

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
By Teams

Meeting Date
Thursday, 1 October 2020

Meeting Time
10.00 am

For further information please contact
Carol Johnson
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County Hall
Llandrindod Wells
Powys
LD1 5LG

24 September 2020

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 20 August 2020 as a correct record.

(Pages 3 - 8)

Planning

3.	DECLARATIONS OF INTEREST
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 9 - 10)

4.1. Updates

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(To Follow)

4.2. 20/0387/OUT Fairview Garage, Guilsfield, Welshpool, Powys, SY21 9ND

(Pages 11 - 38)

4.3. 20/1385/AGR Ackley, Marton, Welshpool, Powys, SY21 8JJ

(Pages 39 - 46)

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 47 - 88)

6.	REVISIONS TO THE PLANNING PROTOCOL
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To consider revisions to the Planning Protocol.

(Pages 89 - 138)

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 20 AUGUST 2020

PRESENT

County Councillor K Lewis (Chair)

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

1.	APOLOGIES
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Apologies for absence were received from County Councillors L George, E Vaughan and D H Williams.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 27 July, 2020.

Planning

3.	DECLARATIONS OF INTEREST
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- (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) 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.

The Solicitor declared an officer interest in respect of application 20/0720/FUL as the proposed development was close to property owned by a relative and also near to another property owned by a late in-law. As a result, he would leave the meeting when this application was under consideration.

Councillor G Pugh advised the Committee that he had been made aware of suggestions that he is a friend of the applicant submitting application 19/1475FUL. He stated that like other Councillors he knows a lot of people in his local area, however, he would not class the applicant as a close friend and therefore having taken advice he would remain in the Committee to consider the application.

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

There were no updates.

4.2 19/1475/FUL Tyn Yr Wtra, Llanwyddelan, New Mills, Newtown, Powys SY16 3BT

Grid Ref: E: 308557 N: 301310

Valid Date: 12/09/2019

Community Council: Dwyriw Community Council

Applicant: Mr & Mrs Jerman

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

Proposal: Erection of a free-range egg production unit including silos, creation of vehicular access, and associated works (part retrospective)

Application Type: Full application

Mrs S O'Neill spoke on behalf of the objector Mrs Gethin. Mrs H Jerman applicant and Mr G Davies, Agent spoke in response.

The Principal Planning Officer advised that if the Committee was minded to approve the application, it was recommended that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to amend the wording of the highway conditions 12 and 13. The cumulative impact of the proposed development had been taken into account in the consideration of the application.

Councillor Silk advised that she had lost internet connection when a public speaker was speaking to the Committee. The Solicitor advised that as required by the Planning Protocol, as she had not heard all the statements, she should take no part in the decision on the application.

In response to questions the Principal Planning Officer advised that she was recommending the changes to the Highways conditions to ensure that the existing access to the site is blocked with appropriate material as per the plans and not re-opened and that the access gates are set back 5 metres from the highway to ensure that they cannot be opened outwards. She advised that the extension to the site was not to increase the number of birds but, increased the

floor area for the control room. The number of birds on site was limited to 32000 by a condition 4.

The Principal Planning Officer advised the Committee that the application was in principle the same as the original application. However, since the original permission, this application was now subject to the SAB approval process in respect of drainage approval. In addition, as the facility had been operating, conditions restricting the delivery times were now recommended due to the known amenity impact. As such, the conditions now recommended, control the unit better and offer further protection to the environment and residential amenity.

The Land Drainage Officer confirmed that development would need to comply with SAB requirements and that an application in respect of this, is to be received. He advised that he was not able to comment on the issue raised by the objector regarding a land slide on site. The Principal Planning Officer advised that the contractor had submitted a statement advising that the building had been constructed on sound ground. The landslide related to topsoil which had slipped following heavy rain. The Highways Authority had stated there were no risks in respect of public safety in respect of the adjacent highway.

Questions were raised regarding the visual impact of the building and the landscape management plan. The Principal Planning Officer advised that viewed from the C road, the building is prominent, but she assessed that with the proposed landscaping scheme the impact would be mitigated. In addition, the building was 1.5 metres lower than the original plan and was now grouped closer to existing buildings.

In respect of the number of birds, the Principal Planning Officer stated that the number of birds was restricted by a condition and the applicant would have to apply to the Council if they wished to increase this number. If such an application was received it would be considered on its own merits and statutory consultees would need to assess the application. She advised that the manure management plan accounted for the nitrogen levels associated with all the stock on the farm and Natural Resources Wales [NRW] had specially requested this information and had taken this into account in its consideration.

The Committee noted that the £12,000 fee referred to by the applicant was not a fine imposed by the Planning Authority but was the cost of having to submit a new application for the development. This was a consequence of the applicant not following the original planning permission.

Concerns were raised that as the applicant had not complied with the plans or conditions relating to the original application, what assurances were there that the applicant would comply with this, if the Committee was minded to approve the application. The Principal Planning Officer advised that officers would monitor compliance with the conditions and if there were a breach enforcement action would be taken, if expedient to do so. In response to questions the Land Drainage Officer advised that a substitute land drainage system was proposed in this application.

It was moved and duly seconded to approve the application as recommended by the officer and that it be delegated to the Professional Lead Development

Management in consultation with the Chair and Vice Chair to amend the wording of the highway conditions 12 and 13.

In response to concerns regarding compliance with conditions if the Committee was minded to approve the application, the Chair advised that any concerns raised with him would be forwarded to officers to investigate. The Principal Planning Officer advised that due to the interest in the application, the Highways Authority and Development Management would visit the site to assess compliance. The Professional Lead Development Management advised that although enforcement work is reactive, if conditions were breached enforcement would be pursued.

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 and that it be delegated to the Professional Lead Development Management in consultation with the Chair and Vice Chair to amend the wording of the highway conditions 12 and 13.	As officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor K Silk resumed her place in the Committee.

4.3 20/0720/FUL Plot adjoining Gerallt, Rhos Y Brithdir, Llanfyllin SY22 5HD

Grid Ref: E: 313374 N: 322965

Valid Date: 02/06/2020

Community Council: Llanrhaeadr-Ym-Mochant Community Council

Applicant: Mr Nathan Prodger

Location: Plot Adjoining Gerallt, Rhos Y Brithdir, Llanfyllin, SY22 5HD

Proposal: Erection of a dwellinghouse, installation of septic tank, formation of vehicular access and all associated works.

Application Type: Full application

The Committee noted that officers were waiting for confirmation from the applicant that he wished to withdraw the application from the Committee or withdraw the application and resubmit a new application. As a result, the Committee needed to consider whether to determine or defer the application. The Professional Lead Development Management recommended deferment.

