

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to:	Planning, Regulatory & General Licensing Committee
Report Subject:	<i>Application: C/2020/0168</i> <i>Site: Rhes Yr Ysgol, 1 - 7 Cwmcelyn Road, Blaina, NP13 3LT</i> <i>Proposal: Retention of one detached and six semi-detached 2 storey houses (not constructed in accordance with planning approval C/2014/0257)</i>
Report Author:	Team Manager Development Management
Directorate:	Regeneration and Community Services
Date of meeting:	4 th November 2021



1.0	Purpose of Report
1.1	At the July meeting of this Committee, Members considered a report for the retention of the above development.
1.2	The officer recommendation was that planning permission be refused based on highway safety grounds relating to unacceptable visibility splays and driveway gradients.
1.3	Following a vote, the Planning Committee resolved to defer the application for the agent to explore measures to overcome the highway safety concerns and to submit plans to the Council for further consideration.
2.0	Background & Context
2.1	The planning application seeks permission to <u>retain</u> seven houses erected on the former Cwmcelyn School site located off Cwmcelyn Road, Blaina. Planning permission had been granted for the development on appeal in April 2015 subject to 12 conditions (C/2014/257 refers).
2.2	Members were advised that the development as implemented did not comply with the details submitted as part of the initial planning application nor with details subsequently submitted and approved pursuant to Discharge of Conditions applications. The current application had been submitted by the site developers with view to regularising the discrepancies that had been identified between the approved details and the development as implemented on site. The seven houses in question had been purchased by third parties and formal notices of the submission of the application had been served on relevant owners in July 2020 as part of the planning application process.
2.3	The previous officer's report to Committee in July identified any failures to comply with planning conditions, the discrepancies between the approved and 'as built' schemes and the implications of such discrepancies.
2.4	Members may recall that in the concluding section of the officer's report in July Members were advised that....
2.5	<i>Of all the identified issues it is concluded that the development as implemented does not raise any significant</i>

	<p><i>visual, landscape, drainage, geotechnical nor infrastructure concerns. Whilst there are highway improvement works outstanding (the provision of a tactile pedestrian crossing point on Cwmcelyn Road) I am satisfied that this issue could be addressed by a suitably worded planning condition. I am also satisfied that the imposition of conditions that would ensure that two parking/garage spaces within the curtilage of each property would secure a level of parking provision that would be acceptable for this development.</i></p>
2.6	<p>Notwithstanding the above <u>there remained two substantive highway related issues - the gradients of the driveways and the inadequate visibility splays at the vehicular access/egress points.</u> Members were advised that the Highway Authority was of the opinion that:</p>
2.7	<p>i) the 'as built' driveway gradients far exceeded current standards and that there would be a high risk of vehicles sliding off the drives in icy/inclement weather; and</p>
2.8	<p>ii) that the lack of adequate visibility splays at the point of access onto the public highway was of significant concern and would constitute a danger to highway users, particularly pedestrians that might be walking along the footpath.</p>
2.9	<p>Following presentations from the agent, a resident (understood to be speaking on behalf of the of the owners of the properties) and a lengthy and considered debate of the issues, Planning Committee resolved that the application be deferred '<i>to allow dialogue with the contractor and relevant officers in respect of the works to be undertaken at the site to alleviate the highways concerns</i>'.</p>
2.10	<p>Following the Committee meeting the agent submitted revised plans on 9th August 2021. Further revised plans relating to changes to front boundary treatments and garden areas were also received on 4th October 2021. Consultation has been carried out with the owners/occupiers of all 7 properties following submission of both sets of plans.</p>
2.11	<p>The submitted revisions indicate how the frontage boundary treatment of four of the seven properties could be reduced (and</p>

some level alterations to front gardens) in such a manner as to provide improved visibility at the point of access onto the public highway.

