

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON FRIDAY, 15 DECEMBER 2017**

**PRESENT**

Chair of the meeting - County Councillor K Lewis for the first part and then County Councillor D R Price

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

**1. APOLOGIES**

Apologies for absence were received from County Councillor P Pritchard.

**Rights of Way**

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest in respect of the next agenda item.

**3. LOCAL ACCESS FORUM [LAF] - APPOINTMENT OF A COUNCIL REPRESENTATIVE**

The Committee received a report regarding the appointment of a Member to the Powys Local Access Forum, as a result of the previous Member resigning from the Planning, Taxi Licensing and Rights of Way Committee.

<b>DECISION</b>	<b>REASON FOR DECISION</b>
<b>That County Councillor J Williams be appointed to the Local Access Forum for a period of three years.</b>	<b>To ensure that the Council is represented on the Local Access Forum.</b>

**Planning**

**4. DECLARATIONS OF INTEREST**

(a) There were no declarations of interest.

(b) The Committee noted that County Councillor D Selby requested that a record be made of their membership of Newtown Town Council where discussion

had taken place of matters for the consideration of this Committee and which he did not attend.

(c) The Committee noted that no Member of the Committee would be speaking as the 'local representative' in respect of any applications.

(d) The Committee noted that the following Members (who are not members of the Committee) would be speaking as the 'local representative' in respect of the following applications:

County Councillor K Roberts-Jones – P/2017/0696

County Councillor A Davies – P/2017/0702

County Councillor G Jones – P/2017/1217

## **5. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE**

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

### **5.1 Updates**

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

### **5.2 P/2017/0696 Lomond, Kerry, Newtown, Powys, SY16 4N**

**Grid Ref:** 314810.6 289750.3

**Valid Date:** 27/06/2017

**Officer:** Rachel Mulholland

**Community Council:** Kerry Community Council

**Applicant:** Mr & Mrs Bebb, Common Road, Upper Common, Kerry, Newtown, Powys, SY16 4NY

**Location:** Lomond, Kerry, Newtown, Powys, SY16 4NY

**Proposal:** Outline: Residential development of 5 dwellings including replacement of an existing dwelling, formation of access, highway improvement and all associated works (some matters reserved).

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

Councillor K Roberts-Jones spoke as the local representative.

In response to questions regarding highway issues the Highway Authority advised that the proposed four new dwellings would mean an insignificant increase in the road usage and traffic speeds in the area were within the speed limits. The proposed widening of the road and the provision of a footway would benefit highways safety. The Highways Authority advised that the flooding on the road referred to by the local representative was a maintenance issue and not an issue for consideration in this application.

The Committee noted that in the Unitary Development Plan [UDP] 60 houses had been approved as an appropriate level of growth and it was argued that as 60 houses had been approved the need identified in the UDP had been met. It was also considered that this was not an infill site. The Professional Lead Development Management advised that the UDP gave a guide to the appropriate level of sustainable development and that any application had to be considered as to whether further growth was sustainable. As Kerry has a school, shops and other facilities it was considered that the proposed development was sustainable. In response to comments the Professional Lead Development Management advised that TAN1 states that developments on exception sites must comply with all policies and that this site duly complied.

<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>

5.3 P/2017/0702 Land Opposite The Old Vicarage, Llansillin, Oswestry, Powys, SY10 7PX

**Grid Ref:** 320901.55 328422.22

**Valid Date:** 22/06/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llansillin Community Council

**Applicant:** Mr Lewis-Jones, 10b Harston, Cambridge, CB22 7BX

**Location:** Land Opposite The Old Vicarage, Llansillin, Oswestry, Powys SY10 7PX

**Proposal:** Outline: Erection of up to 4 dwellings, formation of vehicular access, access road, and all associated works (Some matters reserved)

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

County Councillor A Davies spoke as the local representative.

Mr R Corbett spoke as the agent.

The Planning Officer advised that 23 houses had been started recently. A local needs dwelling had been included in the application in response to the need to support the Welsh language. In response to concerns raised about the decline in the Welsh language between 2011 and 2015 the Professional Lead Development Management advised that the provision of affordable housing was important to the Welsh language. He advised that if the Committee was minded to approve the application he recommended it be delegated to him in consultation with the Vice Chair to add a condition regarding a mitigation scheme with measures to promote the Welsh language and culture.

