

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 2 AUGUST 2018**

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, H Hulme, M J Jones, F H Jump, K Laurie-Parry, H Lewis, I McIntosh, G Pugh, D Selby, K S Silk, 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 and D Price and County Councillor J Wilkinson who has been granted a leave of absence.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair advised that the minutes were not available and would be considered at the next meeting.

The Chair advised that he would be moving to the Rights of Way section of the Agenda.

**Rights of Way**

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest in respect of the next two agenda items.

**4. APPLICATION TO CORRECT THE REGISTER OF COMMON LAND**

The Definitive Map and Commons Registration Officer advised that new information had been received the previous day from the objector, which neither the Officers nor the applicant had time to consider. As a result, the Officer was recommending that consideration of the application be deferred.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>To defer consideration of the application.</b>	<b>To allow Officers and the applicant to consider new information received from the objector.</b>

**5. OPPOSED DIVERSION ORDER 2017: ABANDONMENT AND MAKING OF A NEW PUBLIC PATH ORDER**

The Committee considered the report regarding Footpaths C15 and C18, Wernllwyd (Community of Welshpool). Proposed abandonment of diversion

Order 2017 and making of a new diversion Order under section 119 of the Highways Act 1980. The Committee noted the background to the application.

<b>RESOLVED</b>	<b>Reason for decision</b>
<p><b>1. That the diversion Order made in 2017 for footpaths C15 and C18 under section 257 of the Town and Country Planning Act 1990, as at Appendix A, in the report which is filed with the signed minutes, be formally abandoned, as it cannot be confirmed; and</b></p> <p><b>2. That a new diversion Order be made in replacement, under section 119 of the Highways Act 1980, for the routes shown on the plan at appendix E in the report; and</b></p> <p><b>3. That the Council enters into a creation agreement with the landowner, to create a linking section of path between point J and the canal towpath, as per the plan at appendix F in the report. This would come into effect only if the new diversion Order can be confirmed.</b></p>	<p><b>1. To formally abandon the 2017 diversion order because it cannot be confirmed.</b></p> <p><b>2. To make a new diversion order and a creation agreement to address the objections raised.</b></p>

County Councillor L Corfield arrived at the meeting.

**Planning**

**6. DECLARATIONS OF INTEREST**

(a) There were no declarations of interest.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown Town Council where discussion had taken place of matters for the consideration of this Committee, but he had not taken part in these.

County Councillor J Williams requested that a record be made of his membership of Llandrindod Wells Town Council where discussion had taken place of matters for the consideration of this Committee, but he had not taken part in these.

(c) The following County Councillors (who are members of the Committee) declared that they would be acting as 'local representative' in respect of the following applications:

County Councillor G Pugh – application P/2028/0587

County Councillor D Selby – application P/2017/1274

(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.

## **7. 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).

### 7.1 Updates

The Members confirmed that they had received the update circulated the previous day and prior to the meeting. As some Members indicated that they had not had time to read the updates the Chair adjourned the meeting for five minutes for this to happen.

County Councillor G Pugh moved to the public seating area for the next item.

### 7.2 P/2018/0587 Abermule Business Park, Abermule, Powys

**Grid Ref:** 315781.85 294091.63

**Valid Date:** 06/06/2018

**Officer:** Tamsin Law

**Community Council:** Abermule Community Council

**Applicant:** Powys County Council

**Location:** Abermule Business Park, Abermule, Powys

**Proposal:** Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works

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

County Councillor G Pugh spoke as the local representative.

Mr M Aymes spoke against the application.

Mr I Pryce spoke on behalf of the owners of the caravan park.

Mr N Williams spoke against the application.

The following spoke for the applicant: Mr B Davies, Mr A Collins, Miss C Storer and Mr M Lotinga.

The Principal Planning Officer advised that if the Committee was minded to approve the application the Update Report contained an additional condition regarding the phasing of the outline element of the scheme.

In response to questions the Principal Planning Officer confirmed that the two closest receptors were in the ownership of the applicant. She advised that the proposed building was not dissimilar to agricultural buildings approved in the countryside and that with the orientation of the building to the road and due to the level of the land, that whilst the building would have an impact on the landscape it is considered to be a moderate impact and not a significant impact.