It was moved and duly seconded to defer consideration of the application. Councillor E M Jones advised that he had lost connection and therefore did not take part in the vote.

RESOLVED:	Reason for decision:
that consideration of the application be deferred.	To enable the applicant to review the application.

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 20 July 2020 and 7 August 2020.

Taxi and other licensing

6. MINUTES OF TAXI LICENSING SUB-COMMITTEES

The Chair presiding at the Taxi Review Panel held on 26 June 2020 was authorised to sign the minutes as a correct record.

In response to questions the Professional Lead Development Management advised that the Welsh Government guidance on site visits had not changed and the use of digital technology continued to be used. However, with appropriate risk assessments officers were undertaking site visits, as a last resort. He agreed to advise all Councillors of this so that expectations could be managed, especially as an email had been sent to Councillors regarding the enforcement form on the Council website.

County Councillor K Lewis (Chair)

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Planning, Taxi Licensing and Rights of Way Committee
1st October 2020

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left hand column.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>20/0387/OUT</p> <p>Guilfield Community</p> <p>E: 321953 N: 311565</p> <p>27.03.2020</p>	<p>Outline: Erection of 9 apartments</p> <p>Fairview Garage, Guilfield, Welshpool, Powys SY21 9ND</p> <p>Bradley and Bradley-Barnard</p> <p>Recommendation: Conditional Consent</p>
<p>20/1385/AGR</p> <p>Forden with Leighton & Trelystan Community</p> <p>E: 325587 N: 301511</p> <p>08.09.2020</p>	<p>Agricultural Notification: Erection of an agricultural building</p> <p>Ackley, Marton, Welshpool, Powys SY21 8JJ</p> <p>Messrs J and H Corfieldl</p> <p>Recommendation: Prior Approval Not Required</p>

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Planning, Taxi Licensing and Rights of Way Committee Report

Powys County Council Constitution Schedule 13 Responsibility for Functions

Application Number: 20/0387/OUT

Grid Ref: E: 321953
N: 311565

Community Council: Guilsfield Community

Valid Date: 27.03.2020

Case Officer: Gemma Bufton

Applicant: Bradley and Bradley-Barnard

Location: Fairview Garage, Guilsfield, Welshpool, Powys, SY21 9ND.

Proposal: Erection of 9 dwellings to include demolition of former garage buildings

Application Type: Outline planning

Reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds that it is very prominent site in the centre of the village.

Consultee Responses

Consultee

Received

Ward Councillor

6th Apr 2020

I would like to exercise my right to "call in" the decision on the grounds that it is a very prominent site right in the centre of the village.

Community Council

No response received at the time of writing this report.

PCC-Building Control

31st Mar 2020

Building Regulations application required.

Hafren Dyfrdwy

2nd Apr 2020

With reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

Hafren Dyfrdwy advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers with the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Hafren Dyfrdwy to discuss the proposals. Hafren Dyfrdwy will seek to assist in obtaining a solution which protects both the public sewer and the building.

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

The County Council as Highway Authority for the County Class II Highway, B4392

Wish the following recommendations/Observations be applied

Recommendations/Observations

The indicative layout does meet the criteria for acceptability as an adoptable road, in that there is insufficient public utility. The applicant should be aware that if the Reserved Matters layout be of a similar design, that the Highway Authority will not accept the estate road and its infrastructure for adoption. Therefore, the developer shall be required to either employ the services of, or set-up, a Management Company to maintain the estate road and all infrastructure within the site including street lighting, access road surface water drainage, etc.

In addition, private road signage should be erected at the entry to this estate in accordance with Section 31 of the Highways Act 1980. Furthermore, we would advise that all marketing for this development should include details that the road is private and the same inserted to the deed for each plot, to ensure that all prospective purchasers are aware prior to sale.

The subject site is identified as being a former petrol filling station which is potential contaminated land.

The submitted reports have been reviewed previously and the applicants attention is drawn to the following comments in respect of the Phase 2 report shown below:

The Phase 2 report is sufficient to conclude that the site can be dealt with through our contamination conditions, however the site has not been adequately characterised and I consider this as a preliminary investigation which will require further work. Specific comments follow:

1. The existing buildings have not been investigated, this will be required following demolition works. The presence of asbestos should be considered;
2. The existing driveway has not been investigated - this will also need to be considered in the next phase of investigation work;
3. An objective of the investigation is stated to be to characterise made ground, however only 1 chemical test has been undertaken - all other tests are of natural ground? It follows

that the conclusions that no exceedances of assessment criteria may require revision once appropriate testing has been undertaken;

4. Given item 3, the proposal to introduce soil as a growing medium only may require revision i.e. a protective cover system.

5. Removal of underground tanks are considered as 'engineering works' as it is remediation works and therefore should not take place until appropriate conditions have been satisfied.

Therefore, the following conditions are appropriate:

Condition A

Condition 1. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not

be submitted until written approval for Condition 1 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

All: Having assessed the Planning Application Ref 20/0387/OUT, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

CPAT

31st Mar 2020

The proposed development lies within the medieval historic core of Guilsfield and includes a road frontage area where former medieval dwellings and their associated rear plots would be anticipated. The plot has, however, been heavily developed in the recent past and underground petrol tanks will have been inserted in the frontage area. A concrete and tarmac surface covers most of the plot together with the former service station. The archaeological potential of the plot will have been significantly compromised by the past development. In addition, reference to the old OS mapping and the 1840 tithe plan indicate that the plot did not include any buildings at the time and was used for pasture. There is a moderate potential that in the medieval period, before the mapping evidence, there may have been timber-framed buildings within the plot and their foundations and any associated archaeology may survive in small area across the development site.

Accordingly we would recommend that an archaeologist is contracted to be present through the duration of the initial site preparation and ground reduction works in order that an adequate record of any archaeological features revealed by these works can be made. This advice is in accordance with guidance set out in Welsh Government TAN2 24: Historic Environment (May 2017) Planning Policy Wales (Chapter 6, Edn.9 Nov 2016).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI).

A suitable planning condition to facilitate the contracted watching brief is provided below along with a guidance note for the applicant on how to commission archaeological works.

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard

and Guidance for archaeological watching briefs. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

I have attached a brief for the watching brief together with advisory info. on sources of contractors who may wish to tender for the work. Please forward these to the applicants so that they are fully informed of the requirements.

Cadw – SAM

20th Apr 2020

Thank you for your letter of 31 March 2020 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the proposed development. Our assessment of the application is given below.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW (planning-policy-wales-edition-10.pdf) explains that It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance).

Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Assessment

Scheduled Monuments

MG305 Guilsfield Moated Site

Registered Parks and Gardens

PGW (Po) 38(POW) The Garth (grade II)

PGW (Po) 54(POW) St.Aelhaiarn Churchyard, Guilsfield (grade II*)

The above designated heritage assets are located inside 500m of the proposed development: However, intervening buildings and vegetation will block or extensively screen all views between them. Consequently the proposed development will not have any impact on the settings of these designated heritage assets.

PCC-Built Heritage Officer

6th Jul 2020

Recommendation Support the principle - not support the proposal.

Background to Recommendation

Designation

Directly adjacent to Guilsfield Conservation area originally designated on 22.2.74 and amended on 26.9.85

In proximity to grade II* Registered Historic Park and Garden of St Aelhairn's Churchyard.

Opposite

Cadw ID 15784 Public Water Fountain included on the statutory list on 22/02/1995

Cadw ID 7893 Trawscoed House included on the statutory list on 25/04/1950 and

Cadw ID 7872 Calcott House included on the statutory list on 11/03/1981

In proximity to

Cadw ID 7888 Abercrombie House included on the statutory list on 11/03/1981

Cadw ID 7892 Trawscoed Cottage included on the statutory list on 11/03/1981

Cadw ID 7867 Jones Monument included on the statutory list on 11/03/1981

Cadw ID 7866 Church of St Aelhaiarn including Outbuilding to W end of N Aisle and outbuilding on W side of Porch grade I included on the statutory list on 25/04/1950

Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comments

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic

assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

I am aware that there was a previous outline application on the site 18/0658 for the erection of 9 dwellings, formation of access roads and parking provision. To include the demolition of existing petroleum station Fairview Service Station Guilsfield Welshpool Powys SY21 9ND

I raised no objection to that application as the site is currently a garage which is a relatively low structure set back from the edge of the carriageway, and does not contribute towards the character and appearance of the conservation area or its setting, and similarly it could be argued that it does not contribute towards the setting of the listed buildings in proximity of the site. As the application was made in outline with all matters reserved I was only able to provide in principle comments, and I previously considered that the development of this site is acceptable in principle on built heritage grounds. However the site has the potential to significantly enhance and preserve the setting of the conservation area by retaining the character and appearance of the conservation area, and similarly to positively contribute towards the setting of listed buildings. It also has the potential to significantly harm the setting of the conservation area or listed buildings by inappropriate development, and as such I would request that should the application be approved that the adjacent historic assets are considered in the design and the details of any reserved matters.

I did however note that no assessment of the setting of the historic assets had been submitted with the application. I note with regret that no assessment has accompanied this application either despite section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May 2017 advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting.

Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity

- o non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

The site is in a prominent location directly adjacent to the conservation area boundary and in close proximity to a number of listed buildings. I note that the previous application was for 9 flats with an indicative height of 6-8 m. However, the current application is for the same footprint but with a height of 7.5 - 9m.

It is not clear why the height has been raised. I acknowledge that Trawscoed House is a three storey house indicative of its age and status said to be a dower house for Trawscoed. However the surrounding properties are substantially lower, Smithy Orchard opposite being a bungalow, The Smithy being 2 storey, Sunny Mead being a single storey timber framed property, Fairview being 2 storey and the adjoining estate of Fairview Avenue being bungalows. Church View between the application site and the grade I listed church being a mix of one and a half and 2 storey and Abercrombie House being 2 storey.

There are benefits to the setting of the conservation area and the setting of listed buildings by the redevelopment of the site which I would support in principle. However this increase in height is not considered appropriate. I duly acknowledge that the application is made in outline with all matters reserved. However noting the proximity of the grade I listed church and the number of listed buildings that surround the church I could not confirm that this increase in height would not affect the setting of the listed buildings. I am attaching an extract from the CPAT Historic Settlement Survey (left picture) and Archwilio which illustrates this point.

Whilst accepting that the application is made in outline with all matters including design being reserved, and acknowledging that at preserved matters stage the design of the proposal would be considered against national guidance and policy and LDP policy DM13 and the Supplementary Planning Guidance on Design adopted January 2020 , I am still mindful of the statutory duty in respect of the setting of listed buildings.

Whilst supportive of the principle of sympathetic development on the site, I could not conclude that the increase in height would not have an adverse impact on the setting of the listed buildings.

As such I am unable to support the application in its current form.

Public Responses

A site notice was displayed for 21 days, following which 11 responses have been

received from members of the public. The objections raised are summarised as follows:

- Out of keeping with the character of the area – proposals are out of scale, character and proportion for the village of Guilsfield, which is a rural village of detached or semi-detached houses or bungalows. Type of dwellings are not appropriate in this location. In the centre of the village the majority of properties are small scale and not of great height. No other examples of terraced housing and/or apartment type flats, all houses are set back from the road at varying distances with green space at roadside. 30-metre-long wall against the back of the pavement. The location of tall terraced buildings so close to the road would change the feel and look of the historic centre of Guilsfield forever, smaller buildings with design and character at variable distances from the road would be far more appropriate. Building two bungalows would be preferable. Sensitive site in the centre of the village.
- Insufficient information - no elevations to show design or height of the proposed dwellings.
- Development too high - 9m height ridge may be due to steeply pitched roof but not possible to comment with details of massing.
- Overdevelopment – too many dwellings for the size of the site, inappropriate density at 60 dwellings per ha, overpopulating a small area in the village.
- Inadequate access – impact of tall buildings on the road and visibility at the junction.
- Increase in traffic - increase in traffic flow on a busy road, road used when main Oswestry to Welshpool road is flooded or blocked.
- Inadequate parking provision – insufficient for potential 34 occupants, inadequate parking provision for no.9 as problems exiting one of the parking spaces for no.9 and no visitor parking provision, loss of parking, on-street parking would be encouraged and parking situation would be worse especially at school times.
- Residential amenity - close to adjoining properties, overlooking of adjacent properties and gardens, impact on privacy, loss of light.
- More open space needed on development - inadequate private amenity space for the proposed dwellings for social distancing considering Covid 19 rules.
- Noise nuisance.
- Increase of pollution.
- Potentially contaminated land - possible asbestos, previously stored waste oil and danger from fuel tanks.
- Effect on local ecology.
- Bin storage – proximity to adjacent properties, smell and when cars parked there would be problems accessing the bin store by occupiers and by refuse collectors.
- Strain on existing community facilities.
- Site should remain for business purposes, should be developed into small shops.
- General dislike of proposal.
- Devaluing of property.

