

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0931/OUT 26.10.2017	Mr W Thomas Duffryn Farm Pontlottyn Bargoed CF81 9RN	Construct two detached dwellings with new junction and private drive Land At Grid Ref 311245 205964 Fochriw Road Pontlottyn Bargoed

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is an area of land adjoining the east of the built environment of Pontlottyn on the Fochriw Road.

Site description: The site is part of a field currently in pasture bounded by hedgerow. It slopes downwards from west to east and sits above the existing dwellings to the east. To the west is a Green Wedge that leads out onto common land. To the south across the Fochriw Road is a Visually Important Local Landscape made up of open fields. To the north is a similar field of white land within the settlement boundary.

Development: This outline proposal is for residential development on part (0.32 hectare) of a site of 1.3 hectare with all matters reserved. Two dwellings with access from the southern boundary directly onto Fochriw Road.

Dimensions: (upper and lower limits for height, width and length of each building):

Width 20m max to 10m min;

Depth 12m max to 8m min;

Eaves 6m max to 4.8m min;

Ridge 11m max to 8m min.

Materials: To be agreed at reserved matters.

PLANNING HISTORY 2005 TO PRESENT

17/0056/OUT - Construct 5 no. detached dwellings with new junction and internal roads
- Granted - 10.08.2017.

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Application No. 17/0931/OUT Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is unallocated land within the settlement boundary.

Policies: Policy SP1 Development Strategy - Development in the Heads of the Valleys Regeneration Area;
Policy SP5 Settlement Boundaries;
Policy CW2 Amenity;
Policy CW3 Design Considerations Highways;
Policy CW10 Leisure and Open Space Provision.

NATIONAL POLICY

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? – Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

CONSULTATION

Transportation Engineering Manager - There is objection to the development because it lacks any footpath connection to the settlement thereby obliging all pedestrians to use the vehicular carriageway to access the site to the detriment of highway safety.

Senior Engineer (Land Drainage) - Advice is provided and a drainage condition is recommended.

Dwr Cymru - Advice is provided and a drainage condition is recommended.

The Coal Authority - It is pointed out that the site has an extant outline consent and previously made comments remain applicable.

Principal Valuer - It is noted that the submitted details show a pedestrian access that passes over Council owned land for which no formal land owner consent has been granted.

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Application No. 17/0931/OUT Continued

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 27 neighbouring properties have been consulted.

Response: No response has been received.

Summary of Observations: None.

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?

It is not considered that this development will have any material impact upon crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? - Yes (with regard to the larger site).

European protected species have been identified by a survey submitted with the recent application for the development of all of the larger site, that is to say this application section of the field and the remaining land within the field.

The Local Authority must apply the following three tests to the planning application:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) The derogation is strictly limited and can be mitigated by the provision of a reptile mitigation area at the large site.

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Application No. 17/0931/OUT Continued

(ii) The reptile mitigation area previously agreed is a satisfactory but does not form part of the agreed details of this application as will be explained in the analysis.

(iii) Any derogation should be minor and thus not be detrimental to the maintenance of the population of the species.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, but the site is within a lower viability zone - 0 rated.

ANALYSIS

Policies: This application relates to part of a larger site that has recently been granted planning permission for residential development, all appropriate policy considerations were considered and there has been no material change in circumstances since that decision, Council reference 17/0056/OUT. The previous application was for a larger site of 1.3 hectare within which the current application site occupies approximately 0.3 hectare with an illustrative layout of two dwellings.

The previous application was accompanied by an illustrative layout that showed the site boundary set back with a new footpath running to the southeast along the side of the road from the proposed entrance until it connected to an existing footpath to the front of No 11 Brynhyfyd. This route was not without problem as it involved engineering operations that could have been challenging. It was subsequently demonstrated that an alternative pedestrian connection could be achieved via an alternative route onto another existing path at Brynhyfyd. This avoided the need to demonstrate how the route could be achieved over a steeply sloping area just outside the application site that could have resulted in steps in front of No 11. Such steps could not be considered feasible in the absence of sufficient detail to demonstrate their impact upon No 11, i.e. looking into the windows of the property. There was also an issue where the route crossed a culvert. This application is for only two plots within the previously approved site and is not accompanied by details demonstrating the alternative pedestrian access and the applicant has specifically explained that this alternative access is not considered necessary.

The applicant is of the view that "there is no requirement for providing footpaths off site to existing adopted roads, which remains clearly the responsibility of the Highway Authority i.e. Caerphilly C.B.C." The Council is not intending and does accept the "responsibility" to provide such a link over this private land to the application site therefore it will remain unsuitable for residential development. It is suggested that guidance such as Manual for Streets or Planning Policy Wales "which he (the case

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Application No. 17/0931/OUT Continued

officer) quotes are (not) approved Policies of the Caerphilly C.B.C." This assertion ignores the fact that a Local Planning Authority may take into account guidance from other relevant sources and that Local Development Plans do not normally include or repeat such guidance as already exists. Current adopted plan policy CW3 is now relevant. This policy requires amongst other things that proposals must have regard to safe use of the transportation network and to promote the interests of pedestrians before that of the private car. The proposed development has not demonstrated how an adequate pedestrian connection can be achieved to the existing settlement network thereby requiring all pedestrian movement to and from the settlement to be via the vehicular carriageway of Fochriw Road which lacks safe refuge for pedestrians to the detriment of highway safety contrary to CW3.