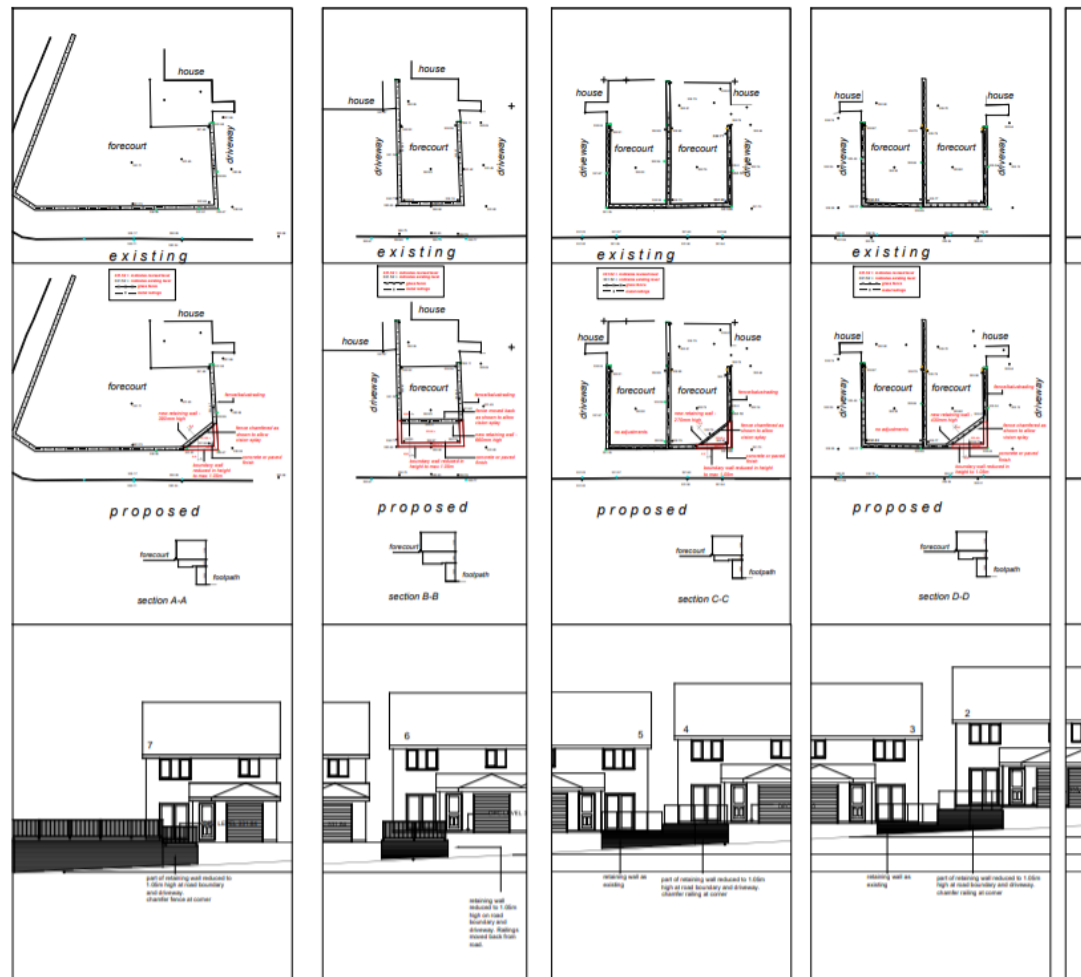


Fig 1 Street elevation showing changes to the frontage enclosures to properties annotated on this plan as No's 7, 6, 4 and 2

2.12 The details provided also included revised proposals for the tactile pedestrian crossing point required on Cwmcelyn Road. Members may recall that the crossing details provided previously were unacceptable to the Highway Authority. The previous officer's report had advised that this was a matter that could be addressed by the imposition of a suitably worded condition. However, there are obvious benefits in having this matter resolved without the need for a condition.

