

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0045/FULL 18.01.2019	Mrs J Baker The Cotts 86 Penallta Road Ystrad Mynach Hengoed CF82 7GN	Erect detached dwelling Land Adj. To The Cotts 86 Penallta Road Ystrad Mynach Hengoed CF82 7GN

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of Penallta Road.

Site description: The application site forms part of the curtilage of the existing dwelling at The Cotts. It is a flat area of lawn at the southern end of the garden adjacent to the access to the site. The existing dwelling is sited at the northern end of the curtilage with a detached garage and lawn to the south of it. The site is accessed via a gateway onto an unmade track leading onto Penallta Road and is a flat parcel of land which is supported by a retaining wall on the eastern boundary. The site is higher than the access track to the east of the site which serves a further dwelling sited to the north of the application site. The application is reported to Planning Committee because the applicant is an employee of the Council.

Development: This application seeks full planning consent for the erection of a detached dwelling. The dwelling would have a hall, lounge, utility room and kitchen/diner on the ground floor with three bedrooms (one with en-suite) and a bathroom on the first floor and a further bedroom in the roof space. A projecting gable is proposed to the front elevation with a window in the side elevation to serve the room in the roof space.

Dimensions: The dwelling has overall dimensions of 9.89m by 8.325m by 8.7m high.

Materials: Stonework and render with a tiled roof.

Ancillary development, e.g. parking: Parking and turning facilities are shown within the site.

### PLANNING HISTORY 2005 TO PRESENT

None.

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## POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

National Planning Guidance contained in Technical Advice Note 12 - Design.

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

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Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area.

### CONSULTATION

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection subject to the submission of a drainage scheme.

Dwr Cymru - Provides advice to be conveyed to the developer.

Ecologist - No objection subject to conditions.

Transportation Engineering Manager - Raises objection because of adequate visibility and access.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

#### Response:

1. Inadequate drainage in the area.
2. Loss of privacy.
3. The application site encroaches onto adjacent land.
4. The application site does not have access onto the highway.
5. How is the proposed dwelling going to be retained on the higher level above the access track serving the dwelling to the north?
6. The private drive serving the dwelling to the north must be kept clear at all times?

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?  
None.

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## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes. The application site is located within the Mid Viability Range where CIL is charged at £25 per square metre subject to indexation.

## ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is within the defined settlement limits and within the curtilage of an existing dwelling and as such the principle of the development is considered to be acceptable in accordance with Policy SP2 of the LDP.

The design and layout of the proposal together with its impact on adjacent dwellings is also considered to be acceptable and as such the proposal complies with Policy CW2 of the LDP.

However, Policy CW3 of the LDP requires that development proposals must have regard for the safe and effective use of the transportation network and where access onto a highway is required, that that access is designed to ensure highway safety. In that regard it should be noted that the Transportation Engineering Services Manager has raised an objection to the application for the following reasons:-

1. The applicant has failed to adequately demonstrate that adequate visibility can be achieved for vehicles emerging from the site.
2. The increased use of a substandard access would increase traffic hazards to the detriment of highway safety.

Whilst the applicant has submitted details which purport to prove that adequate access can be achieved, they merely serve to exemplify the Transportation Engineering Services Manager's view that this is not the case. The visibility to the north on leaving the site is significantly below the standard that is required by Manual for Streets and the applicant does not have control over sufficient land in order to carry out improvements. In that regard it is considered that the proposal does not comply with Policy CW3 of the LDP

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Comments from Consultees: No other objections were received from statutory consultees.

Comments from public:

1. No objection has been received from Dwr Cymru/Welsh Water and as such it is assumed that the drainage in the area is adequate.
2. There would be no unacceptable loss of privacy as a result of this proposal.
3. Whilst the objector has submitted a land registry plan that suggests that the application site encroaches onto his land, the scale of the plan is such that this is not definitive. In any event any encroachment would so insignificant that this would be a private matter between the two parties.
4. Whilst the objector suggests that the application site does not have access onto the highway, there is no evidence to prove this. In any event this would be a private matter between the two parties as the existing dwelling is currently served by this same access.
5. Appropriate retention details could be achieved by condition.
6. Keeping the private drive open is a civil matter.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The applicant has failed to demonstrate that adequate visibility can be achieved for vehicles emerging from the site and as such the proposal is contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as the development does not have regard for the safe use of the transportation network and is not designed in order to ensure highway safety.

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- 02) The increased use of a substandard access would increase traffic hazards to the detriment of highway safety and as such the proposal is contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 as the development does not have regard for the safe use of the transportation network and is not designed in order to ensure highway safety.
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