

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application No:** P/2017/1342

**Grid Ref:** 274781.66  
301216.44

**Community Council:** Machynlleth

**Valid Date:** 17/11/2017  
**Officer:** Luke Jones

**Applicant:** Mrs S Hewitt, Blue Horizon Homes Ltd, 2 St Helens Crescent, Benson, Wellington, OX10 6RX

**Location:** Land between 14 & 15 Fford Mynydd Griffith, Machynlleth, Powys, SY20 8DD

**Proposal:** Full: Erection of 4no dwellings and garages and and all associated works

**Application Type:** Application for Full Planning Permission

### The reason for Committee determination

The proposed development constitutes a departure from the adopted Powys Unitary Development Plan.

### Site Location and Description

The application site lies outside the development boundary, however the site does adjoin the existing development boundary of Machynlleth as defined by the Powys Unitary Development Plan (2010). The application site currently forms part of an area of open land which is bound to the north, east and south by agricultural land and to the west by existing dwellings on Ffordd Mynydd Griffiths. The site slopes upwards away from the road and flattens out at the application site. The site is accessed off the Ffordd Mynydd Griffiths estate to the northern side of the town of Machynlleth. The existing ponds on site which have vegetated over are to be replaced by the creation of a new pond within the site.

Full planning permission is sought for the erection of three dwellings and one affordable dwelling and associated works at land between 14 and 15 Mynydd Griffiths, Machynlleth. The proposed site recently gained full planning permission for two dwellings under planning permission P/2016/0932. The proposed site is now considerably larger than the site approved for 2 dwellings.

### Consultee Response

#### Machynlleth Community Council

Thank you allowing the extension to the above planning application Councillors decided at their meeting on 18<sup>th</sup> December to oppose the above planning application

#### PCC Highways

The County Council as Highway Authority for the County Unclassified Highway, U4017

Wish the following recommendations/Observations be applied

#### Recommendations/Observations

Prior to the occupation of any dwelling any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

The width of the access carriageway, constructed as Condition HC7 above, shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

Upon formation of the visibility splays as detailed in HC4 above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

No storm water drainage from the site shall be allowed to discharge onto the county highway.

Reason: To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

#### PCC Building Control

No comments received at the time of writing this report

#### Wales and West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 27.11.2017, advising us of the proposals for:

14, Ffordd Mynydd Griffiths, Machynlleth, Powys, SY20 8DD

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

#### Severn Trent Water

Having checked our statutory sewer records, the above site is out of Severn Trent's waste water area; it appears to be for either Welsh Water or United Utilities. Therefore we have no comment to make.

#### PCC Environmental Health

Thank you for your consultation in respect of this application. Given that the applicant is connecting to the mains sewer I have no objection to this application

#### PCC Ecologist

Thank you for consulting me with regards to planning application P/2017/1342 which concerns a full planning application for erection of 4no dwellings and garages and all associated works on land between 14 & 15 Fford Mynydd Griffith, Machynlleth.

I have reviewed the proposed plans submitted, aerial images of the surrounding habitats, as well as reviewing local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 263 record of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are no statutory designated sites within 500m of the proposed development.

There is one non-statutory designated sites within 500m of the proposed development;

- Machynlleth Railway Cutting – RIGS

Having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated site or its associated features

An Ecological Survey Report has been submitted to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

I have reviewed the Ecological Survey Report produced by Cambrian Ecology Ltd, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit which took place on the 16<sup>th</sup> November 2017 to carry out an extended phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species. Adjacent land was inspected for evidence of key habitats or key species.

The habitats identified on the proposed development site included large area of hard standing, an overgrown pond, plantation woodland and improved grassland. There is a hedgerow boundary with noted presence of invasive garden species recorded within an area of the plantation woodland.

The nature of the habitat indicated that the following species have potential to be present and affected by the proposed development; amphibians, badger, nesting birds and reptiles.

Amphibians; no signs of amphibians was recorded during the survey however it is considered that there is potential for protected species to be present and associated with the habitats on the site.

Badger; badger paths were present within the improved grassland area on the eastern edge of the site. The paths did not lead to any use of the site itself. Minor foraging was recorded within the large grazed improved grassland adjacent to the site.

