

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/0720/FUL **Grid Ref:** E: 313374
N: 322965
Community Council: Llanrhaeadr-Ym-Mochant **Valid Date:** 02.06.2020
Community

Applicant: Mr Nathan Prodger

Location: Plot Adjoining Gerallt, Rhos Y Brithdir, Llanfyllin, SY22 5HD.

Proposal: Erection of a dwellinghouse, installation of septic tank, formation of vehicular access and all associated works.

Application Type: Full Application

The reason for Committee determination

The application has been 'called in' by the Local Member for Llanrhaeadr-Ym-Mochant.

Consultee Responses

Consultee

Received

Hafren Dyfrdwy

18th Jun 2020

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC-(N) Highways

22nd Jun 2020

The Highway Authority are unable to provide observations/recommendations at this juncture as we are unable to undertake the requisite site visit.

Additional Comments Received 3rd August 2020;

The County Council as Highway Authority for the County Unclassified Highway, U2866

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority objects to the above-named application for the following reasons.

An application such as this should include full access details, such as the full visibility splays, access width, radii, surfacing detail, drainage, and gradient. However, no such detail has been submitted for consideration.

The visibility splay to the north east appears to cross third party land, we note that Notice has not been served on the property known as Gerallt. Welsh Government Planning Circular WGC 016/2014 Section 3.43 states "*It would be unreasonable to expect an applicant to comply with a condition which relates to an area of land or an element not in their control at the time when planning permission is granted*". Therefore, the Highway Authority are unable to suggest conditions in relation to the access visibility splays.

The County Unclassified highway is narrow along its entire length, to the west/south of the site the U2866 is constrained by infrequent formal/informal passing bays to its junction with the B4391. We note that the applicant has not proposed any mitigation.

As submitted, the proposed development is contrary to LDP Policies T1 and DM13 (10), Manual for Streets and Welsh Government Planning Circular WGC 016/2014. The Highway Authority therefore recommends that the application be refused.

Powys Local Development Plan (LDP) Compliance

Policy T1 – Travel, Traffic and Transport Infrastructure

Transport infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;
2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas.

Policy DM13 – Design and Resources

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

10. The development has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Development proposals should meet all highway access requirements, (for all transport users), vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

Manual for Streets 1 & 2

Welsh Government Planning Circular WGC 016/2014

Environmental Protection

11th Jun 2020

I have several concerns regarding this application.

1 The distance of the septic tank and soakaway from the dwelling don't appear to comply with the requirements of the Building Regulations document H2. Could the agent confirm these distances.

2 There are no percolation test results provided.

3. The drainage in this area is poor and a percolation test on the site on the other side of the road demonstrated that the ground was not sufficient for the installation of a septic tank/private treatment plant and soakaway.

I object to the application at the current time due to insufficient information being provided but I would suggest that the applicant consider an alternative method of disposing of the foul waste, such as the installation of a treatment plant and a discharge into a watercourse with NRW consent.

Additional Comments Received 29th June 2020;

1. The new plans must show the distances of the foul drainage system from dwellings/watercourses/private water supplies etc comply with the requirements of document H2 of the building Regs. If the field is in the families ownership and the drainage system can be moved this shouldn't be a significant issue.
2. Drainage is a crucial part of any development and as alternative foul arrangements

in this area are very limited we need confirmation that the proposed septic tank and soakaway will be sufficient prior to the determination of the application. This is the reason for requesting the percolation test results and holes left open for inspection prior to the application being determined.

3. There are a number of properties in Rhos-y-Brithdir that use septic tanks. The last application I considered in that area was in close proximity to your site and the ground conditions were very poor therefore I have concerns that the same ground conditions could be a problem.

PCC-Ecologist

29th Jun 2020

Thank you for the opportunity to comment on planning application 20/0720/FUL which concerns an application for erection of a dwelling-house, installation of septic tank, formation of vehicular access and all associated works at a plot adjoining Gerallt, Rhos y Brithdir, Llanfyllin, SY22 5HD.

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

The data search identified 11 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include hedgehog, hare, curlew, lapwing, and common and soprano pipistrelle bats, plus moth species; garden tiger and minor shoulder-knot.

