

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER, COUNTY HALL - COUNTY HALL ON THURSDAY, 5 DECEMBER 2019

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L George, G 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 and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillors L Corfield and J Williams and County Councillor M J Jones who was on 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 24 October, 2019.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor D Selby declared a prejudicial interest in 19/1234/ADV as he is a Member of Newtown Town Council which has submitted the 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 G Williams – application 19/0052/FUL

County Councillor R Williams – application 19/1241/FUL

(d) The Committee noted that the following Councillors (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications:

County Councillor T Van-Rees - 19/0200/FUL

County Councillor M Alexander - 19/1519/VAR

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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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.

County Councillor G Williams moved to the public seating area for the next application.

4.2 19/0052/FUL Land at Maes Y Cae, Dissersh, Llanfair-ym-Muallt, Powys

Grid Ref:	E: 306058 N: 256061
Valid Date:	11.01.2019
Community Council:	Dissersh and Trecoed Community Council
Applicant:	Mr Stuart Bridgewater
Location:	Land at Maes Y Cae, Dissersh, Llanfair-ym-Muallt, Powys
Proposal:	Erection of rural enterprise dwelling, installation of sewage treatment plant and all associated works
Application Type:	Full Application

County Councillor G Williams spoke as the Local representative.
Mr A Southerby spoke as the Agent.

In response to questions the Principal Planning Officer advised that based on the information provided by the applicant the agricultural building is located in 2.3 hectares of land but no evidence of a livestock business was submitted with the application in support of/to justify the proposed dwelling. It was confirmed that the agricultural building present on site, was granted consent for agricultural purposes only. Following a site visit the Planning Officer confirmed that it appeared to be used for storage purposes only and not as a steel building engineering business. If the building was to be used for the latter, this would be classed as a change of use and so a planning application would be required for this.

It was moved and duly seconded to refuse the application as recommended by the officer. On the Chair's casting vote the motion was defeated. The Solicitor advised that as the Committee had voted against officer's recommendation, those Members who voted against the motion were required to provide valid planning reasons. Comment was made that the application supported a rural enterprise and that the application was of merit as it supported a young local family. The Solicitor advised that valid planning reasons were required to support the application. The Principal Planning Officer advised that the Committee should only consider the application before it and that the future use of the agricultural building was not a relevant planning consideration.

As no valid planning reasons were provided, the Solicitor advised that the Planning Protocol allowed the Committee to consider whether to defer the confirmation of reasons for granting of the application to the next available committee. This would allow the Members, who voted against the motion, the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation prior to the substantive vote on whether or not to grant planning permission for the proposed development.

It was proposed and duly seconded to defer the confirmation of reasons for granting of the application to the next available committee. On the Chair's casting vote this was approved.

RESOLVED:	Reason for decision:
To defer the confirmation of reasons for opposing refusal of the application to the next available committee.	This would allow the Members, who voted to oppose the motion, the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations, as per the Planning Protocol.

The following asked that a record be made of their vote to refuse the application, in line with officer's recommendation: County Councillors K Silk, E.M. Jones, H Lewis, D Selby, H Williams, D Price and F Jump.

County Councillor P Pritchard stated that he did not agree with the decision to defer the confirmation of the reasons for agreeing the application and that the Committee had made a decision to agree the application and that should be accepted. County Councillor P Pritchard left the meeting.

County Councillor K Silk stated that the Committee was a quasi-judicial body and was operating within a legal framework. The Committee had to provide justification regarding every application and look at the rules, the local and national policy. As those Committee members, who voted contrary to officer's recommendation, were unable to provide valid planning reasons for their stance, the Committee acted appropriately in agreeing to defer consideration of the reasons before the substantive vote on whether or not to grant planning permission for the proposed development.

4.3 19/0200/FUL Land At Abernant Lakeside Cottage , Llanwrtyd Wells, Powys, LD5 4RR

Grid Ref: E: 289057 N: 246099

Valid Date: 21.03.2019

Community Council: Llanwrtyd Wells Community Council

Applicant: Mr Robert Grimes

Location: Land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys, LD5 4RR

Proposal: Erection of a holiday let and all associated works

Application Type: Full application

County Councillor T Van-Rees spoke as the local representative.
Mr R Grimes spoke as the Agent.

The Committee noted the recent appeal cases upholding the refusal of developments in a C2 Flood Zone.

It was moved and duly seconded to refuse the application as recommended by the officer.

