

Result of the Planning Application for the site on the corner of Main Road and the Pentyrch Hill

Application No: 07/02580/W

Location (in brief): Land fronting Main Road, Gwaelod Y Garth, Cardiff.

Proposal (in brief): Detached house and garage including woodland planting.

In accordance with the powers delegated to me by the County Council under the above Act, my decision is as follows:

RECOMMENDATION 1: That planning permission be **refused** for the following reasons:

1) The proposal constitutes unjustified residential development within an area of open countryside outside the settlement boundary of Gwaelod Y Garth and is thus contrary to policy S3 of the Approved Mid Glamorgan County Structure Plan Incorporating Proposed Alterations No. 1, policy 2.39 of the deposit Cardiff Unitary Development Plan and Planning Policy Wales (March 2002) paragraph 9.3.6.

2) The proposed development would contribute towards suburbanisation of a rural area and would be detrimental to the visual amenities and character of the area, contrary to policy LC9 of the Approved Mid Glamorgan County Structure Plan Incorporating Proposed Alterations No. 1 and to policies 2.43 and 2.44 of the deposit Cardiff Unitary Development Plan.

3) The design of the proposed dwelling does not respond well to the rural setting and context of the site, contrary to policy 2.20 of the deposit Cardiff Unitary Development Plan, paragraph 2.9.9 of Planning Policy Wales (March 2002) and paragraph 5.62 of Planning Policy Wales Technical Advice Note 12: Design.

4) Inadequate drainage information has been submitted to show how the development could be drained satisfactorily, contrary to policy 2.61 of the deposit Cardiff Unitary Development Plan and paragraphs 12.4.2 and 12.4.3 of Planning Policy Wales (March 2002).

Officer's Report:

Description: Full planning permission is sought for a three bedroom two storey detached house with a detached

double garage, set back around 25m from Main Road.

The house would have a hipped roof and double bay windows and would be finished in white render above a

brick plinth. The roof would be of grey slate. Ground floor level would be approximately 3m higher than Main

Road to the east and 4.5m below "Tynewydd" to the south-west. Land to the south of the house would be

regraded and a retaining wall constructed to the rear. The areas to the north-west and south-east of the house

would be landscaped.

Vehicular access would be to Main Road via a driveway with new gates set back from the highway and a

separate pedestrian gate. A 2m wide strip of land adjacent to the highway is shown as a future footpath

reservation.

The site is an irregularly shaped area of vacant land at the junction of Main Road and Heol Goch, to the south of

Gwaelod y Garth. The site has a 95m frontage to Main Road and 60m frontage to Heol Goch, and ground

levels rise steeply towards the west where there are two detached houses, Tynewydd and Cwmllydrew.

The site has largely been cleared of its former woodland although a few trees remain alongside the Nant

Cwmllydrew which forms the northern boundary of the site. Beyond the northern boundary are houses on Clos

Nant Y Garth. On the opposite side of Main Road are low lying playing fields and on the opposite side of Heol

Goch is a wooded hillside.

Planning History: 89/00956: Planning permission for a house (on a smaller site) was refused.

96/01993/W: Two storey residential dwelling. Refused on grounds of adverse effects on character and visual

amenity of area of open countryside, loss of trees and vegetation, detriment to highway safety and inadequate

drainage information.

05/02468/W: Detached house and garages. Refused on grounds of site being outside settlement boundary,

detriment to visual amenity and character of area, substandard access, poor design, inadequate drainage

information, insufficient details of ground levels and insufficient landscaping information.

06/01799/W: Upgrade existing vehicular access on Main Road. Granted.

Policies of Particular Relevance:

Mid Glamorgan Replacement Structure Plan (Proposed Alterations No. 1): LC9 - intrusion into the landscape;

LC10 - protection and maintenance of natural woodlands; S3 - presumption against development in the open

countryside, extension of ribbon development and sporadic development outside main towns and villages.

Deposit Cardiff Unitary Development Plan: 2.20 (Good Design); 2.24 (Residential Amenity); 2.39 (General

Countryside Protection); 2.43 (General Landscape Protection); 2.44 (Special Landscape Areas); 2.45 (Trees,

Woodlands and Hedgerows); 2.57 (Access, Circulation and Parking Requirements); 2.61 (Protection Of Water

Resources); 2.74 (Provision for Waste Management facilities in Development).

National Guidance:

Planning Policy Wales (2002):

2.7.1: Previously-developed land should be used in preference to greenfield sites wherever possible.

2.9.9: visual appearance, scale and relationship to surroundings are material planning considerations.

9.3.3: Insensitive infilling or the cumulative effects of development or redevelopment should not be allowed to

damage an area's character and amenity.