No statutory designated sites were identified within 500m of the proposed development.

No non-statutory designated site were identified within 500m of the proposed development.

The proposed development is located on the site of semi-improved grassland bordered by hedgerows and trees and is likely to impact areas of semi-improved neutral or acidic grassland, hedgerow and tree, which are habitats considered to be of relatively high ecological value. Phase 1 habitat mapping records the site as semi-improved neutral grassland, which is supported by available aerial imagery.

Preliminary Ecological Appraisal

Due to the extent of the works proposed in order to establish such a development, a preliminary ecological survey is recommended to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species, as well as the presence of invasive non-native species.

The ecological assessment should evaluate the potential impacts of the proposed development on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP.

It is important to note that further surveys following national guidelines at the appropriate time of year may be required for any species that are found or have potential to be present. These surveys will need to be carried out and the results and any mitigation proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies are proposed for the development, full details must be provided with the planning application and, where appropriate, clearly illustrated on the proposed plans.

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, LDP policies and the Biodiversity and Geodiversity SPG, Powys should ensure as part of the planning process that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at www.cieem.net (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding the commissioning of ecological consultants to undertake survey work.

Hedgerow Compensation Scheme

The application confirms that part of a hedgerow will be removed to create access to the site. The removal of at least two trees on site may also be required.

Powys LDP Policy DM2 states that

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

2C. Habitats and Species of principal importance for the purposes of maintaining and enhancing biodiversity' as identified by Section 7 of the Environment (Wales) Act 2016. Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichen and fungi.

3B. Local Biodiversity Action Plan Habitats and Species. Powys LBAP includes 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'.

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. Replacement hedgerow planting will need to be identified for any locations where this is not possible.

Where it is necessary to remove any trees or hedgerows a Tree or Hedgerow Compensation Planting Scheme will need to be secured through an appropriately worded planning condition. This plan will need to identify appropriate compensation planting for the loss of any trees or hedgerow. Details of the tree and/or hedgerow location(s), hedgerow length(s), and tree and/or hedgerow species composition, as well as an appropriate aftercare scheme, will need to be provided. The chosen species will need to be native and reflect the trees and hedgerows present in the local area.

A Tree and/or Hedgerow Compensation Planting Scheme or Hedgerow Translocation Plan could be secured through a planning condition. However, the provision of sufficient details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland.

Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>.

A wildlife sensitive lighting plan could be secured through a planning condition. However, the provision of sufficient details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

In summary, further information in the form of a Preliminary Ecological Appraisal is required prior to determination of the application in order to satisfy the requirements of Powys County Council's LDP Policies DM2 - The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

PCC-(N) Land Drainage

10th Jun 2020

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/0720/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

Community Council

17th Jun 2020

I am writing to you on behalf of Llanrhaeadr YM Community Council regarding the above planning application submitted to you by Mr Nathan Prodger.

I can see that the current Status of the application is Pending Consideration

Llanrhaeadr YM Community Councillors wish to express their full support for this application.

Mr Prodger was born and raised in Rhos-y-Brithdir all has lived there all his life with his parents and 2 siblings.

He wishes to carry on living in the Rhos-y-Brithdir community to be near his family and the councillors strongly agree that he should be allowed to live in the area that he considers to be his home.

With so many local young people moving away from rural communities to live in local towns, the councillors support Mr Prodger's application and would like the Planning Department to take this view into consideration before reaching a decision.

PCC-Building Control

4th Jun 2020

Building Regulations application required.

Ward Councillor

18th Jun 2020

Following our earlier conversation, can I call in this application and ask that the planning committee consider it. The applicant wishes to live in his own community and supply of suitable house is very limited and to build a home on land owned by his family is the only way it can be achieved,

PCC-Contaminated Land Officer

29th Jun 2020

It is noted that the proposed development is situated on land indicated as being within 250m of a former landfill which represents a potential high risk source of contamination.

Based on the proximity to potential contaminated land, the sensitivity of the residential development, and an absence of appropriate supporting information, the application should be refused until such time as the applicant demonstrates that potentially significant liabilities have been assessed and understood.

Planning Policy Wales s.6.9.19 states:

'Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed¹⁵⁵. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.'

