

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 4 JULY 2019

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, H Hulme, G Jones, 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, J Wilkinson, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

There were no apologies for absence. Councillor D Price advised that he would need to leave at midday for other Council business.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 13 June, 2019.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor J. Williams declared a prejudicial interest in the following applications:
P/0505/FUL because his late father was a tenant of the applicant and he knows the applicant.

19/0506/FUL because he knows the applicant and has had discussions about this site in the past, although not about this application.

County Councillor G Jones declared a prejudicial interest in application 18/0779/FUL as he has a similar "live" planning application with the same agent.

(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) 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 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 updates circulated the previous day and prior to the meeting.

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

4.2 18/0779/FUL Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

Grid Ref: E: 329203 N: 267049

Valid Date: 17/10/2018

Community Council: Presteigne Town Council

Applicant: Mr Wilding

Location: Old Impton Farm , Mynd Road, Norton, Presteigne, LD8 2EN

Proposal: Erection of a poultry unit and associated works

Application Type: Full Application

Mrs L Thomas spoke as an objector.

Mr G Davies [Agent] and Mr R Wilding [applicant] spoke for the application.

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 a question, the Built Heritage Officer advised that she considered that the removal of the incongruous conifers from the location and the replacement with native species would benefit the landscape. In respect of the typography of the site, the Principal Planning Officer advised that the consultees had information about the site and none had raised any issues regarding drainage.

The Highways Authority confirmed that the visibility splays from the farm track to the highway were adequate. The Principal Planning Officer advised that in respect of the bridleway, the applicant had been advised that the right of way could not legally be obstructed until an application for a temporary closure had been processed and approved.

In response to questions, the Principal Planning Officer advised that in the officer's judgement, sufficient information had been provided to consider the application and photomontages were not required. Members considered that photomontages would provide information about the impact of the proposed development and the cumulative effect of such developments on the countryside.

The Built Heritage Officer confirmed that with the mitigation agreed by the applicant and the recommended conditions she had changed her position and considered that there was no harm to the setting of the historic building.

The Principal Planning Officer in response to questions advised that the manure management plan had identified private water supplies and buffer zones were identified around these. She advised that the topography of the land was such that the spring at Norton Residential Park was at a lower level to the development site and there were buildings and a woodland between these.

It was proposed and duly seconded to defer the application for photomontages of the development and the visual impact on the area to be provided.

Further concerns were raised regarding the impact on water supplies and the visual impact.

An amendment was moved and duly seconded to defer the application to undertake a site visit.

RESOLVED:	Reason for decision:
that the application be deferred to undertake a site visit.	To enable the Committee to view the site and the potential impact of the development.

County Councillor G Jones returned to the meeting room and resumed his seat in the Committee.

County Councillor J Wilkinson arrived.

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

4.3 19/0508/FUL Penpound, Newbridge-on-wye, Llandrindod Wells, Powys, LD1 6HP

Grid Ref: E: 302241 N: 259619

Valid Date: 22/03/2019

Community Council: Llanyre Community Council

Applicant: Mr R Powell

Location: Penpound, Newbridge-on-Wye, Llandrindod Wells, Powys, LD1 6HP

Proposal: Erection of 2 No. agricultural buildings for poultry rearing, together with associated infrastructure including a package treatment plant

Application Type: Full Application

The Committee noted that the application was accompanied by an Environmental Statement and it had regard to this in its determination of the application. The Highways Authority confirmed that the applicant had agreed to move the access and therefore it had no objections subject to conditions.

It was moved and duly seconded to accept the officer's recommendation.

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 officers recommendation as set out in the report which is filed with the signed minutes.

Concern was raised that the Committee needed to be consistent when considering applications as photomontages had not been requested in respect of the last application. The Professional Lead – Development Management advised that the Landscape Supplementary Planning Guidance [SPG] did not require the provision of photomontages.

County Councillor J Williams returned to the meeting room and resumed his seat in the Committee.

4.4 18/0663/OUT Ysgol Gynradd Gymunedol Penrhos, Brecon Road, Ystradgynlais, Powys, SA9 1PX

Grid Ref: E: 279602 N: 211156

Valid Date: 06/09/2018

Community Council: Ystradgynlais Town Council

Applicant: Penrhos School Developments

Location: Ysgol Gynradd Gymunedol Penrhos, Brecon Road, Ystradgynlais, Powys, SA9 1PX

Proposal: Proposed residential development and associated works (some matters reserved)

Application Type: Outline planning

In response to questions, the Principal Planning Officer confirmed that the Local Development Plan [LDP] does not require any affordable housing provision in the Ystradgynlais area, based on the evidence collected during the Strategic / LDP Viability Assessment. She advised that the S106 agreement for the open space contribution had been agreed by the Countryside & Outdoor Recreation Service in order to upgrade an existing playing facility. Some Members voiced concern as to the adequacy of the amount proposed.

