

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 23 MAY 2019**

**PRESENT**

County Councillor K Lewis (Chair)

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

Apologies for absence were received from County Councillors J Wilkinson, G I S Williams and J Williams

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| <b>1. APOLOGIES</b> |
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Apologies for absence were received from County Councillors J Wilkinson, G Williams and J Williams.

The Chair welcomed County Councillor G Jones to his first meeting of the Committee. Councillor Jones, as he was undertaking a Local Representative role during the meeting, he had indicated that he would be acting as observer during the meeting rather than taking part as a Committee member.

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| <b>2. MINUTES OF THE PREVIOUS MEETING</b> |
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The Chair was authorised to sign as a correct record the minutes of the meetings held on 2 and 16 May as correct records.

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| <b>Planning</b> |
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| <b>3. DECLARATIONS OF INTEREST</b> |
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(a) There were the following declarations of interest:

P2018/0470 – County Councillor K Lewis who was a friend of the applicant's son.

19/0616/DIS – County Councillor D Price who was a member of the multi agency group that plans the annual traveller site for the Royal Welsh Show period.

P2018/0470 – County Councillor County Councillor R Williams disclosed a personal but not prejudicial interest in this matter as a non active member of the Campaign for the Protection of Rural Wales

P2018/0470 – County Councillor K Silk County Councillor R Williams disclosed a personal but not prejudicial interest in this matter as a non active member of the Campaign for the Protection of Rural Wales

19/0427/AGR – Interim Professional Lead – Development Management indicated that he had an interest in this application.

- (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.
- (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 H Lewis – application 19/0427/AGR  
County Councillor G Jones – application 18/1086/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.

#### **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

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 18/1086/FUL Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion, Powys, SY21 0ED

**Grid Ref:** E: 309018 N: 307095

**Valid Date:** 08/01/19

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** Mr & Mrs B Pryce

**Location:** Banwy Mill Caravan Park, Melin-y-ddol, Llanfair Caereinion, Powys, SY21 0ED

**Proposal:** Re-development of Banwy Mill Caravan Park to include the change of use of land to accommodate the re-siting of 23 static caravans, associated infrastructure and new vehicular access

**Application Type:** Full Application

County Councillor G Jones spoke as the Local Representative.

Mr D Junior spoke as objector.

Mr Pryce (applicant) and Mr R Pryce (agent) spoke on behalf of the applicant.

The existing planning consent was for 46 static and 5 touring caravans. However the site had been redundant since 1990. Therefore the existing site was a material planning consideration. The existing consent would no longer be utilised if the application was granted and a S106 agreement would be entered into by the applicant to that effect.

The Committee queried whether there was harm to the listed building, visibility impact on local properties and whether the proposal was commensurate in scale and size with the local hamlet. The Built Heritage Conservation Officer advised the Committee that the harm to the listed building had been removed, visibility impact would be removed by existing and additional landscaping. With regard to the size and scale, the Interim Professional Lead – Development Management advised that Melin-y-Ddol was not classed as a settlement and a landscape and visual assessment had been undertaken which were acceptable.

It was moved and duly seconded to approve the officer's recommendation with the inclusion of Condition 28 as set out in the update report.

| <b>RESOLVED:</b>   | <b>Reason for decision:</b>  |
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| <b>that the application be granted consent, subject to the conditions set out in the report with the addition of Condition 28 in the update report which is filed with the signed minutes and also subject to the signing of a S106 agreement preventing the use of the existing site under planning permissions M649 and M3439.</b> | <b>As officers recommendation as set out in the report and update report which is filed with the signed minutes.</b> |

As previously declared, the Chair, County Councillor K Lewis declared a personal and prejudicial interest in the next item and withdrew from the meeting. The Vice-Chair took the Chair.

