

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>Planning, Regulatory &amp; General Licensing Committee</b>
<b>Report Subject</b>	<b>Planning Appeal Update: Mill Farm, Pochin Crescent, Tredegar</b> <b>Ref.: C/2019/0279</b>
<b>Report Author</b>	<b>Jane Engel</b>
<b>Directorate</b>	<b>Regeneration and Community Services</b>
<b>Date of meeting</b>	<b>12<sup>th</sup> November 2020</b>
<b>Date Signed off by Monitoring Officer</b>	

### **Report Information**

#### **1. Purpose of Report**

To advise Members of the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of planning permission ref: C/2019/0279 for the construction of a detached house on land at Mill Farm Tredegar. The application was refused under delegated powers on 3<sup>rd</sup> December 2019.

#### **2. Scope of the Report**

The application was refused on the grounds of flood risk, highway safety and ecology. The applicant appealed this decision on the grounds that planning permission should have been granted. The Inspector's decision was received on 22<sup>nd</sup> October 2020 (the decision letter is attached for Members Information).

### Flood Risk

The development proposed the construction of a single detached dwelling in a location which is identified in the current development advice maps (DAM) as being within flood zone C2. Policy SP7 of the Blaenau Gwent Local Development Plan (LDP) seeks amongst other things to direct proposals away from those areas which are at high risk of flooding. This approach accords with the provisions of Technical Advice Note 15: Development and Flood Risk (2004)(TAN15) which makes it clear that highly vulnerable development such as new dwellings, located in an area defined on DAM as being within flood zone C2 should not be permitted.

In support of his appeal the appellant provided correspondence to the Inspector from Natural Resource Wales which confirmed that the level of flood risk at the appeal site has been reduced; and although NRW are no longer making changes for the operational DAM when the new Planning Flood Risk Map for Wales is produced that the site will no longer be identified as being within flood zone C2.

However, following a request from the Inspector I requested clarification from NRW on this matter. NRW confirmed that the DAM is still operational for the purposes of determining planning applications and appeals; the site is still identified as largely being within flood zone C2 and that no updates/amendments to the DAM are planned.

On this basis the Inspector concluded that in the absence of an amendment to the DAM or the provision of a successor map which identify the appeals site as being outside flood zone C2 that the proposed development would be contrary to the objectives of policy SP7 and TAN15.

### Highway Safety

Policy DM1 of the LDP requires that proposals for development have regard for the safe, effective and efficient use of the transportation network. The proposed vehicular access to the site was via an existing access from the A4048.

The Council's Built Infrastructure Manager objected to the planning application on the grounds that additional vehicular movements at the access point would be detrimental to highway safety.

The appellant submitted a Transport Assessment in support of his appeal and whilst the Inspector noted its findings she considered that

the vehicular movements necessary to access and egress the appeal site from the A4048 would increase the potential for road traffic accidents to occur. As such she considered that the proposed development would have an adverse impact on highway safety and would be contrary to the objectives of policy DM1 of the LDP.

### Ecology

Policies DM10 and DM14 of the LDP seek to protect and enhance the natural environment.

At the planning application stage the Borough ecologist identified that there was insufficient information submitted with the planning application to determine the presence or otherwise of protected species on the appeal site and the need for mitigation measures. Due to the concerns relating to flooding highway safety it was considered unreasonable to request one prior to the refusal of the planning application.

In support of his appeal the appellant submitted a preliminary ecological appraisal of the site. The appraisal found that there are no statutory or non statutory designated sites within 2 km of the appeal site; any impact on the on-site habitats would be minimised or appropriately mitigated and that there are unlikely to be any significant effect on habitats outside the appeal site.

Having reviewed the findings the borough ecologist is satisfied that subject to appropriate conditions the proposal would not have an adverse impact on protected species. As such the development would not be contrary to the objectives of policies SP19 and DM14.

In conclusion, the Inspector considered that the proposed development would have a harmful impact on highway safety and be contrary to the objectives of local and national policy in respect of flood risk. Accordingly she **DISMISSED** the appeal and planning permission was refused for the development.

### **3. Recommendation/s for Consideration**

1. That Members note for information the appeal decision for planning application C/2019/0279 as attached at **Appendix A**.