

COMMITTEE DATE: 16/08/2017

APPLICATION No. **17/01206/MNR** APPLICATION DATE: 26/05/2017

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr Dennis Harrington

LOCATION: LAND ADJACENT TO CEFN EURWG, DRUIDSTONE ROAD,
OLD ST MELLONS

PROPOSAL: PROPOSED TWO DETACHED DWELLINGS WITH ALL
MATTERS RESERVED

RECOMMENDATION: That planning permission be **REFUSED** for the following reasons :

1. The proposal, by reason of its location and the nature of the development, would be contrary to policies KP3 (B) Settlement Boundaries, EN1: Countryside Protection and EN3: Landscape Protection of the Cardiff Local Development Plan and with advice contained in Planning Policy Wales (2016) in that the site lies outside the defined settlement boundary where it is intended that new development should be strictly controlled. The proposal does not fulfil the criteria for justification of such development set out in the aforementioned policies and it considered to represent an unacceptable extension of development into the countryside.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application relates to a 0.15 ha parcel of land located adjacent to the north eastern boundary of a dwelling known as Cefn Eurwg, Druidstone Road, where planning permission is sought to erect two detached dwellings. It is submitted in outline with all matters reserved for approval at a later date. The application is supported by a block plan showing how the dwellings may be sited on the plot. Floor plan and elevation drawings have also been submitted showing two large pitched roof houses with integral garages accessed via a driveway located mid-way along the site frontage. The dwellings are shown to face onto Druidstone Road with their front elevations set back approximately 13.0 metres from the carriageway in line with the front elevation of the existing property at Cefn Eurwg. Notwithstanding the submission of these drawings, the agent has confirmed that the plans are indicative only, showing what could be built.

2. **DESCRIPTION OF SITE**

- 2.1 The application site, measuring approximately 55.0 metres by 37.0 metres, forms part of small unkempt field which is overgrown and contains two corrugated sheds in a poor state of repair. There is evidence of waste building material having been discarded on the site. A gated access from Druidstone Road is located in the north

eastern corner.

- 2.2 The site is secluded and screened by established hedgerows and/or tree cover.
- 2.3 To the south west, the site adjoins the boundary with a dwelling known as Cefn Eurwg. A new dwelling is currently at an advanced stage of construction within the former side garden of this property.
- 2.4 To the north east of the site lies another enclosed parcel of land which is bisected by a high voltage overhead power line and contains an electricity pylon and various other structures. Historically, the site has been used as a plant growing business. There are houses on the opposite side of the road.
- 2.5 It is evident that residential development on the north western side of Druidstone Road is much less predominant than on the south eastern side and is characterised by sporadic development separated by open countryside.

3. **SITE HISTORY**

- 3.1 13/00250/DCO: Outline planning application for 4 no. dwellings: Refused and subsequently dismissed at appeal.
- 3.2 12/00522/DCO: Outline permission sought in March, 2012 to provide for the stationing of caravans for 5 no. Gypsy pitches (to serve 1 no. static caravan and 4 no. touring caravans), amenity blocks and wardens office. The application was withdrawn in June 2012 prior to determination.
- 3.3 12/00464/DCO: Outline permission sought in March, 2012 for proposed residential development (4 units). The application was withdrawn prior to determination in September, 2012.
- 3.4 09/00215/E: Permission granted in April, 2009 for the erection of a stable block for 2 no. Horses.
- 3.5 06/02672/E: Outline planning permission for one detached house. The application was refused in April, 2007 and subsequently dismissed at appeal.
- 3.6 06/00974/E: Permission refused in July, 2006 for a detached house and garage.
- 3.7 04/01437/E: Permission refused in August, 2004 for a detached house, garage and new access.
- 3.8 04/00699/N: Outline permission for 6 bedroom detached house. The application was withdrawn prior to determination.