Nesting Birds; No evidence of nesting bird was recorded. However habitats were considered to have potential to support nesting birds.

Reptiles; No signs of reptiles were recorded during the survey. However it is considered that there is potential for protected species to be present and associated with the habitats on the site.

The woodland areas that were identified contain low diversity of immatures trees, primarily just two species. The trees were considered to be of limited biodiversity value due to the lack of crevices – offering little opportunity for roosting bat however they do provide potential for nesting birds.

The perimeter hedge is considered to provide good habitat connectivity for a range of bat species as well as provided feeding opportunities. There the hedge could be considered an important feature in the wider landscape.

The ponds identified on the site was assessed to have little value due to dense shading and dense growth of invasive sedge. Grass species were noted in some areas of the pond suggested that the pond dries out. As such the ponds are considered to offer little opportunity for breeding amphibians or aquatic biodiversity in its current condition.

The report recommends that the loss of the current pond and surrounding woodland/scrub habitat will be mitigated for by the creation of a new pond with buffer of surrounding habitat offering shelter and foraging opportunities. The new pond will offer potential foraging habitat and there is excellent reptile habitat immediately adjacent to the eastern edge of the site in the form of a west-facing slope, with heather and rocky habitats.

Mitigation and compensation measure have been recommended in section 8 of the ecological survey report. Recommended measures include timing of works regarding tree and vegetation clearance, working method and biosecurity measures to prevent the spread of non-native invasive species, creation of a new pond, additional hedgerow planting, reasonable avoidance measures regarding reptiles and amphibians, provisions of bat brick and provision of nest boxes.

Given the identified measures in section 8 of the ecological survey report I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a significant negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

Tree and Hedgerow Protection Plan

Given the proximity of proposed development and associated works to the hedgerow boundary and trees on the development site, it is considered prudent to require information from the applicant as to how these features of biodiversity importance will be protected during the construction period of works.

The UDP policies ENV2 and ENV6 identify the need to protect or provide compensation for impacts to hedgerows and trees. UDP Policy ENV2 states that:

‘Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows’

UDP Policy ENV6: Sites of Regional and Local Importance, makes reference to Powys LBAP habitats and species which include hedgerows under the Linear Habitats Action Plan – ‘Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value’. Hedgerows are also listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

A Landscaping Plan

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following condition:

The mitigation measures in section 8 of the Ecological Survey Report produced by Cambrian Ecology Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council’s UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales

(Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

#### PCC Land Drainage

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

#### Local Flood Risk/Land Drainage

The Authority holds no documented records of any historic flooding relating to this site, however within the representations submitted, many of the local Residents allude to surface water run-off emanating from the site onto the public highway. The LLFA would recommend that development should not be permitted unless it can be demonstrated that surface water run-off can be controlled/managed and that it would not give rise to any unacceptable flooding impacts elsewhere.

#### Surface Water Drainage

Observation: Reference to the management of surface water run-off is indicated under Item 13 – ‘Assessment of Flood Risk’ on the planning application form, where it states surface water is to be disposed to soakaways.

No surface water drainage details/drawings have been submitted to demonstrate that soakaways will operate effectively.

From viewing Dwr Cymru Welsh Water’s sewer records, it is noted there is a public surface water sewer available within Ffordd Mynydd Griffiths development.

Comments: The site is classed as Greenfield. Therefore, proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 – *Development and Flood Risk* and good practice drainage design such as that recently published by Welsh Government “Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems” dated January 2017 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

Full details, calculations and location of the porosity tests and the proposed soakaways should be submitted and approved in writing by the LPA.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a Greenfield run-off rate. Any attenuation drainage system should be designed in accordance with Welsh Government’s design standards mentioned above.

The LLFA recommends that the surface water drainage design for this development proposal follow and incorporate Welsh Government’s SuDS design standards.

If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Recommendation: No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the local planning authority. The design for the scheme shall follow the principles set out in Welsh Government’s sustainable drainage (SuDS) standard. The approved scheme shall be completed before any dwellings are occupied.

Reason: To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design. To ensure that no surface water run-off from the new driveway runs onto the public highway.

The applicant should consider employing measures such as the following:

- Water Butts
- Permeable paving on any new driveway/paved area
- Greywater Recycling Centre



Informative: Consent is required from the service provider to connect into the public surface water sewer.

