

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 27 APRIL 2017**

PRESENT

County Councillor D R Price (Chair)

County Councillors M J Jones, L V Corfield, S Davies, W J Evans, E M Jones, G M Jones, P J Medlicott, R H Mills, K S Silk, D A Thomas, D G Thomas, G I S Williams, D H Williams and J M Williams

<b>1. APOLOGIES</b>	<b>PTLRW43 - 2017</b>
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Apologies for absence were received from County Councillors J C Holmes, D R Jones, Eldrydd Jones, F H Jump and W D Powell.

<b>2. MINUTES OF THE PREVIOUS MEETING</b>	<b>PTLRW44 - 2017</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 20<sup>th</sup> April 2017.

**Planning**

<b>3. DECLARATIONS OF INTEREST</b>	<b>PTLRW45 - 2017</b>
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(a) County Councillor DR Price declared a prejudicial interest in application P/2016//0803 as the applicant was a friend.

(b) County Councillor EM Jones requested that a record be made of his membership of New Radnor Community Council where discussion had taken place of matters for the consideration of this Committee, but he had not taken part in the debate.

(c) County Councillor GM Jones (who is a member of the Committee) declared that he would be acting as 'Local Representative' in respect of applications DIS/2016/0247 and DIS/2016/0258.

(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>	<b>PTLRW45 - 2017</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 GM Jones moved to the public seating area for the following application as he had not taken part in the site visit.

#### 4.2. P/2014/0672 Land off A44 SW of Llandegley, Llandrindod Wells, Powys

<b>Application No:</b>	P/2014/0672
<b>Grid Ref:</b>	313083.41 260357.03
<b>Valid Date:</b>	14/07/2014
<b>Officer:</b>	Andrew Metcalfe [Planning Consultant]
<b>Community Council:</b>	New Radnor Community Council
<b>Applicant:</b>	Hendy Wind Farm Limited
<b>Location:</b>	Land off A44 SW of Llandegley, Llandrindod Wells, Powys
<b>Proposal:</b>	Full: Construct and operate 7 wind turbines with a maximum tip height of 110m and maximum hub height of 69m together with ancillary development comprising substation, control building, new and upgraded access points and tracks, hardstanding and temporary compound and associated works
<b>Application Type:</b>	Application for Full Planning Permission

The Chair advised that the Committee had undertaken a site visit that morning to look at various viewpoints. The Chair advised that he would take questions after each section of the officer's presentation.

The Chair noted that questions had been raised as to why the application was being considered prior to the local elections i.e. during "purdah". The Solicitor advised that he had discussed this issue with the Solicitor to the Council and the Head of Democratic Services. It was lawful for the Committee to proceed because this was a Regulatory Committee which based its decisions on policy, procedure and advice and politics had nothing to do with the decisions of the Committee. The Welsh Local Government Association had issued Purdah Guidance which stated that "you are allowed to continue to determine planning applications even if controversial."

Councillor N. Dodman spoke on behalf of New Radnor Community Council.  
Councillor S. Travena spoke on behalf of Glaswcm Community Council.  
Mr J. St Clair spoke on behalf of objectors.

Mr P. Frampton spoke on behalf of the applicant.

#### Landscape and visual impact

Councillors indicated that the site visit was extremely enlightening. In response to a question the Professional Lead for Development Management confirmed that respondents including CADW, CPAT, Campaign to Protect Rural Wales, and some community councils objected to the application due to its adverse landscape and visual impact. However, he advised that the Planning Consultant considered that on balance the need for renewable energy outweighed this adverse impact.

It was noted that the communities surrounding this area also had real concerns about the impact of the development in comparison to the amount of energy produced. It was noted that 234 objections had been received and 6 letters of support. The Committee noted that the development would have a huge impact on “receptors” using bridleways and the A44.

Councillor B. Mills left the meeting.

