

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 16 NOVEMBER 2017**

PRESENT

County Councillor D R Price (Chair)

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

**1. APOLOGIES**

There were no apologies for absence.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 26 October, 2017.

**Planning**

**3. DECLARATIONS OF INTEREST**

- (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 the following Members (who are not members of the Committee) would be speaking as the 'local representative' as follows:  
County Councillor K W Curry – P/2017/0199  
County Councillor M Alexander - P/2017/0874.

**4. 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).

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.

4.2 P/2017/0119 Wyeseid Caravan Park, Rhayader, Powys LD6 5LB

<b>Application No:</b>	P/2017/0119
<b>Grid Ref:</b>	296834.02 268416.04
<b>Valid Date:</b>	07/02/2017
<b>Officer:</b>	Karen Probert
<b>Community Council:</b>	Rhayader Town Council
<b>Applicant:</b>	Mr Nathan Goodyear, The Camping and Caravanning Club
<b>Location:</b>	Wyeseid Caravan Park, Rhayader, Powys LD6 5LB
<b>Proposal:</b>	Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works
<b>Application Type:</b>	Full planning permission

County Councillor K Curry spoke as the local representative.

Councillor C Evans on behalf of Rhayader Town Council.

Mrs S Jones spoke against the application.

Miss S Butterfield spoke as the Agent and Mr N Goodyear spoke as the applicant.

Colin Edwards, Solicitor declared a non-prejudicial interest as he was a member of the Camping and Caravanning Club but having consulted the Monitoring Officer it had been confirmed that he could remain in the meeting to advise the Committee on any legal issues.

The Solicitor advised the Committee that it was not lawful to take into account any private property issues.

County Councillor R Williams left the meeting for other Council business.

In response to questions the Professional Lead Development Management advised that the distances between tents is likely to be regulated under licencing law if required. He reminded the Committee that the site is currently used for tents and there are no planning restrictions that he is aware of on the site.

County Councillor P Pritchard sought advice from the Solicitor as he advised he might be a member of the Camping and Caravanning Club. The Solicitor advised that if he was not sure if he was, he should err on the side of caution and declare a prejudicial interest and leave the meeting room. County Councillor P Pritchard therefore declared a prejudicial interest and left the meeting room.

Comments were made about the visual impact of the proposed changes compared to the current open field. The Planning Officer advised that consideration had been given to visual impact and advised that the site is well

screened from the road and houses and the application accords in her opinion with the Unitary Development Plan [UDP]. The Professional Lead Development Management advised that he did not consider that there was sufficient evidence to refuse the application on the grounds of landscape and visual impact.

In response to questions regarding flooding the Professional Lead Development Management advised the Committee that the whole site was within the C2 flood zone and the update report shows pictures provided by the Town Council of a flooding event. However, the site is currently used for tourism and the proposed development does not in his opinion add to the current risk as there are no planning restrictions on seasonal use or the use of the site by caravans.

The Committee referred to a similar application, at a previous meeting, which was refused and it considered that the principles were the same.

Comments were made that providing hard standing pitches would not only formalise the site but would also increase the usage of the site and it was considered that this intensification was unacceptable in a C2 flood zone.

It was proposed and duly seconded that the development would lead to an increase in usage of the site and that it would have a negative effect on a greenfield site in the upper Wye Valley and the impact on the amenity of the area. In response the Solicitor advised that these issues are material considerations but stated that each application had to be considered on its own merits and that as this was an existing site, he did not consider that the impact on the visual amenity was very strong. The Professional Lead Development Management advised that the other application, to which members were referring, was different because there was already a planning condition limiting the occupancy and that the application was to extend the occupation period. The current application site has no occupancy restrictions. In respect of character and appearance he advised that this was a subjective issue but did not consider it sufficient to justify refusal.

Due to comments being made by the public the Chair adjourned the meeting to allow the Professional Lead Development Management to speak to the local representative, Town Council representative and the Agent and applicant. On resuming the meeting the Professional Lead Development Management advised that the site has a licence for operation during the period February – November. The Applicant had also advised that they were happy for a planning condition to restrict the occupancy of the site to those in the licence (February – November).

In response to comments regarding the intensification of the use of the site the Professional Lead Development Management advised that the argument put forward by the applicant is that the facilities on site were being improved and the use of the site would not be intensified. However, some members argued that by putting in hard standing the site could be occupied more frequently, resulting in an intensification of use.

It was proposed and duly seconded that to be consistent with a similar application which the Committee had recently refused on the grounds of intensification of use in a C2 flood zone, the application should be refused as it was a development in a C2 flood zone and in addition that there was a visual impact on the historical importance of the Wye Valley.