Planning History

App Ref	Description	Decision	Date
18/0658/OUT	Erection of 9 dwellings, formation of access roads and parking provision. To include the demolition of existing petroleum station	Application Withdrawn	20th Feb 2019

Principal Planning Constraints

Adjacent to Guilsfield Conservation Area

Listed Buildings

Principal Planning Policies

National Policy

Planning Policy Wales (Edition 10, 2018)

Technical Advice Note (TAN) 2 – Planning and Affordable Housing (2006)

Technical Advice Note (TAN) 5 - Nature Conservation and Planning (2009)

Technical Advice Note (TAN) 6 – Planning for Sustainable Rural Communities (2010)

Technical Advice Note (TAN) 11 – Noise (1997)

Technical Advice Note (TAN) 12 - Design (2016)

Technical Advice Note (TAN) 18 – Transport (2007)

Technical Advice Note (TAN) 23 – Economic Development (2014)

Technical Advice Note (TAN) 24 – Historic Environment (2017)

WG Circular 016/2014 – The Use of Planning Conditions for Development Management (2014)

WO Circular 22/87 Contaminated Land (1987)

WG Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants (2018)

Local Development Plan (2018)

SP1 – Housing Growth

SP3 – Affordable Housing Target

SP5 – Settlement Hierarchy

SP6 – Distribution of Growth across the Settlement Hierarchy

SP7 – Safeguarding of Strategic Resources and Assets

DM2 – The Natural Environment
DM7 – Dark Skies and External Lighting
DM8 – Minerals Safeguarding Area
DM10 Contaminated and Unstable Land
DM11 – Protection of Existing Community Facilities and Services
DM13 – Design and Resources
DM16 – Protection of Existing Employment Sites
H1 – Housing Development Proposals
H3 - Housing Delivery
H4 – Housing Density
H5 – Affordable Housing Contributions
T1 – Travel, Traffic and Transport Infrastructure

Biodiversity and Geodiversity Supplementary Planning Guidance (SPG) (2018).
Affordable Housing Supplementary Planning Guidance (SPG) (2018)
Residential Design Supplementary Planning Guidance (SPG) (2020)

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located in the centre of the village of Guilsfield with the B4392 highway travelling along its eastern boundary and the Guilsfield Conservation Area abutting the north western boundary of the application site. The site extends to approximately 0.1565 hectares, is flat and triangular in shape and currently accommodates a building and an area of hardstanding. The site was previously used as a garage for vehicles sales and more historically as a fuel station but is currently vacant.

The application has been submitted in outline with all matters, reserved for future consideration. The application proposes the erection of 9 dwellings, to include the demolition of existing petroleum station.

The indicative layout shows four apartments to be located in a block in the southern part

of the site fronting onto the B4392 highway with a terrace of five dwellings located in the northern part of the site fronting onto the B4392 highway. The proposed access point would be located between the block of apartments and the houses and the car parking areas would be located in the western part of the site.

A planning application was previously submitted for the proposal in 2018 (18/0658/OUT), however the application was withdrawn in order to allow for further contaminated land reporting to be carried out. The agent explains that this has now been undertaken and is used to inform this resubmission.

Principle of Development

- Protection of Existing Community Facilities and Services

Given that a garage could be considered to be a community service/facility, LDP Policy DM11 is applicable. This policy states that the loss of an existing neighbourhood shop, village shop, public house or service will only be permitted where it can be demonstrated that:

- i. The premises have been for sale and/or vacant for a minimum of 6 months and attempts at actively marketing the existing use during that time have been unsuccessful.
- ii. Alternative solutions to support the long-term economic viability of the business have been demonstrated to be adequately explored.

The applicant, at the time of the previous application, put forward a case for the loss of the site as a community facility. It is stated that Fairview Garage was purchased via auction in 2015 when the site was empty and had not traded as a garage for some time. A family friend to the applicant operated from this site for some time. Unfortunately, the site passed from tenant to tenant and after this time became run down and unprofitable. The site had not been used as a petrol filling station for some considerable time. The pumps were removed and the site's use as a petrol filling station was abandoned in favour of a car sales room. The use of the site for car sales failed for many years and for many different operatives.

The applicant operates petrol stations and convenience stores elsewhere in Powys and they have confirmed that the investment to re-open Fairview Garage as a petrol filling station would need petrol tanks, canopy and new petrol pumps etc and would be unrealistic and economically unviable. Competition is extremely strong in the neighbouring towns and it is considered that volumes would not warrant the investment required.

The applicant has also had the opportunity after purchasing Fairview Garage to acquire the existing convenience store and local post office. Rather than developing the Fairview Garage site into a larger convenience store which the area could not sustain the focus was then on keeping the existing convenience store and local post office open

which is the current situation. It is stated that the viability of the existing convenience store and local post office is somewhat marginal giving credence to the fact that the existing Fairview Garage could not be expanded as a larger convenience store because it is simply unviable. It is concluded that while the site has not been marketed as a community facility, it has been tested both commercially and economically by the applicant.

Officers note that the site has been vacant for a minimum of 6 months in line with LDP Policy DM11, although the current owner and applicant has not attempted to actively market the existing use since purchasing the site or re-open its former use. The LDP states that large villages are usually smaller in population than towns and provide important local services to their own and surrounding communities but they do not possess the wide range of facilities and functions found in Towns. Guilsfield hosts a range of community facilities and services including a branch medical surgery, shop, post office, community centre, recreation fields, church, primary school and public houses. In addition, a fuel station and convenience store is located at Groes Lwyd, approximately 895 metres from the centre of the Guilsfield village (measured from the Church) adjacent to the A490/B4392 highway junctions to the west of the village. Whilst this facility is located outside of the settlement boundary, it is considered that it serves the inhabitants of Guilsfield given its close proximity. It is also noted that this garage and shop can be accessed on foot along a footway along the B4392, nearly until its junction with the A490.

Whilst marketing has not taken place by the current owner and they have not tried to re-open the premises as a garage, the comments in respect of viability are appreciated. Given that Guilsfield is considered to be served by a fuel station, Officers consider, on balance, that the loss of the facility would not prejudice the ability of the community to meet its day to day needs and cater for demand through the use of the other facilities in/just outside the village.

- Protection of Existing Employment Sites

Whilst the site is not an allocated or safeguarded employment site in the LDP, nor does the previous use fall within the traditional employment land uses (B1, B2 and B8 use classes), given that Planning Policy Wales advises that economic land uses include the traditional employment uses (Class B in the Use Classes Order) as well as retail, tourism and public services, and on the basis that the site would have formerly provided employment, LDP Policy DM16 is considered applicable. This policy states that proposals for the use of existing employment sites for alternative uses will be permitted where:

1. It can be demonstrated that the land and premises are no longer required for employment purposes;
2. The proposal would not lead to an under provision of employment land or premises in the sub / local area; or
3. Prejudice the existing or future operational use of surrounding employment sites

and premises.

