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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE Thursday, 18th March, 2021

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

SUPPLEMENTARY PACK

1.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 24 February 2021 as a correct record.

(Pages 3 - 8)

2.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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2.1. **Updates**

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(Pages 9 - 18)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD BY TEAMS ON WEDNESDAY, 24 FEBRUARY 2021

PRESENT

County Councillor K Lewis (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors E Durrant, E Vaughan, G I S Williams and D H Williams.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 4 February 2021.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor P Pritchard declared a prejudicial interest in applications 20/1354/FUL and 20/1142/LBC because he lived close to the application site.

(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) County Councillor P Pritchard (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application 20/1354/FUL.

(d) The Committee noted that County Councillor S McNicholas (who is not a member of the Committee) would be speaking as the 'local representative' in respect of application 20/1010/OUT.

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 20/1010/OUT Former School Playing Field At, James Street,
Ystradgynlais, Powys, SA9 1EX

Grid Ref:	E: 278742 N: 209843
Valid Date:	08/07/20
Community Council:	Ystradgynlais Town Council
Applicant:	Mr G Price
Location:	Former School Playing Field At, James Street, Ystradgynlais, Powys, SA9 1EX
Proposal:	Erection of two detached dwellings and associated works
Application Type:	Outline planning

County Councillor S McNicholas spoke as the local representative.
Mr G Price spoke as the applicant.

The Principal Planning Officer advised in response to a question that there was a very slight slope on the site. In response to questions regarding the weight the Committee should give to the flood consultant's report submitted by the applicant, the Principal Planning Officer advised that this was a Flood Risk Supporting Statement. She clarified that the applicant had submitted a Flood Consequences Assessment [FCA] with the application but advised that a FCA is not requested for a proposed highly vulnerable development in a C2 flood zone, as National and Local policy does not allow such developments in a C2 flood zone. She clarified that a FCA would only be assessed where highly vulnerable development had been justified in accordance with the tests set out in TAN15 and confirmed the application could not be justified against any of the tests and compliance with all are required. The Committee noted that the local representative and applicant had advised that they had not known the site to flood. The Principal Planning Officer advised that this was anecdotal evidence and the Flood Risk Statement indicated that the site was vulnerable to an extreme 0.1% annual probability event the site floods.

The Principal Planning Officer advised that hydrological data had not been reviewed as the application was contrary to policy. In response to questions regarding the Natural Resources Wales' [NRW] Development Advice Maps [DAM] she advised the Committee that it would be for the applicant to challenge the NRW regarding the map. She advised that the DAM for this area had been updated at the end of 2019 and the area remained in the C2 flood zone.

In response to questions regarding the applicant's proposal to raise the floor level of the buildings the Principal Planning Officer advised that this would risk displacing flood water to other areas.

It was moved and duly seconded to refuse the application as recommended by the officer.

RESOLVED: that the application be refused.	Reason for decision: The proposal will lead to the introduction of highly vulnerable development within Zone C2 as defined by the Development Advice Maps referred to under TAN15 Development and Flood Risk (2004). The development is contrary to policy DM5 of the Powys Local Development Plan (2011-26), Technical Advice Note 15: Development and Flood Risk (2004) and Planning Policy Wales (2018).
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County Councillor P Pritchard advised that he had abstained, as he was late arriving to the meeting and had not heard all the discussion.

4.3 20/1354/FUL Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

Grid Ref: E: 322398 N: 307332

Valid Date: 27.08.2020

Community Council: Welshpool Town Council

Applicant: Mr Jack Tavernor

Location: Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

Proposal: Erection of 1 no. residential dwelling and construction of vehicular access and parking

Application Type: Full Application

County Councillor P Pritchard spoke as the local representative.
Mr D Hughes spoke as the agent.
After Mr Hughes had spoken County Councillor Pritchard left the Teams Live meeting, as he had declared a prejudicial interest in the application.

