).

The proposal seeks to utilise the existing, established vehicular access to the site, which is provided via an unclassified, lightly trafficked, rear access lane routing between Glyn Y Coed Road and Gnoll Avenue – both of which are local access roads within Neath Town Centre. What's more the anticipated trip generation from the 3 no. one-bedroom residential units and office/storage space proposed is not considered to substantially differ from the trip generations which would result from associated staff and visitors to the existing guest house use. As such, it is not considered that the proposed development would have an adverse impact on highway safety or create unacceptable levels of traffic generation.

The Council's Parking Standards Supplementary Planning Guidance sets out detailed parking requirements according to land use and type of development across the county. For self-contained apartment units, the SPG standards generally require 1 off-street parking space to be provided per bedroom, with a maximum requirement of 3 spaces per unit. The standards also require a maximum of one visitor space per 5 units. For office style development, the requirement is 1 space per 20m² of office space. Against these parking standards, the proposed development would require a maximum of 8 spaces (3 spaces for residents, 5 spaces for Caredig employees utilising the office space). The development as submitted illustrates a total of two off-street parking spaces designated to serve the resultant apartment complex. Whilst it is noted that the proposal falls short of the general SPG requirements for off-street parking provision in this instance, the location of the development within Neath Town Centre dictates that zero off-street parking provision is required for this change of use. The justification for this is the overarching desire of planning policy guidance to influence a modal shift from single occupancy car travel towards more sustainable modes such as walking, cycling and public transport. For example, Future Wales – The National Plan 2040 details that *"Planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations"*. In order to achieve this, it is recognised that development should be located such that the need to travel by private car is reduced, in locations where there is good access to walking, cycling and public transport provision. Being located in Neath Town Centre, the site is within short walking distance to a wide range of facilities that may be used on a daily or regular basis by residents of the development, which includes retail, leisure, education, employment, and medical facilities. The application site is also located within an excellent location to public transport bus and rail routes, which can be utilised by residents and office workers. Given the sustainable location of the application site, it is considered that the proposal would provide appropriate levels of parking facilities and would be accessible by a range of travel means, including public transport and pedestrian routes. The off-street parking provision proposed as part of this application is therefore considered sufficient. The application would also introduce cycle parking to the rear of the properties, which is considered appropriate for the use given its sustainable location within Neath Town Centre, and proximity to cycle route infrastructure.

The Authority's Highways Department were consulted as part of the application process and identified the following concerns:

1. *“The Bin & Drying Area Enclosure Rear Wall Detail Drg. 940/P.07 plan shows that the proposed rear wall is 1800mm in height which obstructs visibility. Please note my observations on the 11/10/2024, the maximum height of the new boundary wall should be 600mm in height so that it doesn’t have an impact on pedestrian/vehicular visibility. The length of the rear wall will need to be reduced to 600mm in height to achieve as much visibility as possible.*
2. *The surfacing material used to increase the width of the lane will need to be constructed from a bitumen bound material to avoid chippings overflowing on to the lane. The use of Gravel Grid or similar would not be acceptable”.*

The aforementioned observations from the Highways Authority are acknowledged, however, it is considered of relevance to note that paragraph B.11 of Technical Advice Note (TAN) 18: Transport states *“where planning applications are submitted within an existing development site and served by an existing substandard access, there should be scope for a limited redevelopment that incorporated a substantial access improvement, even though the improved access would still be below standard”*. In this instance, the application site currently benefits from an approximately 2m high rear boundary wall. As part of the proposed development, this wall is set to be demolished and the proposed replacement, which is the subject of the Highway Authority’s concerns, has been re-sited further into the site to improve the vehicular access. The site circumstances are also considered pertinent in this instance with regard to visibility concerns. Whilst it is noted that the highway benefits from a 20mph speed limit, it is considered that the narrowness of the lane acts as an informal speed calming measure, forcing users to drive more cautiously. On balance therefore, it is not considered that the proposed replacement rear boundary treatment would result in a detrimental highway or pedestrian safety impact above and beyond that of the established arrangement. The second matter raised concerning the surfacing material used to increase the width of the lane can be overcome through the inclusion of a suitably worded condition attached to any given consent.

