

## 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

### Report Update

This report forms an update to the previous report circulated to Members.

### Consultee Response

#### Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### SEWERAGE

##### Conditions

No surface water and/or land drainage shall be allowed to connect 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.

##### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer

network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence

### **Officer Appraisal**

Within the officers report it was noted that there were two errors regarding the local policies included and the mention of an affordable dwelling within the site location and description. These errors have been addressed below for clarity.

### **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 four dwellings 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.

### **Principal Planning Policies**

## 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 HP4 - Settlement Development Boundaries and Capacities  
UDP HP5 - Residential Developments  
UDP HP6 - Dwellings in the Open Countryside  
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

## Drainage

Concerns have been raised regarding the drainage of the site, therefore Welsh Water have been consulted regarding the site and had no objection to the proposed development subject to the inclusion of a condition and advisory note to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets

Within the previous report Powys Land Drainage Officer and Environmental Health were consulted regarding the site and raised no objection to the application.

In light of the above and subject to the recommended condition and advisory note from Welsh Water it is therefore 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.

## **RECOMMENDATION - Conditional Consent**

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, PL100C).
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.

22. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

### **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.

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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.

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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.
22. 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.

## **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.

## Welsh Water

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

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