In response to questions the Planning Officer advised that the development provided a betterment in respect of parking.

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

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officer's recommendation as set out in the report which is filed with the signed minutes.
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Having declared a prejudicial interest in the following application County Councillor Pritchard remained outside the Teams Live meeting.

4.4 20/1142/LBC Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

Grid Ref: E: 322398 N: 307332

Valid Date: 22.07.2020

Community Council: Welshpool Town Council

Applicant: Mr Jack Tavernor

Location: Oldford Cottage, Oldford Lane, Welshpool, SY21 7TE

Proposal: Listed building consent for alterations to a stone wall involving removal of section of low stone wall, concrete post and fence and rebuild remaining wall

Application Type: Listed Building Consent

In response to a question the Planning Officer advised that lime mortar would be used on the new wall as recommended by the Built Heritage Officer and a condition was recommended in respect of this.

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

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 officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillors J Williams and D Selby left to attend other meetings.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 28 January 2021 and 16 February 2021.

In response to questions regarding the level of applications to discharge planning conditions the Professional Lead Planning advised that there had to be good reasons for conditions. Some conditions can be discharged once further evidence has been submitted by an applicant and reviewed by Development Management.

6.	APPEAL DECISION
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The Committee received a copy of the Planning Inspectorate's letter regarding the appeal in respect of application 20/1023/HH - Fronlwyd, Hirnant, Pen Y Bont Fawr, SY10 0HP. The Committee noted that the Inspector had upheld the appeal.

Taxi and other licensing

7.	MINUTES OF TAXI LICENSING SUB-COMMITTEES
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The Chair presiding at the Taxi Review Panel held on 3 February 2021 was authorised to sign the minutes as a correct record.

County Councillor K Lewis (Chair)

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4.1

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1580/FUL

Grid Ref: E: 311620
N: 310318

Community Council: Llangyniew Community

Valid Date: 16.10.2020

Applicant: Sheeham Holdings Ltd

Location: Fir View Tan Y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT.

Proposal: Change of use of land to static caravan park, including installation of 54 static caravans, improvements to existing site access, creation of internal road layout, landscaping parcels and installation of a package treatment plant. (Extension of existing caravan park)

Application Type: Full Application

REPORT UPDATE

Additional Consultee Responses

Natural Resources Wales (NRW)-

9th March 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 25/02/2021.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- Salopian Consultancy Ltd, 28/09/2020, Preliminary Ecological Appraisal.
- Salopian consultancy Ltd, 05/01/2021, Artificial Lighting & Biodiversity Enhancement Statement.
- Salopian Consultancy Ltd, Plan 1, 04/01/2021, Lighting & Bird/Bat box plan.2

Protected Species

We have reviewed the Artificial Lighting & Biodiversity Enhancement Statement

(Salopian Consultancy Ltd, dated 05/01/2021) submitted in support of the above application. Provided the measures identified in this document are secured via appropriately worded condition and implemented, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Flood Risk

We have no further comments to make with regards of flood risk, please refer to our response letter of 06/11/2021.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Officer Appraisal

Water Supply-

Planning Policy Wales (2021) identifies that the planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development.

The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

Concerns have been raised from third parties over concerns on capacity during peak periods within the local area.

It is noted that the application site as existing is currently connected to the mains provided by Severn Trent. Any additional connections would therefore have to be sought directly by Severn Trent through applying for the appropriate license which is a separate approval regime to the planning remit.

Severn Trent have been consulted during the application and no concerns have been raised in relation to water supply within the area. Therefore, whilst the concerns are noted it would be for the developer to ensure that an appropriate license is sought prior to the

re-development of the application site.

An informative would therefore be attached to any grant of consent noting that a connection license must be sought from Severn Trent which will consider the connection and/or capacity of the mains connection within the area.