Taking the aforementioned information into account, on balance, it is considered that the proposal would not compromise the safe, effective, and efficient use of the highway network, and would be acceptable in terms of highway and pedestrian safety. The proposed development would therefore accord with Policy TR2 of the Neath Port Talbot Local Development Plan.

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 (PPW) 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 PPW 12) has been applied.

A Green Infrastructure Statement has been submitted in support of this application, which highlights that a building inspection (protected species) ecology survey identified the following key considerations:

- The external spaces around the property are all hardstanding with several invasive plant species, notably cotoneaster adjacent to the building frontage.
- Potential bat roost building features have been noted but with no evidence of use.
- House Martin and House Sparrows nesting has been noted.

The development seeks to minimise its effect, advising that the development programme will avoid disturbance of nesting birds, and an additional emergence bat survey has been undertaken to establish if bats are using the premises, despite there being no physical evidence identified from an initial site survey. The development also seeks to mitigate and compensate for any potential ecological impact through the following methods:

“Invasive cotoneaster and buddleia plants are to be removed. Small areas of native and non-native plants will be lost on damaged hard landscape elements, when repaired. Proposed GI Plan ‘2489401-SBC-00-XX-DR-L-400’ illustrates the proposed landscape and ecological enhancements. These proposals include 48 square metres of new flowering lawn grass mix and 8 linear metres of new native privet hedge to the frontage of the site. Proposed ecological enhancements include proposed bat boxes, sparrow and house martin nesting cups. These represent a significant enhancement to the existing site and relate to the wider GI context illustrated on drawing 2489401-SBC-00-XX-FI-L-100”.

The developer has advised that with the simple nature of the proposed landscape/GI elements, formal long-term management is considered unnecessary, though the grass and proposed hedge will require periodic cutting.

A Bat activity survey – addendum report was submitted in support of the application, which established the likely absence of roosting bats from No. 22 Victoria Gardens. Within their consultation response, Natural Resources Wales noted the ecology report submitted in support of the above application has identified bats were not using the application site and therefore advised they had no adverse comments to make on the application submitted aside from recommending liaison with the Authority’s Ecologist.

The Authority’s Biodiversity Team were consulted as part of the application process and raised no objection to the proposed development subject to the biodiversity enhancements being implemented as detailed in the proposed Green Infrastructure Plan.

Taking the aforementioned information into account, it is considered that sufficient evidence has been provided to conclude that the development would enhance biodiversity, help to build resilient ecological networks, and deliver net benefits for biodiversity by ensuring that there is more than adequate mitigation for the anticipated minor adverse environmental effects that may arise from the proposal. The development is therefore considered to accord with Planning Policy Wales Edition 12, and Policies EN6 & EN7 of the Neath Port Talbot Local Development Plan. The scheme of biodiversity enhancement would be secured by a suitably worded condition.

Drainage

The proposal has been assessed in detail by the Head of Engineering and Transport (Drainage Section) who have raised no objection subject to the following conditions:

1. *“Should any springs or ground water seepage be encountered the onsite works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.*
2. *No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.*
3. *Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development during the life-time of construction”.*

Dwr Cymru Welsh Water were also consulted and offered no objection subject to the following standard informative note being attached to any given consent:

“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 our 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 us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 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”.

Provided that the aforementioned information is imposed on the application, it is therefore considered that the overall proposal would have no detrimental impact in terms of drainage and would subsequently accord with Policy EN8 of the Neath Port Talbot Local Development Plan.

Flood Risk

Natural Resources Wales were consulted as part of the application process and raised no objection to the proposed development as submitted. They did however provide the following advice in regard to flood risk:

“The application site is within Zone A of the Development Advice Map (DAM) contained in TAN15 (2004). However, our Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and within Flood Zone 3 (Rivers). As confirmed in the letter from Welsh Government dated 15 December 2021, the FMfP represents better and more up-to-date information on areas at flood risk than the DAM.

We note that the development proposal has been revised and no-longer includes any residential (highly vulnerable) development on the ground floor. Given the nature of the proposed development, we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks and consequences. We would

expect the developer to take the opportunity to incorporate flood resilient design where feasible.

Guidance on resilient design can be found in Chapter 13 of Technical Advice Note 15: Development, flooding and coastal erosion, dated 2025, which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience.

We provide advice on our website ‘Natural Resources Wales Preparing for a Flood’ which may be useful for the developer or occupant of the proposal.

