



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/12/19

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.01.2020

Appeal Decision

Site visit made on 16/12/19

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22.01.2020

Appeal Ref: APP/X6910/A/19/3237547

Site address: Land off Cambridge Gardens, Beaufort, Ebbw Vale NP23 5HQ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by R & M Williams against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2018/0224, dated 6 July 2018, was refused by notice dated 1 July 2019.
 - The development proposed is the construction of 15no. dwellings (including 9no. 3 bedroom units and 6no. 4 bedroom units) and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An alternative footpath access drawing (LT1510.ALT) accompanied the appeal statement but did not form part of the application submission. The appeal therefore includes documents not previously seen by the Council, which argues that this is contrary to Regulation 11 of the Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017. Regulation 11 states that appellants may not raise any matter (my emphasis) which was not before the local planning authority at the time the application was determined. Highway and pedestrian safety were matters before the Council and the appellants' drawing is a direct result of the reason for refusal. Consequently, I am satisfied that the submission of the drawing does not fall foul of the regulations and I have taken it into account in my consideration of this appeal.
 3. In support of the appeal the appellants have submitted a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, dated 27 June 2019. This obligation provides a commuted sum of £75,000 for affordable housing. I have taken this into account in my consideration of this appeal.
 4. A Cost Application accompanied the appeal. However the appellants have subsequently confirmed, in an email dated 30 October 2019, that they are no longer applying for costs and the application withdrawn.
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5. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

7. Cambridge Gardens is a cul-de-sac of approximately 63 dwellings, with both on/off street parking. At the time of my site visit there were a number of vehicles parked on the highway which narrowed its width along much of its length.
8. The proposed development would be accessed via an existing driveway located at the eastern end of Cambridge Gardens, close to the junction with Beaufort Terrace / Glanyrafon. The proposed dwellings would be located on a raised plateau to the rear of Cambridge Gardens and as such the driveway rises from the public highway in a broadly north / north west direction. The driveway formally served the Plas-y-Coed Nursing Home, which has now been demolished.
9. Whilst the driveway is broadly wide enough to allow two-vehicles to pass, there is a pinch point approximately 10 metres from the junction with Cambridge Gardens. As such the appellant has proposed a single-lane working chicane which allows traffic in both directions, but priority is given to the vehicles entering the appeal site from Cambridge Gardens. The give-way marking is set back some 13 metres from the junction with Cambridge Gardens.
10. In support of the application the appellants submitted two Transport Assessments dated February and March 2019. In summary these conclude that *"Concerns have been raised by Blaenau Gwent Highways about safety with regard to the existing access arrangement of the site with Cambridge Gardens. It is considered that the probability of conflict between inbound and out-bound traffic at the junction is low and should such an event occur, the exiting vehicle would give way to the entering vehicle. There is satisfactory inter-visibility between entering and exiting traffic."*

Planning application access arrangement

11. The appellants state that the access drive, as shown in the planning application drawings, complies with 'Manual for Streets 2007 (MfS)' as it is 4.3 metres wide and can allow 2 medium sized cars to pass. However, this document is guidance and does not necessarily contain recommendations. Indeed, it is important that each particular road is considered on its safety, character and intended movements as set out in MfS and in the Councils 'Supplementary Planning Guidance: Access, Parking and Design, March 2014'. In this case the road would be a shared space for vehicles, cyclists and pedestrians.
12. In this respect the Council were concerned that the shared space would lead to potential conflict between road users. This is an important matter to consider and I agree that a safe route is needed to ensure future residents would feel secure in using the access by foot or cycle to enable the sustainability benefits of the site to be achieved. Furthermore, the proposed development would also upgrade an existing footpath at the western end of the site to provide access to the Beaufort area of Ebbw

Vale. This improvement to the footpath network would encourage the wider use of the proposed access drive rather than just any future residents.

13. Shared surface schemes can make it easier for people to move around. In this case, due to the highway design and restricted visibility¹, the proposed shared space would create a chaotic and intimidating environment for pedestrians and cyclists to navigate. There would be little in the way of a 'protected space' for pedestrians, particularly vulnerable users, and as such it would reduce the opportunity for local residents and any future occupants to walk and cycle safely through the appeal site.