RESOLVED:	Reason for decision:
that the application be refused.	The proposed development would result in highly vulnerable development within a C2 flood zone. The proposed development is therefore contrary to paragraph 6.2 of Technical Advice Note 15: Development and Flood Risk (2004) and Local Development Plan Policy DM5: Development and Flood Risk.

County Councillor G Williams resumed his seat in the Committee.

County Councillor R Williams moved to the public seating area for the next application.

4.4 19/1241/FUL The Stables, Upper Dan Y Parc, Llandefalle, Brecon, Powys LD3 0UN

Grid Ref: E: 310393 N: 235107

Valid Date: 02.08.2019

Community Council: Felin Fach Community Council

Applicant: Mr Freer Spreckley

Location: The Stables, Upper Dan Y Parc, Llandefalle, Brecon, Powys LD3 0UN

Proposal: Change of use of stables to one residential three-bedroom dwelling and two one-bedroom holiday units, and associated works

Application Type: Full application

County Councillor R Williams spoke as the local representative.
Mr F Spreckley spoke as the applicant.

The Committee noted the update report.

In response to questions the Principal Planning Officer advised that the conversion of the stables to residential accommodation had previously been refused due to being contrary to the policies contained in the former Unitary Development Plan [UDP]. She advised that the Local Development Plan [LDP] does not contain a policy in respect of conversions.

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

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 officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor R Williams resumed his seat in the Committee.

4.5 19/1519/VAR Hesgog, Llangadfan, Welshpool, Powys, SY21 0PU

Grid Ref: E: 301020 N: 310664

Valid Date: 10.09.2019

Community Council: Banwy Community Council

Applicant: Mr Huw Morgan

Location: Hesgog, Llangadfan, Welshpool, Powys, SY21 0PU

Proposal: Application to discharge the Section 106 Agreement attached to planning permission M2004 1348

Application Type: Discharge/Modification of S106

County Councillor M Alexander spoke as the local representative.

In response to questions the Principal Planning Officer confirmed that if the applicant marketed the property at a realistic price that reflected the presence of the restriction, for rent and sale for a 12 month period and that if no interest was forthcoming the officers would consider this information. It was noted that the development would not have previously been approved, for this site, if it was not

an affordable home. Therefore the restriction on the property should be retained in perpetuity.

It was moved and duly seconded to refuse the application as recommended by the officer.

RESOLVED:	Reason for decision:
that the application be refused.	The obligations in paragraphs 2(b) and 2(c) of the Second Schedule and paragraph 1 of the Third Schedule of the Planning Obligation dated 20th November 2006 meet the tests of Welsh Office Circular 13/97 and serve a useful planning purpose. The application has failed to demonstrate that there is no longer a continuing need for the obligation to be retained.

4.6 19/1578/FUL Former Livestock Market, Gorn Road, Llanidloes, Powys, SY18 6DE

Grid Ref: E: 295613 N: 284312

Valid Date: 10.10.2019

Community Council: Llanidloes Town Council

Applicant: Powys County Council (Housing Services)

Location: Former Livestock Market, Gorn Road, Llanidloes, Powys, SY18 6DE

Proposal: Proposed residential development of 22 affordable dwellings and all associated works, to include some demolition

Application Type: Full application

The Solicitor advised that due to an administrative error, the report had not been published with the agenda. To ensure that any potential objectors had time to comment on the report, he advised that if the Committee was minded to approve the application, it be delegated to the Lead Professional Development Management in consultation with the Chair and Vice Chair, subject to any material objections being received by 5p.m. on 6 December, 2019 in the event of which the matter would be referred back to Committee.

The Committee noted the update reports. The Principal Planning Officer advised that if the Committee were minded to approve the application the conditions were those contained in the Update report, plus the conditions required by the Ecology

Officer, that Condition 2 should refer to the amended site plan and that it be delegated to the Lead Professional for Development Management to approve the application, subject to the direction, regarding the acoustic sound barrier, being withdrawn by the Welsh Government.

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

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and the conditions required by the Ecology Officer and that Condition 2 should refer to the amended site plan and subject to no material representations being received by Development Management by the end of 6 December, due to the delay in publishing the report on the website and subject to the direction, regarding the acoustic sound barrier, being withdrawn by the Welsh Government.</p>	<p>As officer's recommendation as set out in the update report which is filed with the signed minutes.</p>

4.7 19/1568/FUL Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX

Grid Ref: E: 307404 N: 300702

Valid Date: 30.09.2019

Community Council: Dwyriw Community Council

Applicant: Powys County Council

Location: Pen Y Gelli, Llanwyddelan, Adfa, Newtown, Powys SY16 3BX

Proposal: Erection of two agricultural buildings, to include the demolition of one existing

Application Type: Full application

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

RESOLVED:	Reason for decision:
<p>that the application be granted</p>	<p>As officer's recommendation as</p>

consent, subject to the conditions set out in the report which is filed with the signed minutes.	set out in the report which is filed with the signed minutes.
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County Councillor D Selby left the meeting room for the next application.