Representations

Following the display of a site notice on 4th June 2020 a total of 1 public representation of support has been received at the time of writing this report, and can be summarised as follows;

- Support for young local family.
- No detrimental impact upon neighbouring properties.

Planning History

App Ref	Description	Decision	Date
P/2017/1075	Outline: Erection of one dwelling, formation of new vehicular access, installation of foul drainage system and all associated works.	Refused	15/05/2018

Principal Planning Constraints

Contaminated Land
Scheduled Ancient Monument

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN1	Joint Housing Land Availability Studies		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy

SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
H6	Affordable Housing Exception Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llanrhaeadr-Ym-Mochnant and is not located within a settlement development boundary as defined by the Powys Local Development Plan (2018). The site is located on existing agricultural land and is surrounded by the neighbouring residential property, Gerallt, to the north, agricultural land to the south and west, and the (U2866) Highway to the east.

This application seeks consent for the erection of a single dwelling house, installation of septic tank, formation of vehicular access and all associated works. The proposed dwelling will measure approximately 8.39 metres in length by 9.1 metres in width, with a height to the eaves of approximately 4.9 metres and a height to the ridge of approximately 7.9 metres. The selected materials for the proposed dwelling are as follows; mixed red brick, grey uPVC windows and doors, under a grey tiled roof. The site will be accessed off the (U2866) Highway and will be bordered with a 900mm high post and wire fence.

Principle of Development

Local Development Plan (LDP) Policy H1 sets out the principle of development for all residential developments. Rhos y Brithdir is not located within a settlement development

boundary or identified as being a Town, Large or Small Village within the Powys LDP. Consideration must therefore be given as to whether Rhos y Brithdir can be considered to be a rural settlement. Housing development proposals will only be permitted in rural settlements as follows;

“3. In Rural Settlements:

- i. For affordable housing in accordance with Policy H6 where the development proposal is for only a single dwelling on a site which is well integrated into the settlement; or*
- ii. Where development satisfies one of the criteria set out in 4. i) - iii) below”.*

Within the Powys LDP under Strategy 3.2.23 Rural Settlements, it states that 28% of Powys’ population live in rural hamlets or isolated dwellings. Rural Settlements are the smallest tier of settlement size (number of households) and function and often possess few, if any, services. These are not named but are defined by the following characteristics under LDP Policy SP5;

“Historically recognised / named settlements; and

- Contain at least 10 closely grouped dwellings.*
- The count of dwellings in bullet point 2 above shall not be taken to include farmhouses, rural conversions or dwellings originally granted for local need/affordable or agricultural/rural occupancy”.*

Under the Unitary Development Plan (UDP), Rhos y Brithdir was considered to be a rural settlement, however consideration must be given to whether Rhos y Brithdir is still considered a rural settlement under the LDP.

Rhos y Brithdir is sporadic in nature and its clusters do not contain more than 10 closely grouped dwellings, with many of these dwellings being local needs and therefore would not be included within the count of dwellings outlined under Policy SP5 above. Furthermore, it is noted that planning application P/2017/1075, which sought consent for the erection of one dwelling, formation of new vehicular access, installation of foul drainage system and all associated works, located opposite this application site, was refused on the basis that Rhos y Brithdir is not considered to be a rural settlement and the proposal would result in the development of an open market dwelling in the open countryside. Based on the sporadic nature of Rhos-y-Brithdir and the fact it has previously been established as not being a rural settlement under planning application P/2017/1075, Rhos-y-Brithdir is not considered to be a rural settlement and the proposal would therefore result in the development of an open market dwelling in the open countryside.

Consideration is now given to residential development in the Open Countryside. LDP Policy SP6 states that only housing development that complies with the national

exceptions policies as set out in Planning Policy Wales and TAN 6 will be permitted in the open countryside. LDP Policy H1 states the following with regard to housing development in the open countryside;

“4. In the Open Countryside:

- i. Where the development relates to a need for housing which meets current national policy on housing in the open countryside; or*
- ii. Where the development relates to the conversion of a rural building(s) which accords with the current national policy on the sustainable re-use of rural buildings; or*
- iii. Where the development relates to the renovation of a former abandoned dwelling in accordance with Policy H8”.*

The proposal does not relate to any national policy on housing in the open countryside, does not involve the conversion of a rural building and does not relate to the renovation of an abandoned dwelling. It is therefore considered that the proposal for residential development at this location would result in unjustified development in the open countryside.