It is a matter for yourselves the local authority to determine if access/egress from the property can be safely managed, and we defer that to your judgement.”

It is acknowledged that the entire site is situated within the flood zone, including access/egress points, however, through measures like incorporating flood-resistant design and robust flood warning systems – as advised by Natural Resources Wales – there would appear to be scope for the access/egress from the property to be safely managed. Regard has also been given to the specific circumstances of the site, namely that the lawful use of the property is as a guest house, which had the capacity to accommodate up to approximately 13 individuals at any given time, whilst the proposed use would result in a reduction in the number of residents able to accommodate the property. The advice detailed by Natural Resources Wales will be included as an informative note, with an emphasis for the applicant to give due consideration to implementing the recommended actions.

Contaminated Land

The application site is partially located within the Coal Authority’s High-Risk Coal Area. The Coal Authority were subsequently consulted and confirmed that the nature of the development is exempt from Version 7, January 2023 of the Coal Authority’s Guidance for Local Authorities. Accordingly, the Coal Authority have advised that there is no requirement under the risk-based approach that has been agreed with the Local Planning Authority for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal. The Authority’s Contaminated Land Officer raised no comments or objections in response to the public consultation.

Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

Affordable Housing

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new residential developments of 3 or more units will be required to contribute to affordable housing provision within the Port Talbot, Neath and Pontardawe spatial areas. The application site lies within the Neath spatial area, where a 25% affordable housing provision is required.

The cover letter submitted with the application has advised that the residential units will be provided as 100% affordable housing, managed by Caredig as a Registered Social Landlord. The Authority's Housing & Community Team have confirmed that 22 Victoria Gardens is funded by the Transitional Accommodation Capital Programme for the provision of social housing.

In order to secure an appropriate level of affordable housing, in the event the development was to be sold on the open market in future, in accordance with Policies AH1 and I1 of the Neath Port Talbot Local Development Plan, the following condition would be attached to any given consent:

"If the entire scheme is not Grant Funded a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

i)the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units;

ii)the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii)the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];

iv)the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v)the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced".

Open space

Policy OS1 states where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement

for maintenance in conjunction with all new residential developments of 3 or more dwellings, based on the following standards:

<u>Open Space</u>	<u>Standard</u>
Outdoor Sport	1.6 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	0.19 hectares per 1,000 population

Having regard to the Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls in all areas except informal space. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there is a need for the development to contribute towards addressing such deficiency. The following shortfalls and required contributions have been identified as being necessary:

Local Development Plan Policy OS1 Characterisation	On site requirement (sqm)	Financial Equivalent (£)
Outdoor Sport - Pitch	79	852
Outdoor Sport – Non-Pitch	31	3,090
Designated Play Space*	0	0 (not applicable)
Informal Space	0	0 (no deficiency)
Allotments	13	144
Total	123	4,086

[*Contributions towards children's play provision will not be required for studio or 1-bedroom units]

Accordingly in order to mitigate the effects of the proposed development exacerbating existing open space shortfalls, a financial obligation of £4,086 would need to be secured via a Section 106 legal agreement towards provision of suitable off-site provision within the ward of Neath North.

Other Matters

Within their consultation response, the Authority's Environmental Health (Housing) Team advised that the introduction of an office use into the ground floor is likely to require the walls, ceilings, floors and fire doors opening onto the shared lobby and stairwell to be uprated to a 60-minute fire resistant construction, and the ceiling and floor structure separating the ground and 1st floors will also need to be of a 60-minute

fire resistant construction. This information will be included as an informative note.

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 the visual amenity of the area, the amenities of neighbouring residents, highway safety, biodiversity, drainage, flood risk, or land contamination. Accordingly, the proposed development is in accordance with Policies SP3, SP4, SP8, SP10, SP15, SP16, SP20, SP21, SC1, I1, AH1, OS1, EN6, EN7, EN8, TR2 & BE1 of the Neath Port Talbot Adopted Local Development Plan, and Section 106 of the Historic Environment Wales Act 2023.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies 2 (Shaping Urban Growth and Regeneration – Strategic Placemaking), 6 (Town Centre First), 7 (Delivering Affordable Homes), 8 (Flooding) & 9 (Resilient Ecological Networks and Green Infrastructure) 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