The Committee sought further clarification of the number of dwellings considered as appropriate growth for Llansillin. The Professional Lead Development Management advised that 37 dwellings had been approved in the UDP period and advised that it was for the Committee to consider whether the application was sustainable.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><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 it be delegated to the Professional Lead Development Management, in consultation with the Vice Chair, to add a condition regarding a mitigation scheme with measures to promote the Welsh language and culture.</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 safeguard Welsh language and culture.</b></p>

The Chair agreed to amend the order of the agenda to accommodate speakers and the public.

County Councillor L George arrived at the meeting.

County Councillors L. George, E.M. Jones, K Laurie-Parry and J Williams moved to the public seating area for the next application as they had not participated in the discussions at the previous meeting.

5.15 P/2017/1083 Ysgol Gynradd, Wirfoddell A Reolir, Llanelwedd, Builth Wells, Powys, LD2 3TY

**Grid Ref:** 304552.43 251819.55

**Valid Date:** 27/09/2017

**Officer:** Thomas Goodman

**Community Council:** Llanelwedd Community Council

**Applicant:** Powys County Council

**Location:** Ysgol Gynradd, Wirfoddel A Reolir, Llanelwedd, Builth Wells, Powys, LD2 3TY

**Proposal:** Full: Installation of refurbished mobile classroom and associated works

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

The application had been deferred from the last meeting to enable officers to explore options for a safe route to and from the proposed classroom. The Committee noted the information from the applicant provided in the update.

In response to comments the Principal Planning Officer stated that part of the school was outside the flood zone but the application was for a vulnerable development in a C2 flood zone, which was contrary to TAN15 and the UDP.

The Professional Lead Development Management advised that the applicant could challenge the NRW flood maps if they considered the C2 zone to be incorrect. In response to options for addressing the issues, the Solicitor advised the Committee that it should not be seen to be giving the application special treatment because it was being made by the Council.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>That the application be refused.</b>	<b>The proposal will lead to an increase in highly vulnerable development within Zone C2 as defined by the development advice maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy SP14 of the Powys Unitary Development Plan (2010), Technical Advice Note 15 (TAN 15) Development and Flood Risk (2004) and Planning Policy Wales (2016).</b>

County Councillors L. George, E.M. Jones, K Laurie-Parry and J Williams resumed their seats in the Committee.

5.11 P/2017/0620 Land adjacent to Moorhays, Rhosgoch, Builth Wells, Powys, LD2 3JY

**Grid Ref:** 318438.86 247398.05

**Valid Date:** 05/06/2017

**Officer:** Kevin Straw

**Community Council:** Painscastle Community Council

**Applicant:** Mr & Mrs Richard & Kym Hicks-Williams, Colburn, 86 Forest Drive, Catterick, Garrison, North Yorkshire, DL9 4UT

**Location:** Land adjacent to Moorhays, Rhosgoch, Builth Wells, Powys LD2 3JY

**Proposal:** Full: Erection of 2 detached dwellings, formation of new access and parking, landscaping, and all other associated works

**Application Type:** Application for Full Planning permission

The Planning Officer advised that if the Committee was minded to approve the application the Update report contained additional conditions.

Concerns were raised about the application site which was 200 metres from the settlement boundary and effectively in the open countryside. In response to questions the Professional Lead Development Management confirmed that the recommendation for approval was on balance. He advised that the Committee needed to consider whether the development was sustainable as Rhosgoch had no facilities but Painscastle, which was approximately one mile away, did have some facilities. The Committee noted that the proposed development was on Grade 3a agricultural land and the Professional Lead Development Management advised that the protection of this Grade of agricultural land should be given weight when considering applications.

It was moved and seconded to refuse the application on the grounds that the development was not sustainable and that Grade 3a agricultural land should be protected.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>The proposed development would result in unsustainable development in the open countryside and would result in the loss of grade 3a agricultural land.</b>

County Councillor D. R. Price arrived at the meeting and took the Chair and thanked County Councillor K. Lewis, Vice Chair for chairing the meeting.

5.4 P/2017/0910 Land adjoining Rose Hill, Kingswood Lane, Forden, Welshpool, Powys SY21 8TR

**Grid Ref:** 324159.88, 302350.02

**Valid Date:** 07/08/2017

**Officer:** Bryn Pryce

**Community Council:** Forden Community Council

**Applicant:** J P & S Blurton, Kingswood Lane, Rose Hill, Forden, Welshpool SY21 8TR

**Location:** Land adjoining Rose Hill, Kingswood Lane, Forden, Welshpool, Powys SY21 8TR

**Proposal:** Outline application (with some matters reserved) for up to 4 dwellings and garages, formation of vehicular access road and all associated works

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

The Planning Officer advised that CADW had raised concerns about the proximity of the proposed development to a scheduled monument. After receiving a new indicative plan for the development, CADW advised that the development would have a minor impact on the scheduled monument and therefore recommended that an appropriate condition be added to the outline planning permission.