4. **POLICY FRAMEWORK**

- 4.1 The Cardiff Local Development Plan 2006-2026 provides the local planning policy framework. Relevant policies include:

KP3 (B): Settlement Boundaries
KP5: Good Quality and Sustainable Design
KP8: Sustainable Transport
KP 15: Climate Change
H3: Affordable Housing
EN11: Water Sensitive Design
EN13: Air, Noise, Light Pollution and Land Contamination
T1: Walking and Cycling
T5: Managing Transport Impacts
EN1: Countryside Protection
EN3: Landscape Protection
EN7: Priority Habitats and Species
EN8: Trees, Woodlands and Hedgerows
EN9: Conservation of the Historic environment

- 4.2 Supplementary Planning Guidance: Design Guidance for Infill Development (2011);
Supplementary Planning Guidance: Access, Circulation and Parking (January, 2010);
Supplementary Planning Guidance: Waste and Collection and Storage Facilities (2016);
Supplementary Planning Guidance: Trees and Development (2007).
Supplementary Planning Guidance: Biodiversity (June 2011).
Supplementary Planning Guidance: Cardiff Planning Obligations (January, 2017).

4.5 *Planning Policy Wales Edition 9 (2016):*

1.2.5 Provided that a consideration is material in planning terms, it must be taken into account in dealing with a planning application even though other machinery may exist for its regulation. Even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consent that may be necessary, nor does it imply that such consents will be forthcoming.

4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
- Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change by building resilience into the natural and built environment.
- Locate developments so as to minimise the demand for travel, especially by private car
- Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods

4.7.4: Local planning authorities should assess the extent to which developments are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

4.11.9: Visual appearance, scale and relationship to surroundings and context are material planning considerations.

4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote, inter alia, development that is easily accessible by public transport, cycling and walking.

9.2.22: Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.

9.3.3: Insensitive infilling or the cumulative effects of development or re-development should not be allowed to damage an area's character and amenity. This includes such impact on neighbouring dwellings such as serious loss of privacy or overshadowing.

9.3.6: New house building and other new development in the open countryside,

away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation has no objection to the application on highway safety and parking grounds subject to conditions relating to:
- i) the provision and retention of parking;
 - ii) the proposed shared access being 4.5 metre minimum in width;
 - iii) the submission for approval of full engineering details of a 1.8 metre footway along the full frontage of the site (to be implemented prior to beneficial occupation) in line with other recent consents of Druidstone Road.

An informative is also requested advising the application of the need to secure the consent of the Operational Manager, Network Management – via 'highwaynetworkmanagement@cardiff.gov.uk' – prior to undertaking any works in conjunction with the construction of the new frontage footway mindful of its proximity to the adopted highway.

- 5.2 The Operational Manager, Drainage Management: No representations have been received.
- 5.3 Pollution Control (Noise & Air): no observations.
- 5.4 Shared Regulatory Services (Contaminated Land) requests the inclusion of conditions and informative statements in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.
- 5.5 The Operational Manager, Waste Management advises as follows:

The property will require the following for recycling and waste collections:

1 x 140 litre bin for general waste

1 x 240 litre bin for garden waste

1 x 25 litre kerbside caddy for food waste

Green bags for mixed recycling (equivalent to 140 litres)

Developers of all new residential units are required to purchase the bin provision required for each unit. The bins have to meet the Council's specifications and can be purchased directly by contacting the Waste Management's commercial team on 029 20717500.

- 5.6 The Housing Development Officer advises that in accordance with Local Development Plan Policy H3: Affordable Housing, an affordable housing contribution of 30% of the 2 units (0.6 unit) should be sought on this green field site. The Officer has provided housing waiting list figures to demonstrate housing need for all size of units in this area. The Officer advises that although the priority is for on-site affordable housing in the form of affordable rented accommodation,

given the proposed number of units this would not be deliverable and seeks a financial contribution of £78,648 (in lieu of the 0.6 unit) calculated in accordance with the formula in the Council's Cardiff Planning Obligations Supplementary Planning Guidance .