### PCC Affordable Housing

No comments received at the time of writing this report

### Cllr Michael Williams

27<sup>th</sup> November 2017 –

Having viewed the documents in respect to planning application P/2017/1342, I shall not be invoking the council's 'call-in' procedure.

### *Additional response received 10<sup>th</sup> December 2017 –*

With reference to my email of the 27<sup>th</sup> November last past, I have now given further consideration to planning application P/2017/1342 for the erection of four dwellings and associated works on land between 14 and 15 Ffordd Mynydd Griffith, Machynlleth; given the possible impact of the development on Ffordd Mynydd Griffith, including highways issues, I wish to invoke the council's 'call-in' procedure and that the application be determined by the planning committee.

### Contaminated Land

The following document has been submitted in support of Planning Application P/20171342:  
□ Terrafirma (Wales) Limited 'Geotechnical & Geo- Environmental Report: Proposed Residential Development, Mynydd Griffiths, Machynlleth' (Job No: 14286) July 2017.  
Based on the information submitted, in the above referenced document, the following advice is provided for the consideration of Development Control.

### Advice

1. In section 2.3.3 'Radon', of the 'Geotechnical & Geo- Environmental Report', it is stated: "[...] no radon protective measures are necessary in the construction of new dwellings or extensions."

It is recommended that Development Control consult with Building Control to confirm the requirement for Radon protection measures.

2. Section 6.3.3 'Site End Users', of the 'Geotechnical & Geo- Environmental Report', recommends: "If, during development works, any other unexpected ground conditions or evidence of contamination is found, inspection by a geo-environmental engineer should be made, and any required testing or investigation carried out prior to continuation of works."

3. Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that

of the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners”.

In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular ‘The Use of Planning Conditions for Development Management’ (ref: WGC 016/2014), advises that: “Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment”.

Furthermore, in paragraph 5.56 of the WG circular (ref: WGC 016/2014) it is advised: “The level of work required must be proportionate to the problems that are envisaged and the more onerous conditions should not be imposed as a matter of course”.

4. Based on the information provided, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for Planning Application P/2017/1342:

#### Unsuspected Contamination

In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy DC15 of the adopted Local Plan 2010.

#### Note to Applicant

#### Potential Contamination

The Council’s guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

#### **Public Response**

Following the display of a site notice on 07<sup>th</sup> December 2017, there have been 8 letters of objection received to the proposed development.

The representations received have been summarised below:

- Concerns over moving the pond and the impact on wildlife
- Concerns regarding overlooking
- Harmful encroachment on the surrounding countryside contrary to HP4 and HP8
- Visual and landscape impact, elevated and sky-lined development contrary to GP1 and ENV2
- Visual impact on the surrounding landscape
- Unsuitable form of backland development
- Concerns over the surface water and drainage
- Concerns over the capacity of the waste water and sewage system to accept additional input.
- Concerns over the proposed access – steep with a sharp bend
- Concerns over the potential increase in traffic
- Harmful encroachment on the surrounding countryside contrary to HP4 and HP8
- Visual and landscape impact, elevated and sky-lined development contrary to GP1 and ENV2
- Significant impact on the amenity and privacy of existing properties

## **Planning History**

P/2016/0932 - Erection of 2 detached dwellinghouses, erection of a detached garage for plot 1, formation of vehicular access road and all associated works

P/2011/0830 - Erection of 2 dwellings and associated works (outline) - Withdrawn

P/2012/0748 – Outline: Erection of a single dwelling. Refused.

DIS/2017/0186 - Discharge of conditions no 7 of planning consent P/2016/0932, Conditional Consent

PPAE/2017/0212 – Pre Application Advice

PPAE/2015/0136 - Pre Application Advice

## **Principal Planning Constraints**

Mont Common Land MCL103

Pen-yr-Allt Common

## **Principal Planning Policies**

### National Policies

Planning Policy Wales (Edition 9, January 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)  
TAN 12 - Design (2014)  
TAN 15 - Development and Flood Risk (2004)  
TAN 18 - Transport (2007)

### Local Policies

Powys Unitary Development Plan (2010)

