

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 1 FEBRUARY 2018

PRESENT

County Councillor D R Price (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors L George, M J Jones, K Laurie-Parry and P Roberts.

The Chair welcomed County Councillor Gareth Pugh to his first meeting.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 18 January, 2018 subject to it being noted that in respect of P/2016/0455, the correct name of the speaker for Old Radnor Community Council was Councillor R Burdon and not R. Burton.

Planning

3. DECLARATIONS OF INTEREST

- (a) County Councillor R Williams declared a personal interest as he was a member of the Campaign for the Protection of Rural Wales.
- (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' in respect of applications:
County Councillor E. Jones – P/2017/0444
County Councillor E. Durrant – P/2017/1224

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/2016/0397 Lower House Farm, Clyro, Hereford, HR3 5RU

Grid Ref: 322207.34 244602.32

Valid Date: 20/04/2016

Officer: Tamsin Law

Community Council: Clyro Community Council

Applicant: Mr Lloyd JR Lloyd & Son, Lower House Farm,
Clyro, Hereford, HR3 5RU

Location: Lower House Farm, Clyro, Hereford, HR3 5RU

Proposal: Erection of two poultry units, creation of access track, installation of a package treatment plant and all associated works

Application Type: Application for Full Planning Permission

The Chair advised that the Committee had undertaken a site visit prior to the Committee meeting.

The following spoke against the application:

Louise Money, James Lewis, Angus Graham, Margaret Wadley, Julie North and Roger Wells.

The following spoke for the application:

Tom Lloyd, applicant
John Hodgkinson, poultry supplier
Graham Clarke, Agent
Andrew Lloyd, applicant.

The Principal Planning Officer referred the Committee to the update report which provided further clarification on the impact on the historic landscape and Offa's Dyke footpath. She advised that if the Committee was minded to approve the application it was recommended to delegate to the Professional Lead, Development Management to amend or include the following conditions:
Additional condition requiring the submission of existing and proposed site levels.
Condition 27 and 29 – to add in the need for the Plans to be approved by the local Planning Authority to ensure enforceability
Conditions 31 and 32 – to amend the wording

The Principal Planning Officer advised that the cumulative impact of the proposed development had been considered along with the Environmental Statement submitted with the application.

In response to questions the Principal Planning Officer advised that the previous planning permission was considered to be an extant consent. This was for 10000 free range table birds with six clean out periods per year. The current application was for larger units for 23500 birds and this number would be limited by condition. The proposed system would require a clean out every 55 weeks.

The Committee was advised that there was anecdotal evidence that white clawed crayfish were present in the River Wye. The Principal Planning Officer advised that a precautionary approach was undertaken regarding white clawed crayfish and contact was made with Natural Resources Wales (NRW) for their professional opinion. The Principal Planning Officer advised that NRW had undertaken a desk top exercise and they stated that they did not consider that the ammonia nitrogen depositions would have a significant impact on white clawed crayfish.

In response to questions the Environmental Health Officer advised that the expert reports indicate that noise levels at all receptors are below background levels and that odour levels are below the 3 odour unit benchmark. He confirmed that the assessments were for properties and not tents or caravans and that assessments had been taken at Bushfield Farm.

The Principal Planning Officer advised that approximately 104 objections and a 41 signature petition had been received and one letter of support.

In response to a question about the morality of the proposed production system the Solicitor advised that this was a material planning consideration and it was for the Committee to consider what weight to give to this.

The Committee noted that trees would be planted to screen the proposed development. Officers advised that although the trees would take years to grow and mature the proposed development would be grouped with existing buildings and seen as part of the existing farm complex. However, the Committee had to take this into consideration when considering the landscape and visual impact.

Concerns were raised about how odours levels would be monitored. The Professional Lead Development Management advised that condition 21 covered odour. The Environmental Health Officer also advised that if the levels were breached then this could be investigated as a possible statutory nuisance and action could be taken under the Environmental Protection Act, in addition to enforcement due to a breach of the planning condition. If such a breach occurred the Committee was concerned about the time it would take to take actions. The meeting was adjourned to allow the Professional Lead Development Management to clarify a point with the applicant. On reconvening the meeting, the Professional Lead Development Management advised that if the Committee was minded to approve the application he recommended that it be delegated to him to condition an odour management plan.