- 5.7 The Tree Officer advises, in the event that the outline planning permission is granted, that the trees and hedging that partially bound the site should be assessed in accordance with BS 5837:2012 and the assessment used to inform the design of any reserved matters application to ensure compliance with Policy EN8 of the Local Development Plan.

To ensure compliance with Policy KP15 of the Local Development Plan and the Infill Sites SPG, the Officer comments that the design of any reserved matters development should seek to maximise the extent of unsealed, vegetated soil and make provision for its protection as part of development.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water/ Dwr Cymru (WW/DC) draws attention to the fact that the proposed site is located in close proximity to a 1200mm public combined sewer which is classed as an asset of strategic importance. The approximate position of the sewer has been shown on Statutory Public Sewer Record provided by the Company. WW/DC advises that the protection zone required for this asset could impact upon the housing layout as shown and therefore recommends that the position of the sewer be accurately located, marked out on site and a plan submitted to demonstrate that no development (including the raising or lowering of ground levels) will be undertaken within 6 metres either side of the centreline of the public sewer. Notwithstanding this matter, the Company requests that if the Council is minded to grant planning permission, that the conditions are included within any subsequent consent:

Foul water from the development site shall be allowed to discharge to the 150mm public foul sewer and this discharge shall be made to manhole reference number ST23821307 as indicated on the extract of the Sewerage Network Plan attached to this decision notice unless otherwise agreed with Welsh Water. No surface, land or highway water shall communicate directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

The proposed development site is in close proximity to a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 6 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto, protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Note: The application is made in outline with all matters including layout reserved for approval at a later date. Having regard to the approximate position of the combined public sewer shown on the plan submitted by WW/DC, there would appear to be sufficient flexibility to accommodate two dwellings on the site outside the easement specified with some adjustment to the layout, which is indicative at this stage.

7. **REPRESENTATIONS**

7.1 Local Members has been notified of the application. No representations have been received.

7.2 Old St Mellons Community Council objects on the following grounds:

The application is outside the settlement boundary of the current Local Plan.

The application is contrary to the plan in force.

There is a lack of connectivity, therefore traffic concerns.

It is outside the settlement boundary.

The land is currently open countryside as shown on the local plan.

Over-development.

7.3 Neighbouring occupiers have been notified of the application and a notice displayed on site. The following representations have been received:

7.4 The occupier of Larkrise, Druidstone Road objects to the application commenting that the land is designated as countryside and if planning permission was to be approved, it would open the gates for all countryside land to be automatically granting permission for house development.

7.5 Celtic Developments Ltd, with a business address in Bridgend, writes in support of the proposal, stating that it considers it would be an acceptable from of development along Druidstone Road.

7.6 Lime Grange Developments Ltd, with a business address at Springmeadow Business Park, Cardiff, also writes in support of the application. The Company considers that the proposed development would be acceptable and in keeping with the design of properties already situated on Druidstone Road.

8. **ANALYSIS**

8.1 This application relates to a 0.15 ha parcel of land located next to Cefn Eurwg, Druidstone Road, where planning permission is sought to erect two detached dwellings. The application is submitted in outline with all matters reserved for approval at a later date.

8.2 The main planning issues relate to the acceptability of the proposed development on land use policy grounds having regard to the location of the site outside the settlement boundary, the effect of the proposed development on the character and appearance of the area and the general amenities of neighbouring occupiers, the acceptability of the proposal on transportation and connectivity

grounds, the effect on trees and nature conservation together with consideration of affordable housing provision.