#### Cultural heritage

In response to comments the Professional Lead for Development Management advised that although consultees such as CADW and CPAT objected to the application due to its adverse impact on cultural heritage, a report was commissioned by Development Management to secure an overview of all cultural heritage issues as the aforementioned consultee bodies each focussed on specific issues within their own remits. This report concluded that the proposed development would have significant and unacceptable impacts on the setting of a number of heritage assets.

The Professional Lead for Development Management advised that Planning Policy Wales 2016 stated that only in exceptional circumstances should planning permission be granted to a development that would result in an adverse impact on a scheduled ancient monument or has a significantly damaging effect upon its setting. He advised that he was not aware of any case law where this ‘exceptional circumstances’ requirement had been tested and that it was a judgement call for the Committee. However, the Planning Inspector’s decision regarding Bryn Blaen windfarm was a material consideration. It was noted that the Planning Inspector had allowed the appeal, in respect of Bryn Blaen, as he considered that the need for renewable energy outweighed the large adverse impact on cultural heritage. In addition, it was noted that the Garreg Llwyd wind farm proposals that was also allowed at appeal had a significant impact on an ancient monument but this site was located in a Strategic Search Area [SSA]. The Committee noted that the application, being considered by the Committee, was outside the SSA.

The Committee questioned the exceptional circumstances for the officer to recommend approval when a range of consultees had raised strong objections on the grounds of adverse impact on a special landscape. In response the Professional Lead for Development Management advised that Development Management rarely, where a recommendation for approval was made, also included reasons for refusal. He advised however, that this application was so finely balanced that he considered it was appropriate to do so. He advised however, that for this application the impact was considered to be significant and

therefore the Committee had to weigh this against the need for renewable energy.

#### Noise

In response to questions the Professional Lead for Development Management advised that if the Committee were minded to approve the application conditions would be attached regarding noise levels. If complaints were received after construction, noise levels would be assessed over a period of time at sensitive receptors. If it was found that levels were unacceptable the developer would have to meet the conditions and introduce mitigation measures. The Committee noted that cumulative noise levels were assessed and were not considered significant and that the nearest property not in the ownership of the applicant was approx. 980 metres from the nearest turbine.

#### Common land and Rights of Way

In response to questions the Definitive Map and Commons Registration Officer advised that the use of the Common Land was dealt with under separate legislation. If the application were approved, the developer would have to apply to the Welsh Government to for consent for works, or to deregister the affected area of common land and provide exchange land instead. The developer could not start construction work until it had received such approval from the Welsh Government. The officer advised that if an application was received by the Welsh Government, it would be a requirement that the landlord and commoners be consulted.

The Countryside Access Officer advised that as the location of some turbines did not meet the Council's guidance for distances from rights of ways the applicant had offered some permissive routes.

#### Transportation

The Highways Authority advised that based on the surveys from the applicant, the turbines could be transported under the railway bridge at Crossgates. He advised that if the application were approved a trial transportation run would be undertaken along the whole transport route with a police escort. In response to questions he was not aware of any proposed route via England and if such a route was proposed the applicant would need to seek approval from the Authorities affected. It was noted that if the Committee was minded to approve the application conditions were recommended seeking detailed drawings of all engineering works for the proposed accesses to the site.

Biodiversity – there were no questions.

#### Substation and grid connection

The Committee noted that the grid connection would be a separate application. However, comments were made that overhead cables would have a significant impact on the landscape, if the Committee were minded to approve the application.

#### Other issues

In response to a question the Professional Lead for Development Management advised that if the Committee was minded to approve the application, a condition could be added to ensure that the lighting on the turbines was infra-red.