The Highways Authority confirmed that the developer would pay for the provision of passing bays.

<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>

5.5 P/2017/1128 Land adj to Highlea, Peartree Lane, Llanfair Caereinion, Welshpool, Powys, SY21 0BH.

**Grid Ref:** 310980.71 306565.31

**Valid Date:** 02/10/2017

**Officer:** Sara Robinson

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** Mr D Williams, 23 Maes Derwen, Llanfair Caereinion, Welshpool, Powys, SY21 0BH

**Location:** Land adj to Highlea, Peartree Lane, Llanfair Caereinion, Welshpool, Powys, SY21 0BH

**Proposal:** Outline: Erection of a dwelling and garage together with associated works (some matters reserved)

**Application Type:** Application for Outline Planning permission

In response to questions the Professional Lead Development Management advised that the application differed from the appeal decision on the agenda as the proposed dwelling adjoins the settlement limits. The Planning Officer advised that the agricultural land classification was Grade 3b. The Professional Lead Development Management advised that this was an outline application and if approved the design of the dwelling would be considered at reserved matters.

<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>

5.6 VAR/2017/0021 Bryn Uchel Isaf Caravan Park, Cwmllinau, Machynlleth, Powys, SY20 9PE

**Grid Ref:** 285764.13 308481.27

**Valid Date:** 02/08/2017

**Officer:** Dunya Fourie

**Community Council:** Glantwymyn Community Council

**Applicant:** Mr D Davies, Bryn Uchel Isaf Caravan Park, Cwmllinau, Machynlleth, Powys SY20 9PE

**Location:** Bryn Uchal Isaf Caravan Park, Cwmllinau, Machynlleth, Powys, SY20 9PE

**Proposal:** Application to modify section 52 legal agreement attached to planning permission M12131 (occupancy restriction)

**Application Type:** Discharge/variation of Section 106 Agreement

In response to questions regarding how often registers are checked the Professional Lead Development Management advised that due to the lack of resources pro-active enforcement was not undertaken and investigations were only undertaken when complaints were reported.

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



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5.7 P/2017/0692 Land adjacent to Llwynderw, Bwlch y Cibau, Powys SY22 5LN

**Grid Ref:** 317980.73 3137368.65

**Valid Date:** 28/06/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Meifod Community Council

**Applicant:** House Martin Properties Bwlch y Cibau, Bryn Gwyn, Llanfyllin, Powys SY22 5LJ

**Location:** Land adjacent to Llwynderw, Bwlch y Cibau, Powys SY22 5LN

**Proposal:** Full: Erection of 4 no. detached dwelling houses with integral garages and 2 no. semi-detached dwelling houses, formation of vehicular access road, installation of sewage treatment plant and all associated works

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

<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.

5.8 P/2017/0170 Land adjacent to Peartree Lane, Llanfair Caereinion, Powys SY21 0BH

**Grid Ref:** 310927.08 306451.2

**Valid Date:** 07/02/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** Mr J Edwards, Welshpool, Powys SY21 0BH

**Location:** Land adjacent to Peartree Lane, Llanfair Caereinion, Powys SY21 0BH

**Proposal:** Outline: Residential development of up to 5 dwellings, formation of vehicular access and associated works (some matters reserved)

**Application Type:** Application for Outline Planning

Questions were raised about the number of dwellings approved in the area. The Planning Officer advised that 53 dwellings had been approved and it was considered that as this was an area centre further development was sustainable. The Professional Lead Development Management advised that the Welsh Language had decreased by 3% in the area and stated that if the Committee was minded to approve the application he recommended it be delegated to him to add a condition about the need for a mitigation scheme in respect of the Welsh language.

Concerns were raised about the steep slope of the site and the Planning Officer advised that if the principle of development was approved cross-sectional drawings would be required at reserved matters and the developer would need to comply with Building Regulations, in respect of accessibility of the site and dwellings. In response to comments the Lead Professional Development Management advised that the development boundary was to protect the countryside.

It was moved and duly seconded to refuse the application as the development was outside the development boundary and that it had an unacceptable impact on the landscape and to delegate to the Lead Professional Development Management to agree appropriate wording for the reasons for refusal.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>The proposed development would have an unacceptable landscape impact.</b>

The Committee adjourned for lunch at 12.35 p.m. and reconvened at 1.05 p.m.

County Councillors D. Thomas, E Vaughan, G Williams, H Williams and J Williams left the meeting.

