
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/03/21

**gan Vicki Hirst, BA (Hons) PG Dip TP
MA MRTPI**

Swyddog a benodir gan Weinidogion Cymru

Dyddiad: 7/5/21

Appeal Decision

Site visit made on 29/03/21

**by Vicki Hirst, BA (Hons) PG Dip TP MA
MRTPI**

An Inspector appointed by the Welsh Ministers

Date: 7th May 2021

Appeal Ref: APP/Y6930/A/21/3268195

Site address: Saron Chapel Vestry, Lletty Harri, Port Talbot, SA13 2EP

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 grant of planning permission subject to conditions.
 - The appeal is made by Mr Martyn Jones against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2020/0009 dated 4 November 2019, was approved on 6 August 2020 and planning permission was granted subject to conditions.
 - The development permitted is partial demolition and proposed conversion of disused chapel vestry to residential dwelling, retention and completion of vehicular access, hardstanding and associated works.
 - The condition in dispute is No. 3 which states that: *Notwithstanding the submitted details, within three months of the date of this decision the vehicular access parking area to the front of the property shall be removed and the boundary wall re-instated in accordance with a scheme which will shall first have been submitted to and approved in writing by the Local Planning Authority. The boundary wall shall thereafter be retained as approved, with no vehicular access or parking created or accessed at the property.*
 - The reason given for the condition is: *In the interest of highway and pedestrian safety, and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.*
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined by the Council, the Welsh Government has published Future Wales: The National Plan 2040 and Planning Policy Wales, Edition 11 (PPW). I am satisfied that neither publication makes any material difference to the main issue in this case.

Main Issue

3. The main issue is the effect of the removal of the condition on highway safety.
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Reasons

4. The appeal site comprises a single storey building formerly used as the vestry in association with the adjacent chapel. The planning application submitted to the Council for the conversion of the building to a dwelling included the provision of three parking spaces to the front of the building. The spaces would be contained within an area of hardstanding and would run parallel with the adjacent Pen y Cae Road. It was evident on my site visit that space to accommodate the parking to the front of the building is already available.
5. The Council's Highways Officer raised concern at the application stage in respect of the vehicular access to the parking bays and its associated risks to highway safety. This resulted in the imposition of condition 3 of the subsequent planning permission as set out in the banner heading above to secure the removal of the parking area. It is this condition that the appellant seeks to remove.
6. Pen y Cae Road is classified as an "A" road and from my observations on site carries considerable volumes of traffic. The parking spaces would be located immediately adjacent to the road with no available turning area within the site. Whilst no details of the available visibility splays have been provided by either party, it was apparent from my own observations that visibility is severely restricted. This is particularly so to the south, due to the alignment of the road and the orientation of the chapel building immediately to the south of the proposed parking area and situated on the edge of the highway. The visibility to the north is also restricted by the boundary wall of the dwellings that front the road. These factors significantly obstruct the line of sight into the highway from the parking spaces in both directions with the result that drivers of vehicles leaving the parking spaces would not have a sufficient view of oncoming vehicles or pedestrians before pulling into the highway. This would represent a significant risk to the safety of highway users.
7. Furthermore, there is no turning space within the site and there is the potential for users of the parking spaces to turn in the highway. In addition to the risk to drivers of vehicles on the highway from such manoeuvres, there is no pedestrian refuge in the highway at this point. I find the potential for turning in the road to represent a considerable risk to both drivers and pedestrians.
8. I note the appellant's contention that the parking has been in place since November 2018 and there have been no incidents. However, the residential use of the building does not appear to have commenced and I have no evidence that the parking area was in use whilst the vestry was utilised. In any event, a lack of incidents in itself does not justify the proposed substandard arrangements.
9. I have also taken into account that the requirements of condition 3 would result in the development having no parking provision. However, I have no reason to disagree with the Council that the use of the building as a dwelling would result in betterment when compared with its previous use as a vestry which similarly had no parking provision.
10. I have taken account of all other matters raised including discussions that took place with the Council during the processing of the planning application. Such matters are not relevant to my considerations relating to the planning merits of removing or varying the subject condition. I find no matters outweigh the above findings.
11. I conclude that having regard to the Welsh Government's Circular 016/2014 "The Use of Planning Conditions for Development Management", the disputed condition is both necessary and reasonable to ensure highway safety. Without the condition, the

development would be in conflict with policies TR2 and BE1 of the adopted Neath Port Talbot Local Development Plan in that it would have a significant adverse impact on highway safety. For the above reasons I dismiss the appeal.

12. In reaching this 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 one or more of the Welsh Minister's well-being objectives as required by section 8 of the Act.

VK Hirst

INSPECTOR