Conditions

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents Ki 5595 Rev 1B, Ki 5595, 2D, Ki 5595 3B, Ki 5595, Ki 5595 4B, Ki 5595 10B, Arboricultural Appraisal (Salopian Consultancy).
- 3 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 4 The static caravans shall be a palette of muted environmental colours only. Any alternative colours must be submitted to and approved in writing by the Local Planning Authority. Development thereafter for the life of the development must comply with the details as approved above.
- 5 No more than 54 static caravans shall be on the land hereby approved at any one time.
- 6 All highway improvement works shall be completed in strict accordance with drawing numbers Ki5595 1 Rev B, 2 Rev D, 4 Rev B & 13.
- 7 No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- 8 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 215 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained

free from obstruction for as long as the development hereby permitted remains in existence.

9 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

10 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

11 Prior to the occupation of any static caravan, provision shall be made within the curtilage of the site for the parking of not less than one parking bay per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

12 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

13 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

14 No surface water drainage from the site shall be allowed to discharge onto the county highway.

15 Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

16 Prior to the commencement of development a scheme for the stopping up of the existing access shown on Drawing Number Ki5595 13 shall be stopped up in materials to be agreed in writing by the Local Planning Authority and shall include a timing schedule for the completion of the works. The scheme as agreed shall be retained for as long as the development is in existence.

17 Within five days from the commencement of the development the raised beds and

signage within the visibility splays shown on Drawing Number Ki5595 13 shall be removed from the area of the access visibility splays.

18 Any external lighting installed within the application site shall be completed in full accordance with the Artificial Lighting & Biodiversity Enhancement Statement by Salopian Consultancy dated 05/01/2021 and plan reference: Plan 1: Lighting & Bird/Bat Box Plan.

19 Prior to the commencement of development a landscaping and biodiversity enhancement schedule of works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a phasing scheme for the development which should be completed in accordance with document: Tree Planting Scheme by Salopian Consultancy dated 04/01/2021 and plan reference: Plan 1: Tree & Hedgerow Planting Plan. Development thereafter shall be completed in full accordance with the details as approved.

20 Prior to the first use of the application site hereby approved the applicant shall prepare and install flood warning notices and evacuation plans for the site in accordance with the Flood Consequence Assessment for Fir View Caravan Park, Llangyniew dated October 2020. The use of which shall remain in place for the life of the development.

21 The southern boundary hedgerow which runs parallel to the A495 shall be retained and translocated in accordance with the details as contained within the Preliminary Ecological Appraisal by Salopian Consultancy Ltd and as shown on drawing ref: Ki5595 2D and shall remain as such in perpetuity.

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3 To ensure the development is not used for full time residential use in accordance with policy TD1 of the Local Development Plan (2018).

4 To ensure a satisfactory development in terms of impact on the surrounding area in accordance with policy TD1 of the Local Development Plan

5 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

6 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007), Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

7 In the interest of highway safety in accordance with Powys Local Development

Plan policies T1 and DM13, TAN 18 (2007), Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

8 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

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12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

13 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

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17 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

18 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and Future Wales: The National Plan 2040.

19 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and Future Wales: The National Plan 2040.

20 In accordance with Technical Advice Note 15: Development and Flood Risk (2004).

21 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and Future Wales: The National Plan 2040.

Informative Notes

1 Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird;
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- o intentionally take or destroy the egg of any wild bird;
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk

2 It should be noted that in addition to planning approval proposed developments require approval from the Sustainable Drainage System Approval Body (SAB), prior to any construction works commencing on site, where there are new developments of more than 1 house or where the area of the project proposals with drainage implications is likely to exceed 100m² (including access tracks, areas of hard standing etc.). Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality). Further information on the requirements of SAB can be found at: <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

3 With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on NRW website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

4 It should be noted that in addition to planning approval a new Mains Water

Connection should be sought directly from Severn Trent prior to any works beginning. Failure to connect to the mains may require in further planning permission being required for any private system then proposed. Advice should be sought directly from the Local Planning Authority.

Case Officer: Gemma Bufton, Principal Planning Officer
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