4.3 P/2018/0470 Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown, Powys SY16 3LA

**Grid Ref:** E: 311802 N: 293855

**Valid Date:** 14/08/2018

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

**Applicant:** Mr Gareth Woosnam

**Location:** Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown, Powys SY16 3LA

**Proposal:** Major: Erection of a 32,000 Free Range Poultry unit and 4 no. feed bins. Creation of vehicular access and of 2 no. passing bays and all other associated works (Resubmission)

**Application Type:** Full application

Mr I Savage spoke as objector.

Mrs S Jenkins (agent), Mr G Woosnam (applicant) and Mr M Kitching (Highways consultant) spoke on behalf of the applicant.

County Councillor R Williams disclosed a personal but not prejudicial interest in this matter as a non active member of the Campaign for the Protection of Rural Wales.

County Councillor K Silk disclosed a personal but not prejudicial interest in this matter as a non active member of the Campaign for the Protection of Rural Wales.

In response to questions from Members regarding the access to the proposed development from the junction of the C2011 / U2621 roads, the Committee was advised that the issue was one of the alignment of the junction, poor visibility and the primary concern was in relation to Stopping Sight Distance. In addition whilst improvements could be made to the junction the land was not in the ownership of the applicant. Members questioned whether the use of different vehicles would overcome issues of concern to the Highway Authority. The Highways Officer advised the Committee that the use of different vehicles would not assist in terms of Stopping Sight Distance.

Members asked whether other conditions could be imposed such as improved warning signage on the main road or the imposition of speed limits. The Highways Officer advised the Committee that implementing speed limits on this road would not comply with Welsh Government Guidance. The Solicitor to the Committee advised the Committee that if they were minded to approve the application contrary to highways officer advice, he could not rule out the possibility of future action against the Council should there be an accident on this junction in connection with this application.

It was moved and duly seconded that the application should be refused in accordance with the officer recommendation.

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

County Councillor K Lewis returned to the meeting and resumed the Chair.

4.4 18/0581/OUT Land 200 Meters West Of Oldfield Farm, Llandysilio, Llanymynech, Powys, SY22 6RB

**Grid Ref:** E: 326949 N: 318994

**Valid Date:** 21/09/2018

**Community Council:** Llandysilio Community Council

**Applicant:** Mr N Savage

**Location:** Land 200 Meters West Of Oldfield Farm, Llandysilio, Llanymynech, Powys, SY22 6RB

**Proposal:** Proposed affordable housing development and all associated works.

**Application Type:** Outline Planning

The Planning Officer advised the Committee that the application was for outline consent for 24 affordable dwellings. The Affordable Housing Officer had confirmed the need for social rented accommodation in the Four Crosses area, with 1 bed dwellings being the principal requirement at this time period, which would be dealt with by means of a condition.

In response to questions about whether to impose a condition regarding 1 bed dwellings, the Committee was advised that condition 8 as detailed in the recommendation addressed this issue as it provided the Council with control of what properties would be built on this land in the future. In addition, the Council was in the process of producing its local housing market [needs] assessment and it would be the need identified at the time of the detailed consent application which would determine the type of dwellings which should be built to meet that need. The Committee were only considering whether the land should be developed for affordable housing. All conditions would be reserved to the detailed application which would follow.

It was moved and duly seconded to approve the officer recommendation.

| <b>RESOLVED:</b>   | <b>Reason for decision:</b>   |
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| <p><b>that the application be granted consent, subject to a S106 to secure provision and maintenance of open space and to the conditions set out in the report which is filed with the signed minutes, with the exception of Condition 8 being amended to require the submission of the affordable housing scheme at reserved matters thereby removing the prior commencement requirement.</b></p> | <p><b>As officers recommendation as set out in the report which is filed with the signed minutes.</b></p> |

County Councillor H Lewis moved to the public gallery for consideration of the next application.

The Interim Professional Lead – Development Management disclosed an interest in this matter and withdrew from the room.