The Highway Authority advised that a safety audit had been undertaken and the proposed road layout and mini roundabout was acceptable. In respect of

contaminated land, the Principal Planning Officer advised that test holes had been dug and conditions were recommended requiring further investigations to be undertaken.

County Councillor D Price left the meeting to attend other Council business.

It was moved and duly seconded to defer the application for officers to review the S106 contribution to the upgrade of the playing field. This was put to the vote and lost.

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

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions and a S106 Agreement to secure the open space contribution, as set out in the report, which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor J Williams having declared a prejudicial interest left the meeting room for the next application.

4.5 19/0506/FUL Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

Grid Ref: E: 314095 N: 261613

Valid Date: 04/04/2019

Community Council: Penybont Community Council

Applicant: Mr Eddie McIntosh

Location: Mellowcroft, Llandegley, Llandrindod Wells, Powys, LD1 5UF

Proposal: Erection of five agricultural buildings and associated works (retrospective)

Application Type: Full application

The Principal Planning Officer advised that there was an Enforcement Notice on the land. She 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 the Committee had to consider the application as presented. She advised that conditions were recommended limiting the use of the buildings and removing permitted development rights. The Solicitor reminded the Committee that it had

to consider the application as received and that there was no strict definition of what an agricultural building should look like. He also advised that this was a separate application to the enforcement issue and the Committee had to determine this application in its planning merits. In response to questions, the Principal Planning Officer advised that the Welsh Government's One Planning Development policy related to dwellings and not agricultural buildings. She advised the Committee that an application could not be refused on the grounds of potential use.

It was moved and duly seconded that the officer's recommendation as contained in the update report be approved.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor J Williams returned to the meeting room and resumed his seat in the Committee.

The Chair moved the agenda to consider the following item next.

The following Councillors moved to the public seating area as they were not able to consider the following application:

Councillors F Jump and J Wilkinson as they were not at the meeting where the application had previously been considered and Councillors G Jones and P Pritchard who were not members of the Committee at that time.

4.6 18/1053/AGR Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

Grid Ref: E: 315759 N: 301953

Valid Date: 11/12/2018

Community Council: Berriew Community Council

Applicant: Mr D Davies

Location: Maes Y Nant, Berriew, Welshpool, Powys, SY21 8BG

Proposal: Erection of an agricultural building

Application Type: Agricultural Notification

The Solicitor advised that as the applicant was a Councillor he had reviewed the application file and confirmed that it had been processed "normally", as required under the Planning Protocol.

Concerns were raised that the proposed building was 470 metres from the existing buildings and that it was in the open countryside.

It was moved and duly seconded to refuse the application as the development was outside the curtilage of the farm buildings, was in the open countryside and would have a detrimental impact on the landscape and that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree the wording of the reason for refusal.

RESOLVED:	Reason for decision:
that the application be refused and that the wording be delegated to the Professional Lead – Development Management in consultation with the Chair and Vice Chair.	The siting of the proposed development was outside the curtilage of the farm buildings, was in the open countryside and was considered to have an unacceptable landscape impact.

The Committee adjourned for lunch at 13.35hrs and reconvened at 13.50hrs.

The following Members had left the meeting:

Councillors F Jump, H Hulme, M.J. Jones, I McIntosh, P Pritchard, K Silk and J Williams.

4.7 19/0947/AGR Glanogeu, Rhiwlas, Oswestry, Powys, SY10 7JJ

Grid Ref:	E: 320156 N: 331945
Valid Date:	07/06/2019
Community Council:	Llansilin Community Council
Applicant:	Mr Aled Davies
Location:	Glanogeu, Rhiwlas, Oswestry, Powys, SY10 7JJ
Proposal:	Application for prior notification of agricultural development - proposed storage building
Application Type:	Agricultural Notification

The Solicitor advised that as the applicant was a Councillor he had reviewed the application file and confirmed that it had been processed “normally”, as required under the Planning Protocol.

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

4.8 19/0992/AGR Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW

Grid Ref: E: 317874 N: 329184

Valid Date: 20/06/2019

Community Council: Llansilin Community Council

Applicant: Mr Bryn Davies

Location: Nant Hirwen, Moelfre, Croesoswallt, Powys, SY10 7QW

Proposal: Agricultural Notification for the erection of an extension

Application Type: Agricultural Notification

The Solicitor advised that as the applicant was a Councillor he had reviewed the application file and confirmed that it had been processed “normally”, as required under the Planning Protocol.

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

5. DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS

The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 5 June 2019 and 25 June, 2019.

County Councillor K Lewis (Chair)