UDP DC1 - Access by Disabled Persons  
UDP DC13 - Surface Water Drainage  
UDP DC14 - Flood Prevention Measures  
UDP DC15 - Development on Unstable or Contaminated Land  
UDP ENV 1 - Agricultural Land  
UDP ENV 3 - Safeguarding Biodiversity & Natural Habitats  
UDP GP1 - Development Control  
UDP GP2 - Planning Conditions and Obligations  
UDP GP3 - Design and Energy Conservation  
UDP GP4 - Highway and Parking Requirements  
UDP HP10 - Affordability Criteria  
UDP HP4 - Settlement Development Boundaries and Capacities  
UDP HP5 - Residential Developments  
UDP HP6 - Dwellings in the Open Countryside  
UDP HP7 - Affordable Housing within Settlements  
UDP HP8 - Affordable Housing Adjoining Settlements with Development Boundaries  
UDP HP9 - Affordable Housing in Rural Settlements  
UDP HP17 – Backland Development

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

### **Officer Appraisal**

#### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise

#### Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies outside the settlement of Machynlleth as defined by the Powys UDP and therefore constitutes a departure from the development plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the

Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development.

### Sustainability

Although located within the open countryside, the site is located adjoining the Area Centre of Machynlleth which benefits from a number of shops, schools, amenities and other community facilities and is closely linked by existing infrastructure, and easily accessible by public transport (bus and rail) and car. Given the noted proximity, future occupiers would have easy access to existing facilities/amenities within the settlement but also connections to the wider area through public transport services. On this basis, Officers consider the site to be a sustainable location for new residential development.

Having carefully considered the proposed residential development, Officers consider that sufficient information has been submitted to demonstrate the current housing shortfall whilst providing a scheme which is considered to be appropriate to the existing settlement in terms of density, growth and location.

### Scale, Design and Appearance

Policy GP3 of the Powys Unitary Development Plan seeks to ensure that development proposals are of an appropriate design, scale, layout and of materials that shall complement or where possible enhance the character of the surrounding area.

Plots 1 and 2 will measure approximately 8.7 metres in width and 13.35 metres in length, the proposed dwellings will reach a height of approximately 7.5 metres. Plot 3 will measure approximately 13.25 metre in width and 12.85 metres in length and will reach a height of approximately 8.9 metres. Plot 4 of the proposed site will measure approximately 10.6 metres in width, 10.2 metres in length and will reach a height of approximately 8.1 metres.

The proposed dwellings have been designed to be in keeping with the previously approved application. The dwellings will be finished with timber boarding, render and stone for the walls whilst the roofs will be finished with natural slate tiles. The windows and doors will be finished with timber either with an aluminium clad or painted finish. The existing residential area of Mynydd Griffiths is made up of a mixture of dwellings in terms of design and size.

The gross area of the site is 0.33ha as per the design statement. There are two areas of the proposed site that are undevelopable, by virtue of topography and ecological constraints.

There is an area behind No. 14, to the west of the application site that is undevelopable due to the extremely steep gradient in this area. A retaining wall is necessary to allow the development of plot 1. The retaining wall has been positioned at the head of this gradient to negate any impact to No. 14. Taking into account these two undevelopable areas, the developable area of the site is 0.29ha.

It is proposed to retain the existing hedgerows on the site boundaries, it is also proposed for new hedgerows and planting on boundaries between each plot and the site boundary itself. Overall it is considered that the proposed design and appearance of the proposed dwellings will reflect the surrounding area in accordance with section 2 of UDP Policy HP5.

### Visual impact

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The site is described as offering good views over the Dyfi Estuary, however this in turn means that the site is a prominent and elevated position. The existing development at Ffordd Mynydd Griffiths is located on the hillside in an elevated position. The development of this hillside has impacted upon the landscape of this area and has resulted in a built up appearance to this hillside within an otherwise rural setting on the edge of the town. However, whilst the proposed development would sit at an elevated position it is not considered that the proposed dwellings will have a detrimental impact on the landscape.

Whilst a previous outline application (P/2012/0748) was refused due to the possibility that the development could impact on visual amenity. A recent full application P/2016/0932 for the erection of 2 detached dwellings was approved as the application was in full and provides a higher level of detail than the previously refused application.