The Committee considered the need for renewable energy and the weight that should be given to this against the weight of the significant impact on the landscape, cultural heritage and that the development is outside the SSA.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be refused.</b></p>	<p><b>1. The proposed development is unacceptable in landscape and visual terms due to the extent and degree of the significant landscape effects on LANDMAP High overall evaluation VSAs (Upland Moor Radnor Forest and Upland Moor Glascwm Hill) and moderate overall evaluation VSAs (Upland Moor north of Hundred House Rocky Moorland Gilwern Hill and Rolling Hills central south-east). The proposed development is contrary to policies UDP SP12, ENV2, GP1 and E3 of the Powys Unitary Development Plan (March 2010), Technical Advice Note 8: Renewable Energy (2005) and Planning Policy Wales: Edition 9 (2016).</b></p> <p><b>2. The proposed development would have a significant effect on users of the BOAT, Open Access Land and Public Rights of Way and thereby contrary to policies UDP SP12, GP1 and E3 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales: Edition 9 (2016).</b></p> <p><b>3. The proposed development would have an unacceptable adverse impact on the setting of Scheduled Nant Brook Enclosure, Scheduled Graig Camp, Scheduled Llandegley Rocks Hillfort and Scheduled Crug Eyr Mound and Bailey Castle. The proposed development is therefore contrary to policies UDP SP12, UDP SP3, ENV17 and E3 of the Powys Unitary Development Plan (March 2010), Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology (1996) and Planning Policy Wales: Edition 9 (2016).</b></p>

County Councillor G.M. Jones resumed his seat in the Committee.

County Councillor D.R. Price having declared an interest left the meeting room for the next application.

County Councillor M.J. Jones took the Chair.

4.3. P/2016/0803 Beacons Edge, Pontithel, Brecon, Powys LD3 0RY

<b>Application No:</b>	P/2016/0803
<b>Grid Ref:</b>	315874.33 236213.88
<b>Valid Date:</b>	29/07/2016
<b>Officer:</b>	Tamsin Law
<b>Community Council:</b>	Bronllys Community Council
<b>Applicant:</b>	Mr & Mrs G Hopkins C/O Agent
<b>Location:</b>	Beacons Edge, Pontithel, Brecon, Powys LD3 0RY
<b>Proposal:</b>	Hybrid planning application comprising the change of use from 3 no dwellings to 1 no dwelling, the change of use of plots 1 and 4 and erection of plots 2 and 5 each becoming single holiday let units in lieu of each comprising 4 individual motel units approved under planning application B6022, the erection of a detached garage, access, parking and associated works (applied for in full), and the erection of 1 no dwelling (applied for in outline)
<b>Application Type:</b>	Hybrid Application for Full and Outline Planning Permission

The Principal Planning Officer advised that Development Management had received notification that an area of the application site was not in the ownership of the applicant. The applicant's agent had sent an amended site location plan, detailing a reduced site area, which now formed part of the application.

Mr A. Bevan spoke against the application.  
Mr G. John spoke on behalf of the applicant.

The Principal Planning Officer advised that if the Committee was minded to approve the application she recommended that a condition be added requiring a scheme for the stopping up of the existing eastern access be submitted for approval prior to the commencement of the development.

The Principal Planning Officer stated that there were no outstanding enforcement investigations open in respect of this site. She also advised that the applicant had agreed to enter into a legal agreement securing the non-further implementation of the extant consent.

In response to questions the Principal Planning Officer advised that the applicant had agreed to a legal agreement which meant that the proposed development had a lesser impact on the landscape and highways than the extant planning permission. The Highways Authority confirmed that the proposed scheme would

result in less traffic movements compared to what could be implemented and the western access would be improved.

The Principal Planning Officer advised that, if the Committee was minded to approve the application, the removal of permitted development rights relating to the proposed dwellings and holiday let units could also be included.

In response to highways comments and questions the Highways Authority advised that the access was not onto a Trunk Road and speed limits could not be placed on the road. If this was a green field site with no planning history the Authority would recommend refusal. However, as there was already extant planning permission the current proposal would result in a reduction in traffic and improvements to the access and so the application was supported with conditions.