Approved

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

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:
- Location Plan, drawing no. BBA 940/01, dated January 2024.
 - Existing Site Plan & Floor Plans, drawing no. BBA 940.P.02, dated February 2024.
 - Proposed Site Plan & Floor Plans, drawing no. BBA 940.P.03E Revision E, dated 18/06/2025.
 - Existing / Proposed Elevations Sheet 1, drawing no. BBA 940.P.04A Revision A, dated 15/07/2024.
 - Existing / Proposed Elevations Sheet 2, drawing no. BBA 940.P.05, dated May 2024.
 - Existing / Proposed Sections, drawing no. BBA 940.P.06, dated February 2024.
 - Bin & drying area enclosure rear wall detail, drawing no. BBA 940/P.07, dated July 2024.
 - Proposed Parking Swept Path Analysis Private Car - 4.6m long, drawing no. SP01, dated September 2024.
 - Bat Activity Survey - Addendum Report, document reference: E24124401/Doc 02, dated July 2024.
 - Transport Note, document reference: 24-01008/TN/01, dated June 2024.
 - Green Infrastructure Statement, dated 27th June 2024.
 - Flood Consequences Assessment, project reference: 19766 - FCA - 03 third issue, dated 03/07/2025.
- Reason:
In the interests of clarity.

Action Conditions

- 3 Notwithstanding the submitted details, the approved scheme of ecological enhancement indicated within the Green Infrastructure Statement dated the 27th of June 2024 shall be implemented prior to the first beneficial use of the development hereby approved and retained thereafter for the lifetime of the development.
- Reason:
In the interests of Biodiversity and to provide a net benefit to Biodiversity in accordance with Policy 9 of Future Wales and so as to accord with Policy SP15 of the adopted Neath Port Talbot Adopted Local Development Plan.
- 4 Prior to the first beneficial use of the development hereby approved, the parking layout shall be constructed in accordance with drawing no. 'BBA 940.P.03E Revision E'. The parking bays shall be left free and open for such

use for vehicles associated with 22 Victoria Gardens and retained as thereafter.

Reason:

To ensure an adequate level of parking is maintained and to ensure the development complies with Policy TR2 of the Neath Port Talbot Adopted Local Development Plan.

- 5 Prior to the occupation of any of the residential units hereby approved the bin store, drying area and cycling parking shall be provided on site as shown on drawing no. BBA 940.P.03E & BBA 940/P.07 and retained as such thereafter.

Reason:

To ensure the development would provide adequate amenities to serve the future occupiers and to accord with policy BE1 of the Neath Port Talbot Adopted Local Development Plan.

- 6 The residential units hereby approved shall not be occupied until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 7 Notwithstanding the submitted details, the surfacing material used to increase the width of the lane shall be constructed from a bitumen bound material and retained as such thereafter.

Reason:

To avoid chippings overflowing on to the lane, in the interest of highway safety and to accord with policy TR2 of the Neath Port Talbot Adopted Local Development Plan.

- 8 No mechanical plant shall be installed in any external areas of the site until a scheme for the control of nuisances is approved by the Local Planning Authority. Following approval of the scheme, the plant shall be constructed and commissioned to the satisfaction of the Local Planning Authority prior to the first operation. If at any time plant is changed or replaced the scheme should be updated to reflect any changes and submitted to the Local Planning Authority for approval.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy EN8.

- 9 If the entire scheme is not Grant Funded a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to secure an appropriate level of affordable housing in accordance with Policies AH1 and I1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 10 Construction operations in association with this planning permission shall not take place outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 on Saturdays, and no works shall take place on Sunday and Public Holidays.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

- 11 The ground floor of 22 Victoria Gardens shall be used as offices and storage by Caredig, ancillary to the residential uses above, and for no other purpose (including any other purpose in class B1) of the schedule to the Town and Country Planning (Use Classes) (Amendment) (Wales) 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 potential future uses can be assessed in the interests of amenity and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.

- 12 Should any springs or ground water seepage be encountered, the onsite works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.

Reason:

In order to comply with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 13 No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, in order to comply with Policy EN8 of the Neath Port Talbot Local Development.

Case Officer Daisy Tomkins

Telephone No. 01639 686747

Date of Recommendation 13th May 2026