Representations have been received from those who would prefer to see the site retained in business use. Whilst these preferences are noted, the proposal would not result in the loss of an allocated or safeguarded employment site and would not impact on employment land provision locally or the settlement's role within the settlement hierarchy. The premises have been vacant for a prolonged period and it is concluded that the proposal would not be contrary to LDP Policy DM16.

- Provision of Housing

LDP Policy H1 permits housing developments in Large Villages on sites that are allocated for housing or on other suitable sites within the development boundary, also referred to as windfall sites. The proposed site is within the development boundary of the Large Village of Guilsfield and therefore the principle of this windfall development is acceptable providing that it is considered to be a suitable site for housing. The suitability of the site will depend on addressing any planning constraints that are relevant to the proposed use of the site for housing.

Policy H1 also requires the housing development to be appropriately located and suitable in scale and type to meet Strategic Policies SP1, SP3, SP5 and SP6. Given the location within the development boundary of a large village, the location of the development is supported in principle. Other matters relating to the suitability and appropriateness of the site for housing development are discussed and assessed in detail below.

It is noted that the proposal involves the re-development of previously developed land, also known as brownfield land. The LDP contains an objective which generally supports the re-use of previously developed land. National policy in PPW is also generally supportive in that it states that, in settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

In terms of delivery of housing on the site, LDP Policy H3 states that housing development proposals must be of an appropriate scale and shall provide a suitable mix of housing types to meet the range of identified local housing needs and be phased, if appropriate, to reflect the context of the development and mitigate its impact on the local community. The proposal indicates that nine dwellings would be constructed, of varying scales with a mix of terraced dwellings and apartments. This outline submission indicates a mixture in the scale of dwellings, however it is advised that this scale is indicative only with scale being a reserved matter for future consideration. The current submission includes housing need information obtained from the Local Housing Authority in February 2020, which the agent confirms indicate a total of 21 households registered in housing need and requiring housing in Guilsfield as their first choice with a further 126 who have registered Guilsfield as their second or subsequent choice. According to the agent, the vast majority of these households are registered in Bands 1-

3 suggesting a genuine need for housing. As advised in the Affordable Housing SPG, overall the Powys Local Housing Market Assessment (LHMA update, 2016) identifies a need for additional affordable housing for smaller households of 1 or 2 bedrooms and a greater need for social rented housing.

On the basis of the information provided in the submission and taking into account the conclusions of the LHMA, given that a mix of smaller two and three bedroom dwellings and one bedroom apartments are proposed, it is concluded that the proposed scale and mix of housing appropriate to meet the range of identified local housing needs.

Public responses have raised concerns over the density of the proposal. LDP policy H4 states that all housing development proposals should seek to make the most sustainable and efficient use of land with the guide range of housing density in Large Villages being 27+ units per hectare. In addition, the guide range for Large Villages in Policy H4 is expressed as a minimum and the policy also states that density may be varied where justified by evidence of local circumstances or constraints. The proposal for nine dwellings would have a density of 56 dwelling per hectare. PPW encourages higher densities in towns and large villages which are settlements best served by public transport. The higher density is explained by the smaller sized dwellings and apartment type dwellings. The guide ranges in Policy H4 are based on typical developments involving houses rather than developments involving apartments. Given the national and local planning policy support for higher density developments and the flexibility provided by LDP Policy H4, it is considered that the proposed density is not inappropriate in this instance.

On the basis of the above, the principle of the proposed provision of housing on this site is considered acceptable subject to detailed consideration of other site specific planning matters, as is considered below.

Affordable Housing

LDP Policy H5 requires proposals for new housing development of five or more dwelling units or on sites of 0.25 ha and above to make contributions towards the provision of affordable housing. The agent's supporting statement refers to the site being within the North Powys sub-market area, however Guilsfield Community is, in fact, within the Severn Valley sub-market area where the policy sets a target affordable housing contribution of 20%.

The submission also states that the applicant is prepared to enter into negotiations to offer the whole site for affordable housing and that preliminary enquires with the Local Housing Authority suggest that an appropriate affordable housing scheme in this location would be welcomed. Officers advise that only a 20% affordable housing contribution can be required as stipulated in LDP Policy H5. For this proposal, this level of contribution would equate to 1.8 units, which could either be provided as two whole affordable units on-site, or as one whole affordable unit and a part financial contribution equating to 0.8 units.

A condition is to be attached to any consent granted to require the submission of a scheme for the provision of affordable housing including the phasing of the scheme.

Design and Layout

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. In line with policy DM13 development proposals should therefore be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Whilst design and layout are reserved matters and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 9 residential units of this scale could be accommodated on the site.

Whilst public representations have raised concerns over the character of the development on the surrounding area and loss of privacy/amenity, Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 9 residential units without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties. The proposed development is therefore considered to comply with relevant planning policies.

Highway Safety

Part 10 of LDP Policy DM13 and T1 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development.

This application is sought in outline with all matters reserved, including access. The Highway Authority have been consulted and have confirmed that the indicative layout does not meet the criteria for acceptability as an adoptable road.

Given that these works are reserved and not for consideration under this application they have confirmed that an amended layout should be considered at Reserved Matters time or the Highway Authority will not accept adoption of the estate road and its infrastructure.

In light of the above and given that no objection to the principle of the development has been received it is considered that these points regarding layout and access can be

appropriately considered at the time of any subsequent reserved matters application.

Contaminated Land

The application site is a former petrol filling station which is a potential contaminative use. In support of the application a Phase 2 Geo-Environmental and Geotechnical Assessment/ Preliminary Risk Assessment by Earth Science Partnership has been submitted in support of the application.

Powys County Council Contaminated Land Officer has been consulted and has concluded that the Phase 2 report is sufficient to conclude that the site can be dealt with through appropriately worded conditions to ensure the long-term maintenance of the site.

Subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Built Heritage

Scheduled Monuments

MG305 Guilsfield Moated Site

Registered Parks and Gardens

PGW (Po) 38(POW) The Garth (grade II)

PGW (Po) 54(POW) St. Aelhaiarn Churchyard, Guilsfield (grade II*)

Guilsfield Conservation Area

Cadw ID 15784 Public Water Fountain included on the statutory list on 22/02/1995

Cadw ID 7893 Trawscoed House included on the statutory list on 25/04/1950 and

Cadw ID 7872 Calcott House included on the statutory list on 11/03/1981

Cadw ID 7888 Abercrombie House included on the statutory list on 11/03/1981

Cadw ID 7892 Trawscoed Cottage included on the statutory list on 11/03/1981

Cadw ID 7867 Jones Monument included on the statutory list on 11/03/1981

Cadw ID 7866 Church of St Aelhaiarn including Outbuilding to W end of N Aisle and outbuilding on W side of Porch grade I included on the statutory list on 25/04/1950

- Scheduled Ancient Monument/ Registered Park and Gardens

Cadw have been consulted and have confirmed that the application site is located 500m of Registered Park and Gardens and Scheduled Ancient Monument MG305. However, intervening buildings and vegetation will block or extensively screen all views between them. Cadw have therefore confirmed that they have no objection to the proposed development and confirmed that the proposed development will not have any impact on the settings of these designated heritage assets.