Furthermore, it is noted the internal floor area of the dwelling would be 127.18sqm, and it is noted that the dwelling has been proposed as an open market dwelling. To be considered eligible for affordable housing the floor area of the dwelling proposed would need to be less than 115sqm. Concern is therefore raised with the scale of the dwelling proposed as no open market dwelling would be deemed acceptable at this location.

In light of the above, it is considered that the proposed development would be contrary to PPW, TAN 6 and LDP Policies SP6 and H1, and the principle of development is therefore unacceptable.

Design and Landscape Impact

LDP Policy DM13 require development proposals to demonstrate a good quality design and still have regard to the qualities and amenity of the surrounding area and proposals will only be permitted where they enhance or complement the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

The proposed dwelling will measure approximately 8.39 metres in length by 9.1 metres in width, with a height to the eaves of approximately 4.9 metres and a height to the ridge of approximately 7.9 metres. The selected materials for the proposed dwelling are as follows; mixed red brick, grey uPVC windows and doors, under a grey tiled roof. The site will be accessed off the (U2866) Highway and will be bordered with a 900mm high post and wire fence.

Consideration is given to LDP Policy DM4 – Landscape. A visual and sensory

evaluation of the application site using NRW LANDMAP classifies this area of land as being of high value, being attractive and settled. The dwelling is to adopt materials which would be in keeping with the adjacent dwelling and given this siting adjacent to a neighbouring dwelling it is not considered this this proposal would cause an unacceptable impact upon the landscape and the design is considered acceptable.

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

Agricultural Land Classification

The site in question has been defined as category 4 agricultural land, this is defined as poor quality agricultural land. In light of the lands classification as being category 4, it is not considered to be the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with advice provided within PPW and TAN 6.

In light of the above, it is considered the loss of this agricultural land would be acceptable and the proposed development complies with relevant planning policy.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings; there are no properties that would be adversely affected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design Guide states that there should be a minimum of 20 metres between directly facing habitable rooms on rear elevations. There are no windows on the elevation of the nearest neighbouring property that directly face the rear elevation of the proposed dwelling, therefore this is considered acceptable. As stated above, the proposed development is considered to comply with the 45 degree rule and therefore the proposed development is considered acceptable when considered against the above criteria.

In light of the above, it is considered that the proposed development complies with

relevant planning policy.

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

The proposed development would involve the creation of a new access off the (U2866) Highway to the east and would provide 3 car parking spaces within the curtilage of the application site, in accordance with CSS Parking Standards. The Local Highway Authority have been consulted on the proposed development and have noted that an application such as this should include full access details including visibility splays, access width, radii, surfacing detail, drainage information and gradient, however, no such detail has been submitted for consideration. It has been noted that the (U2866) is narrow along its entirety. Detailed drawings are required to demonstrate that the new access will be completed to appropriate standards, without this information it is unclear as to whether the new access proposed is acceptable and will be completed to appropriate standards. It is therefore considered that insufficient information has been submitted as part of the application to demonstrate that a safe access and egress can be achieved from the application site.

In light of the above, it is considered that insufficient information has been submitted as part of the application to demonstrate that the new access proposed achieves a safe access and egress to and from the application site. The proposed development therefore fails to comply with policies PPW, TAN 18, DM13 (Part 10) and T1.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The Ecologist reviewed the plans and identified 11 records of protected and priority species within 500m of the proposed development, although no records were found for the site itself. There are no statutory or non-statutory designated sites within 500m of the proposed development, there is an Area of Ancient Semi Natural Woodland approximately 470 east of the site, however this will not be affected by the proposed development. The application would not impact any existing buildings or trees, however would require removal of part of a hedgerow to facilitate the creation of the access.

The Ecologist has recommended that a Preliminary Ecological Appraisal is submitted in support of the application given the extent of the works impacting an area of grassland, trees and hedgerow. The Ecologist has advised that this information is required to identify the habitats present on and adjacent to the site and their potential to support

protected species, as well as the presence of invasive non-native species. It is therefore considered that without this information, there is insufficient information to assess the impact of the proposed development upon habitats, protected species and invasive non-native species.