- 8.3 The site lies outside the settlement boundary as defined on the Proposals Map of the Cardiff Local Development Plan. Policy KP3 (B) states that outside defined settlement boundaries, there will be a presumption against inappropriate development.
- 8.4 Policy EN1: Countryside Protection states that *there will be a presumption against development in the countryside, beyond the settlement boundaries identified on the Proposals Map, except where it can be justified for agricultural and forestry needs or it is essential for facilitating sustainable access to and enjoyment of the countryside including appropriate outdoor recreation and tourism uses.*
- 8.5 The aim of Policy EN1 is to ensure that development within the countryside is strictly controlled to protect and enhance Cardiff's natural heritage and setting. In terms of residential development, the supporting text comments that the Local Development Plan has identified sufficient land to meet the foreseeable residential need over the Plan period and that new residential development will not normally be permitted in the countryside unless it is justified for agricultural or forestry purposes or other rural enterprises.
- 8.6 Policy EN3 relates to landscape protection and states that development will not be permitted that would cause unacceptable harm to the character and quality of the landscape and setting of the City.
- 8.7 National planning guidance contained in Planning Policy Wales advises that *'new house building and other new development in the open countryside, away from established settlements should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.'* (para.9.3.6). Planning Policy Wales also advises that *'sensitive filling in of small gaps, or minor extensions to isolated groups of dwellings, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings'* (para. 9.2.22).
- 8.8 The current planning application provides no justification for residential development in this location as required Policy EN1.
- 8.9 The extensive planning history of the site, as outlined in section 3 of this report, demonstrates the Council's strong approach to protecting the site from development that fails to accord with countryside policies. For example, an application for a single dwelling on the site (ref: 06/02672/E) was refused in April, 2007. In dismissing the subsequent appeal, the Inspector acknowledged that the development would conflict with countryside policies at national and local level and concluded that *"...its general character (Druidstone Road) is that of countryside, and the appeal site makes a significant contribution towards that character."* He further added that *"The development of a house on the land would obviously change its character entirely, and most of its contribution towards the general rural*

character of the area would be lost.” He concluded that the development of one dwelling on the site would significantly harm the rural character and appearance of the area and would be contrary to national and local planning policies that seek to protect the countryside.

- 8.10 More recently, a planning application to develop 4no.houses on the land was refused and subsequently dismissed at appeal (13/00250/DCO). In his decision letter dated 12 December, 2013, the Inspector concluded as follows:

5. Planning Policy Wales (PPW) indicates that new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled; minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing; and that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites.

6. Since the site is outside the defined settlement boundary, is not allocated for development, is not previously developed land, and the proposal would not provide affordable housing, it would conflict with these national planning policies.

8. The appellant argues that the site is not in the open countryside. However, since the development plan does not recognise the ribbon development along Druidstone Road in the vicinity of the site as a settlement, the planning policies relating to proposal in the urban fringe/countryside are relevant as acknowledged by the appellant. Furthermore, I observed during my visit that the dwellings along Druidstone Road are set in this area of largely undeveloped countryside. The appeal site is an undeveloped field and consequently I consider that the appeal site is visually and physically located in the countryside.

9. Druidstone Road is generally characterised by large houses set in substantial grounds. Whilst I saw that some new houses have been built within a few of the grounds, development to the east of Cefn Eurwg is much more sporadic giving the area a strong rural character. I find the undeveloped nature of the appeal site makes a significant contribution to that character. The development of this site would extend the ribbon development further into the rural area in an unacceptable manner to the detriment of the attractive rural landscape.

- 8.11 Whilst it is evident that planning permission has been approved for several new dwellings in Druidstone Road in recent years, these have been within the gardens of large houses generally identified as housing land in the former City of Cardiff Local Plan. The current application site was identified as land within the *open countryside and urban fringe* in the Local Plan. That plan was superseded by the Cardiff Local Development Plan in January, 2016 and the site remains outside the defined settlement boundary.

- 8.12 It is evident that residential development on the north western side of Druidstone Road is much less predominant than on the south eastern side and is characterised by sporadic residential development separated by open countryside. Approval of the current application would have the effect of consolidating existing sporadic ribbon development along Druidstone Road to the

detriment of the local landscape and would be likely to lead to further planning applications on similar sites which, in equity, the Council would find difficult to refuse and would cumulatively undermine the policies of countryside protection with the resultant gradual erosion of the countryside.