- Listed Buildings and Conservation Areas

The Built Heritage Officer has drawn attention to Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.

The Officer has also referred to recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th Edition 2018 which states, "For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Concerns were initially raised by the Built Heritage Officer as this application, whilst its appearance was a reserved matter, indicated that the dwellings as proposed could have a maximum height of 7.5 to 9 metres.

It is acknowledged that Trawscoed House is a three-storey house, however the surrounding properties are all substantially lower. It is considered that there are benefits to the setting of the conservation area and the setting of listed buildings by the redevelopment of the site. However, concerns were expressed over the proposed heights.

In response to these concerns, amended details were received from the agent who confirmed (via email dated 14th July 2020) the lowering of the proposed heights to a maximum of 8 metres.

In light of the amended heights, it is considered that the proposed development subject to careful consideration at Reserved Matters stage will not cause any unacceptable harm to the settings of any nearby listed buildings, conservation area, Scheduled Monument or Registered Park and Gardens.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

A Bat Survey Report has been completed by Turnstone Ecology and submitted in support of the application given the demolition of the existing buildings on site which have the potential to be utilised for roosting bats.

Emergence and dawn return surveys were completed and no bats were recorded as emerging from the detached commercial units. Following the surveys and given that the building structure, limited potential roosting locations and evidence of bats, it was concluded that the site is of low suitability for roosting bats.

It will be recommended however that biodiversity enhancements as outlined within the bat survey report should be included on all dwellings proposed. A condition will be attached to ensure full details of such enhancements are submitted for consideration at the time of any reserved matters application.

Granllyn Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI) is located approximately 100 metres east of the proposed site. Granllyn SAC / SSSI is of special interest for supporting the largest known population of Great Crested Newts in Montgomeryshire. The proposed development site consists entirely of built structures or areas of hardstanding and as such offers no suitable terrestrial habitat for Great Crested Newts, it is therefore considered that given the site's location and current condition it is unlikely to have any direct impact on the features of the Granllyn SAC / SSSI.

In light of the above and subject to an appropriately worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Decision

In light of the above and subject to the recommended conditions it is therefore considered that the principle of the development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

5 Notwithstanding the provisions of schedule 2, part 1, class A- E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings, extensions or alterations shall be erected other than those expressly authorised by planning permission.

6. Notwithstanding the approved plans, any reserved matters applications shall have a maximum height of 8 metres to the ridge per dwelling as agreed by email dated the 14th July 2020 by Hughes Architects.

7. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme as approved shall be implemented in accordance with the approved details before the development is first brought into use.

8. At the time of submission of any Reserved Matters application all biodiversity enhancements as indicated within the Bat Survey Report for Fairview Garage, Guilsfield by Turnstone Ecology dated August 2018 shall be included on all elevational drawings as proposed. Thereafter, the biodiversity enhancements as approved shall be constructed prior to the first use of any dwelling thereafter approved.

9. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The

report is subject to the written approval of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

10. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 9 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

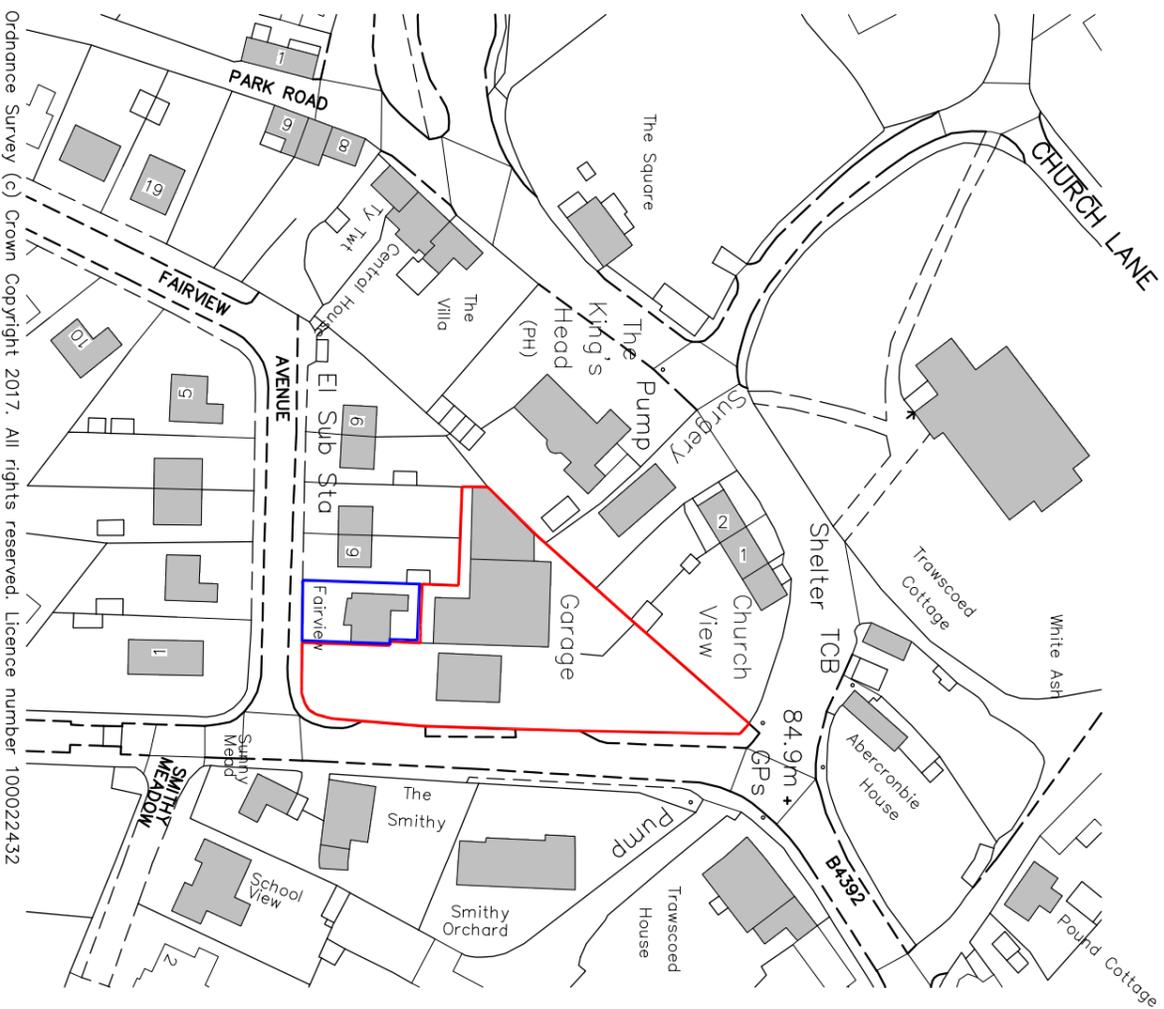
If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Reasons