In response to concerns about the impact on the landscape and on other businesses the Professional Lead Development Management advised that condition 27 required the submission of a landscape management plan and the details of the types of trees would be contained in this. Development Management considered therefore that the impact on the landscape and tourism

could be managed to an acceptable level. In response to a question relating to the potential for a bund and the details of this, it was advised that the condition requiring the submission of existing and proposed site levels could demonstrate this.

The Highway Authority advised that a transport assessment had been undertaken and the Authority was satisfied that the visibility was sufficient for accessing the site.

The Principal Planning Officer acknowledged the concerns raised about the landscape impact. However, she advised that on balance the tree planting, location of the building and the low ridge height of the building would mean that over time the development would be appropriately screened. She advised that condition 3 would control the materials used for the building.

In response to a question regarding TR2 the Professional Lead Development Management advised that TR2 was a policy to protect tourism assets. Development Management however, advised that with conditions the impact on the tourism assets could be managed to an acceptable level, but it was for the Committee to consider these issues.

RESOLVED:	Reason for decision:
<p>That Committee having considered and taken into account the submitted Environmental Statement the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the delegation to the Professional Lead Development Management to add a condition about the existing and proposed site levels; amending the wording of conditions 27, 29,31 and 32 and that a condition requiring the submission of an odour management plan be added.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure that site levels are appropriately managed in the interests of the character and appearance of the area.</p> <p>To ensure that conditions 27 & 29 are enforceable in accordance with the relevant circular.</p> <p>To ensure that conditions 31 & 32 are precisely worded in relation to protected species licensing.</p> <p>To ensure that odour is appropriately managed.</p>

The following Councillors asked that their vote against the application be recorded: County Councillors D.H Williams, D Thomas, K Silk, G Williams, I McIntosh, J Williams, H Hulme and D Selby.

4.3 P/2017/0444 Land adj Lon-Yr-Ywen, Pontrobert, Powys SY22 6JT

Grid Ref:	311018.6 312889.79
Valid Date:	24/04/2017
Officer:	Eddie Hrustanovic
Community Council:	Llangyniew Community Council
Applicant:	Mr & Mrs N Proudlove & K Proudlove-Banks 56 Warrane Road, North Willoughby NSW 2068 Australia, 29 Camp Road, Phoenix New York 13135 USA
Location:	Land adj Lon-Yr-Ywen, Pontrobert, Powys, SY22 6JT
Proposal:	Outline: Proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved)
Application Type:	Application for Outline Planning Permission

County Councillor E Jones spoke as the local representative.

Mrs A Molton spoke against the application.

Mr Proudlove spoke as the applicant.

The Planning Officer advised that in the emerging Local Development Plan [LDP] Pontrobert was classed as a large village. The Professional Lead Development Management advised that if the Committee was minded to approve the application condition 5 should be changed to state that the level of affordable housing should be 60%, rather than 20%.

Concerns were raised about the sustainability of further developments in Pontrobert. The Planning Officer advised that new development to date was as follows:

- Allocated housing site under the Unitary Development Plan [UDP] – 13 dwellings, with two not yet built
- Recent approved application – 9 dwellings not yet commenced
- Affordable houses – 2 dwellings

In addition to the above a further two applications had been received for five dwellings each.

The Professional Lead Development Management advised that on balance, officers considered that this application was acceptable on sustainability grounds. In addition although two open market dwellings were a departure from the UDP the provision of three affordable houses was in line with the UDP. He advised that the Committee had to consider this against the sustainability of the development.

Concerns were raised about the lack of facilities in the village and the distances to other towns. In addition, it was noted that the percentage and number of Welsh speakers had reduced over a 10 year period.

In response to questions the Network Manager advised that the development should not make the flow of water worse and he considered that the drainage proposed for the development would make improvements. The Planning Officer advised that condition 7 secured the need for engineering details regarding surface water drainage.

It was moved and duly seconded to approve the application, as set out in the officer's report, with the amendment to condition 2 to state a level of affordable housing at 60%. The motion was lost on a vote.

RESOLVED: that the application be refused.	Reason for decision: That the development was not sustainable.
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The Chair changed the order of the meeting to accommodate speakers and the public.

Prior to the discussion of the next item the applicant's agent advised that he would be referring to personal information about the applicant, when addressing the Committee. As a result the Committee

RESOLVED: that in accordance with Section 100(A)(4) of the Local Government Act 1972 the public and press were excluded from the meeting for the following item.	Reason for decision: That there would be disclosure to them of exempt information under paragraphs 12 and 13 of Schedule 12A Part 7 of the above Act in respect of the following item.
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Members of the public left the meeting room.