<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 a condition be added requiring the stopping up of the eastern access prior to the commencement of the development and that permitted development rights be removed for the whole site.</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 comply with Powys County Council's UDP Policy GP4 in relation to highway safety and to meet the requirements of TAN18: Transport and Planning Policy Wales (9th Edition 2016).</b></p> <p><b>To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with policies GP1 and ENV2 of the Powys Unitary Development Plan.</b></p>

County Councillors S Davies, G.M. Jones and GIS Williams asked that their votes against the application be recorded.

County Councillor DR Price returned to the meeting room and resumed the Chair.

County Councillor GR Jones moved to the public seating area for the next two applications.

4.4. DIS/2016/0247 Blaen y Glyn, Llangurig, Welshpool, Llanidloes , Powys SY18 6SL

**Application No:** DIS/2016/0247

**Grid Ref:** 291676 281370

**Valid Date:** 08/12/2016

**Officer:** Gemma Bufton

**Community Council:** Llangurig Community Council

**Applicant:** Mr Radford, Bryn Blaen Wind Farm Limited, c/o Agent

**Location:** Blaen y Glyn, Llangurig, Llanidloes, Powys SY18 6SL

**Proposal:** Discharge of conditions 4, 22, 23, 25, 27, 28 and 32 of planning approval P/2014/1102

**Application Type:** Application for Approval of Details Reserved by Condition

County Councillor GR Jones spoke as the local representative.  
Mr P. Frampton spoke on behalf of the applicant.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>That conditions 4, 22, 23, 25, 27, 28 and 32 are discharged as 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>

4.5. DIS/2016/0258 Blaen y Glyn, Llangurig, Welshpool, Llanidloes , Powys SY18 6SL

**Application No:** DIS/2016/0258

**Grid Ref:** 291676 281370

**Valid Date:** 04/01/2017

**Officer:** Gemma Bufton

**Community Council:** Llangurig Community Council

**Applicant:** Mr Radford, Bryn Blaen Wind Farm Limited

**Location:** Blaen y Glyn, Llangurig, Llanidloes, Powys, SY186SL

**Proposal:** Discharge of conditions 9, 33, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 56 & 60 of planning approval P/2014/1102.

**Application Type:** Application for Approval of Details Reserved by Condition



County Councillor GR Jones spoke as the local representative.  
 Mr J. Dore spoke against the application.  
 Mr P. Frampton spoke on behalf of the applicant.

In response to questions the Principal Planning Officer advised that the conditions were discharged in that the developer had supplied the information required under the conditions and this had been assessed as being acceptable. However, the need to undertake actions required within the conditions in respect of birds etc. was still required.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that 9, 33, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 56 &amp; 60 are therefore discharged as 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 GR Jones resumed his seat in the Committee.

<b>5.</b>	<b>DECISIONS OF THE HEAD OF REGENERATION, PROPERTY AND COMMISSIONING ON DELEGATED APPLICATIONS</b>	<b>PTLRW47- 2017</b>
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The Committee received for information a list of decisions made by the Head of Regeneration, Property and Commissioning during the period between 10th April, 2017 and 19<sup>th</sup> April, 2017.

<b>6.</b>	<b>APPEAL DECISION</b>	<b>PTLRW48- 2017</b>
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The Committee received a copy of the Planning Inspectorate's letter regarding the appeals in respect of application P/2014/0632 Ivy House, Middletown, Welshpool, SY21 8EL. The Committee noted that the Inspector's decisions relating to the appeals and to the application for costs. The Professional Lead for Development Management advised that Development Management had pointed out to all consultees that if they were recommending refusal on an application they needed to be able to back this up with evidence and attend any appeal hearings.

The Chair thanked the officers and members for their attendance. As this was the last meeting in this Council term the Chair thanked the Vice Chair and all Members for their work on the Committee. To those who had decided not to stand in the forthcoming election he wished them the best.

**County Councillor D R Price (Chair)**