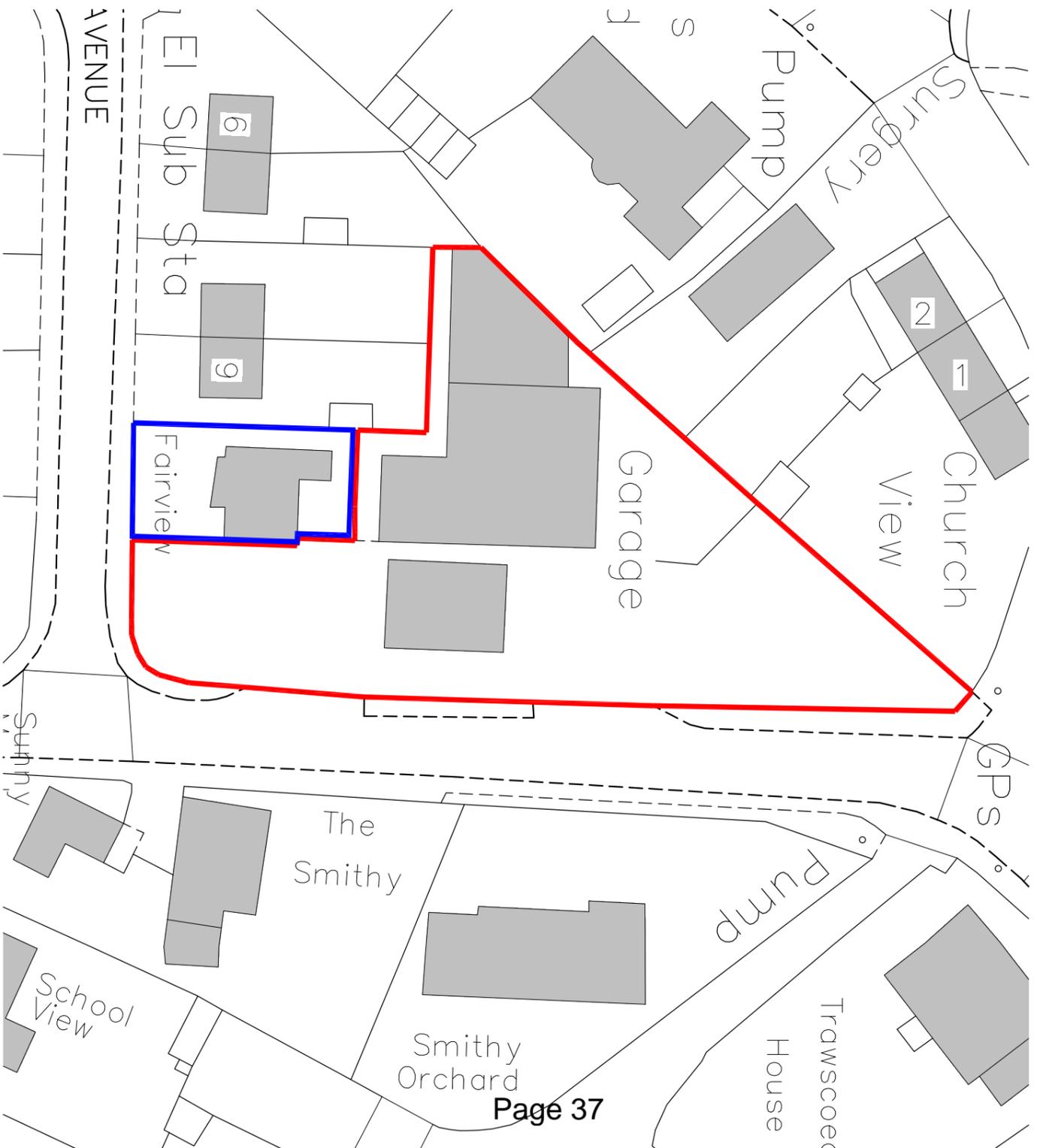
- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4 To ensure a % of the properties hereby approved are available as affordable dwellings in accordance with policy H5 of the Local Development Plan (2018) and Planning Policy Wales (2018).
- 5 This condition is imposed to control future development at this site on amenity grounds and also the future affordability of the development in accordance with policy H5 and DM13 of the Powys Local Development Plan.
- 6 To ensure that there would be no adverse impact on the setting of nearby listed buildings in accordance with policy SP7 of the Local Development Plan (2018), Technical Advice Note 24 and Planning Policy Wales (Edition 10, 2018).
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.
- 8 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 9 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).
- 10 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).
- 11 To ensure an appropriately designed development in accordance with policy DM10 of the Local Development Plan (2018).



 N

 **APPLICATION SITE BOUNDARY**

 **LAND IN OWNERSHIP**



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Project :- Proposed Development to Existing Fairview Garage, Gullisfield		Rev :-
Drawing Status :- PLANNING APPLICATION	Drawing Title :- Location / Block Plan	
Scale :- 1:1250@A3 Date :- 23.8.18	Drawing No :- V010.3A.3.01	
Drawn by :- KT Checked :-		

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AGRI/2008/0
116 Erection of an agricultural
 building

Planning
Permission
Needed

6th Jan 2009

Principal Planning Constraints

Open Countryside

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
The Town and Country Planning (GPD) Order	Schedule 2, Part 6, Class A – Agricultural Buildings & Operations	1995	

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location & Description of Development

The application site relates to Ackley Farm, located within the Community Council area of Forden with Leighton and Trelystan. The site is located outside of any settlement development boundary, and as a result for the purpose of this application is considered to be located within the open countryside, as defined by the adopted Powys Local Development Plan (2011-2026). The site itself is situated to the immediate east of the existing farm complex at Ackley Farm, and is otherwise thereafter bound by agricultural land. The site is located approximately 550 metres west of the County boundary with Shropshire.

Under Schedule 2, Part 6, Class A of The Town and Country Planning (General

Permitted Development) Order 1995, developers are required to submit a prior notification for various agricultural developments to enable the Local Planning Authority to determine whether the prior approval of the planning authority will be required for the siting, design and external appearance of the proposal. In addition, the Local Planning Authority is required to determine whether the proposal would not be permitted development, and as such would require full planning permission.

