

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 7 FEBRUARY 2019**

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, 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, D H Williams and R Williams

<b>1.</b>	<b>APOLOGIES</b>
-----------	------------------

Apologies for absence were received from County Councillors L V Corfield, J Wilkinson, G I S Williams and J Williams who was on other Council business.

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
-----------	----------------------------------------

The minutes of the meeting on 17 January, 2019 were not available.

<b>Planning</b>
-----------------

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
-----------	---------------------------------

- (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) County Councillor H Lewis (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application 18/0667/FUL.
- (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.

County Councillors D Price and K Laurie-Parry advised that they would need to leave early due to other Council business.

<b>4.</b>	<b>PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
-----------	-----------------------------------------------------------------

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 Lewis moved to the public seating for the next application.

4.2 18/0667/FUL The Slangs, Cascob, Presteigne, Powys, LD8 2NT

**Grid Ref:** E: 323844 N: 266394

**Valid Date:** 15/10/2018

**Officer:** Sara Robinson

**Community Council:** Whitton Community Council

**Applicant:** Ms E Hammel

**Location:** The Slangs, Cascob, Presteigne, Powys, LD8 2NT

**Proposal:** Erection of a livestock barn and formation of a new vehicular access road

**Application Type:** Full Application

Councillor H Lewis spoke as the local representative.

Mrs M Beese spoke on behalf of the community against the application.

Rev M Beaton, on behalf of the Church, spoke against the application.

Ms E Hammel spoke as the applicant.

In response to questions the Planning Officer advised that the enforcement action regarding another part of the site was a separate issue. The Solicitor reiterated this and advised that the outcome of this application cannot be influenced by the enforcement action.

The Professional Lead Development Management advised that in respect of agricultural buildings planning policies do not normally require the submission of business plans. The Committee needs to consider the landscape and visual impact of the building. If the Committee was minded to approve the application Development Management advised that condition 12 should be amended to secure details of the cut and build to be submitted.

It was noted that this was a large building on 6 acres.

It was moved and duly seconded that the application be refused as this was a substantial building which would have an adverse landscape and visual impact and that it be delegated to the Professional Lead Development Management to finalise the exact wording of the reason for refusal.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>Due to the scale and location of the proposed development, it is considered that the proposed development would have an unacceptable adverse landscape and visual impact on the</b>

	<b>surrounding area.</b>
--	--------------------------

County Councillor H Lewis resumed his seat in the Committee.

The Chair changed the order of applications to accommodate speakers and the public present.

4.3 18/02228/OUT Land Adj Hendre View, Penrhos, Llanymynech, Powys, SY22 6QE

**Grid Ref:** E: 323851 N: 316649

**Valid Date:** 11/07/2018

**Officer:** Louise Evans

**Community Council:** Llandrinio and Arddleen Community Council

**Applicant:** Mr & Mrs Pritchard

**Location:** Land Adj Hendre View, Penrhos, Llanymynech, Powys, SY22 6QE

**Proposal:** Outline: Erection of an affordable dwelling, garage and all associated works

**Application Type:** Outline planning

Mrs C Davies, Clerk Llandrinio and Arddleen Community Council spoke in support of the application.

Mr R Corbett spoke as the Agent.

The Professional Lead Development Management advised that he had brought this to Committee as the criteria relating to the consideration of rural settlements, as set out in the Strategic Policy SP5 of the Local Development Plan [LDP] and the Supplementary Planning Guidance [SPG] had not been tested before and he wanted to ensure that Development Management had consistency going forward.

The Committee needed to consider whether the grouping of houses in the settlement of Penrhos constituted a rural settlement for the purpose of the LDP. The Solicitor reminded the Committee that the personal circumstances of the applicants cannot be considered, unless there were exceptional circumstances and none had been presented with this application.

In response to questions the Professional Lead Development Management advised that if the application were approved this would set a standard on which officers could consider future applications. It was noted that an application for an open market development would be refused.

It was moved and duly seconded that the application be approved as the rural settlement had at least 10 dwelling closely grouped together and that it be delegated to the Professional Lead Development Management to agree

conditions in conjunction with the Chair and Vice Chair. The motion was put to the vote and duly lost.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be refused.</b>	<b>The proposed development is considered to be unjustified development in the open countryside contrary to policies SP5, SP6, H1 of the Powys Local Development Plan, Planning Policy Wales (10th Edition, 2018) and Technical Advice Note 6.</b>

4.4 P/2018/0234 The River Claerwen, Elan Valley, Rhayader, Powys

**Grid Ref:** E: 292798 N: 264630

**Valid Date:** 04/06/2018

**Officer:** Holly Hobbs

**Community Council:** Llanwrthwl Community Council

**Applicant:** Mr Ewan Campbell-Lendrum

**Location:** The River Claerwen, Elan Valley, Rhayader, Powys

**Proposal:** Full: Construction of a Hydro Electric Scheme, to include the erection of a Powerhouse, Transformer and Intake, and all associated works

**Application Type:** Full application

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those in the original report and the conditions recommended by Countryside Services as detailed in the update report and that it be delegated to the Professional Lead Development Management to agree the conditions recommended by the Highways Authority.