4.5 19/0427/AGR The Slangs, Cascob, Presteigne, Powys, LD8 2NT

**Grid Ref:** E: 323844 N: 266394  
**Valid Date:** 04/04/2019  
**Community Council:** Whitton Community Council  
**Applicant:** Ms E. Hammel  
**Location:** The Slangs, Cascob, Presteigne, Powys, LD8 2NT  
**Proposal:** Erection of an agricultural barn  
**Application Type:** Full Application

County Councillor H Lewis spoke as the Local Representative.  
Miss M Breeze spoke as objector.

The Committee noted that the proposal had not changed from that previously refused by the Committee.

It was moved and duly seconded that the application be refused.

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

The Committee also proposed that should the proposal come forward again without change, that it be delegated to officers.

County Councillor H Lewis resumed his seat as a member of the Committee. The Interim Professional Lead – Development Management returned to the meeting.

County Councillor D Price disclosed a personal and prejudicial interest in the next application, as a member of the Powys County Council / Royal Welsh Agricultural Show dealing with preparations for the Royal Welsh Show and left the meeting.

4.6 19/0616/DIS Ysgiog Field 200 Meters North Of Henallt Cottages, Builth Wells, Powys, LD2 3YP

**Grid Ref:** E: 306713 N: 248536  
**Valid Date:** 03/04/2019  
**Community Council:** Duhonw Community Council  
**Applicant:** Powys County Council

- Location:** Ysgiog Field 200 Meters North Of Henallt Cottages, Builth Wells, Powys, LD2 3YP
- Proposal:** Discharge of conditions no.5 and no.6 of planning approval P/2018/0514
- Application Type:** Discharge of conditions no.5 and no.6 of planning approval P/2018/0514

County Councillor P Pritchard left the meeting at 1.11 p.m.

It was moved and duly seconded that the officer recommendation be approved.

| <b>RESOLVED:</b>  | <b>Reason for decision:</b>  |
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| <b>that the application to discharge Conditions 5 and 6 be granted consent.</b> | <b>As officers recommendation as set out in the report which is filed with the signed minutes.</b> |

The Chair asked for clarification as to which Members were eligible to sit for the next item as it had been deferred from a previous meeting. The Democratic Services Officer confirmed that the following Members were eligible to determine the application:

County Councillors K Lewis, E M Jones, L Corfield, L George, H Hulme, J M Jones, F Jump, H Lewis, I McIntosh, G Pugh, D Selby, K Silk, E Vaughan, H Williams, R Williams.

4.7 18/0390REM Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

- Grid Ref:** E: 315759 N: 301953
- Valid Date:** 24/07/2018
- Community Council:** Berriew Community Council
- Applicant:** D Davies
- Location:** Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG
- Proposal:** Section 73 application to remove planning condition no. 3 attached to planning permission M2004/0930 (occupancy restriction)
- Application Type:** Removal or Variation of Condition

The Committee was reminded that this application had been deferred at its meeting of 17 January 2019 in order for an independent assessment of the marketing information and property valuation to be undertaken by the District Valuers Service. This assessment had been undertaken and the findings were set out in the report.

It was moved and duly seconded that the officer recommendation be accepted.

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| <b>RESOLVED:</b>  | <b>Reason for decision:</b>  |
| <b>that the application to remove Condition 3 be granted consent.</b> | <b>As officers recommendation as set out in the report which is filed with the signed minutes.</b> |

County Councillor F Jump requested that her abstention be recorded in the minutes.

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| <b>5.</b> | <b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b> |
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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 29.04.2019 and 16.05.2019.

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| <b>6.</b> | <b>APPEAL DECISION</b> |
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The Committee received a copy of the Planning Inspectorate's letters regarding appeals in respect of:

Riverside Caravan Park, Llangammarch Wells, Powys, LD4 4BY - The Committee noted that the Inspector had dismissed the appeal. However the Inspector had awarded costs against the Council as it was felt that the reasoning for the Council's decision was flawed. Officers were seeking clarification regarding this matter.

Land adjacent to Llawnt Uchaf, Newmills, Newtown SY16 3NW - The Committee noted that the Inspector had dismissed the appeal.

**County Councillor K Lewis (Chair)**