

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - NEUADD MALDWYN, WELSHPOOL, POWYS ON THURSDAY, 5 OCTOBER 2017**

PRESENT

County Councillor D R Price (Chair)

County Councillors M Barnes, K Lewis, L V Corfield, H Hulme, E M Jones, M J Jones, K Laurie-Parry, H Lewis, I McIntosh, P C Pritchard, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams and J Williams

**1. APOLOGIES**

Apologies for absence were received from County Councillors L George, P Roberts and R Williams.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 14 September, 2017.

**Rights of Way and other issues**

**3. DECLARATIONS OF INTEREST**

County Councillor H Hulme declared an interest in Item 5 – Application to register a new Town or Village Green on land at Aberhafesp [16-001VG], as she is the local member for the ward.

**4. APPLICATIONS TO REGISTER A NEW TOWN OR VILLAGE GREENS – METHOD OF DETERMINING APPLICATIONS**

The Committee received the Head of Leisure and Recreation's report on the method of determining applications to register a new Town or Village Green under section 15 of the Commons Act 2006.

When officers have accepted that an application "as being duly made" and advertised in the correct way and the correct time period, the Council must formally determine the application, on the basis of the legal criteria and available evidence. This is a 'quasi-judicial' role. The Committee was asked to agree the general approach for considering applications, to ensure consistency.

The Committee noted that if the Local Member for the ward affected by the application was a Member of the Planning, Taxi Licensing and Rights of Way Committee, they must not take part in the formal determination of the application. In response to questions regarding where this decision was made the Definitive Map and Commons Registration Officer advised that this was based on legal guidance based on case law relating to cases considered by other local authorities, where it was found that local members could potentially unduly influence a Committee considering an application rather than the Committee

considering the evidence. The Solicitor agreed to review whether this was within the Council's protocol.

The Definitive Map and Commons Registration Officer advised that an independent inspector would be appointed to hold the hearing in exceptional circumstances, such as, if the Council was the landowner or the case was particularly complex.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the approach under points 1 - 4(b) inclusive, as set out in the report which is filed with the signed minutes, be outlined to applicants and other interested parties as the way in which applications for new Town or Village Greens will be determined, but subject to the Committee's view on individual cases.</b>	<b>To ensure a framework for the consideration of town and village green applications is used by Council.</b>

County Councillor H. Hulme, having declared that she was a local ward member in support of the following town and village green application, sat in the public seating area for the next item.

<b>5.</b>	<b>16-001VG APPLICATION TO REGISTER A NEW TOWN OR VILLAGE GREEN ON LAND AT ABERHAFESP – METHOD OF DETERMINING APPLICATION</b>
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The Committee noted the officer's report.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>1. That a hearing be held by the Planning, Taxi Licensing and Rights of Way Committee to hear the evidence in relation to application 16-001VG to register a new Town or Village Green on land at Aberhafesp; and 2. That the application be determined following the hearing, with the opportunity to seek further legal advice before making a decision if required.</b>	<b>To enable the application to be considered.</b>

The Definitive Map and Commons Registration Officer advised that the application would be ready for consideration in January 2018. A maximum of two days would be set aside for the Committee to conduct a hearing.

County Councillor H Hulme resumed her seat in the Committee. The Chair welcomed back County Councillor MJ Jones after surgery.

The Committee adjourned and reconvened at 1205hrs.

<b>6. DECLARATIONS OF INTEREST</b>
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(a) County Councillors K Laurie-Parry and DR Price declared a personal interest in application P/2017/0751 because they are members of the Royal Welsh Agricultural Society.

County Councillor D Selby declared a personal interest in application P/2017/0697 because he was a Member of the Montgomeryshire Liberal Democrats which had collected a petition in respect of the application but he had not taken any part in this.

(b) County Councillor J Williams requested that a record be made of his membership of Llandrindod Wells Town Council where discussion had taken place of matters for the consideration of this Committee [P/2017/0898]. As he had remained in the Town Council meeting when this item was discussed he would not be a Decision Maker in the Planning, Taxi Licensing & Rights of Way Committee meeting for this application.