2.13

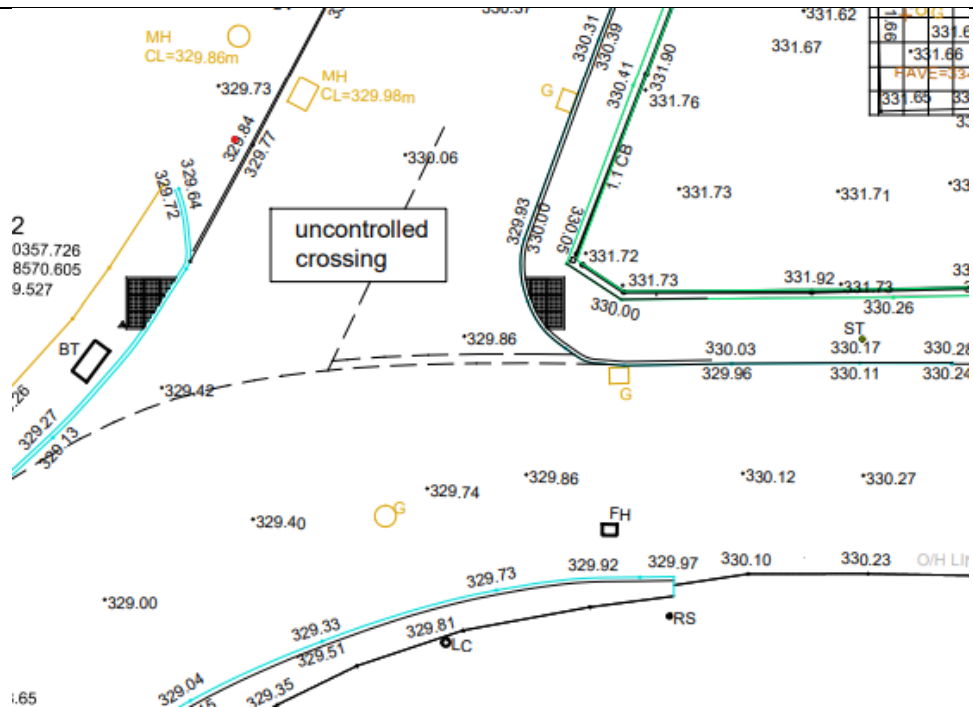


Fig 2: Details provided of tactile crossing to be provided at junction north of 1 Rhes yr Ysgol

2.14

The submitted details were forwarded to the highway authority who were specifically requested to advise on the acceptability of the details and a suitable timescale for implementation of such works. The Team Manager Built Environment advised as follows:

2.15

Visibility splays: I can confirm that the submitted proposals to reduce the height of frontage boundary treatments is acceptable and addresses the highway authority objections in respect of driveway vision splays.

2.16

Uncontrolled pedestrian crossing: I can confirm that the submitted revised details are acceptable to the highway authority and satisfactorily addresses previously identified highway authority concerns.

2.17

Gradient of driveways: There has been no proposals submitted to address the previously identified highway safety concerns in respect of the as-constructed gradients of the driveways serving the dwellings.

2.18

Private drives should have a maximum gradient of 1:6. This is not the case with this application, with gradients