Questions were raised about the flood risk. The Senior Land Drainage Officer advised that with the proposed improvement and enhancements on the site and with management of the site, the land drainage issues could be managed. The water from the bulking area would be retained on the site and not discharged to surrounding area.

The Ecologist advised that great crested newts were to the south of the site and features would be put in place to stop them accessing the site.

In response to question regarding noise, the Environmental Health Officer advised that it was recognised that industry does create noise and so mitigation measures are used to address this. The Principal Planning Officer advised that the approximate distance to the Caravan site were: 475 metres to the site boundary and 695 metres to the bulking site. The proposed building was at its highest approximately 13.4 metres and dropped to 10 metres and for comparison, the new building at Buttington Cross is 13.4 metres and an agricultural building recently approved by Committee was approximately 12.2 metres at their highest. The proposed colour of the building was queried and the Principal Planning Officer advised that if the Committee was minded to approve the application a condition could be added requesting that the colour of the external materials to be used be submitted for approval prior to construction.

In response to questions the Principal Planning Officer advised that the applicant had indicated that it did not own any other suitable sites for such a development. The Professional Lead Development Management reminded the Committee that this was an allocated site that allowed waste recycling in the Local Development Plan [LDP]. The Committee noted that CADW had not objected to the application.

Concerns were raised about the suitability of the site, the size of the building and the visual impact of the area. It was moved and duly seconded to refuse the application due the effect on the landscape and the visual impact. The motion was put to the vote and duly lost.

It was moved and duly seconded to approve the application and the conditions as detailed in the update report and that a condition be added that the colour of the external materials to be used be submitted for approval prior to construction.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted</b>	<b>As officers recommendation as</b>

<p><b>consent, subject to the conditions set out in the update report which is filed with the signed minutes and that a condition be added that the colour of the external materials to be used be submitted for approval prior to construction.</b></p>	<p><b>set out in the report which is filed with the signed minutes.</b></p> <p><b>In order to protect the character and appearance of the area.</b></p>
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The meeting was adjourned 11.50 a.m. to 12.05 p.m.

County Councillor G Pugh resumed his place in the Committee.

7.3 P/2018/0632 Brynlywarch Residential School, Kerry, Newtown Powys SY16 4PB

**Grid Ref:** 315123.71, 289297.18

**Valid Date:** 19/06/2018

**Officer:** Bryn Pryce

**Community Council:** Kerry Community Council

**Applicant:** Powys County Council

**Location:** Brynlywarch Residential School, Kerry, Newtown Powys SY16 4PB

**Proposal:** Full: Erection of a classroom unit

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

<p><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.</p>	<p><b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.</p>
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7.4 P/2018/0507 Land at West Street, Knighton, Powys, LD7 1EN

**Grid Ref:** 328392.3 272534.84

**Valid Date:** 10/05/2018

**Officer:** Holly-Ann Hobbs

**Community Council:** Knighton Town Council

**Applicant:** D Willowridge, Willowridge International, 10 Old Cheltenham Road, Longlevens, Gloucester, GL2 0AW

**Location:** Land at West Street, Knighton, Powys, LD7 1EN.

**Proposal:** Section 73 application for variation of condition nos 2 and 3 attached to planning permission P/2015/0419 to extend the time limit for commencement

**Application Type:** Application for Removal or Variation of a Condition

The Principal Planning Officer advised that the Update report referred to affordable housing and that if the Committee was minded to approve the application the conditions were those contained in the Update report. She also advised that the Education Department had advised that as the local school had capacity a contribution to education was not required and as the site was adjacent to the Offa's Dyke Recreation Centre there was no requirement to include open space in the development.

The Committee noted the concerns of the Town Council and the local member regarding the proposed loss of affordable housing. In response to questions the Professional Lead for Development Management advised that 10% affordable housing was in line with current target contribution, as contained in the LDP and the Committee had to take this information into account.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<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>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

The Committee noted that a development land tax on developers not developing sites with planning permission was being considered by the Welsh Government. The Professional Lead for Development Management advised he would forward the Committee's concerns to the Portfolio Holder and ask whether these concerns could be raised with the local AMs.

The Committee adjourned for lunch at 12.50 p.m. and reconvened at 13.20 p.m.

County Councillors H Hulme and H Williams left the meeting.

County Councillor G Williams was not in the meeting for the next item.

