

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD BY TEAMS ON THURSDAY, 29 JULY 2021

PRESENT

County Councillor K Lewis (Chair)

County Councillors G Jones, L V Corfield, E M Jones, M J Jones, H Lewis, D R Price, K Laurie-Parry, P C Pritchard, G Pugh, D Selby, L Skilton, E Vaughan, M Weale, G I S Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillors L George, F H Jump, K S Silk, D H Williams and J Wilkinson.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 1 July 2021.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor E Vaughan declared a prejudicial interest in application 21/0306/FUL because as Chair of governors of the school he was party to the discussion regarding the application.

County Councillor M J Jones declared a personal interest in the following applications as he was a member of Brecon Beacons National Park Authority [BBNPA], appointed by the Council:
21/0559/OUT - BBNPA had been consulted on the application but the application had been considered by officers under delegated authority and
21/0306/FUL – he was not sure if the BBNPA had been consulted on this application. the Planning Officer advised that she did not think that the BBNPA had been consulted on this application.

County Councillor K Laurie-Parry advised that in respect of 21/0306/FUL as the local councillor she believed she could take part and vote as allowed under Section 25 of the Localism Act 2011. The Solicitor advised that a member could be predisposed but not predetermined in respect of an application. However, he also advised it was a matter for a member to decide whether they have or have not an interest to declare and examine what they have said and done in respect to any application and whether that amounts to an unequivocal support or opposition to the application under consideration. He stated that the Planning Protocol defines prejudicial interest at paragraph 19.70 as whether a member of the public with knowledge of the relevant facts could reasonably regard as so significant an interest that it's likely to prejudice their judgement. He advised it was for the individual member to make their own mind up on such an issue.

(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 County Councillor D Thomas (who is not a member of the Committee) would be speaking as the 'local representative' in respect of an application on the agenda.

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

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

The Chair changed the order of the agenda to take the following item next.

4.2 21/0583/FUL Former Bronllys CP School, Bronllys, Brecon, Powys, LD3 0HP

Grid Ref: E: 314200 N: 234827

Valid Date: 19/04/21

Community Council: Bronllys Community Council

Applicant: Powys County Council

Location: Former Bronllys CP School, Bronllys, Brecon, Powys, LD3 0HP

Proposal: Residential development of 17 dwellings and all associated works

Application Type: Full application

The Professional Lead - Planning advised that as a result of correspondence yesterday, it had come to light that the public who may wish to speak had not been given notice of the meeting. In addition, Sports Wales had only recently been consulted and their response was awaited. In light of this, he recommended to the Committee that consideration of the application should be deferred.

It was moved and duly seconded to defer consideration of the application.

RESOLVED:	Reason for decision:
that the application be deferred.	To allow Sports Wales to comment on the application and to ensure interested parties can register to speak.

4.3 21/0559/OUT Land at And Surrounding Nant Helen Open Cast Coal Site, Powys And, Onllwyn Distribution Centre, Neath Port Talbot

Grid Ref: E: 283050 N: 211313

Valid Date: 30-03-21

Community Council: Tawe-Uchaf Community Council

Applicant: The Welsh Ministers

Location: Land at And Surrounding Nant Helen Open Cast Coal Site, Powys And, Onllwyn Distribution Centre, Neath Port Talbot

Proposal: Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development, education and training, rolling stock storage sidings and maintenance/cleaning/decommissioning facilities; associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross-boundary application - see Neath Port Talbot Application ref P2021/0327

Application Type: Outline planning

The Principal Planning Officer advised the Committee that Neath Port Talbot County Borough Council had approved the application, in respect of the part of the development in its area, at its meeting earlier in the week. The Principal Planning Officer therefore advised that the application could therefore be seen as an extension to that approved use under Policy E2 of the Local Development Plan.

County Councillor D Thomas spoke as the local representative.

Mrs S Pyart spoke against the application.

Mr S Jones, spoke on behalf of the applicant and Ms E Reynish spoke as the agent.

The Principal Planning Officer advised that if the Committee was minded to approve the application as recommended by officers, that determination be delegated to the Professional Lead - Planning in consultation with the Chair to allow for the expiration of the press notice on 30 July 2021.

In response to questions regarding noise from the braking of trains the Professional Lead Environmental Health advised that it was her understanding that the noise levels of the trains when braking was part of the noise assessment and taken into consideration when setting the conditions. The Professional Lead - Countryside Access & Recreation, in response to a question regarding access to the common land in the middle of the loop of the track, advised that access would be addressed through the common lands strategy.

Comments were made that it was essential that the proposed community liaison group, the local authority and other bodies would be properly resourced to ensure that the 61 conditions could be monitored. It was noted that the local member and objector had advised that conditions relating to the previous application regarding the site in respect of land drainage had not yet been met.