9.3.6: New house building and other development in the open countryside, away from established settlements,

should be strictly controlled.

12.4.2: Development proposals in sewered areas must connect to the main sewer.

12.4.3: Development proposing the use of non-mains drainage will only be considered acceptable where

connection to the main sewer is not feasible.

Technical Advice Note 12: (Design):

5.53: The design of housing layouts and built form should reflect local context, including topography and building fabric.

5.62: The special qualities of the Welsh rural landscape should be recognised. The qualities should be enhanced through conservation of character and by achieving quality in new development.

Consultations/Representations:

Strategic Planning and Environment (Trees and Landscaping): No reply to consultation.

Strategic Planning and Environment (Land Use Policy): No reply to consultation.

Highways – No objections subject to maintenance of parking and garage space within the site and approval of

details of the access road junction.

Drainage - No reply to consultation.

Pollution Control - Standard conditions and advisory notes recommended regarding ground gas protection,

contaminated land measures, imported materials, radon gas protection and contaminated/unstable land.

Waste Management - No reply to consultation.

Environment Agency - No objection subject to general advice, e.g. that any private sewage treatment facility must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations and that private treatment facilities are not considered environmentally acceptable in publicly sewered areas.

Welsh Water - No comment to make as the applicant proposes to use private drainage facilities.

Coal Authority - Standard advice applies.

Glamorgan Gwent Archaeological Trust: There is the possibility that material relating to the Mission Church

(demolished some time between 1920 and 1959) or the former Pentyrch Ironworks could be discovered during

ground disturbing operations. It is recommended that a condition be attached to any planning permission

requiring the applicant to appoint a suitably qualified archaeologist to undertake a watching brief during ground

disturbing work.

Pentyrch Community Council: Objects to the application on the following grounds:

a) the proposal represents an unjustified residential development within an area of open countryside outside the

settlement boundary and is thus contrary to policy;

b) the development would be detrimental to the landscape character and contribute towards suburbanisation of

rural settlements and roads;

c) The proposed access has been modified from previous applications but is still inadequate as it is close to a

pinch point where a bridge narrows the road, there is no pavement, the vision splay is limited and it is too close

to a bus stop;

d) It is morally, if not legally, wrong for the applicant to benefit from a mistake made in advice given regarding

the felling of the trees. The Forestry Commission admitted their mistake and offered to replant the woodland

but the applicant refused the offer. The area should be allowed to regenerate naturally. It may once have been

considered a Site of Special Scientific Interest;

e) The leaflet distributed by the applicant in support of the application contains what could be interpreted as a

veiled threat, i.e. "who knows what the owner may do if this second attempt is rejected for the wrong reasons".

The application was advertised by site notices and neighbour notification. 78 letters of objection have been

received, including 62 identical "circular" letters (which, being submitted separately with no originating address,

have not been treated as a petition for the purposes of the Council's current scheme of delegation).

The following reasons for objection are given:

1) The site should be returned to its former condition, or allowed to regenerate, as the woodland was illegally

felled. The trees proposed to be replanted as part of the development are not the same species. The Forestry

Commission have stated that the site should always be regarded as woodland;

2) A previous application for a dwelling on this site was refused and circumstances have not changed since

then;

3) The development will be a traffic hazard on a very busy road. There are inadequate sight lines and the road

narrows at Nant Llwyndrew Bridge;

4) It is morally wrong as the applicant has given no thought to the local community or environment;

5) The site is outside the village envelope and would be classed as a greenfield site;

6) The development would set a precedent for similar applications outside settlements and for further

development on this site;

7) The applicant has posted misleading and threatening leaflets about the proposal;

8) The applicant has no intention of living in the area;

9) The development would affect the Special Landscape Area designation;

10) The development would compromise the special character of the Gwaelod y Garth conservation area;

11) The land is not brown-field but was woodland. It has never been industrial land and the chapel that

Occupied part of the site until 1934 was a temporary structure. The site has been woodland since way beyond

living memory, and the felled trees were healthy, mature, native specimens;

12) The development will not utilise the local sewer, and possible drainage run-off to the stream has not been

addressed;

13) The applicant has not indicated that archaeological matters have been considered.

The Forestry Commission Wales also urge rejection of the application on the grounds that the site should be

considered as it was prior to the tree felling, since there is considerable scope for the site to recover much of its

former value as a woodland The Council should recognise the environmental value that the woodland had and

not assume that it has been entirely lost as a result of the felling and site levelling that has taken place.

