

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 13 SEPTEMBER 2018**

**PRESENT**

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, H Hulme, M J Jones, F H Jump, K Laurie-Parry, H Lewis, I McIntosh, D R Price, 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 Councillor J. Wilkinson who was on leave of absence.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 23 August, 2018, subject to it being noted that County Councillor L Corfield had given her apologies for the meeting at the end of the previous meeting.

**Planning**

**3. DECLARATIONS OF INTEREST**

(a) County Councillor G Williams declared a prejudicial interest in application P/2018/0621 because he knew the applicant.

(b) County Councillor H Hulme requested that a record be made of her membership of Dwyriw Community Council where discussion had taken place of matters for the consideration of this Committee and she had been involved in discussions regarding the application.

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.

(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 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.

**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.

County Councillor H Hulme having declared an interest left the meeting room for the next item.

#### 4.2 P/2018/0466 Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT

**Grid Ref:** 308738.42 301309.17

**Valid Date:** 02/05/2018

**Officer:** Holly-ann Hobbs

**Community Council:** Dwyriw Community Council

**Applicant:** Mr & Mrs Jerman, G & H Jerman, Tyn yr Wtra, Llanwyddelan, New Mills, Newtown, Powys, SY16 3BT

**Location:** Tyn Yr Wtra, Llanwyddelan, Newtown, Powys, SY16 3BT

**Proposal:** Full: Erection of an egg laying unit, creation of vehicular access and all associated works

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

Mrs O'Neill spoke against the application.

Mr G. Jerman, applicant and Mr G Davies, agent spoke.

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those contained in the update report.

In response to questions the Principal Planning Officer advised that as a result of comments from Severn Trent, the manure management plan had been amended. She advised that Severn Trent had no further comments. In respect of private water supplies [PWS] the application had been assessed by Environmental Health and the appropriate buffer zones had been agreed and included in the manure management plan. The Committee was advised that Natural Resources Wales [NRW] had considered the application and the cumulative effect and had no objections.

In response to a question raised regarding the watercourse as mentioned by the third party public speaker, the Principal Planning Officer highlighted an area of land and confirmed that the applicant's agent had indicated that this was not a watercourse but an area of ground that becomes waterlogged during periods of heavy rainfall.

County Councillor R Williams left the meeting room and on his return sat in the public area.

Officers confirmed that the manure management plan contained a contingency plan which indicated that there are a number of covered areas on the farm to allow for storing any manure, slurry and dirty water produced at times when spreading may not be possible. It was confirmed that all manure would be stored in accordance with the Code of Good Agricultural Practice.

In response to a question regarding the buffer zone around a PWS the Professional Lead Development Management advised that the advice was that a 50 metre buffer zone was acceptable and therefore there was no evidence to suggest that this should be increased to 100 metres. The Solicitor advised that case law stated that the Committee should not substitute its own opinions for the advice received from statutory consultees. The Professional Lead Development Management He confirmed that if a well was identified in the future the 50 metre buffer zone requirement would need to be applied to this.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be delegated to the Professional Lead for Development Management to grant consent, subject to the conditions set out in the update report which is filed with the signed minutes and additional conditions securing the provision of a 50 metre buffer around existing and proposed wells and a condition requiring a surface water drainage scheme for the access road.</b>	<p><b>As officers recommendation as set out in the report which is filed with the signed minutes.</b></p> <p><b>For the protection of private water supplies.</b></p> <p><b>In order to ensure that surface water from the access road is appropriately managed,</b></p>

County Councillor R Williams and H Hulme resumed their seats in the Committee.

4.3 P/2018/0322 Ystym Colwyn, Meifod, Powys, SY22 6XT

**Grid Ref:** 319201.71 316420.83

**Valid Date:** 21/03/2018

**Officer:** Tamsin Law

**Community Council:** Meifod Community Council

**Applicant:** Mr Gittins, Ystym Colwyn Farms, Ystym Colwyn Farms, Ystym Colwyn, Meifod, Powys, SY22 6BN

**Location:** Ystym Colwyn, Meifod, Powys, SY22 6XT

**Proposal:** FULL: Erection of an extension to existing intensive poultry unit and all associated works

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

The Principal Planning Officer advised that the traffic movements identified in the report were the worst case scenario and would equate to two vehicles per day. She advised that, if the Committee was minded to approve the application, the conditions were those detailed in the update report.

Comments were made that the development was not farm diversification and that this was a factory development contrary to Policy E2.

In response to comments about the number of birds the Principal Planning Officer advised that the farm had an NRW permit for 340,000 birds. If the Committee was concerned about the size of the development a condition could be added to restrict this application to 200,000 birds. The Highway Authority advised that it had no objections to the application.

