

**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 Sean Tristham
Caredig
43 Walter Road
Swansea
SA1 5PN

Name and address of the agent

Mr Arfon Hughes
Mango Planning & Development Ltd
29 Old Field Road
Pencoed
Bridgend
CF35 5LJ

DATE REGISTERED: 22 July 2024

APPLICATION NO: P2024/0426

LOCATION: 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.

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

Conditions: -

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 such 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.

Informatives:

- 1 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.

2 In areas at risk of flooding, Natural Resources Wales recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Natural Resources Wales refer the applicant to their website, accessible via the following link: <https://naturalresourceswales.gov.uk/splash?orig=%2f&lang=cy>, for further advice and guidance. Additional guidance including the leaflet "Prepare your Property for flooding" can be found via the following link: <https://www.gov.uk/prepare-for-flooding> 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. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', accessible here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf

3 The comments from Natural Resources Wales only relate specifically to matters included on their checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on their website. Natural Resources Wales have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. They therefore advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to Natural Resources Wales's website for further details.

4 Adequate provisions should 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 lifetime of construction.

5 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.

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.

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.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 14 May 2026

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.

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

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 us 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) Please be informed that your application may require approval from the SuDS Approving Body (SAB). The SAB consent may be necessary to ensure that your development proposals complies with the statutory requirements, relevant regulations, and standards under schedule 3 of the Flood and Water Management Act 2010. Please contact our Website: www.npt.gov.uk/SAB, Email: SAB-HDC@npt.gov.uk or Tel: 01639 686850

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 & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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.