- 8.13 It is likely that the frontage hedgerow would need to be removed in its entirety to accommodate a new 1.8 metre wide footway and visibility splays to serve the proposed new access to the site as required by the Operational Manager, Transportation. Whilst new hedgerow planting could be provided to compensate for the loss, this would take some time to establish. Removal of the hedgerow would inevitably contribute to the harmful impact of the proposed development on the rural character of this part of Druidstone Road.
- 8.14 Refusal of the application on policy grounds would be consistent with previous decisions of the local planning authority in determining applications of this nature along Druidstone Road.
- 8.15 The agent has confirmed that the plans included with the application are indicative only, showing what could be built. Having regard to the size of the site, it would be possible to accommodate two dwellings on the land without unduly harming the privacy and general living conditions of the neighbouring occupiers.
- 8.16 Planning Policy Wales and TAN 18: Transport seek to reduce car use and support developments which are accessible by a choice of transport modes especially walking, cycling and public transport. This is reflected in Policy KP8: Sustainable Transport of the Cardiff Local Development Plan. Notwithstanding the lack of continuous footways along Druidstone Road, the application site is within approximately 3 to 4 minutes' walk of the nearest bus stop at Ty'r Winch Road. Consequently, it is not considered that an objection on grounds of poor connectivity by means of travel other than the car could be sustained in this instance.
- 8.17 Policy H 3: Affordable Housing states that the Council will seek 20% affordable housing on brownfield sites and 30% affordable housing on greenfield sites in all residential proposals that contain 5 or more dwellings or on sites of 0.1 hectares or more in gross site area. At 0.15ha, the current application site exceeds the size threshold specified in the Policy.
- 8.18 The Housing Development Officer advises that in accordance with Policy H3: Affordable Housing, an affordable housing contribution of 30% of the 2 units (0.6 unit) should be sought. The Officer has provided housing waiting list figures to demonstrate housing need for all size of units in this area. The Officer advises that although the priority is for on-site affordable housing in the form of affordable rented accommodation, given the proposed number of units this would not be deliverable and seeks a financial contribution of £78,648 (in lieu of the 0.6 unit) calculated in accordance with the formula in the Council's Cardiff Planning Obligations Supplementary Planning Guidance .
- 8.19 The agent has confirmed that the applicant would be prepared to provide the contribution requested.