7.5 P/2018/0627 Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN

**Grid Ref:** 310907.19 273407.47

**Valid Date:** 19/06/2018

**Officer:** Sara Robinson

**Community Council:** Llanbister Community Council

**Applicant:** Powys County Council

**Location:** Land Adjacent to Llanbister County Primary School, Llanbister, Llandrindod Wells, Powys, LD1 6TN

**Proposal:** Full: Change of use of agricultural land to playing field and erection of fencing

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

In response to questions the Planning Officer advised that the nearest properties were 11 and 4 metres away from the proposed fencing.

<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>

7.6 P/2017/1453 Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

**Grid Ref:** 308555.64, 278616.33

**Valid Date:** 15/12/2017

**Officer:** Bryn Pryce

**Community Council:** Llanbadarn Community Council

**Applicant:** Mr James Powell, E A Powell & Sons, Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

**Location:** Dolygarn, Llanbadarn Fynydd, Llandrindod Wells Powys LD1 6YL

**Proposal:** Full: Erection of an agricultural livestock building

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

<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</b>

<b>conditions set out in the report which is filed with the signed minutes.</b>	<b>filed with the signed minutes.</b>
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County Councillor D Selby moved to the public seating area for the next agenda item.

7.7 P/2017/1274 Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys

**Grid Ref:** 310254.79 291198.41

**Valid Date:** 01/12/2017

**Officer:** Dunya Fourie

**Community Council:** Newtown Town Council

**Applicant:** Mr Lee Davies, Going Green For A Living Community Trust Ltd, The Cross, Broad Street, Newtown, Powys, SY16 2BB.

**Location:** Sites A, B & C Nr. Riverside & Nr. Latham Park, Newtown, Powys

**Proposal:** Full: Proposed Green Infrastructure Project to include Site A - Change of use of land to form a play park / amenity area and erection of play equipment; Site B - Construction of a BMX pump track; Site C - Erection of hub building & formation of storage compound, formation of car park, new entrance and all associated works

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

The Planning Officer advised that Natural Resources Wales [NRW] had advised that the development was acceptable. The officer advised that if the Committee was minded to approve the application the conditions were those contained in the Update report.

County Councillor D Selby spoke as the local representative.

<b>RESOLVED:</b> <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>	<b>Reason for decision:</b> <b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>
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County Councillor D Selby resumed his place in the Committee. County Councillor G Williams returned to the meeting.

7.8 P/2018/0592 Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB

**Grid Ref:** 306290.08 261902.33

**Valid Date:** 31/05/2018

**Officer:** Sara Robinson

**Community Council:** Llandrindod Wells Town Council

**Applicant:** Powys County Council

**Location:** Trefonnen Church In Wales School, Trefonnen Lane, Llandrindod Wells, Powys, LD1 5EB

**Proposal:** Section 192 application for a certificate of lawful development for a proposed use for a single storey rear extension to school

**Application Type:** App. Certificate of Lawfulness of Proposed Use or Development

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be approved, 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>

7.9 P/2018/0467 Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY

**Grid Ref:** 311249.4 291900.05

**Valid Date:** 08/05/2018

**Officer:** Dunya Fourie

**Community Council:** Newtown Town Council

**Applicant:** Powys County Council

**Location:** Y Ffrydd, Canal Road, Newtown, Powys, SY16 2JY

**Proposal:** Full : New parking arrangements and associated works

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

The Planning Officer advised that the application had been withdrawn to enable the applicant to consider the comments from the community.

<b>8.</b>	<b>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 28 June, 2018 and 1 August, 2018. It was noted that P/2018/0581 Noyadd Farm Caravan & Campsite, Llanddewi'r Cwm had been had been considered by the Committee at its last meeting.

<b>Taxi and other licensing</b>
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<b>9.</b>	<b>MINUTES OF TAXI REVIEW PANELS</b>
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As only one, of the three members who were on the sub-committee held on 1 May, 2018 was present, the minutes were deferred to the next meeting for consideration.

A Member asked that Committee minutes come to the next meeting and officers noted this request.

The Solicitor updated the Committee on the progress of the following appeals:

- Hendy windfarm – to date there was no response from Ministers
- Glascwm – all parties had exchanged legal submissions and the High Court would sit in Llandrindod Wells on 8th October to consider the appeal.

**County Councillor K Lewis (Chair)**