Alternative proposed access arrangement

14. The alternative access would facilitate a 3.22 metre road width and a separate 1.2 metre footpath. Nevertheless, the reduced highway width would only accommodate a single vehicle. Given the boundary hedge and fence on either side of the driveway² any cars parked on Cambridge Gardens close to and on the west side of the junction with the appeal site, would obstruct the visibility of those drivers waiting at the give-way marker, who would be unaware of those vehicles waiting to enter the proposed development. These features would similarly obstruct the visibility of any drivers waiting to turn into the proposed development of cars waiting to exit as they would be waiting some way down the road or in the middle of the road to avoid parked cars.
15. If vehicles met closest to the give-way markings within the appeal site I consider it is likely that vehicles would reverse back into the appeal site. However, if the vehicles met closest to Cambridge Gardens, I consider it is likely that the closest vehicle would reverse out onto Cambridge Gardens. At the time of my site visit, mid-morning, a number of vehicles were parked close to the junction. I would expect there to be significantly more vehicles parked in the evenings when residents had returned from work. At such times of peak on street parking, and taking account of the limited visibility that would go with this, I consider that reversing manoeuvres onto Cambridge Gardens would present a severe risk to highway safety through increased risk of collisions. This situation would be exacerbated by any large vehicles or HGV's trying to access the site.
16. Whilst, the alternative proposed access arrangement provides a separate footpath, its limited width of approximately 1.2 metres would make it difficult for two people to pass each other, resulting in pedestrians having to venture into the highway. This adds to my concerns.
17. In reaching these conclusions I accept that the site benefits from planning permission for 10 dwellings³. However, by increasing the number of dwellings to 15, the presence of passing vehicles would occur more frequently, which would have significant implications for the safety of highway users on Cambridge Gardens and for the operation of the wider highway network.
18. I also accept that the appeal site was previously used as a nursing home, which the appellant states would have attracted a greater number of vehicle movements than the proposed development. Nevertheless, I have very limited information regarding how the care home operated, the number of beds, staffing levels and visitation opportunities etc. It is also likely that the traffic movements had a routine following shift patterns and visiting hours, so that the frequency of vehicles meeting each other

¹ due to the neighbouring boundary features and on street parking.

² Outside of the control of the appellant.

³ Planning permission reference C/2015/0387

at the site access would have been negligible. Therefore, this historic situation carries limited weight.

19. I have noted the developments brought to my attention by the appellants, said to be similar in terms of highway arrangements to the one now before me. However, whilst generalities may be drawn, each decision turned on the individual highway circumstances of the cases. I have therefore determined this appeal on its merits.
20. The proposal is contrary to policy DM1 (3 a and c) of the adopted Blaenau Gwent Local Development Plan, 2012 (LDP), which, amongst other matters, sets out that development proposals have regard for the safe, effective and efficient use of the transport network and that it secures appropriate provision for people with special access and mobility requirements.

Other matters

Housing Land Supply

21. The appellants' assert that significant weight should be attributed to the housing land supply shortfall. Blaenau Gwent's latest Joint Housing Land Availability Study (2019) confirms that the County Borough can only currently demonstrate a 1.48 year housing supply, which is below the 5 year requirement as outlined in Technical Advice Note 1.
22. However, Welsh Government letter dated 18 July 2018 (dis-application of paragraph 6.2 of TAN 1) announces a wide-ranging review into the delivery of housing through the planning system and states that it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in its housing land. The weight to be attached should be based on evidence to address the issue, including matters such as: the magnitude of the shortfall; how soon will a replacement LDP be adopted; what the local planning authority is doing to reduce the shortfall; and how much will the development contribute to meeting any shortfall.
23. The Development Plan review is at an early stage of preparation and, with no evidence to the contrary, there is currently no mechanism in place to address the shortfall in the short term. Nonetheless, the proposal would only contribute to a limited extent towards making up the shortfall and I have little evidence relating to how quickly the scheme would be delivered. Therefore, I attach moderate weight to the need to increase housing land supply as a material planning consideration.

Viability

24. Following the granting of permission for ten houses the appellants states that extensive ground investigation works were undertaken, which have informed a remediation scheme which renders the 10-unit scheme unviable. Accordingly, the appellant has brought forward the 15-unit scheme to improve the viability of the development. Nonetheless, there are no viability reports or market appraisals before me and therefore I have insufficient evidence to justify giving this matter more than very limited weight.

Flooding

25. Local residents have expressed concern in relation to the effects of the proposal in relation to flooding. An open surface water culvert is located to the north of the site and is currently routed under the access road and rear gardens of dwellings on Cambridge Gardens and it is stated that this has caused localised flooding. The developer proposes to divert the underground section of the culvert to run under the

new access road and site entrance to meet the existing drainage system in Cambridge Gardens. The over-ground section within the site would also be improved with vegetation cut back and grills fitted to reduce the chance of blockages. A sustainable urban drainage systems (SUDS) will also be employed to dispose of surface water. The use of these methods, which could be secured using planning conditions, would bring some localised benefit to residents along Cambridge Gardens and as such carries some limited weight in favour of the proposal.

S106 planning obligation

26. Matters pertaining to affordable housing contributions are contained within the submitted S106 Agreement. Were I to allow the appeal I am satisfied that the obligation would accord with the necessary regulations.

Planning Balance and Conclusion

27. I concluded on the main issue that the proposal would be prejudicial to highway safety. As a result, the proposal is in conflict with policy DM1 (3 a and c) of the LDP, which carries significant weight. However, the contribution to the shortfall in market and affordable housing supply carries moderate weight in favour of the scheme and the reduction in flood risk is a further benefit which is afforded limited weight.
28. On balance, the significant harm to highway safety is a compelling reason for dismissing the appeal and is not outweighed by the other matters raised. Moreover, the deficiency of the development would not be overcome by the provisions of the executed planning obligation and could not be made to be acceptable through the imposition of reasonable planning conditions.
29. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Joanne Burston

INSPECTOR