	<p><i>exceeding 1 in 6 for the majority of driveways as clearly demonstrated by the as-built topographical survey. The highway authority has concerns as to the high risk of vehicles sliding off the drives in icy/inclement weather. It is also difficult to envisage that the garages for several plots are even accessible by a vehicle without grounding.)</i></p>
2.19	<p><i>It is the opinion of the highway authority that the driveway gradient issue has still not been resolved and remains a potential hazard to the public highway. It is therefore the recommendation of the highway authority that this application does not comply with Policy DM 1 (3 a, c & d), and be refused planning permission.</i></p>
2.20	<p><i>However should this planning application be approved, I would suggest that the proposed works to the boundary walls and new pedestrian crossing facility be completed as soon as practically possible.</i></p>
2.21	<p>When the revised details were received, on both occasions, it was deemed prudent to inform the seven property owners of the receipt of the revised plans. This was seen as a suitable means of informing and providing an opportunity for the current occupiers/owners to confirm (or otherwise) whether they were agreeable to the implementation of the proposed works. One of the letters (from the initial consultation of the revised plans) sent was initially returned by the Post Office however a further letter has since been sent to the owner of that property in an effort to ensure that all occupiers/owners are made aware of the current position. At the time of preparing this report only one response has been received which has requested clarification of the process so far, and moving forward in terms of decision making. A response has been sent.</p>
2.22	<p>In terms of acceptability, Members must now decide whether the revisions that have been proposed are sufficient to overcome the reasons for refusal as set out in the original recommendation to Committee in July 2021.</p>
2.23	<p>Members will recall that in the report presented in July it was recommended that the application be refused for the following reason:-</p>

2.24	<p><i>‘The application to retain the seven dwellings erected on the former Cwmcelyn School site is unacceptable on the basis that the development ‘as built’ fails to meet the requirements of Policy DM1.3 a and c. of the Adopted Blaenau Gwent Local Development Plan. The steep gradient of the driveways which provide parking for the dwellings and the inadequate visibility splays at the point of access/egress from the driveways fall significantly below recognised standards. Their continued use could cause significant dangers to users of the adopted highway’.</i></p>
2.25	<p>As outlined above the reason for refusal refers to two substantive highway related issues</p> <ul style="list-style-type: none"> - the gradients of the driveways; and - the inadequate visibility splays at the vehicular access/egress points.
2.26	<p>It is clear from the advice recently received from the Highway Authority that the implementation of the revisions now proposed would overcome concerns regarding inadequate visibility. The revised tactile crossing point details provided are also acceptable. I can also confirm that I am satisfied with the suggested revisions from a visual perspective.</p>
2.27	<p>However, a key point is the developer’s ability to implement the works as proposed. The agent has provided no information to confirm that his client has secured the agreement of all affected parties to undertake the required works.</p>
2.28	<p>Notwithstanding the above Highway Authority have reiterated their concerns regarding the steepness of the driveways that provided parking for the dwellings. No changes have been offered by the applicant that would address such concerns.</p>
3.0	Recommendation
3.1	<p>In summary, this Committee is faced with three options.</p>
3.2	<p><u>Option 1 – the favoured option.</u> The advice of the Highway Authority is clear. The situation on site with the steepness of driveways presents a danger to users of the public highway. I have not been presented with any evidence to the contrary or any</p>

	<p>mitigating works by the developer. I cannot legitimately set such concerns aside. In my view, the application should be refused for the following highway safety reason.</p> <p><i>The application to retain the seven dwellings erected on the former Cwmcelyn School site is unacceptable on the basis that the development 'as built' fails to meet the requirements of Policy DM1.3 a and c. of the Adopted Blaenau Gwent Local Development Plan. The steep gradient of the driveways which provide parking for the dwellings fall significantly below recognised standards. Their continued use could cause significant dangers to users of the adopted highway.</i></p>
3.3	<p><u>Option 2</u> – having regard to the amendments made since the last Planning Committee, grant planning permission to secure the changes to the crossing and the important changes to the front gardens that address some of the Highway Authority concerns.</p> <p>If Members opt for this course of action, I would make two important points. Firstly, these works must be carried out in a timely manner given the concerns of the Highway Authority. I would suggest a deadline of 2 months.</p> <p>Secondly, in the event of non-compliance, enforcement action will be necessary. I make this point as there remain doubts over the developer's ability to comply with this condition. The applicant has not provided any reassurance that he has the homeowner's agreement to execute the works. The responsibility for compliance may well now rest with the property owners and action may need to include them as the current land owners.</p>
3.4	<p><u>Option 3</u> – it remains an option to approve the scheme as built. However, in this scenario I reiterate the position of the Highway Authority as it pertains to the safety of users of the public highway.</p>