4.4 P/2017/1224 Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP

Grid Ref: 311796.7 228228.31

Valid Date: 20/10/2017

Officer: Thomas Goodman

Community Council: Llangors Community Council

Applicant: Mr & Mrs R & J Gunney, Arrah Lodge, Llanfihangel Tallylyn, Llangorse, Brecon, LD3 7TP

- Location:** Land adjoining Arrah Lodge, Llanfihangel Tal y Llyn, Llangorse, Brecon, LD3 7TP
- Proposal:** Outline application (with all matters reserved) for erection of a dwelling, detached garage and all associated works
- Application Type:** Application for Outline Planning Permission

County Councillor E Durrant spoke as the local representative.
Mr A Bevan spoke as the agent.

The Professional Lead Development Management advised that the personal circumstances of the applicant were a material planning consideration and the Committee had to give these the appropriate weight. He advised that there was insufficient evidence to support approval. He also advised that the road improvements offered did not justify approval.

The Committee asked whether an annex could be built at the existing property. The Chair adjourned the meeting to allow the Planning Officer to speak to the Agent regarding this. On reconvening the meeting the Planning Officer advised that building an annex was not an option on financial grounds.

It was noted that the Community Council would support the application if the development was restricted to an affordable dwelling or linked to a Section 106 agreement. Concerns were raised about developing solutions and that the Committee should consider the application before it.

RESOLVED:	Reason for decision:
that the application be refused.	1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).

The Committee moved into open session.

County Councillor P Pritchard left the meeting.

County Councillor K Lewis was out of the meeting room for the start of this application and sat in the public area.

4.5 P/2017/1388 Land adjoining Coed Llys, Penrhos, Llanymynech, Powys SY22 6QE

Grid Ref: 323502.45 316639.8

Valid Date: 21/11/2017

Officer: Eddie Hrustanovic

Community Council: Llandrinio Community Council

Applicant: Mr J T Corbett, Penrhos, The Mount, Llanymynech Powys SY22 6QE

Location: Land adjoining Coed Llys, Penrhos, Llanymynech Powys SY22 6QE

Proposal: Outline application (with some matters reserved) for erection of a dwelling, detached garage, installation of septic tank and all associated works

Application Type: Application for Outline Planning Permission

In response to questions the Professional Lead Development Management advised that sustainability was a material planning consideration but officers considered that it was a sustainable location being 2.3km from Four Crosses.

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

County Councillor K Lewis resumed his seat in the Committee.

4.6 P/2017/1284 Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ

Grid Ref: 297869.03 268525.66

Valid Date: 06/11/2017

Officer: Karen Probert

Community Council: Rhayader Town Council

Applicant: Mr & Mrs Duggan, Cefn Y Crug, Crossgates, Llandrindod Wells, Powys, LD1 6RU

Location: Site adj to Tir Gaia, Abbey Cwm Hir Road, Rhayader, Powys, LD6 5DZ

Proposal: Outline: Erection of 9 residential dwellings, including 3 affordable dwellings and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

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

4.7 P/2017/1333 Oakleigh, Refail, Berriew Powys SY21 8AJ

Grid Ref: 319238.82, 299832.5

Valid Date: 15/11/2017

Officer: Bryn Pryce

Community Council: Berriew Community Council

Applicant: N Freeman, Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys

Location: Oakleigh, Refail, Berriew Powys SY21 8AJ

Proposal: Outline: Erection of single dwelling, upgrade of sewerage treatment plant and associated works

Application Type: Application for Outline Planning Permission

The Planning Officer advised that Development Management was concerned about site splitting. As a result, it recommended that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused. The Professional Lead Development Management advised that the negotiations would be undertaken with the guidance of the Affordable Housing Team.

RESOLVED:	Reason for decision:
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	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that an appropriate affordable housing contribution

Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused.	is secured.
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4.8 P/2017/1337 Oakleigh, Refail, Berriew Powys SY21 8AJ

Grid Ref: 319224.46, 299837.25

Valid Date: 15/11/2017

Officer: Bryn Pryce

Community Council: Berriew Community Council

Applicant: N Freeman Dyffryn Industrial Estate, Severn Fast Fit, Newtown Powys

Location: Oakleigh, Refail, Berriew Powys SY21 8AJ

Proposal: Outline - Erection of single dwelling, upgrade of sewerage treatment plant and associated works

Application Type: Application for Outline Planning Permission

The Planning Officer advised that Development Management was concerned about site splitting. As a result, it recommended that if the Committee was minded to approve the application that it be delegated to the Professional Lead Development Management to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused.