The Professional Lead Development Management advised that he was concerned about referring to a previous application as the reason for refusal. The Solicitor advised the Committee that costs could be awarded if it was deemed that it acted unreasonably. It was noted that the Committee had gone against NRW's views on a previous application but the Solicitor reminded the Committee it had to consider each application on its own merits.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>That contrary to officer's recommendation that the application be refused.</b>	<b>That notwithstanding the statements by Natural Resources Wales, the intensification of use in a C2 flood zone was unacceptable. The proposed development would also have an unacceptable visual impact.</b>

The Committee took a short break and on resuming County Councillor K Laurie-Parry was out the room.

4.3 P/2017/0530 Land West of the Street, Four Crosses, Powys, SY22 6RE

**Application No:** P/2017/0530

**Grid Ref:** 326880.85 31853303

**Valid Date:** 19/05/2017

**Officer:** Tamsin Law

**Community Council:** Llandysilio Community Council

**Applicant:** Mr Mervyn Jones

**Location:** Land West of the Street, Four Crosses, Powys SY22 6RE

**Proposal:** Outline: Residential development, formation of vehicular access and estate roadway together with all associated works

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

In response to questions the Principal Planning Officer advised that a response had been sought from the Education Department but none had been received. When considering a previous application the Education Department had advised, at that time, that there was spare capacity at the local school. However, the Committee noted the comments from the Community Council, that the school was using mobile classrooms. The Chair asked the Portfolio Holder for Education, who was in attendance at the meeting, to take up with the Education

Department the lack of responses to Development Management's requests for information.

The Professional Lead Development Management advised that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to obtain information from the Education Department as to the need for a financial contribution and secure a S106 agreement, as appropriate.

In response to comments regarding the availability of housing for local people the Principal Planning Officer advised that 20% of the dwellings would be affordable.

Comments were made that in the Local Development Plan 46 houses were considered as being sustainable growth for this area. However, 59 houses had recently received permission and it was considered that this development was not sustainable. The Professional Lead Development Management advised that this was an argument, however it should be noted that there are a large number of facilities in the area, but having said this, this is a borderline application given the number of dwellings previously approved at Four Crosses. In response to comments regarding the lack of a five year housing land supply the Professional Lead Development Management advised that this should be given considerable weight but developments also have to be sustainable and case law has supported the latter.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>That this is an unsustainable development.</b>

The Chair agreed to move the items on the Agenda to accommodate the speakers and members of the public.

4.7 P/2017/0874 Land adjacent to Derwen Talerddig Road, Llanerfyl, Powys SY21 0EG

**Application No:** P/2017/0874

**Grid Ref:** 303420.03 309647.81

**Valid Date:** 31/07/2017

**Officer:** Steve Packer

**Community Council:** Llanerfyl Community Council

**Applicant:** Mrs Sioned Roberts, Llangadfan Parc, Welshpool, Powys, SY21 0EG

**Location:** Land adjacent to Derwen Talerddig Road, Llanerfyl, Powys SY21 0EG

**Proposal:** Outline (with some matters reserved):

for erection of 7 no. detached dwellings with detached dwellings, formation of vehicular access, access road and all associated works (amended from 9 dwellings)

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

County Councillor M Alexander spoke as the local representative.  
Mr G Davies spoke as the Agent.

In response to comments the Principal Planning Officer advised that there was no significant impact on the Welsh language and that the numbers of people speaking Welsh in Llanerfyl was stable. This was a departure from the Unitary Development Plan and the lack of a five year housing land supply should be given significant consideration. Taking all the issues into account the officers were recommending approval.

It was noted that the development included a number of affordable houses and that the later was limited to 130 sq. metres.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>That the development is outside the Unitary Development Plan [UDP] boundary and that it is an unsustainable development.</b>

The Committee adjourned at 12.30 p.m. for lunch and reconvened at 1.05 p.m.

County Councillors K Laurie-Parry resumed her seat in the Committee and County Councillor L George arrived at the meeting.

4.4 P/2016/0819 Land opposite Kings Court, Presteigne, Powys, LD8 2AJ

**Application No:** P/2016/0819

**Grid Ref:** 332156.74 263845.56

**Valid Date:** 29/07/2016

**Officer:** Gemma Bufton

**Community Council:** Presteigne Town Council

**Applicant:** Micharon Homes Ltd, c/o Agent

**Location:** Land opposite Kings Court, Presteigne, Powys, LD8 2AJ

**Proposal:** Outline: Proposed residential development to include creation of new access

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

The Principal Planning Officer advised that if the Committee was minded to approve the application, officers were also recommending a condition restricting the affordable dwellings to a maximum floor area of 130 sq. metres and a condition removing permitted development rights, as contained in the Update report.

