

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 17 JANUARY 2019**

PRESENT

County Councillor K Lewis (Chair)

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

<b>1. APOLOGIES</b>
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Apologies for absence were received from County Councillor J Williams.

<b>2. MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 6 December, 2018.

<b>Planning</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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(a) County Councillor G Pugh declared a prejudicial interest in application 18.0544.FUL because he was the applicant.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown and Llanllwchaiarn Town Council where discussion had taken place of matters for the consideration of this Committee and he did not attend this meeting.

(c) County Councillor D Selby (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application P/2018/0237.

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

<b>4. 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).

4.1 Updates

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

County Councillor D Selby moved to the public seating area for the next application.

4.2 P/2018/0237 Land Adjoining Glandwr, Heol Vaynor, Newtown, Powys, SY16 1RE

**Grid Ref:** E: 308911 N: 290841

**Valid Date:** 20/02/2018

**Officer:** Dunya Fourie

**Community Council:** Newtown and Llanllwchaiarn Town Council

**Applicant:** Going Green for A Living Community Land Trust Ltd

**Location:** Land Adjoining Glandwr, Heol Vaynor, Newtown, Powys, SY16 1RE

**Proposal:** Construction of access track, parking spaces, changing room building, polytunnel and sheds

**Application Type:** Full

County Councillor D Selby spoke as the local representative.

In response to a question the Planning Officer advised that the application had been amended and was now just for the construction of access track and parking spaces.

<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 resumed his seat in the Committee.

4.3 P/2018/0316 4 Sites On River Severn, Newtown, Powys

**Grid Ref:** E: 308821 N: 290906

**Valid Date:** 09/03/2018

**Officer:** Dunya Fourie

**Community Council:** Newtown and Llanllwchaiarn Town Council

**Applicant:** Mr Stuart Owen

**Location:** 4 Sites On River Severn, Newtown, Powys

**Proposal:** Full: Creation of 4 no. river access points to allow accessible use by canoeists

**Application Type:** Full

<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>

4.4 18.0390. REM Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

**Grid Ref:** E: 315759 N: 301953

**Valid Date:** 24/07/2018

**Officer:** Bryn Pryce

**Community Council:** Berriew Community Council

**Applicant:** D Davies

**Location:** Maes Y Nant, Berriew, Welshpool, Powys SY21 8BG

**Proposal:** Section 73 application to remove planning condition no. 3 attached to planning permission M2004/0930 (occupancy restriction)

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

In response to questions the Planning Officer advised that Development Management was satisfied that the property had been marketed correctly. Although there had been interest in the property, the occupancy conditions had meant that this interest had not been taken further.

Concerns were raised that the original planning permission in 2004 was granted because the occupancy condition would ensure that the property would remain an agricultural dwelling. The Professional Lead Development Management advised that the property had been marketed by an appropriate estate agent, at a price well below the market value and that the Affordable Housing Officer had advised that the property, at the reduced price, would not be affordable to local earning levels. In response to a question the Professional Lead Development Management advised that the income of an applicant was only considered in an application for a rural enterprise dwelling and the ability of the rural enterprise to

cover the costs was considered. Where a building exists, the marketing evidence has to be considered.

The Solicitor reminded the Committee that it had to treat the applicant, as they would any other applicant and they would need valid planning reasons for going against officer's recommendation. In accordance with the Protocol, the Solicitor had reviewed the planning file and confirmed that the application had been processed "normally". Concerns were raised that the valuation was made by one estate agent and it was suggested that another valuation should be sought. The Professional Lead Development Management advised that if Development Management had concerns regarding a valuation, it would seek a second valuation. However, officers were content with the marketing information provided, but it was a valid request from the Committee.

It was moved and duly seconded to defer the application to obtain a further valuation for the property.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be deferred.</b>	<b>To obtain a further valuation for the property.</b>

County Councillor G Pugh, having declared a prejudicial interest, left the meeting room for the next item.

4.5 18.0544.FUL G M Profiles, Station Yard, Abermule, Montgomery, Powys SY15 6NH

**Grid Ref:** E: 316249 N: 294550

**Valid Date:** 03/10/2018

**Officer:** Bryn Pryce

**Community Council:** Abermule and Llandyssil Community Council

**Applicant:** Mr Gareth Pugh

**Location:** G M Profiles, Station Yard, Abermule, Montgomery, Powys SY15 6NH

**Proposal:** Erection of lean-to extension to existing warehouse

**Application Type:** Full

<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 G Pugh resumed his place in the Committee.

<b>5.</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 30 November, 2018 and 8 January, 2019. The Professional Lead Development Management advised that a number of applications listed had been considered by the Committee. He advised that the format of the list was still being improved.

In response to a question regarding applications for signage the Professional Lead Development Management advised that Development Management advise applicants of the need to consider The Well-being of Future Generations [Wales] Act 2015 and the provision of bi-lingual signage. It was noted that there was an appeal decision regarding such an issue at another Planning Authority. The Professional Lead Development Management advised he was to meet with his counterpart in Carmarthenshire County Council regarding this issue.

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

- application VAR/2018/0019 Penarth, Llidiartywaun, Llanidloes, SY18 6JT - the Committee noted that the Inspector had upheld the appeal
- application P/2017/1142 Troedybryn, C2018 From Junction by Llys-Onnen at Abercegir to Junction with A489T at Pont Ab, Abercegir, Machynlleth SY20 8NR - the Committee noted that the Inspector had dismissed the appeal
- application for costs in respect of P/2017/1142 Troedybryn, C2018 From Junction by Llys-Onnen at Abercegir to Junction with A489T at Pont Ab, Abercegir, Machynlleth SY20 8NR - the Inspector had refused the application for costs
- application P/2017/1266 Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool SY21 9JP - the Committee noted that the Inspector had dismissed the appeal.

<b>Rights of Way</b>
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<b>7.</b>	<b>LOCAL ACCESS FORUM [LAF]</b>
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The Committee received a report regarding the appointment of a Member to the Powys Local Access Forum.

<b>DECISION</b>	<b>Reason for decision</b>
<b>That County Councillor R Williams of the Planning, Taxi Licensing and Rights of Way Committee be appointed to the Local Access Forum for a period</b>	<b>To ensure that the Council is represented on the Local Access Forum.</b>

<b>of three years.</b>	
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The Professional Lead Development Management provided an update on the Hendy Windfarm development. The Committee noted that consent had been given to the development in October by the Wels Minister. In mid-November the developer had submitted applications for the discharge of conditions and shortly after work commenced on the site, in breach of conditions. When Development Management was made aware of this, it started to monitor the site and consultees such as Natural Resources Wales [NRW], Highways Authority and Countryside Services were involved. NRW for example, has investigated the potential impact of silt from the excavations for turbine 5 on the stream in the locality and the impact on the River Wye SAC. NRW have investigated and advised that with the mitigation measures put in place by the developer, there was no harm, which meant that, in the circumstances, it would not be advisable for Development Management to take any action. Other complaints of reported breaches have been investigated and Development Management will take action if there is evidence to support this and it is expedient to do so.

In response to comments the Professional Lead Development Management agreed that a statement explaining how Development Management is responding to any issues raised, would be produced for Members.

The Solicitor reported that an application by CPRW (Brecon & Radnor) for an injunction against the developers had been dismissed by the High Court and the outcome of CPRW's application for judicial review of the Welsh Minister's decision was expected any day.

**County Councillor K Lewis (Chair)**