Regarding the loss of part of a hedgerow, the Ecologist has stated a condition should be attached to the granting of any consent which requires the submission of a Hedgerow Compensation Planting Scheme or Hedgerow Translocation Plan. Furthermore, in order to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland, a condition has been recommended requiring the submission of a Wildlife Sensitive Plan.

The application has proposed biodiversity enhancement in the form of tree planting and landscaping within the proposed curtilage of the dwelling. These enhancement measures are deemed acceptable and will be secured through the inclusion of an appropriately worded condition.

In light of the above, it is therefore considered that insufficient information has been submitted as part of the application to assess the impact of the proposed development upon habitats, protected species and invasive non-native species. The proposed development therefore fails to comply with policies PPW, TAN 5, and LDP Policies DM2, SP7, SPG: Biodiversity and Geodiversity (Adopted October 2018).

Land Contamination

With respect to land contamination, specific reference is made to LDP policy DM10 which seeks to control development on contaminated or unstable land.

PCC – Contaminated Land were consulted on the proposed development and noted that the proposed development is situated on land indicated as being within 250m of a former landfill and is therefore a potential high source of contamination.

Planning Policy Wales s.6.9.19 states:

'Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.'

The application does not include any supporting evidence to demonstrate that the risks associated with contaminated land have been assessed and understood. Given the

proximity to potential contaminated land and the sensitivity of residential development it is considered there is currently insufficient information to be able to assess the risks of land contamination.

In light of the above, it is considered that insufficient information has been submitted as part of the application to demonstrate that the potential risks of contaminated land have been assessed and understood. The proposed development therefore fails to comply with policies PPW and DM10.

Drainage

The application has proposed to provide a septic tank and soakaway as the chosen drainage method. However, PCC – Environmental Health have objected to this stating that the distance of the septic tank and soakaway do not comply with Building Regulations Requirements and no percolation test results have been provided to support the application. In addition, concern has been raised by the Environmental Health Officer of ground conditions in the vicinity to support additional drainage. It is therefore considered that insufficient information has been submitted to demonstrate that the proposed development would be served by an adequate means of foul drainage, contrary to Criterion 12 of Policy DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Welsh Government Circular 008/2018 - Planning requirements in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018).

Scheduled Ancient Monument (SAM)

The application site lies approximately 260 metres south of the Scheduled Ancient Monument, Ty Newydd Dyke, therefore consideration has been given to LDP Policy SP7 – safeguarding of Strategic Resources and Assets. Given the distance between the site and the SAM, the presence of intervening development, and the fact the site is located adjacent to existing built development, it is not considered that the proposed development would cause any unacceptable harm upon the SAM.

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

Decision - Refuse

Reasons

1. The proposed development is considered to be unsustainable development in the open countryside, contrary to Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and policies SP6 and H1 of the Powys Local Development Plan (2018).

2. Insufficient information has been submitted to demonstrate that the new access proposed onto the (U2866) achieves a safe access and egress to and from the application site, contrary to policies Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 18: Transport (2007), and policies DM13 (Part 10) and T1 of the Powys Local Development Plan (2018).
3. Insufficient information has been submitted as part of the application to demonstrate that the potential risks of contaminated land have been assessed and understood, contrary to Planning Policy Wales (Edition 10, 2018) and policy DM10 of the Powys Local Development Plan (2018).
4. Insufficient information has been submitted to demonstrate that the proposed development would be served by an adequate means of foul drainage, contrary to Planning Policy Wales (Edition 10, 2018), Welsh Government Circular 008/2018 - Planning requirements in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018) and Criterion 12 of policy DM13 of the Powys Local Development Plan (2018).
5. Insufficient information has been submitted as part of the application to assess the impact of the proposed development upon habitats, protected species and invasive non-native species, contrary to Planning Policy Wales (Edition 10, 2018), Technical Advice Note (TAN) 5: Nature, Conservation and Planning, and policies DM2, SP7, SPG: Biodiversity and Geodiversity (Adopted October 2018) of the Powys Local Development Plan (2018).