County Councillor MJ Jones requested that a record be made of his membership of Churchstoke Community Council where discussion had taken place of matters for the consideration of this Committee [P/2017/0654]. As he had remained in the Community Council meeting when this item was discussed he would not be a Decision Maker in the Planning, Taxi Licensing & Rights of Way Committee meeting for this application.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that County Councillor S Hayes and County Councillor G Jones (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications P/2017/0697 and P/2017/0370 respectively.

<b>7. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

7.1 Updates

The Members confirmed that they had received and had time to read the updates circulated the previous day and prior to the meeting.

County Councillor K Laurie-Parry withdrew to the public seating area as she had not taken part in the site visit for the following application.

7.2 P/2017/0697 Land west of Hill Farm, Llandyssil, Montgomery Powys SY15 6HL

<b>Application No:</b>	P/2017/0697
<b>Grid Ref:</b>	320763.62, 296322.46
<b>Valid Date:</b>	20/06/2017
<b>Officer:</b>	Bryn Pryce
<b>Community Council:</b>	Montgomery Town Council
<b>Applicant:</b>	Mr. Will Jones GW & WW Jones, Hill Farm, Montgomery, Powys SY15 6HL
<b>Location:</b>	Land west of Hill Farm, Llandyssil, Montgomery Powys SY15 6HL
<b>Proposal:</b>	FULL: Erection of 2 no. livestock buildings and a covered manure store, together with 2 no. feed bins, hardstanding and access
<b>Application Type:</b>	Application for Full Planning Permission

County Councillor S Hayes spoke as the local representative.  
Mr H King-Salter, Mr A Hughes and Mr A Burch spoke as objectors.  
Mr I Pick spoke as the Agent.

The Committee noted that there were no objections from any of the statutory consultees. In response to questions regarding manure management the Planning Officer advised that Natural Resources Wales [NRW] had commented on the application and had no objections.

In respect of highways issues the Highway Authority noted the objectors' comments but the Authority had to assess the application on the basis of highways guidance and case law. The Highways Authority considered that the 1.5 – 2 average vehicle movements per week for this type of development to be insignificant. The Highways Authority advised that the roads were unrestricted highways and that with the conditions requested it had no objections to the application. The Professional Lead Development Management advised against including a condition to restrict the number of vehicle movements, as this could potentially be considered unreasonable.

The Professional Lead Development Management in response to a question regarding the water supply advised that this issue would be dealt with separately from this application. The applicant would need to discuss this with the relevant utility company in respect of connecting to the water supply or NRW regarding an extraction licence.

Concerns were raised regarding HGVs using Abermule. The Highways Authority advised that the traffic calming measures and roundabout in Abermule had been designed to allow HGVs to use the highway. He confirmed that there were no

highways restrictions on this road. In respect of the proposed five passing bays the Highways Authority advised that an assessment would be undertaken where these should be placed.

The Professional Lead Development Management in response to a question advised that he is not aware of any evidence that demonstrates that the proposed development would have an adverse impact on tourism, in isolation or cumulatively.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor K Laurie-Parry resumed her place in the Committee.

7.3 P/2017/0423 Land adj Dolgwenith and Tan y Bryn, Llanidloes Powys

<b>Application No:</b>	P/2017/0423
<b>Grid Ref:</b>	295482.68 283809.83
<b>Valid Date:</b>	26/04/2017
<b>Officer:</b>	Gemma Bufton
<b>Community Council:</b>	Llanidloes Town Council
<b>Applicant:</b>	Mr A Thomas, Craefol, Nantmel, Rhayader, Powys, LD6 5PD
<b>Location:</b>	Land adj Dolgwenith and Tan y Bryn, Llanidloes, Powys
<b>Proposal:</b>	Outline - Proposed residential development of 96 houses, vehicular access, infrastructure and all associated works (some matters reserved)
<b>Application Type:</b>	Application for Outline Planning Permission

The Principal Planning Officer advised that if the Committee was minded to approve the application the recommendations and conditions were those contained in the Update report.

In response to a question the Principal Planning Officer advised that in respect of the need for affordable housing, Llanidloes was classified in the north area and therefore 10% affordable housing was required from residential developments.