The application details a development that is set in to the landscape and uses matching materials and a similar design to the existing dwellings in order for the development to successfully assimilate into the landscape. The current application is in full and provides a high level of detail regarding design and layout. It is proposed to retain the existing hedgerows on the site boundaries, it is also proposed for new hedgerows and planting on the boundaries between each plot and the site boundary itself.

It is therefore considered that the proposed development would not have a detrimental impact on the visual amenity of the area. The design and materials used in the development will ensure that the dwellings do not detract from the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

### Residential Amenity

Policy GP1 of the Powys UDP seeks to safeguard the amenities enjoyed by occupants of existing and proposed dwellings by reasons of noise, overlooking and privacy. HP17 stated that the development of backland in residential areas will only be permitted where no unacceptable adverse effects would be caused to the amenity of neighbouring properties.

Whilst concerns were raised in the previously refused application regarding the potential impact of the proposed dwellings on neighbouring properties, the submitted detailed plans now demonstrate that plot 1 which is the closest proposed dwelling to an existing neighbouring dwelling is approximately 14 metres away. The closest window on Plot 1 to No.14 is 15 metres away on the western elevation and it is a ground floor window. There are no first floor windows proposed on the western elevation. The other proposed dwellings are set further away from any neighbouring dwellings and it is therefore considered that the proposed dwellings will not have a detrimental impact in terms of overlooking and privacy.

A condition will also be attached removing permitted development rights from the proposed dwellings to help mitigate any potential overlooking and privacy issues in the future.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy GP1 and HP17 of the Powys UDP in respect of residential amenity.

### Highway Safety and Movement

UDP policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from an existing access off Ffordd Mynydd Griffiths. Following consultation with the Highways Authority no objections have been raised to the proposed development provided conditions are attached to any consent regarding visibility, parking provision, surfacing and drainage.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movement. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4.

### Biodiversity

With respect to Biodiversity, specific reference is made to UDP policy ENV3; as such the PCC Ecologist has been consulted with regard to this application.

The Ecologist reviewed the proposed plans submitted, aerial images of the surrounding habitats, as well as reviewing local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 263 record of protected and priority species within 500m of the proposed development, although no records were for the site itself. The Ecologist noted having considered the location and nature of the proposed development in relation to the designated site it is considered that the proposed development would not result in a negative impact to the designated site or its associated features

An Ecological Survey Report has been submitted to assess the potential of the development to impact to any protected species presence or habitats of ecological value.

The Ecologist reviewed the Ecological Survey Report produced by Cambrian Ecology Ltd and considered that the survey effort employed was in accordance with National Guidelines.

The habitats identified on the proposed development site included large area of hard standing, an overgrown pond, plantation woodland and improved grassland. There is a hedgerow boundary with noted presence of invasive garden species recorded within an area of the plantation woodland.

The nature of the habitat indicated that the following species have potential to be present and affected by the proposed development; amphibians, badger, nesting birds and reptiles.

There are two areas of the site that are undevelopable, by virtue of topography and ecological constraints. As part of the application, in accordance with the comprehensive ecological survey carried out by Cambrian Ecology Ltd, a new pond is to be formed to replace the existing ponds on site. In addition, this report requires that a further three metre perimeter around the pond must not be developed in order to provide a good habitat in which wildlife may thrive. The proposed development will be conditioned in relation to the report by Cambrian Ecology Ltd, hence the area of the pond and surrounding is undevelopable.

The Ecologist recommended the inclusion of a number of conditions to any consent granted.

It is considered that, in light of the Ecologist's comments and subject to the inclusion of the suggested conditions excluding the landscaping scheme, the proposed development fundamentally complies with policies ENV7 of the Powys Unitary Development Plan (2010) and Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009).

### Drainage

Concerns have been raised regarding the drainage of the site, therefore the Powys Land Drainage officer has been consulted regarding the site.

Following consultation with the Powys Land Drainage Officer no objections have been received however a condition has been requested which will be attached to any consent granted. The Land Drainage officer noted the Authority holds no documented records of any historic flooding relating to this site. Environmental Health has also been consulted regarding the site and raised no objection to the application.

Welsh Water were also consulted regarding the application, at present no comments have been received from Welsh Water, however Members will be updated regarding any comments received prior to the meeting.

