
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/08/19

**gan Richard Duggan BSc (Hons)
DipTP MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06.09.2019

Appeal Decision

Site visit made on 20/08/19

**by Richard Duggan BSc (Hons) DipTP
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 06.09.2019

Appeal Ref: APP/Y6930/A/19/3231111

Site address: 36 Rockingham Terrace, Briton Ferry SA11 2PF

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 Mr Ian Gough against the decision of Neath Port Talbot County Borough Council.
 - The application Ref P2019/0250, dated 7 March 2019, was refused by notice dated 1 May 2019.
 - The application sought planning permission for: the removal of condition 3 of planning permission P2018/0867.
 - The condition in dispute is No 3 which states that: *'The existing double garage shall be kept available at all times for the parking of motor vehicles, bicycles and the storage of bins in association with the occupiers of the hereby approved flats and shall not be rented out, used or sold separately from the flats'*.
 - The reason given for the condition is: *'To ensure adequate car parking, bicycle storage and bin storage for the use of the occupiers of the approved flats'*.
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Decision

1. The appeal is allowed and the planning permission Ref P2018/0867 granted on 29 November 2018 by Neath Port Talbot County Borough Council, is varied by deleting condition 3 and substituting it for the following new condition:
 - 1) Full details of the proposed bin storage and secure bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this decision. The approved scheme shall be fully implemented within 2 months of the date of the approval of the scheme and shall be retained as such thereafter.

Reason. In the interests of the amenity of the occupiers of the flats and to comply with policies TR2, SC1 and W3 of the Neath Port Talbot Local Development Plan, 2016.

Procedural Matters

2. In November 2018 planning permission was granted for the change of use of a single dwelling into two self-contained 2-bedroom flats (LPA Ref: P2018/0867). The permission contained a condition (condition 3) which restricted the use of the double garage to the parking of motor vehicles, bicycles and the storage of bins in association with the occupiers of the flats and to ensure that it cannot be rented out, used or sold separately from the flats. A Section 73 application was submitted to remove Condition 3 in March 2019 and was refused by the Council, and that decision is now subject to this appeal.
3. The Appellant's evidence to support the appeal is mainly based upon the premise that the garage is to be converted into residential use and the potential increase in on-street provision as a result of the area of highway in front of the garage being released for additional parking. However, the change of use of the garage to residential use would have to be the subject of a separate planning application. I have dealt with this appeal on the basis that it is for the use of the property as two 2-bedroom flats without complying with the restrictions on the use of the garage as set out in condition No 3 of the planning permission.

Main Issue

4. I consider the main issue to be the effect of removing the disputed condition on highway safety.

Reasons

5. The appeal property is a two-storey end of terrace dwelling situated on the corner of Rockingham Terrace and Vernon Street, and the single-storey detached garage is located to the rear of the property and is accessed off Vernon Street.
6. In support of the appeal the Appellant has undertaken a car parking survey where the site was visited over a weekend period on four occasions during peak parking demand at 07:00hrs and 19:00hrs. The survey results showed that there were between 6 – 8 on street parking spaces available within 15m of the site, and it was noted that on all occasions further on-street parking was available beyond 15m, but these were not recorded.
7. Notwithstanding the findings of the Appellant's parking survey, the Council contends that the surrounding streets are operating at full capacity at regular intervals during the day, which results in residents having no option other than to park illegally or indiscriminately within junctions and grass verges. However, the Council has not provided its own detailed parking survey to counter the conclusions drawn within the Appellant's evidence. The only evidence put forward by the Council to support its concerns are images taken from Google street view, which appear to have been photographed in January 2010. Whilst these images do provide evidence of indiscriminate parking taking place at that time, they do not provide an up to date picture of the existing situation to substantiate the Council's concerns.
8. I saw on my site visit that the Council has not implemented parking restrictions and traffic management on the majority of streets in the area, as a result, parking is unrestricted along most of the surrounding streets close to the appeal site. At the time of my arrival, at approximately 12:30 hrs, I was able to locate a parking space very easily in a street close to Rockingham Terrace as there were a number of spaces available. I also noticed during the course of my visit that many other such opportunities were available within adjoining streets. However, it is not difficult to

envisage that, at certain times of day such as in the evenings after work and at weekends, competition for spaces could be more difficult for residents and visitors alike.

9. During the assessment of the planning application to change the use of the property to accommodate two flats (Reference: P2018/0867) the Council used the current car parking standards set out within its Supplementary Planning Guidance (SPG) (October 2016). The SPG states that the formation of two 2-bedroom flats would have a requirement of 1 space per bedroom resulting in a maximum requirement of 4 spaces. However, due to the good public transport connections in the locality the Council relaxed these standards and considered that the provision of two car parking spaces would be acceptable. I would concur with the Council's assessment that this is a sustainable location and that a more relaxed approach to the parking standards is appropriate.
10. It may well be the case that the future occupants of the flats, especially those on low incomes or young couples, may choose not to own a motor vehicle, but would rely on the fact that the property is within a highly sustainable location with local facilities being accessible by walking and cycling, and having a frequent local bus service and a train station linking the site to destinations further afield. It may also be the case that some will own cars, as do some occupiers of other dwellings on the street without parking, and that some will park inconsiderately or even illegally. However, planning decisions can only reasonably be based on the premise that relevant laws and restrictions in respect of the parking of motor vehicles close to junctions or any other illegal/indiscriminate parking will be effectively enforced by the appropriate authorities.
11. I have taken into account the concerns of the Council and the parking standards set out within the Council's SPG. However, I am satisfied that the current availability of on-street parking spaces along the surrounding unrestricted streets, and the highly sustainable location of the appeal property, would offset the loss of the two spaces within the garage.
12. Therefore, I conclude that it is not necessary to continue to impose the restrictions on the double garage as set out in Condition No 3 of planning permission Ref: P2018/0867. To allow the removal of these restrictions, on the evidence before me, would not result in significant harm to highway safety and would not be contrary to Policies TR2 and BE1 of the Adopted Neath Port Talbot Local Development Plan, 2016.
13. I have considered the conditions suggested by the Council in the light of the Welsh Government Circular 016/2014: The Use of Planning Conditions in Development Management. The Council has put forward standard conditions relating to the time limit for the commencement of development and the approved plans. However, this appeal relates to the removal of the disputed condition and not to any operational development, therefore, these conditions are unnecessary as they continue to exist under planning permission ref: P2018/0867. I concur with the Council that a new condition relating to the provision of bins and cycle storage is required in the interests of the amenity of the occupiers of the two flats.

Conclusion

14. 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.

15. Having regard to the above and considered all other matters raised, I conclude that the appeal should be allowed.

Richard Duggan

INSPECTOR