



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 21/09/20

gan Nicola Gulley, MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22nd October 2020

Appeal Decision

Site visit made on 21/09/20

by Nicola Gulley, MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 22nd October 2020

Appeal Ref: APP/X6910/A/20/3252617

Site address: Mill Farm, Pochin Crescent, Tredegar, NP22 4JP

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 Mr Marc Evans against the decision of Blaenau Gwent County Borough Council.
 - The application Ref: C/2019/0279 dated 27 September 2019, was refused by notice dated 3 December 2019.
 - The development proposed is construction of a new house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposed development on flood risk; ecology; and highway safety.

Preliminary Matters

3. I note that outline planning permission for a detached dwelling at the appeal site was granted, under application reference C/2008/0236, in July 2009. However, I am mindful that the permission precedes the adoption of the Blaenau Gwent Local Development Plan (LDP) (2012) and, as such, there has been a material change in planning circumstances since the permission was granted. As a consequence, I will afford this permission limited weight.

Reasons

4. The appeal site is located between the Sirhowy River and the A4048 on the western fringe of the settlement of Tredegar. The site, which is separated from the existing dwellings of Mill Farmhouse and Mill Cottage by a small watercourse, comprises an area of open grassland occupied in part by a small stable. Topographically the site slopes gently down from the densely wooded boundary with the A4048 to the riverbank. Vehicular access to the site is afforded via an existing private driveway that leads directly from the A4048, which I am advised was provided as part of the Tredegar By-Pass Scheme to maintain access to Mill Farm.
-

Flood Risk

5. Policy SP7 of the LDP seeks, amongst other things, to direct proposals for new development 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) (TAN 15) which makes clear that highly vulnerable development, such as new dwellings, located in an area defined on the operational development advise maps (DAM) as being within flood zone C2 should not be permitted.
6. In this case, the development proposes the construction of a single, detached dwelling in a location which is identified on the current DAM as being, largely, within flood zone C2. I note however, that in support of the proposal the appellant has submitted correspondence with National Resources Wales (NRW) which confirms: that the level of flood risk at the appeal site has reduced; and, although NRW are no longer making changes to the operational DAM, when the new Planning Flood Risk Map for Wales is produced in late Summer / Autumn 2020 the site will no longer be identified as being within flood zone C2.
7. At my request the Council contacted NRW to discuss this matter. The reply from NRW makes clear that: the DAM is still operational for the purposes of determining planning applications and appeals; the appeal site is still identified as, largely, being within flood zone C2; and no updates/amendments to the DAM are planned¹.
8. In the absence of an amendment to the DAM or the provision of a successor map, which identify the appeal site as being outside flood zone C2, I must conclude that the proposed development would be contrary to the objectives of policy SP7 and TAN 15.

Ecology

9. Policies SP10 and DM14 of the LDP, seek to protect and enhance the natural environment and ensure that development proposals which effect sites of important nature conservation (SINCs) are only permitted where proposals maintain or enhance the designation, the need for the development outweighs the nature conservation importance or the development cannot reasonably be located elsewhere and appropriate compensatory provision is made.
10. The Council's concern in this matter relates to the absence of sufficient ecological information on which to determine the presence or otherwise of protected species in the appeal site and the need for mitigation measures. Following the determination of the planning application, the appellant commissioned a preliminary ecological appraisal of the site. The appraisal, which has been submitted in support of this appeal, found that: there are no statutory or non-statutory designated sites in, or within 2km of the appeal site; any impact on the on-site habitats could be minimised or appropriately mitigated; and there are unlikely to be any significant effect on habitats outside the appeal site.
11. The Council has reviewed the findings of the appraisal and is satisfied that, subject to conditions relating to the provision of a construction environmental management Plan and habitat enhancement measures, the proposal would not have an adverse impact on protected species. As such the proposed development would not be contrary to the objectives of policies SP10 and DM14.

¹ Letter from Blaenau Gwent County Borough Council received on 1 October 2020

Highway Safety

12. Policy DM1 of the LDP requires that proposals for development have regard for the safe, effective and efficient use of the transportation network. In this case, access to the proposed development would be afforded via a linear drive which would run along the south western boundary of the site and would connect to the access serving the existing dwellings from the A4048. No improvements or alterations are proposed to the alignment of the access point joining the A4048.
13. In support of the proposal the appellant has submitted a Transport Statement which indicates that: the existing access to the site could accommodate two way traffic; no accidents were reported in the vicinity of the appeal site or Heathfield roundabout with the A4048 between 2015 and 2019; and there were only likely to be between 2 and 4 vehicular movements to and from the site on a daily basis. The appellant contends that the findings of the study demonstrate that there was sufficient capacity on the existing highway network to safely accommodate the additional vehicular movements generated by the proposed development. This is disputed by the Council which maintains that the use of the existing access point, would increase the potential for unexpected stopping/turning movements to take place along this part of the A4048 thereby increasing the risk of road traffic accidents.
14. I note the findings of the Transport Assessment and the existing use of the access. However, I am mindful that the vehicular manoeuvres necessary to access and egress the appeal site from the A4048, which could include slowing, stopping and right-turning movements, together with the linear alignment of the road and its speed limit, would increase the potential for road traffic accidents to occur along this part of the highway. As such, I consider 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.

Conclusions

15. 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.
16. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions 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.
17. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR