

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 20 AUGUST 2020**

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, D R Jones, G Jones, M J Jones, F H Jump, H Lewis, I McIntosh, D R Price, P C Pritchard, G Pugh, D Selby, K S Silk, G I S Williams, J Williams and R Williams

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillors L George, E Vaughan and D H Williams.

<b>2.</b>	<b>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 27 July, 2020.

<b>Planning</b>
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<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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- (a) There were no declarations of interest.
- (b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.
- (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 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.

The Solicitor declared an officer interest in respect of application 20/0720/FUL as the proposed development was close to property owned by a relative and also near to another property owned by a late in-law. As a result, he would leave the meeting when this application was under consideration.

Councillor G Pugh advised the Committee that he had been made aware of suggestions that he is a friend of the applicant submitting application 19/1475FUL. He stated that like other Councillors he knows a lot of people in his local area, however, he would not class the applicant as a close friend and therefore having taken advice he would remain in the Committee to consider the application.

**4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE**

The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

There were no updates.

4.2 19/1475/FUL Tyn Yr Wtra, Llanwyddelan, New Mills, Newtown, Powys SY16 3BT

**Grid Ref:** E: 308557 N: 301310

**Valid Date:** 12/09/2019

**Community Council:** Dwyriw Community Council

**Applicant:** Mr & Mrs Jerman

**Location:** Tyn Yr Wtra, Llanwyddelan, New Mills, Newtown, Powys SY16 3BT

**Proposal:** Erection of a free-range egg production unit including silos, creation of vehicular access, and associated works (part retrospective)

**Application Type:** Full application

Mrs S O'Neill spoke on behalf of the objector Mrs Gethin. Mrs H Jerman applicant and Mr G Davies, Agent spoke in response.

The Principal Planning Officer advised that if the Committee was minded to approve the application, it was recommended that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to amend the wording of the highway conditions 12 and 13. The cumulative impact of the proposed development had been taken into account in the consideration of the application.

Councillor Silk advised that she had lost internet connection when a public speaker was speaking to the Committee. The Solicitor advised that as required by the Planning Protocol, as she had not heard all the statements, she should take no part in the decision on the application.

In response to questions the Principal Planning Officer advised that she was recommending the changes to the Highways conditions to ensure that the existing access to the site is blocked with appropriate material as per the plans and not re-opened and that the access gates are set back 5 metres from the highway to ensure that they cannot be opened outwards. She advised that the extension to the site was not to increase the number of birds but, increased the

floor area for the control room. The number of birds on site was limited to 32000 by a condition 4.

The Principal Planning Officer advised the Committee that the application was in principle the same as the original application. However, since the original permission, this application was now subject to the SAB approval process in respect of drainage approval. In addition, as the facility had been operating, conditions restricting the delivery times were now recommended due to the known amenity impact. As such, the conditions now recommended, control the unit better and offer further protection to the environment and residential amenity.

The Land Drainage Officer confirmed that development would need to comply with SAB requirements and that an application in respect of this, is to be received. He advised that he was not able to comment on the issue raised by the objector regarding a land slide on site. The Principal Planning Officer advised that the contractor had submitted a statement advising that the building had been constructed on sound ground. The landslide related to topsoil which had slipped following heavy rain. The Highways Authority had stated there were no risks in respect of public safety in respect of the adjacent highway.

Questions were raised regarding the visual impact of the building and the landscape management plan. The Principal Planning Officer advised that viewed from the C road, the building is prominent, but she assessed that with the proposed landscaping scheme the impact would be mitigated. In addition, the building was 1.5 metres lower than the original plan and was now grouped closer to existing buildings.

In respect of the number of birds, the Principal Planning Officer stated that the number of birds was restricted by a condition and the applicant would have to apply to the Council if they wished to increase this number. If such an application was received it would be considered on its own merits and statutory consultees would need to assess the application. She advised that the manure management plan accounted for the nitrogen levels associated with all the stock on the farm and Natural Resources Wales [NRW] had specially requested this information and had taken this into account in its consideration.

The Committee noted that the £12,000 fee referred to by the applicant was not a fine imposed by the Planning Authority but was the cost of having to submit a new application for the development. This was a consequence of the applicant not following the original planning permission.

Concerns were raised that as the applicant had not complied with the plans or conditions relating to the original application, what assurances were there that the applicant would comply with this, if the Committee was minded to approve the application. The Principal Planning Officer advised that officers would monitor compliance with the conditions and if there were a breach enforcement action would be taken, if expedient to do so. In response to questions the Land Drainage Officer advised that a substitute land drainage system was proposed in this application.

It was moved and duly seconded to approve the application as recommended by the officer and that it be delegated to the Professional Lead Development

Management in consultation with the Chair and Vice Chair to amend the wording of the highway conditions 12 and 13.

In response to concerns regarding compliance with conditions if the Committee was minded to approve the application, the Chair advised that any concerns raised with him would be forwarded to officers to investigate. The Principal Planning Officer advised that due to the interest in the application, the Highways Authority and Development Management would visit the site to assess compliance. The Professional Lead Development Management advised that although enforcement work is reactive, if conditions were breached enforcement would be pursued.

<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 it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to amend the wording of the highway conditions 12 and 13.</b>	<b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor K Silk resumed her place in the Committee.

4.3 20/0720/FUL Plot adjoining Gerallt, Rhos Y Brithdir, Llanfyllin SY22 5HD

**Grid Ref:** E: 313374 N: 322965

**Valid Date:** 02/06/2020

**Community Council:** Llanrhaeadr-Ym-Mochant Community Council

**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 Committee noted that officers were waiting for confirmation from the applicant that he wished to withdraw the application from the Committee or withdraw the application and resubmit a new application. As a result, the Committee needed to consider whether to determine or defer the application. The Professional Lead Development Management recommended deferment.

It was moved and duly seconded to defer consideration of the application. Councillor E M Jones advised that he had lost connection and therefore did not take part in the vote.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that consideration of the application be deferred.</b>	<b>To enable the applicant to review the application.</b>

**5. DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS**

The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 20 July 2020 and 7 August 2020.

**Taxi and other licensing**

**6. MINUTES OF TAXI LICENSING SUB-COMMITTEES**

The Chair presiding at the Taxi Review Panel held on 26 June 2020 was authorised to sign the minutes as a correct record.

In response to questions the Professional Lead Development Management advised that the Welsh Government guidance on site visits had not changed and the use of digital technology continued to be used. However, with appropriate risk assessments officers were undertaking site visits, as a last resort. He agreed to advise all Councillors of this so that expectations could be managed, especially as an email had been sent to Councillors regarding the enforcement form on the Council website.

**County Councillor K Lewis (Chair)**