Councillor Friday objects to the proposal as it is outside the settlement boundary and reiterates her objections

to the previous proposals, i.e. that the access is dangerous, the proposal is out of keeping with surrounding

properties, proposed landscaping will not compensate for the loss of the woodland, the appearance of so many

garages and parking areas suggests the building is not for family use, the general design lends itself to future

amendment, and the area is reserved for agriculture, conversion of existing farm buildings or special needs

housing outlined in the local plan.

Analysis: The proposal is very similar to that which was refused planning permission in 2006 (reference 05/02468W), the main differences being a) the size of the house has been reduced and its design altered to that of a suburban-style house with hipped roof and bay windows; b) the house would be sited around 9m further north; c) the position of the access onto Main Road has been moved further towards the junction with Heol Goch. The applicant also now describes the site as "brownfield land". These

amendments overcome a previous reason for refusal relating to substandard access but it is considered that the proposal remains unacceptable.

Firstly, I do not consider the site to be “brownfield” land (where it might be argued that re-development would be acceptable) as it does not accord with the definition of such land given in “Planning Policy Wales”: the definition specifically excludes sites such as this where the remains of any structure or activity have blended into the landscape over time so that they can be reasonably considered part of the natural surroundings.

The proposal relates to the same area of land as did the previous application and this area remains outside the defined settlement boundary. The proposal is therefore contrary to policies which seek to prevent new residential development in the open countryside unless it can be justified for agricultural or forestry workers. No such justification has been put forward for this proposal.

Since this area is not within a settlement and also forms a prominent gateway to the village of Gwaelod Y Garth, any building on the site should be of an appropriate design and scale to reflect its rural setting. In this case, the proposed design is considered “suburban” and out of keeping with the character of the area. There are other dwellings of similar design in the vicinity but it is not considered appropriate to perpetuate this suburban style outside the settlement boundary, particularly on such a prominent site.

The previous application was also refused on the grounds that inadequate drainage information had been provided. The current application is considered unacceptable in that, although details of the proposed location of the treatment plant have been submitted, the applicant has not demonstrated that connection to the mains sewer is not possible. Welsh Office Circular 10/99 states that the first presumption must always be to provide a system of foul drainage discharging into the public foul sewer and Environment Agency policy is to oppose the provision of private foul drainage within a sewered area. Sewer location records suggest that there is a public sewer within 30m of the curtilage of the application site, a distance usually considered to be feasible for connection to the public sewerage system. The applicant should therefore have provided adequate justification for not connecting the development to the public sewer.

With regard to the objections received from local residents:

1) The Council cannot insist that the site be restored to its former condition. The trees were not illegally felled - they were not protected by a Tree Preservation Order and the Forestry Commission, which could have controlled the felling of the trees, mistakenly advised the landowner that a Felling Licence was not required as they (wrongly) considered the land to be within the garden of a dwelling. If planning permission were to be granted, a landscaping scheme could be required that would ensure that a substantial number of trees of suitable species were planted on the site. However, this would not, in the short term, compensate for the loss of mature woodland either in terms of its visual impact or its biodiversity value.

2) It is considered that circumstances have not changed and the application should be refused.

- 3) The Highways officer has raised no objections to the application.
- 4) The moral judgement of the applicant is not a material planning consideration.
- 5) The site is outside the settlement boundary and is not considered to be "brownfield" land.
- 6) The granting of planning permission for this development would not necessarily mean that other proposals would be approved as each application is determined on its own merits.
- 7) The fact that the applicant may have circulated his own information in the area is not a material planning consideration.
- 8) The identity of future residents of the dwelling is not a material planning consideration as the applicants are not claiming that planning permission should be granted because of any particular personal circumstances.
- 9) It is considered that the development would have an adverse effect on the landscape.
- 10) The site is not within the conservation area but is within around 45m of its boundary. However, it is not considered that the development would have such an adverse effect on the setting of the conservation area as to warrant refusal of planning permission on those grounds.
- 11) The site is not considered to fall within the definition of "brownfield" land.
- 12) Inadequate drainage information has been provided and this constitutes grounds for refusal of the application.
- 13) The Glamorgan Gwent Archaeological Trust recommends that should permission be granted, a condition should be applied requiring the applicant to appoint a suitably qualified archaeologist to undertake a watching brief during ground disturbing work.

Regarding Councillor Priday's objections:

The site is outside the settlement boundary and therefore there are policy objections; the access is no longer considered dangerous; the proposed design is considered unsuitable for the site; no landscaping other than restoration of the woodland could compensate for the loss of the trees and the Council cannot insist that the woodland is restored as it was not protected by a TPO; the building is described as a dwellinghouse and whether or not it is occupied by a family is irrelevant provided the use remains within the same use class; future alterations to the building would require planning permission unless they were minor alterations that fell within the category of "permitted development"; the site is not particularly designated for any of these uses in the relevant development plans.