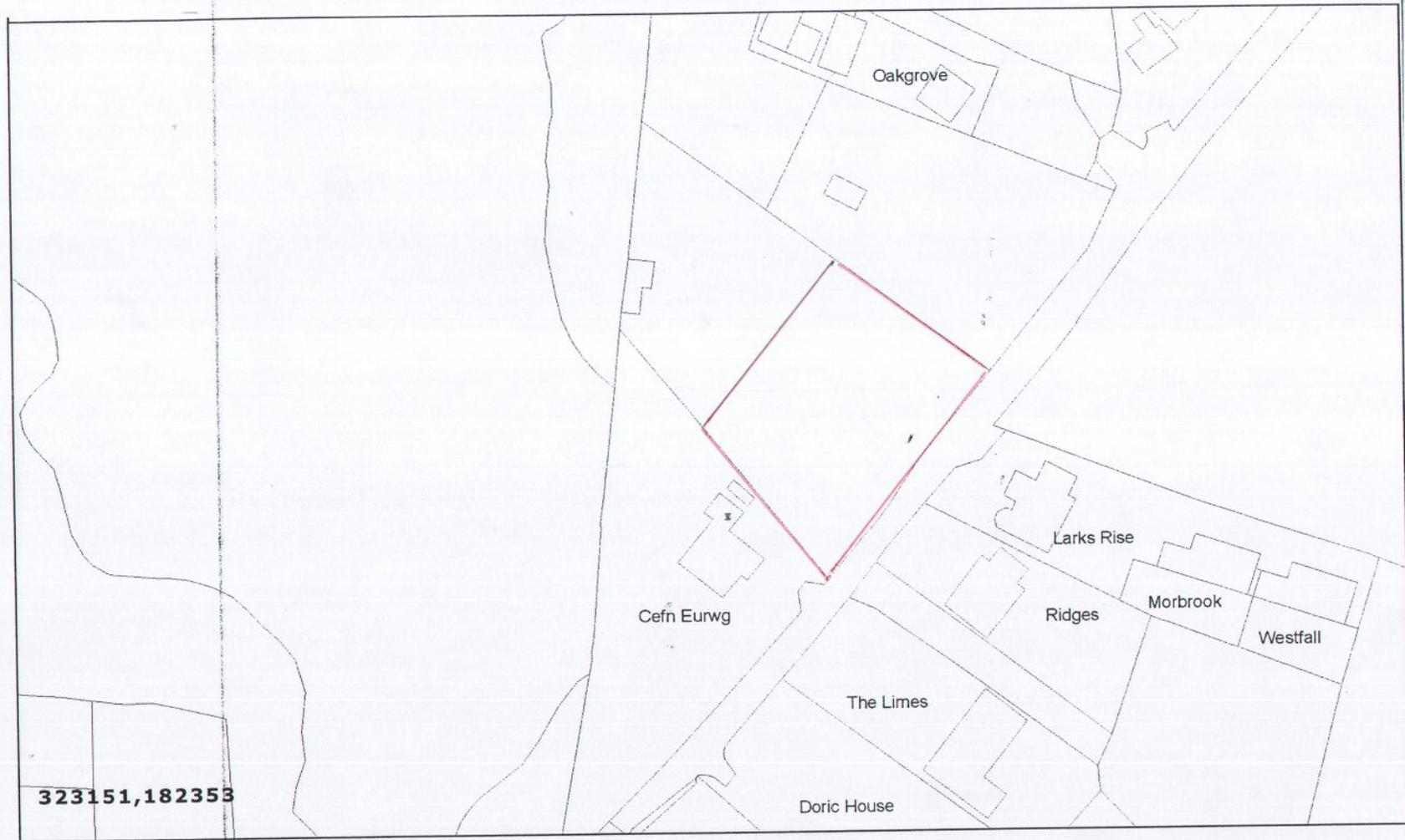
8.20 In conclusion, it is recommended that the application be refused as the proposed development would not accord with national and local policies which govern residential development in the countryside. Should the decision be subsequently appealed against, the applicant could provide a Unilateral Undertaking to address the affordable housing contribution to the Council's satisfaction.

24/05/2017

druidstone road



Scale: 1:1250



323151,182353

17 / 01206



17/01206

PROPOSED BLOCK PLAN



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Date: FEB 2017		
Project: DRUIDSTONE ROAD OLD ST MELLONS		
Client:		
Description: PROPOSED BLOCK PLAN	Job No:	Scale: 1:500 ON A3
	Dwg No: 204	Drawn By: KG
 SK DESIGNS <small>58B, Cleaver Way, Lakeside, Cardiff CF23 6</small> <small>Tel: 029 20 761 950</small> <small>Fax: 029 20 761 950</small> <small>Email: info@skdesigns.org.uk</small>		