In response to a question the Highway Authority advised that further details were required regarding how the impact on the highway and the other users would be managed. The Principal Planning Officer advised that the Ecologist had no objections to the scheme.

Environmental Information submitted with the application was considered.

<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</b>	<b>As officers recommendation as set out in the report and update report which are filed with the signed minutes.</b>

<p><b>minutes and subject to the conditions recommended by Countryside Services and that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair, to agree the wording of conditions recommended by Highways Authority.</b></p>	
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

County Councillor D Price left the meeting for other Council business.

4.5 18/0903/FUL 2 Severn Street, Welshpool, Powys, SY21 7AB

**Grid Ref:** E: 322545 N: 307473

**Valid Date:** 15/11/2018

**Officer:** Edin Hrustanovic

**Community Council:** Welshpool Town Council

**Applicant:** Mr Joe Wellard, Powys County Council

**Location:** 2 Severn Street, Welshpool, Powys, SY21 7AB

**Proposal:** Change of use of building from A2 (Financial and professional services) into D1 (Non-residential institutions - Clinics, health centres etc), refurbishment of existing roof, proposed extension to rear of property involving demolition of yard wall and all associated works (Resubmission)

**Application Type:** Full Application

The Planning Officer advised that the proposed changes would not harm the listed building or the Conservation Area.

<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>
--------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------

4.6 18/0815/FUL Glanirfon Farm, Station Road, Llanwrtyd Wells, LD5 4AF

**Grid Ref:** E: 289652 N: 246234

**Valid Date:** 26/11/2018

**Officer:** Rhys Evans

**Community Council:** Llanwrtyd Wells Community Council

**Applicant:** Col Timothy Van Rees

**Location:** Glanirfon Farm, Station Road, Llanwrtyd Wells, LD5 4AF

**Proposal:** Erection of two agricultural buildings (Retrospective)

**Application Type:** Full Application

In response to a question the Planning Officer advised that as the buildings were screened and grouped with existing buildings there was no adverse impact.

<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>

County Councillor K Laurie-Parry left the meeting for other Council business.

4.7 18/1064/DIS Eric Evans Car Sales, Station Crescent, Llandrindod Wells, LD1 5BE

**Grid Ref:** E: 305987 N: 261472

**Valid Date:** 05/12/2018

**Officer:** Sara Robinson

**Community Council:** Llandrindod Wells Town Council

**Applicant:** Powys County Council

**Location:** Eric Evans Car Sales, Station Crescent, Llandrindod Wells, LD1 5BE

**Proposal:** Discharge of conditions 3,7, 8, 9, 10, and 11 from planning approval 18/0577/FUL

**Application Type:** Discharge of Condition

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that sufficient information has been submitted to enable the discharge of conditions 3, 7, 8, 9 and 11 from planning permission 18/0577/FUL, whilst Condition 10 must remain for the life of the</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

<b>project.</b>	
-----------------	--

4.8 18/1122/NMA Former Bowling Green Site, Back Lane, Newtown, Powys, SY16 2NH

**Grid Ref:** E: 310685 N: 291653

**Valid Date:** 13/12/2018

**Officer:** Richard Edwards

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

**Applicant:** Powys County Council

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

**Proposal:** Application for a Non Material Amendment to planning approval 18/0124/REM to update and replace existing drawings submitted and approved, changes to cladding and window frame materials.

**Application Type:** Non-Material Amendment

In response to questions the Planning Officer advised that the proposed changes were being made due to the availability of materials and the proposed materials would maintain the integrity of the building. Concerns were also raised about the colour of the building and its appropriateness in the area.

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

<b>5.</b>	<b>DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS</b>
-----------	------------------------------------------------------------------------------------------------

The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 9 January, 2019 and 31 January, 2019. It was noted that application 18/0544/FUL [page 149] had been considered by the Committee at the last meeting and not as a delegated decision.

The Committee received the following verbal updates:

- P/2016/0397 Lower House Poultry Farm, Clyro – the Principal Planning Officer advised that in October complaints were received regarding the location of the fans etc. on the building. These issues had been discussed with the Environmental Health Officer and as a result Non Material Amendments regarding the design and an odour management

plan had been submitted. These were now being considered by Environmental Health. The Officer advised that they had been informed that birds had been brought into the building during the last few days. If Environmental Health object to the information provided and that there was evidence of harm, formal enforcement action is likely to be pursued. In response to the Committee's concerns that the developers were undertaking developments with no regard to conditions the Professional Lead Development Management advised that until the legislation changed to enable action to be taken whenever a breach occurs regardless of expediency, Development Management needs to ensure it follows correct procedures.

- P/2015/0186 Mellowcroft, Llandegley – the Solicitor advised that the Public Inquiry had upheld the enforcement notices. As the owner had not complied with these he had been prosecuted for non-compliance. The owner had elected to go to trial at Crown Court and the hearing will take place at the end of February.
- Hendy windfarm - the Solicitor reported that CPRW's (Brecon & Radnor) application for judicial review of the Welsh Minister's decision had been dismissed. CPRW has appealed and an oral hearing in front of a Judge will take place on 25 February, 2019.

**County Councillor K Lewis (Chair)**