4.8 19/1234/ADV Brisco House, The Town Council Offices, Severn Street, Newtown, SY16 2BB,

Grid Ref: E: 310865 N: 291648

Valid Date: 21.08.2019

Community Council: Newtown and Llanllwchaearn Town Council

Applicant: Mr Zak Howard

Location: Brisco House, The Town Council Offices, Severn Street, Newtown, SY16 2BB

Proposal: Display of a freestanding digital tourist information board

Application Type: Advertisement Consent

The Committee noted the update report.

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

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 officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor D Selby resumed his seat in the Committee.

4.9 19/1003/FUL 3A The Court, Llandrindod Wells, Powys, LD1 5HY.

Grid Ref: E: 306158 N: 261356

Valid Date: 01.08.2019

Community Council: Llandrindod Wells Town Council

Applicant: Powys County Council

Location: 3A The Court, Llandrindod Wells, Powys, LD1 5HY

Proposal: Erection of a single storey extension and refurbishment works

Application Type: Full application

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

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officer's recommendation as set out in the report which is filed with the signed minutes.
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4.10 19/1526/FUL Ysgol Calon Cymru, North Road, Builth Wells, Powys, LD2 3BW

Grid Ref: E: 303807 N: 251261

Valid Date: 11.10.2019

Community Council: Builth Wells Town Council

Applicant: Miss Sarah Stanton

Location: Ysgol Calon Cymru, North Road, Builth Wells, Powys, LD2 3BW

Proposal: Installation of a goods lift and associated housing

Application Type: Full application

In response to questions the Highway Authority advised that the management of traffic and pedestrians in the school grounds was a matter of internal operation rather than a highways issue. The Committee noted that although the application site is in a C2 Flood Zone, the development would not result in an increase in flood risk. It was noted that the School would have an evacuation plan.

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

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officer's recommendation as set out in the report which is filed with the signed minutes.
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4.11 19/1842/DEM Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG

Grid Ref: E: 306306 N: 260901

Valid Date: 11.11.2019

Community Council: Llandrindod Wells Town Council

Applicant: Powys County Council

Location: Powys County Council DSO Yard & Archives, County Hall, Spa Road East, Llandrindod Wells, Powys, LD1 5LG

Proposal: Application for prior notification of proposed demolition of buildings

Application Type: Demolition Notification

The Committee noted the update report.

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

RESOLVED:	Reason for decision:
that prior approval is not required.	As officer's 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
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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 17 October, 2019 and 26 November, 2019.

6.	APPEAL DECISION
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The Committee received a copy of the Planning Inspectorate's letter regarding the following appeals:

- Land east of Dyffryn, Chapel Lane, Llanymynech, Powys SY22 6EW - 18/0804/OUT.
- Pony House, Criggion, Shrewsbury SY5 9BQ - 18/1186/FUL.

The Committee noted that the Inspector had dismissed both appeals.

In response to comments regarding flood protection schemes, the Professional Lead for Development Management advised that the Welsh Government was currently undertaking a consultation exercise on the Technical Advice Note [TAN] in respect of flooding. He asked Members to provide examples, where it was felt that the TAN was not fit for purpose and where it was holding up development.

The Professional Lead for Development Management advised that the Committee members were recently in receipt of emails and letters post Committee meetings. He advised that there needed to be a co-ordinated approach to correspondence received after a meeting, as there is prior to a meeting and that the Planning Protocol should reflect this. In response to questions he advised that if a member of the public wished to make a complaint about the process or information made available to the Committee by officers the member of the public should use the Council's complaints procedure. It was acknowledged that if a member acted as a "local representative" for an application, it was within their remit to respond to any comments they received.

County Councillor G Pugh left the meeting and County Councillor G Jones left the meeting as he had not yet received the training for the next item.

Taxi and other licensing

7. TAXI LICENSING FEES

The Committee considered revised fees for the Hackney Carriage and Private Hire Licensing regime, notably operator, vehicle, driver licences and tests to commence from April 2020.

RESOLVED	Reason for decision
that the revised Taxi Licensing fees set out in paragraph 2.3 of the report be approved for consultation and if following consultation no objections are received then they will come into effect on 1st April 2020.	To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976.

County Councillor K Lewis (Chair)