As such it is considered that the proposed development fundamentally complies with policies DC10 and DC13 of the Powys UDP in respect of Main Sewage Treatment and Surface Water Drainage.

### Contaminated Land

The PCC Contaminated Land officer has been consulted regarding the application and raised no objection to the proposed development subject to the inclusion of a condition regarding remediation works.



In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Welsh Language

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Policy GP5 does list Machynlleth as one of the key settlements where the Welsh language is judged to be an integral part of the cultural and social identity.

In the 2011 census the Machynlleth Ward reported that 51.6% of the population spoke Welsh. This is a slight decrease from the 2001 census which stated that 55.3% of the population of Machynlleth spoke Welsh. The proposed development of four dwellings dwelling is not considered to have a detrimental impact on the cultural or linguistic vitality of the area.

It is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Machynlleth is doing very well in terms of the National average, it is one of the few places that has an increase between birth and actual welsh speakers, a positive effect on the language. This is down to the community where integration is easy and inclusive with ample opportunity to learn the language in a choice of ways; classes, local groups, or simply speaking with locals and longer-term residents, where the language is used commonly and more regularly than most other parts of Wales.

This development is a continuation of the development on Mynydd Griffith, which has been in progress, in some form or other, over the past 20 years. The proposed development is not considered to have a significant detrimental impact on the Welsh Language and Culture of the settlement, and therefore fully complies with National and Local Policies.

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

#### Agricultural Land Classification

Following consideration of information supplied by Welsh Government through the Provision of Agricultural Land Classification due regard has been given to the classification afforded to the application site. The site in question has been indicated as partly urban and 3b agricultural land; this is defined as moderate quality agricultural land.

Planning Policy Wales (PPW) paragraph 4.10 outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. PPW states that;

“In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”

In light of the lands classification of category 3b and urban it is considered that the proposed development on this agricultural land is justified in respect of the current housing land supply shortage within the county.

### **Other Legislative Considerations**

#### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

#### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

#### Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

#### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **RECOMMENDATION**

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing within and adjoining the settlement is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of approval subject to the conditions detailed below

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XXXXXX (drawing no's: Location Plan, PL01, PL02, PL03, PL04, PL05, PL06, PL100).
3. Prior to the occupation of any dwelling any entrance gates shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
4. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. The centre line of the first 15 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

6. Prior to the commencement of the development the access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

7. Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

8. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

10. The width of the access carriageway shall be not less than 5.5 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

11. Prior to the occupation of any dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence,

12. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

13. Upon formation of the visibility splays the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

14. No storm water drainage from the site shall be allowed to discharge onto the county highway.

15. Prior to first occupation of the proposed dwellings following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the Local Planning Authority.

16. The mitigation measures in section 8 of the Ecological Survey Report produced by Cambrian Ecology Ltd dated November 2017 shall be adhered to and implemented in full and maintained thereafter.

17. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

18. Prior to commencement of development a detailed lighting design scheme to take any impacts on nocturnal wildlife into consideration shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

19. Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

20. No development shall commence until a scheme for the surface water and land drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The design for the scheme shall follow the principles set out in Welsh Government's sustainable drainage (SuDS) standard. The approved scheme shall be completed prior to first occupation of any dwelling.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no extensions to the dwelling or alterations to the roof (including the introduction of roof lights or dormers), or the erection of garages, sheds or structures within the curtilage shall be undertaken without the prior express consent of the local planning authority.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
4. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

5. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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9. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
10. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
13. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
14. To ensure that adequate provision is made for highway access onto the County Unclassified road to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DC15 of the adopted Local Development Plan 2010.
16. To comply with Powys County Council's UDP Policies SP3, ENV2 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

18. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Section 6 of the Environment (Wales) Act 2016.

19. To comply with Powys County Council's UDP Policies SP3 and ENV3 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

20. To ensure that the proposed drainage systems for the site follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design. To ensure that no surface water run-off from the new driveway runs onto the public highway.

21. In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy GP1 of the Powys Unitary Development Plan.

## **Informative Notes**

### Contaminated Land

#### Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

### Land Drainage

The applicant should consider employing measures such as the following:

- Water Butts
- Permeable paving on any new driveway/paved area
- Greywater Recycling Centre

Informative: Consent is required from the service provider to connect into the public surface water sewer.

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