RESOLVED: 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 to negotiate a contribution to affordable housing and that if this is not forthcoming the application be refused.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that an appropriate affordable housing contribution is secured.
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4.9 P/2017/1317 Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU

Grid Ref: 289260.79 292298.39
Valid Date: 10/11/2017
Officer: Luke Jones
Community Council: Trefeglwys Community Council
Applicant: Mr & Mrs W J Davies, Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU
Location: Pantygamallt, Staylitttle, Llanbrynmair, Powys, SY19 7BU
Proposal: Outline - Erection of dwelling, garage and associated works (some matters reserved)
Application Type: Application for Outline Planning Permission

The Planning Officer advised that if the Committee were minded to approve the application the conditions were those as stated in the update report.

It was noted that the application was not in the Llanbrynmair Community Council area but rather, Trefeglwys Community Council area.

In response to comments the Professional Lead Development Management advised that the nature of Staylitttle was such that there was a cluster of dwellings around the local facilities and then a number of dwellings located either side of the cluster. He advised that on balance officers recommended approval.

Concerns were raised that this was a development in the open countryside and the proposed development was not for an affordable dwelling.

RESOLVED: that the application be refused.	Reason for decision: That the development was in the open countryside and contrary to the Unitary Development Plan [UDP]
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County Councillors D Selby and E Vaughan left the meeting.

4.10 P/2017/0770 Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX

Grid Ref: 317583.43 302357.63
Valid Date: 27/07/2017

Officer: Rachel Mulholland

Community Council: Berriew Community Council

Applicant: Ms Helen Thomas, Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX.

Location: Cil Common Stables, Cefn-Y-Faenor, Berriew, Welshpool, SY21 8AX

Proposal: Full: Demolition of existing stable building and erection of new dwelling, installation of septic tank and creation of new access and all associated works.

Application Type: Application for Full Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application that condition 14 be removed and that condition 2 be amended as detailed in the update report.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to condition 14 being removed and condition 2 be reworded as detailed in the update report.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure that appropriate landscaping is secured.

The Professional Lead Development Management declared an interest in the next application and left the meeting room.

4.11 AGRI/2018/0004 Dolmenyn, Garth, Llangammarch Wells, Powys LD4 4BL

Grid Ref: 296594.28 249181.27

Valid Date: 11/01/2018

Officer: Rhys Evans

Community Council: Llangammarch Community Council

Applicant: Mr A.J. Davies, Dolmenyn Farm, Garth, Llangammarch Wells, Powys, LD4 4BL

Location: Dolmenyn, Garth, Llangammarch Wells, Powys, LD4 4BL

Proposal: AGRI: Erection of an agricultural storage building

Application Type: Application for prior Notification of Agricultural or Forestry development

RESOLVED:	Reason for decision:
That prior approval of the proposed development is not required subject to the condition set out in the report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

The Professional Lead Development Management returned to the meeting room.

4.12 DEM/2018/0001 The Red Dragon, Plantation Lane, Newtown, SY16 1LH

Grid Ref: 309959.84 290515.34

Valid Date: 09/01/2018

Officer: Luke Jones

Community Council: Newtown Town Council

Applicant: Powys County Council

Location: The Red Dragon, Plantation Lane, Newtown, Powys, SY16 1LH

Proposal: Demolition Notification: Demolition of an unused public house

Application Type: Application for prior Notification of Proposed Demolition

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

5.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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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 11 and 24 January, 2018.

6.	MINUTES OF TAXI REVIEW PANELS
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The Chair presiding at the Taxi Review Panel held on 22 November, 2017 was authorised to sign the minutes as a correct record.

The Chair advised that as a result of the departure of the Head of Regeneration, Property & Commissioning in December, Ken Yorston would become Interim Head of Service for Property, Planning and Public Protection and Gwilym Davies would become Interim Senior Manager, Planning and Public Protection. These would be for a six month period. The Committee congratulated both officers.

County Councillor D R Price (Chair)