
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/16

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/02/2016

Appeal Decision

Site visit made on 05/01/16

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08/02/2016

Appeal Ref: APP/E6840/A/15/3135372

Site address: Land adjacent to No. 1 Greenfield, Caldicot, Monmouthshire, NP26 4NB

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Monmouthshire Housing Association against the decision of Monmouthshire County Council.
 - The application Ref DC/2015/00671, dated 29 May 2015, was refused by notice dated 2 July 2015.
 - The application sought planning permission for residential development comprising two, one bedroom flats without complying with a condition attached to planning permission Ref DC/2013/868, dated 14 January 2014.
 - The condition in dispute is No 6 which states that: The three car parking spaces for the existing dwelling no. 1 Greenfield shall have a minimum dimensions of 7.8 metres x 6 metres from the back edge of the footway as shown on drawing no. 1337-SK-1 Rev A and shall be retained in perpetuity.
 - The reason given for the condition is: To ensure provision is made for the parking of vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission for the construction of 2 no. flats on the land adjacent to No. 1 Greenfield, Caldicot was granted, under application ref DC/2013/00868, in January 2014. I shall refer to this site as the 'adjacent land' in the remainder of my decision.

Main Issue

3. The effect of removing the condition on highway safety.

Reasons

4. The appeal site comprises a traditional semi-detached dwelling situated near to the entrance of Greenfields and close to the junction with the busy main road of Sandy
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Lane. The site is located in a narrow cul-de-sac which, at the time of my site visit, accommodated 6 no. pairs of semi-detached dwellings each served by a private drive. The position of the vehicular access points for these dwellings and the narrow width of the estate road means that there is no provision for on street parking within the cul-de-sac.

5. Policy MV1 of the adopted Monmouthshire Local Development Plan (LDP) (2014) seeks to ensure that development proposals provide satisfactory levels of car parking and meet the requirements of the adopted parking standards. The development proposes the removal of Condition No. 6 of the planning permission ref DC/2013/00868, so there is no requirement to provide car parking within the appeal site. However, I noted that at the time of my site visit 2 no. parking spaces had been laid out within the front curtilage of the appeal site. The appellant contends that Condition No. 6 does not comply with the requirements of Welsh Government (WO) Circular 16/2014 – The Use of Planning Conditions for Development Management, because it seeks to resolve the existing deficiency in parking provision at the appeal site and in applying the requirements of the adopted Monmouthshire Parking Standards (2013) the Council should have taken account of the sustainable location of the appeal site and reduced the number of spaces required.
6. On the basis of the evidence presented, it appears that at the time the planning application for the adjacent land was made: it was being used to provide off street parking for the occupants of the appeal site; the development of the adjacent land would have resulted in the loss of this parking provision; there were no proposals to compensate for the loss of this parking; and, it was the Council's view, that the displaced vehicles would exacerbate the on street parking problems at Greenfield. Guidance in relation to the use of conditions is set out in WO Circular 16/2014 which requires that conditions are necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable. In these circumstances, I consider that the imposition of a condition requiring the provision of car parking within the curtilage of the appeal site was relevant to the development and necessary in order to mitigate against the impact of the loss of parking within the locality. As a consequence I consider that Condition No. 6 complies with the tests set out in WO Circular 16/2014.
7. With regard to the number of parking spaces, the Council's Parking Standards require the provision of 1 no. parking space per bedroom dwelling up to a maximum of 3 no. spaces. However, the standards allow for this requirement to be reduced following the consideration of factors such as the accessibility and frequency of public transport, proximity of walking and cycling routes and the availability of on street parking in the locality. In this instance, whilst I accept that the appeal site is located close to Sandy Lane which has a regular bus service, and has good pedestrian links with the town centre. I nevertheless, consider that any reduction in the amount of car parking at the appeal site would result in vehicles parking on the estate road and obstructing the free flow of traffic in the cul-de-sac. Moreover, because of the direct access to Greenfield from Sandy Lane, I consider that any obstruction in the cul-de-sac would cause drivers intending to egress at this point to wait on the carriageway for the access to clear. In doing so, impeding the free flow of traffic on the busy main road and unacceptably increasing the risk of accidents on the highway.
8. For the above reasons, I consider that the development would have a harmful effect on highway safety and as such is contrary to LDP Policy MV1 and the approved Parking Standards (2013).

9. In reaching my decision I have had regard to all the matters raised. However, none of these factors are sufficient to alter my overall conclusions.
10. For the reasons outlined above, I conclude that the appeal should be dismissed.

Nicola Gulley

INSPECTOR