Questions were raised regarding the size of the affordable dwellings and permitted development rights. The Professional Lead Development

Management advised that if the Committee was minded to approve the application, conditions restricting the affordable housing to 130 sq. metres and the removal of permitted development rights could be added.

The Committee noted the request from Education Services for a contribution from the developer and questioned why the officers were seeking delegation to consider the request further. The Professional Lead Development Management explained that the developer had not had the opportunity to consider the request and time was requested for this to take place.

In response to a question the Principal Planning Officer advised that conditions 18 – 21 related to land contamination.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes, subject to a condition removing permitted development rights for the affordable dwellings and subject to the signing of a Section 106 agreement to secure the education contribution if considered to be appropriate in consultation with the Lead Professional within 3 months from date of the committee meeting. If an agreement is not signed within the specified time period, delegation is given to the Lead Professional for Development Management to determine the application.</b></p>	<p><b>As officers recommendation as set out in the report which is filed with the signed minutes.</b></p> <p><b>To ensure that the affordable dwellings remain at a size that is affordable.</b></p> <p><b>To ensure an appropriate contribution to Educations Services.</b></p>

The Chair changed the order of the agenda to enable applications with speakers to be taken next.

7.5 P/2017/0325 Cwmroches, Penybont, Llandrindod Wells, Powys LD1 5SY

**Application No:** P/2017/0325

**Grid Ref:** 310725.17 263960.63

**Valid Date:** 31/03/2017

**Officer:** Tamsin Law

**Community Council:** Penybont Community Council

**Applicant:** Mr G Owen, Cwmroches, Penybont, Llandrindod Wells, Powys, LD1 5SY

**Location:** Cwmroches, Penybont, Llandrindod Wells, Powys, LD1 5SY

**Proposal:** Full: Proposed erection of 2 no. Poultry buildings for broiler breeder rearing, four no. feed bins, new access track, improvements to existing entrance, creation of one new passing place installation of septic tank and associated development

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

Mr C Ledbury, Radnorshire Wildlife Trust spoke against the application.  
Mr G Clarke spoke as the Agent.

The Principal Planning Officer advised that the recommendations and conditions were those contained in the Update report.

In response to questions the Principal Planning Officer advised that the applicant did not consult the Radnorshire Wildlife Trust at pre-application stage as the development site does not adjoin the Trust's site. At the application stage the Trust is not a statutory consultee.

The Committee noted that NRW had not raised any objections regarding biodiversity issues. The Principal Planning Officer advised that the proposed development would result in the ammonia levels being at a level which remained within the required thresholds.

The Principal Planning Officer also advised that there are a number of these units in the locality and as such the cumulative impact of the development has been considered and upon review of the application and consultee responses there is no evidence to suggest that the proposed development would cumulatively have an unacceptable detrimental impact on landscape, ecology, biodiversity or any rights of way in the area.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

7.6 P/2017/0370 Land adj Maes Gwyn, Llanfair Caereinion, Welshpool, Powys SY21 0BD

**Application No:** P/2017/0370

**Grid Ref:** 310114.75 306195.63

**Valid Date:** 06/04/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llanfair Caereinion Town Council

**Applicant:** Mrs M Williams, Tanhouse Farm, Llanfair Caereinion, Welshpool, Powys SY21 0BD

**Location:** Lang adj Maes Gwyn, Llanfair Caereinion, Welshpool, Powys, SY21 0BD

**Proposal:** Outline: Residential development of up to 9 dwellings, formation of vehicular access and associated works (some matters reserved)

**Application Type:** Application for Outline Planning Permission

Councillor G Jones spoke as the local representative.

Rev. Clarke spoke against the application.

Mr R Corbett spoke as the Agent.

In response to comments the Planning Officer advised that there was no evidence regarding the need to underpin other properties.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillors D Thomas and DH Williams left the meeting for other Council business.

7.7 P/2017/0623 Land adj Windy Ridge, Arddleen, Llanymynech, Powys SY22 6PY

**Application No:** P/2017/0623

**Grid Ref:** 325471.4 315537.47

**Valid Date:** 08/06/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llandrinio Community Council

**Applicant:** Mr & Mrs RG & JB Ashton, Willow Close, 5 Foxon Manor, Four Crosses, Powys, SY22 6NF

**Location:** Land adj Windy Ridge, Arddleen, Llanymynech, Powys, SY22 6PY



**Proposal:** Outline: Erection of up to 9 dwellings, formation of internal access road and all associated works (Phase 2)

**Application Type:** Application for Outline Planning Permission

Mrs C Davies spoke as the Clerk Llandrinio Community Council.