<b>RESOLVED:</b> that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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County Councillor R Williams returned to the meeting.

4.5 P/2017/0201 Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE

**Application No:** P/2017/0201

**Grid Ref:** 302253.35 266821.44

**Valid Date:** 20/02/2017

**Officer:** Thomas Goodman

**Community Council:** Nantmel Community Council

**Applicant:** Mr Steve Rowlands, Dan-y-Graig, Llanyre, Llandrindod Wells, Powys, LD6 5PE

**Location:** Cae Llwyn Poultry, Nantmel, Rhayader, Powys, LD6 5PE

**Proposal:** Full: Erection of an agricultural workers dwelling to include a garage, installation of sewage treatment plant and all associated works

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

In response to questions the Principal Planning Officer advised that that condition 10 removes permitted development rights. The proposed development meets the required criteria for such dwellings under TAN 6. The Professional Lead Development Management advised that the applicant had proved that the business was profitable and can sustain the dwelling proposed.

Concerns were raised regarding the development in the C2 flood zone. The Principal Planning Officer advised that Natural Resources Wales [NRW] had advised that its modelling information was out of date and therefore required a

Flood Consequences Assessment. On reviewing this information NRW had not objected 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>

4.6 P/2017/0815 Land off Old Market Meadows, Penybont, Llandrindodd Wells, Powys LD1 5US

<b>Application No:</b>	P/2017/0815
<b>Grid Ref:</b>	311728.83 263867.71
<b>Valid Date:</b>	13/07/2017
<b>Officer:</b>	Kevin Straw
<b>Community Council:</b>	Penybont Community Council
<b>Applicant</b>	Brightwells Ltd, 33 High Street, Builth Wells, Powys LD2 3DL
<b>Location:</b>	Land off Old Market Meadows, Penybont, Llandrindod Wells, Powys LD1 5US
<b>Proposal</b>	Outline: Residential development for up to 5 dwellings with garages, formation of access road and all associated works
<b>Application Type:</b>	Application for Outline Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application, officers were also recommending a condition restricting the affordable dwellings to a maximum floor area of 130 sq. metres and a condition removing permitted development rights, as contained in the Update report.

The Committee noted that 12 houses had not been developed on an adjacent site. The Professional Lead Development Management advised that Development Management did not know why these had not been developed. He advised that this was a sustainable location due to the local facilities and its proximity to Crossgates. The Professional Lead Development Management advised that appeal decisions had to be considered and that where sites within 2 km of appropriate facilities can where appropriate be considered as sustainable.

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



<b>conditions set out in the Update report which is filed with the signed minutes.</b>	<b>with the signed minutes.</b>
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4.8 P/2017/0989 Land adjacent 14 - 19 Hafen Deg, Llanfair Caereinion, Welshpool, Powys SY21 ORU

**Application No:** P/2017/0989

**Grid Ref:** 310567.13 306506.27

**Valid Date:** 11/09/2017

**Officer:** Sara Robinson

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** Powys County Council

**Location:** Land adjacent 14 – 19 Hafen Deg, Llanfair Caereinion, Welshpool, Powys SY21 ORU

**Proposal:** Formation of a car parking area

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

<b>RESOLVED:</b> that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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4.9 HEDG/2017/0005 Maes Garthbeibio, Foel, Welshpool, Powys, SY21 ONJ

**Application No:** HEDG/2017/0005

**Grid Ref:** 298735.15 311392.74

**Valid Date:** 13/09/2017

**Officer:** Richard Edwards

**Community Council:** Banwy Community Council

**Applicant:** Powys County Council

**Location:** Maes Garthbeibio, Foel, Welshpool, Powys, SY21 ONJ

**Proposal:** Application for Hedgerow Removal

**Application Type:** Application for Hedgerow Removal

<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>

<b>5. 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 18 October, 2017 and 9 November, 2017. The Committee noted that P/2017/0898 [page 231] had been considered by the Committee.

A question was raised regarding the advice given by Development Management to applicants regarding the provision of bilingual signage. The Professional Lead Development Management advised he would provide information direct to the Member.

<b>Taxi and other licensing</b>
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<b>6. MINUTES OF TAXI REVIEW PANELS</b>
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The Chair presiding at the Taxi Review Panel held on 15 August, 2017 was authorised to sign the minutes as a correct record.

The Committee noted the dates and times of future meetings.

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