The Principal Planning Officer advised that condition 7 required that a scheme of landscaping be submitted prior to any development or site clearance and condition 8 referred to the landscaping in the first year and over the following five years. She advised that if the landscaping scheme submitted was unacceptable, the application would be recommended for refusal.

The Committee raised concerns about the landscape and visual impact of the development. The Professional Lead for Development Management advised that if the Committee was concerned about the landscape impact, it was entitled to defer the application to receive the landscape plans.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be deferred.</b>	<b>To enable officers to request and consider a scheme of landscaping.</b>

The Chair agreed to change the order of the agenda to accommodate the public in attendance.

County Councillor G Williams having declared an interest left the meeting room for the next application.

4.4 P/2018/0621 Elancot, Howey, Llandrindod Wells, Powys, LD1 5PP

**Grid Ref:** 304859.17 259040.82

**Valid Date:** 18/06/2018

**Officer:** Rhys Evans

**Community Council:** Dissert & Trecoed Community Council

**Applicant:** Mrs Grace Cleaton, Howey, Llandrindod Wells, Powys, LD1 5PP

**Location:** Elancot, Howey, Llandrindod Wells, Powys, LD1 5PP

**Proposal:** Full: Erection of an annex

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

Mr R Powell spoke against the application.

Ms E Adams spoke against the application.

In response to comments the Professional Lead Development Management advised that an annex should be sub-ordinate to and in character with an existing building. He advised that condition 5 ensured this was the case with the proposed development. He advised the Committee that the fall-back position was that under permitted development rights a building at this location could be developed with a ridge height of less than 4 metres. The requirement for a planning application enabled the local planning authority to have more control over the development. It was advised that the fall-back position should be given weight when considering this application.

The Committee referred to Local Development Plan [LDP] policy H7 which stated that ancillary development, including residential annexes shall be provided as an extension to a dwelling and the criteria that applied where this is not practical. The Committee considered that the proposed development seemed to be contrary to this policy as no reason was given for the location of the proposed dwelling.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be deferred.	To enable Development Management to review the location of the development in respect of LDP policy H7.

County Councillor G Williams resumed his seat in the Committee.

4.5 P/2018/0725 Former Bowling Green Site, Back Lane, Newtown, Powys, SY16 2NH

**Grid Ref:** 310683.45 291656.14

**Valid Date:** 18/07/2018

**Officer:** Gemma Bufton

**Community Council:** Newtown and Llanllwchaiarn Town Council

**Applicant:** Powys County Council, Affordable Housing Team

**Location:** Former Bowling Green Site, Back Lane, Newtown, Powys, SY16 2NH

**Proposal:** Section 73 application to vary conditions 2, 4 and 5 of approved planning permission P/2016/0466

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

The Principal Planning Officer advised that, if the Committee was minded to approve the application, the conditions were those detailed 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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4.6 DIS/2018/0135 Clyro Primary School, Clyro, Hereford R3 5LE

**Grid Ref:** 321162.98 243370.67

**Valid Date:** 12/07/2018

**Officer:** Thomas Goodman

**Community Council:** Clyro Community Council

**Applicant:** Powys County Council, Spa Road East, County Hall, Llandrindod Wells, Powys, LD1 5LG

**Location:** Clyro Primary School, Clyro, Hereford R3 5LE

**Proposal:** Application to discharge conditions 3, 14, 17 and 24 from planning approval P/2016/0802

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

<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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<b>5.</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 23 August, 2018 and 5 September, 2018.

<b>6.</b>	<b>APPLICATION TO STOP UP A SHORT SECTION OF COUNTY UNCLASSIFIED ROAD AT U0268 BLAEN CLYDACH, NEAR TRECASTLE, BRECKNOCKSHIRE</b>
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The Committee noted the application to stop-up and remove public highways rights on a section of unclassified country road U0268 at Blaen Clydach near Trecastle. The Committee noted to progress the consideration of the application consultation with a range of interested parties had to be undertaken.

<b>RESOLVED</b>	<b>Reason for decision</b>
<ol style="list-style-type: none"> <li><b>1. That the process for making an application under Sections 116/117 of the Highways Act 1980 to stop-up all public rights on the section of the U0268 as shown in Appendix A to the report be commenced.</b></li> <li><b>2. Subject to there being no significant objection(s) an application be made to the Magistrates Court to stop up the highway with all costs of the process being met by the applicant.</b></li> </ol>	<ol style="list-style-type: none"> <li><b>1. To provide the necessary consent for the process to commence in accordance with the Council Constitution.</b></li> <li><b>2. To allow for the section of U0268 identified in Appendix A to be stopped up.</b></li> </ol>

The Committee noted the dates of the next meetings.

**County Councillor K Lewis (Chair)**