Mr D Edwards spoke against the application.

Mr R Corbett spoke as the Agent.

The Committee noted that the developer had offered the provision of a play area and the Planning Officer advised that if the Committee were minded to approve this could be added as a condition.

The Committee noted that Phase 1 had previously been approved. The Committee questioned whether the provision of a play area in Phase 2 was linked to Phase 1. The Committee noted that it should consider the application as it stands and that although Phase 1 had been approved, it had not been developed and consequently Phase 2 was not adjacent to the settlement boundary and so in the open countryside.

The Committee considered whether a Section 106 agreement could be used to ensure that Phase 2 was only developed if Phase 1 had been constructed. The Solicitor advised that he considered that a Section 106 stating that no development of Phase 2 could commence until for example Phase 1 had been completed or half constructed, was valid. He advised that the S106 would remain with the land and that if the ownership changed the S106 would move with the land.

It was duly proposed and seconded to defer consideration of the application to enable officers to consider the proposal to attach a Section 106 agreement linking the development of Phase 2 with the construction of Phase 1.

It was then duly proposed and seconded to agree the application as recommended in the officer's report and that it be delegated to the Professional Lead Development Management to add an appropriately worded S106 agreement linking the development of Phase 2 with the construction of Phase 1. The first motion was withdrawn and a vote taken on the substantive motion.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and that that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair, to add an appropriately worded S106 agreement linking the development of Phase 2 with the construction of Phase 1.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>  <b>In order to safeguard the character and appearance of the settlement.</b>

County Councillor K Silk left the meeting.

7.4 P/2017/0363 Land adj Cranford, Llansantffraidd-ym-Mechain, Powys SY22 6AX

**Application No:** P/2017/0363

**Grid Ref:** 323017.02 320611.99

**Valid Date:** 04/04/2017

**Officer:** Tamsin Law

**Community Council:** Llansantffraid Community Council

**Applicant:** Mrs B A Edwards, Lower Trewylan Farm, Llansantffraid-ym-Mechain, Powys, SY22 6TH

**Location:** Land adj 'Cranford', Llansantffraid-ym-Mechain, Powys, SY22 6AX

**Proposal:** Outline - Erection of up to 9 dwellings (some matters reserved), formation of vehicular access and all associated works

**Application Type:** Application for Outline Planning Permission

The Officer outlined that discussions were undertaken with the Highways Authority prior to Committee which determined that incorrect conditions had been attached to the report.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to it being delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to attach correct highways conditions and issue the approval.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>  <b>To ensure the correct highways conditions are attached.</b>

7.10 P/2017/0345 Land at Nant Glas Farm, Nant-Glas, Llandrindod Wells, LD1 6PA

**Application No:** P/2017/0345

**Grid Ref:** 299113.11 264499.04

**Valid Date:** 29/03/2017

**Officer:** Thomas Goodman

**Community Council:** Nantmel Community Council

**Applicant:** Mr & Mrs Colin & Janet Evans, Claerwen Valley, Ciloerwent, Rhayader, Powys

**Location:** Land at Nant Glas Farm, Nant-Glas, Llandrindod Wells, LD1 6PA

**Proposal:** Outline: Erection of 2 dwellings, formation of vehicular accesses, installation of sewage treatment plants and associated works

**Application Type:** Application for Outline Planning Permission

The Professional Lead Development Management advised that the application site formed part the current line of dwellings going towards the settlement limit defined for Nant Glas.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

7.8 P/2017/0277 Brynhyfrydd, North Road, Builth Wels, Powys LD2 3BT

**Application No:** P/2017/0277

**Grid Ref:** 303966.07 251120.99

**Valid Date:** 09/03/2017

**Officer:** Thomas Goodman

**Community Council:** Builth Wells Town Council

**Applicant:** Mr JW Hardwick, Abercrychan Farm, Llandoverly, SA20 OYL

**Location:** Brynhyfrydd, North Road, Builth Wells, Powys, LD2 3BT

**Proposal:** Full: Extension to existing building to provide 2 additional self-contained flats

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

The Professional Lead Development Management advised that if the Committee was minded to approve the application the recommendations and conditions were those detailed in the Update.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor P Pritchard left the meeting.