The intention of showing the two furthest plots developed first appears to be a suggestion that they are more or less in the countryside thereby implying the usual planning requirements of development within the settlement boundary do not apply. This view would also seem to rest on the fact that planning permission has already been granted in outline, however that consent was only granted on the basis that adequate pedestrian access could be achieved. This part of site is still within the settlement boundary and there are no clear reasons or extenuating circumstances as to why this part of it should be treated differently to the previous whole or any other such site within the settlement where pedestrian access can be achieved. Possibly an argument may be made that this application is for only two plots therefore the footpath requirement is diminished by the number of users, again the same argument could be made of any application for two dwellings (or less) within the settlement. If there is a cost concern regarding the length of footpath to be constructed to connect the first two dwellings then clearly it may be reduced by building first dwellings on the part of the site immediately adjacent to the existing built environment thereby reducing the length of footpath initially required. Building the furthest two dwellings first has not been given any demonstrable planning necessity.

Pedestrian accessibility is well established policy criterion. It is enshrined in Guidance including the Council's Supplementary Planning Guidance LDP6 (Adopted January 2017), which sets out the following Accessibility and ease of movement criteria:

1. Has consideration been given to pedestrians, cyclists, and other road users?
 2. Has consideration been given to the relationship of the site with existing communities and are the access routes well integrated into the surrounding area?
 3. Is access to public transport highlighted?
- Is the development permeable? - Can people move easily with-in the development and between the development and the wider area?

The proposed development fails these three criteria.

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Application No. 17/0931/OUT Continued

Other guidance emphasises pedestrian priority over cars. Planning Policy Wales, amongst other things sets out a transport hierarchy where walking and cycling are the first priority (Para 8.1.4).

The absence of a pedestrian connection to the existing network within the settlement increases dependency upon less sustainable vehicular modes of transport contrary to Department of Transport Manual for Streets 2.3.6 and in other chapters, which refers to the weight to be given to walking and cycling to provide a more sustainable alternative to the car.

From the perspective of highway safety the proposed development has not demonstrated how an adequate pedestrian connection can be achieved to the existing settlement network thereby requiring all pedestrian movement to and from the settlement to be via the vehicular carriageway of Fochriw and is therefore unacceptable.

Comments from Consultees:

Transportation Engineering Manager raises objection to the development because it lacks any footpath connection to the settlement thereby obliging all pedestrians to use the vehicular carriageway to access the site to the detriment of highway safety. As explained above this concern is considered sufficient to warrant refusal.

Senior Engineer (Land Drainage) provides advice and a drainage condition is recommended.

Dwr Cymru provides advice and a drainage condition is recommended. The Coal Authority point out that the site has extant outline consent and previously made comments remain applicable.

Comments from public: None.

Other material considerations: The previous application was approved subject to a condition requiring a reptile mitigation strategy and the approved indicative layout included an area suitable for reptile habitat. The current application does not address reptiles, however in view of the current recommendation this matter is not taken further.

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.

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Application No. 17/0931/OUT Continued

RECOMMENDATION that Permission be REFUSED

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

- 01) The application site is within the settlement boundary and without demonstrating a pedestrian connection to the existing settlement network the proposed development does not adequately provide "integrated" pedestrian access contrary to objective number 3 of good design as explained in Caerphilly County Borough Council Supplementary Planning Guidance LDP6 "Building better Places to Live" Adopted January 2017, which, amongst other things, requires that access routes be "well integrated into the surrounding area".
- 02) The absence of a connection to the pedestrian highway is contrary to Planning Policy Wales Paragraph 8.1.4 which sets out amongst other things a "transport hierarchy" where in the first instance walking and cycling should wherever possible be "included from the outset".
- 03) The absence of a pedestrian connection to the existing network within the settlement increases dependency upon less sustainable vehicular modes of transport contrary to Department of Transport Manual for Streets 2.3.6 and in other chapters, that refer to the weight to be given to walking and cycling to provide a more sustainable alternative to the car and contrary to "promoting sustainable means of travel" as explained in Technical Advice Note 12, Design, March 2016 page 24.
- 04) The proposed development has not demonstrated how an adequate pedestrian connection can be achieved to the existing settlement network thereby requiring all pedestrian movement to and from the settlement to be via the vehicular carriageway of Fochriw Road which lacks safe refuge for pedestrians to the detriment of highway safety contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, which requires amongst other things that proposals must have regard to safe use of the transportation network and to promote the interests of pedestrians before that of the private car.