Questions were asked regarding the drainage of the site. The SAB and Environmental Health Control Manager, Neath Port Talbot County Borough Council advised that conditions were recommended in respect of land drainage and that an application for SAB approval was also required. This would look at the drainage strategy for the whole site. He advised that this was at the early stage of design and more details would be considered as part of the SAB application. In addition to the SAB, the site would also need to comply with Section 23 of the Land Drainage Act. He advised that the two local authorities were looking for a betterment in terms of the drainage and how it performs within the site. The Principal Planning Officer also advised that issues outside of the SAB process were covered by conditions, for example regarding culverts and these would be considered at reserved matters and could be called in by the local member for consideration by the Committee.

Issues were raised about the access to the site via the local road network and the rail heads. The Principal Planning Officer advised that road access had been considered and these were seen as being adequate. She also advised that if the Committee were minded to approve the application, conditions were recommended which required the ongoing monitoring of traffic to the site for the first five years of operation. She advised that Network Rail had been consulted and had no objections to the scheme. She also advised that in respect of the rail network there might be opportunities to upgrade the current network which would benefit the local community. Concerns were raised in respect of any future enforcement notice and on what organisation would a notice be served. The Professional Lead - Planning advised that if required an enforcement notice would be served on the owner of the site. He stated however, it was hoped that the proposed community liaison group would be able to resolve issues prior to the need for an enforcement notice.

It was noted that it was proposed to put 3 metre acoustic fencing on the embankments to mitigate noise levels. Comment was made about the impact of this fencing on the daylight available to Caehopkin, as this was an issue raised when the application regarding the embankments was being considered. The Principal Planning Officer stated that this had been assessed and based on the indicative plans there was no loss of light. However, the detail and placement of the fencing would be considered at reserved matters. In response to questions regarding the impact of phosphates on the watercourse, the Principal Planning Officer advised that the application site was outside the phosphate sensitive area of a River SAC.

It was moved and duly seconded to approve the application as recommended by the officer and that determination be delegated to the Professional Lead - Planning in consultation with the Chair to allow for the expiration of the press notice on 30 July 2021.

RESOLVED:	Reason for decision:
that the Committee is minded to approve the application, subject to the conditions set out in the report which is filed with the signed minutes and that determination be delegated to the Professional Lead - Planning in consultation with the Chair to allow for the expiration of the press notice on 30 July 2021.	As officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor E Vaughan left the meeting having declared an interest in the next application.

4.4 21/0306/FUL Land To North West Of Ysgol Bro Hyddgen, Machynlleth, SY20 8DR

Grid Ref: E: 274278 N: 300674

Valid Date: 10/03/21

Community Council: Machynlleth Town Council

Applicant: Heart of Wales Property Services on behalf of Powys County Council

Location: Land To North West Of Ysgol Bro Hyddgen, Machynlleth, SY20 8DR

Proposal: Change of use of land to create a sports pitch and associated drainage works

Application Type: Full application

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

In response to comments that the proposed facility should be made available to the whole community and not restricted to the use of the school, the Principal Planning Officer advised that there was no vehicular access to the site to enable access for the community and that the application had been made for use by the school rather than the wider community and must be considered on that basis. Comment was made about the drainage of the site and the Principal Planning Officer advised that a drainage strategy report had been received and SAB approval would be sought. In response to a question regarding security of the site he advised that a condition regarding a security fence was recommended.

It was moved and duly seconded to approve the application as recommended by the officer in the update report.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.	As officer's recommendation as set out in the update report which is filed with the signed minutes.

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 22 June 2021 and 20 July 2021.

6.	APPEAL DECISION
-----------	------------------------

The Committee received a copy of the Planning Inspectorate's letters regarding the appeals in respect of:

- application 18/0826/FUL - Forest View, Llanbister, Llandrindod Wells, LD1 6UL. The Committee noted that the Inspector had dismissed the appeal.
- application 20/2108/HH - 3 Tan-Yr-Eglwys, Tregynon, Newtown, SY16 3EZ. The Committee noted that the Inspector had dismissed the appeal.

Taxi and other licensing

7.	MINUTES OF TAXI LICENSING SUB-COMMITTEES
-----------	---

The Chair presiding at the Taxi Review Panel held on 2 June, 2021 was authorised to sign the minutes as a correct record.

Comments were raised regarding the new Natural Resources Wales [NRW] rules in respect of phosphate levels and their impact on private sewerage systems and

planning applications. The Professional Lead - Planning advised that he had requested that a development session for all councillors on this issue be included in the Member Development Programme.

County Councillor K Lewis (Chair)