PROPOSED FRONT ELEVATION



PROPOSED RIGHT SIDE ELEVATION



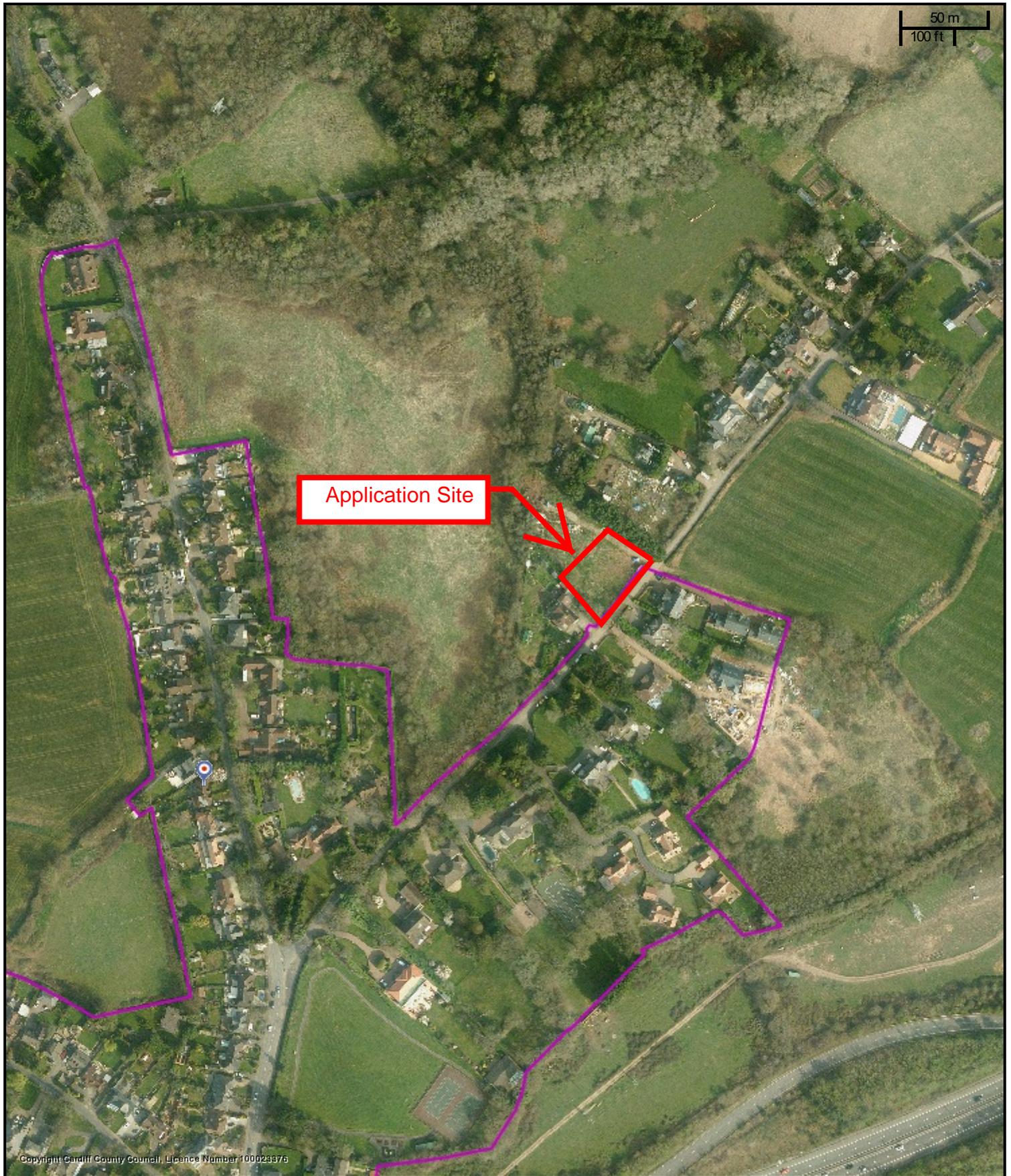
PROPOSED LEFT SIDE ELEVATION



PROPOSED REAR ELEVATION

17 / 01206

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Date: FEB 2017			
Project: DRUIDSTONE ROAD OLD ST MELLONS			
Client:			
Description: PROPOSED ELEVATIONS	Job No:	Scale: 1:100	
	Dwg No: 203	Drawn By: KG	



CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

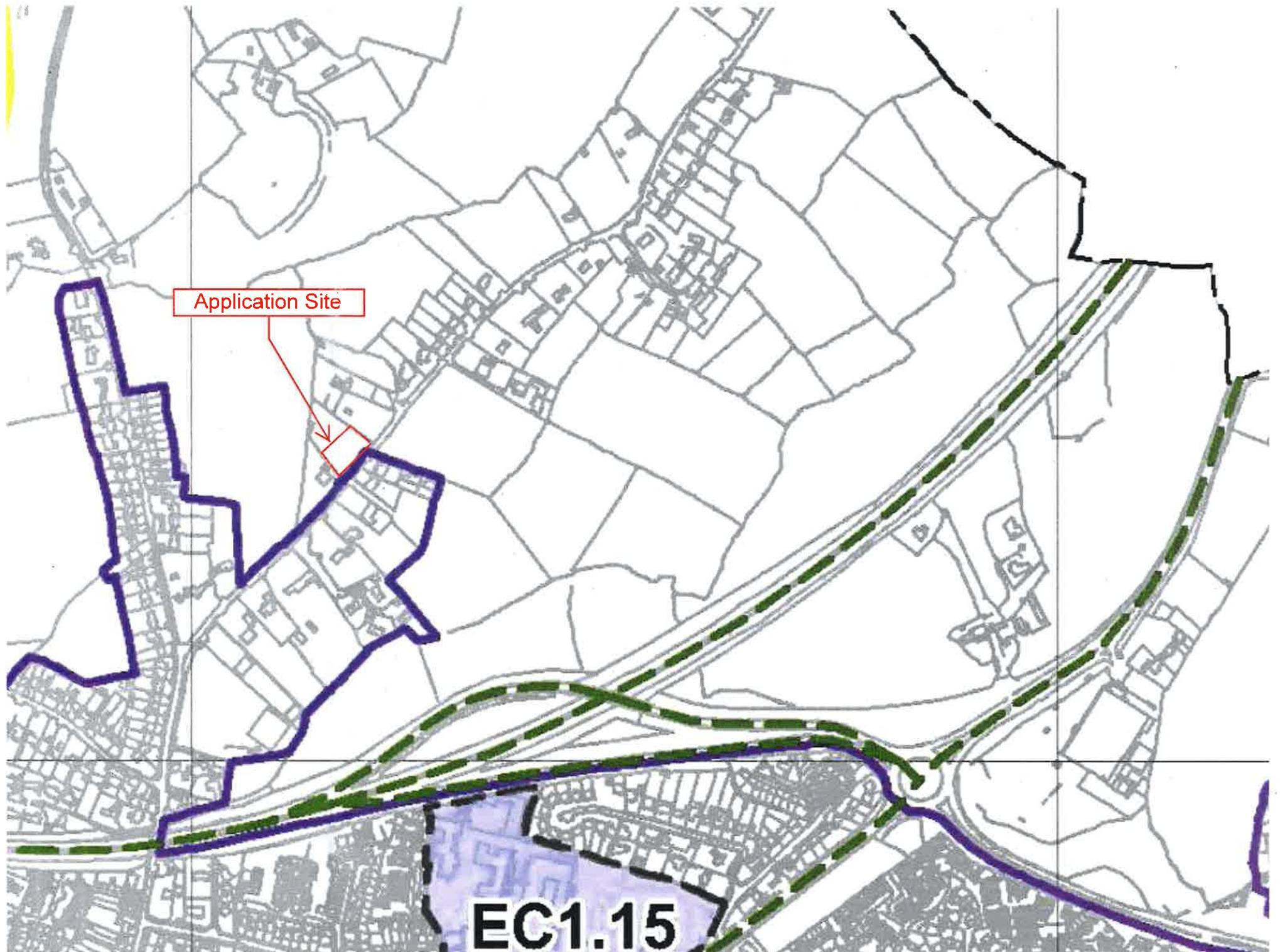
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Ordnance Survey 100023376 (2014).



Application Site

EC1.15