7.11 P/2017/0368 Land adj. Church House Farm, Llanwnog, Caersws, Powys SY17 5JG

**Application No:** P/2017/0368

**Grid Ref:** 302041.71 293811.08

**Valid Date:** 04/05/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Caersws Community Council

**Applicant:** Tyn y Bryn Farms, Tyn y Bryn, Tregynon, Powys, SY16 3PJ

**Location:** Land adj Church House Farm, Llanwnog, Caersws, Powys SY17 5JG

**Proposal:** Outline : Proposed residential development of up to 5 dwellings, formation of vehicular access and access road and all associated works (all matters reserved)

**Application Type:** Application for Outline Planning Permission

In response to a question the Planning Officer advised that the UDP sites had been developed.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

7.9 P/2017/0751 Field adjoining Old Creamery, Llanelwedd, Builth Wells, Powys LD2 3SY

**Application No:** P/2017/0751

**Grid Ref:** 303807.21 251605.41

**Valid Date:** 30/06/2017

**Officer:** Thomas Goodman

**Community Council:** Llanelwedd Community Council

**Applicant:** Mr Aled Jones, The Royal Welsh Agricultural Society, Royal Welsh Showground, Llanelwedd, Builth Wells, Powys, LD2 3SY

**Location:** Field adjoining Old Creamery, Llanelwedd, Builth Wells, Powys, LD2 3SY

**Proposal:** Full: Change of use of land for temporary show time caravan park for ten days per annum each Royal Welsh Show as an extension to existing park

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

The Professional Lead Development Management advised that if the Committee were minded to approve the application the recommendation and conditions were contained in the update report.

<b>RESOLVED:</b> that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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County Councillor J Williams left the meeting.

7.13 P/2017/0898 Household Waste Recycling Centre, Waterloo Road Industrial Estate, Llandrindod Wells

**Application No:** P/2017/0898

**Grid Ref:** 305895.32 261864.02

**Valid Date:** 04/08/2017

**Officer:** Tamsin Law

**Community Council:** Llandrindod Wells Town Council

**Applicant:** Powys County Council

**Location:** Household Waste Recycling Centre, Waterloo Road Industrial Estate, Llandrindod Wells, Powys LD1 6BH

**Proposal:** Section 73 application to vary condition 2 of planning approval RAD/2007/0520 in regards to the approved plans

**Application Type:** Application for Removal or Variation of a Condition

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor MJ Jones left the meeting.

7.12 P/2017/0654 Land at the Firs, Churchstoke, Montgomery SY15 6AH

**Application No:** P/2017/0654

**Grid Ref:** 327651.95 293901.65

**Valid Date:** 12/06/2017

**Officer:** Rachel Mulholland

**Community Council:** Churchstoke Community Council

**Applicant:** Miss Delves, The Firs, Churchstoke, Montgomery, SY15 6AH

**Location:** Land at the Firs, Churchstoke, Montgomery, SY15 6AH

**Proposal:** Outline: Erection of 3 detached properties, including detached carports, formation of vehicular access and associated works (some matters reserved).

**Application Type:** Application for outline planning permission

In response to a question regarding the rights of way the Professional Lead Development Management advised that the applicant would need to apply for a diversion order for the footpath and had been in contact with Countryside Services.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

<b>8.</b>	<b>DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 7 September, 2017 and 27 September, 2017.

The Chair thanked Members for responding to the questionnaire sent to them to get their views on how the Committee had worked since May 2017. He advised that he and the Vice Chair had met with officers, yesterday afternoon and it had been agreed that an informal meeting of the Committee would take place on 9 November, 2017, details would be sent to the Committee in due course. Comments had been sought on the venue used for meetings and as a result of members' comments and the meeting yesterday it had been agreed that all Committee meetings would now take place in County Hall and only use other venues when an application required this.

**County Councillor D R Price  
Chair**