5.9 P/2017/1217 Land adjoining Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys, SY21 0RY

**Grid Ref:** 309511.65 305977.04

**Valid Date:** 18/10/2017

**Officer:** Sara Robinson

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** Mr Steve Andrew, Pear Tree Lane, Highbury, Llanfair Caereinion, Powys, SY21 0BH

**Location:** Land adjoining Maes Hyfryd, Llanfair Caereinion, Welshpool, Powys SY21 0RY

**Proposal:** Outline application (with some matters reserved) for erection of an affordable dwelling, installation of sewage treatment plant and improvements to vehicular access (resubmission)

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

County Councillor G Jones spoke as the local representative.  
Mr G Davies spoke as the agent.

In response to questions the Lead Professional Development Management advised that the application was for an affordable dwelling and if approved a condition relating to this was recommended, which, would retain this as an affordable house in perpetuity. If the dwelling was sold it would have to comply with policy which currently would be at 30% below the market price. The Committee noted that as an application for an open market house on this site had previously been refused any future application to remove the affordable house condition would be resisted due the former.

<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>

5.10 P/2017/1191 Land adj to Hen Efail, Foel, Welshpool, Powys, SY21 0PU

**Grid Ref:** 300917.62 310833.8

**Valid Date:** 13/10/2017

**Officer:** Sara Robinson

**Community Council:** Banwy Community Council

**Applicant:** Mr & Mrs Rees, Tanyllan 11 Tregynon, Newtown, Powys, SY16 3HA

**Location:** Land adj to Hen Efail, Foel, Welshpool, Powys SY16 3HA

**Proposal:** Outline: Erection of a detached dwelling, and garage, and all associated works (some matters reserved)

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

The Professional Lead Development Management in response to comments advised that the application site was part of a rural settlement area and was considered to be sustainable due to its proximity to Llangadfan. He advised that a rural settlement does not have a boundary and so the Committee had to consider whether the application was acceptable.

<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>

5.12 P/2017/1184 Land near Tyffos Hendomen, Montgomery, Powys SY15 6EZ

**Grid Ref:** 321547.42 298114.85

**Valid Date:** 13/10/2017

**Officer:** Bryn Pryce

**Community Council:** Montgomery Town Council

**Applicant:** Miss H Broxton Edderton Hall, Forden, Welshpool, Powys SY21 8RZ

**Location:** Land near Tyffos Hendomen, Forden, Welshpool, Powys SY21 6EZ

**Proposal:** Outline application (with some matters reserved) for erection of a dwelling, detached garage and all associated works

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

<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>

5.13 P/2017/1071 Land at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys, SY21 0DU

**Grid Ref:** 309311.61 306337.57

**Valid Date:** 18/09/2017

**Officer:** Tamsin Law

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** S.M. & G.D. Jones, Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys SY21 0DU

**Location:** Land at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys SY21 0DU

**Proposal:** Full: Erection of a poultry unit, silos, formation of vehicular access and roadway together with all associated works

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

In response to questions the Principal Planning Officer advised that the Highways Authority had no objections to the application subject to conditions.

<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 D Selby advised that he was a member of Newtown Town Council which had considered the following application. He advised that he had not taken part in the meeting.

5.14 P/2017/1129 Tree Tops, Milford Road, Newtown, Powys, SY16 3AR

**Grid Ref:** 309615.54 291394.75

**Valid Date:** 02/10/2017

**Officer:** Dunya Fourie

**Community Council:** Newtown and Llanwcharian Town Council

**Applicant:** Mr Paul Bufton, Milford Road, Tree Tops, Newtown, Powys, SY16 3AR

**Location:** Tree Tops, Milford Road, Newtown, Powys, SY16 3AR

**Proposal:** Householder: Proposed first floor extension to existing dwelling along with exterior material changes and replacement windows

**Application Type:** Householder application

<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>6. APPEAL DECISION</b>
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The Committee received a copy of the Planning Inspectorate's letters regarding appeals in respect of application the following:

- P/2016/0985 Sarn Meadow, Gwreiddyn Lane, Guilsfield, Welshpool SY21 9DT - The Committee noted that the Inspector had dismissed the appeal.
- P/2017/0250 and P/2017/0251 Dolbedwyn, C1332 from farm entrance at Dolbedwyn to crossroads with B4594 east of Dol-y-cannau, Newchurch, Kington HR5 3QQ - The Committee noted that the Inspector had dismissed the appeals.

The Committee noted future Committee dates.

**County Councillor K. Lewis and D R Price (Chair)**