This prior notification is sought for the erection of a general-purpose agricultural building for the storage of bulk fodder and farm implements. The proposed building would measure approximately 24.4 metres in length and 18.6 metres in width; with a resultant floor area of approximately 454 sq. metres. The building would have a mono-pitch roof with an eaves height of approximately 4.9 metres and a ridge height of approximately 9.4 metres above ground-level. The building would be finished with dark grey cladding above concrete walls, with a grey fibre cement sheet roof.

Principle of Development

The application has been made under the procedures set out within Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, to construct a general-purpose agricultural building for the storage of fodder and implements. Part 6, Class A allows works for the erection of an agricultural building, when that proposed building is to be used for agricultural purposes and the agricultural land unit is 5 hectares or more.

In assessing such applications, and prior to the consideration of the specific criteria set out under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995, it is necessary to first evaluate whether the land benefits from agricultural permitted development rights.

In section 336 of the Town and Country Planning Act 1990, it is stated that agriculture *“includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be constructed accordingly”*.

Thus, in order for agricultural permitted development rights to apply on the land, the following five tests need to be considered:

- *“there has to be agricultural use subsisting at the time the building or works are constructed;*
- *any agricultural use has to be operated as a trade or business;*
- *any agricultural use has to fall within the ambit of sec.336;*
- *any agricultural building to be constructed using PD rights has to be reasonably necessary for the purposes of agriculture;*

- *and buildings or works have to be designed for agricultural purposes”.*

Given the application site relates to land adjacent to the existing farm complex at Ackley Farm, it is clear that the land would benefit from the above permitted development rights, and the farm holding is run as a legitimate agricultural enterprise. Furthermore, it is accepted that the proposed building would be designed for an agricultural purpose, being of a typical agricultural design. As such, it is considered that the land would benefit from permitted development rights as outlined within Schedule 2, Part 6, Class A of the GPDO.

The proposed agricultural building would be located within an agricultural unit of approximately 80.9 hectares, and would have a total floor area of approximately 454 sq. metres. It would not be located within 3km of an aerodrome and is under 12 metres in height. The building is to be used for the storage of fodder and implements, and as stated above, is deemed to be necessary for the purposes of agriculture. Furthermore, it would be of a typical agricultural appearance, and has been designed for agricultural purposes. The building would not be used to house livestock or to store slurry or sewage sludge. The site of the proposed building would be more than 25 metres from a classified highway and the proposal as a whole is deemed to meet all of the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. Consequently, the development is considered to constitute Permitted Development.

With regard to the siting, design and external appearance of the building proposed, it is noted that it would be located adjacent to the existing farm complex at Ackley, and as a result would be read in conjunction with the existing agricultural buildings when viewed from within the surrounding area. The building would be of typical agricultural appearance and would assimilate well into its agricultural context. Due to its appropriate siting in close proximity to existing agricultural buildings and acceptable design, officers consider the building as proposed would not adversely impact upon the surrounding landscape, and thus prior approval of the details of siting, design and external appearance would not be required.

Conclusion

In light of the above assessment, the proposed development is considered by officers to comply with the criteria set out within Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and would be permitted development. In addition, officers consider that prior approval of details of siting and design and external appearance are not required for the development proposal.

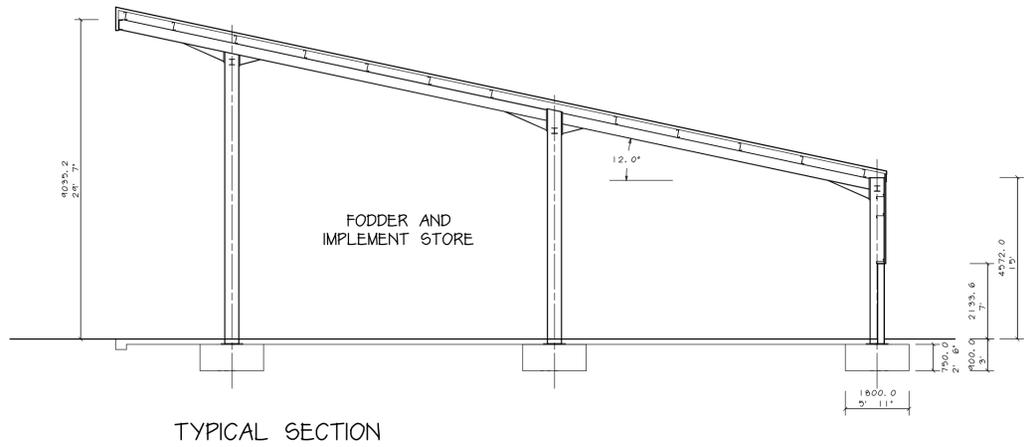
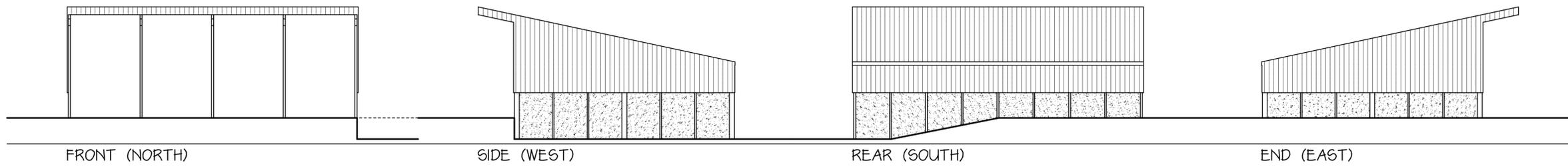
RECOMMENDATION – Prior Approval Not Required

The submitted notification is in accordance with Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) – Agricultural Buildings and Operations on Units of 5 Hectares or More.

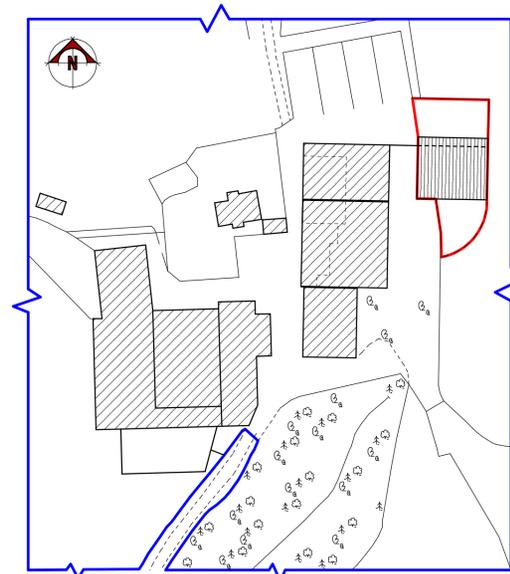
The development must be carried out in accordance with the notification submitted to Powys County Council **within five years of the date of permission.**

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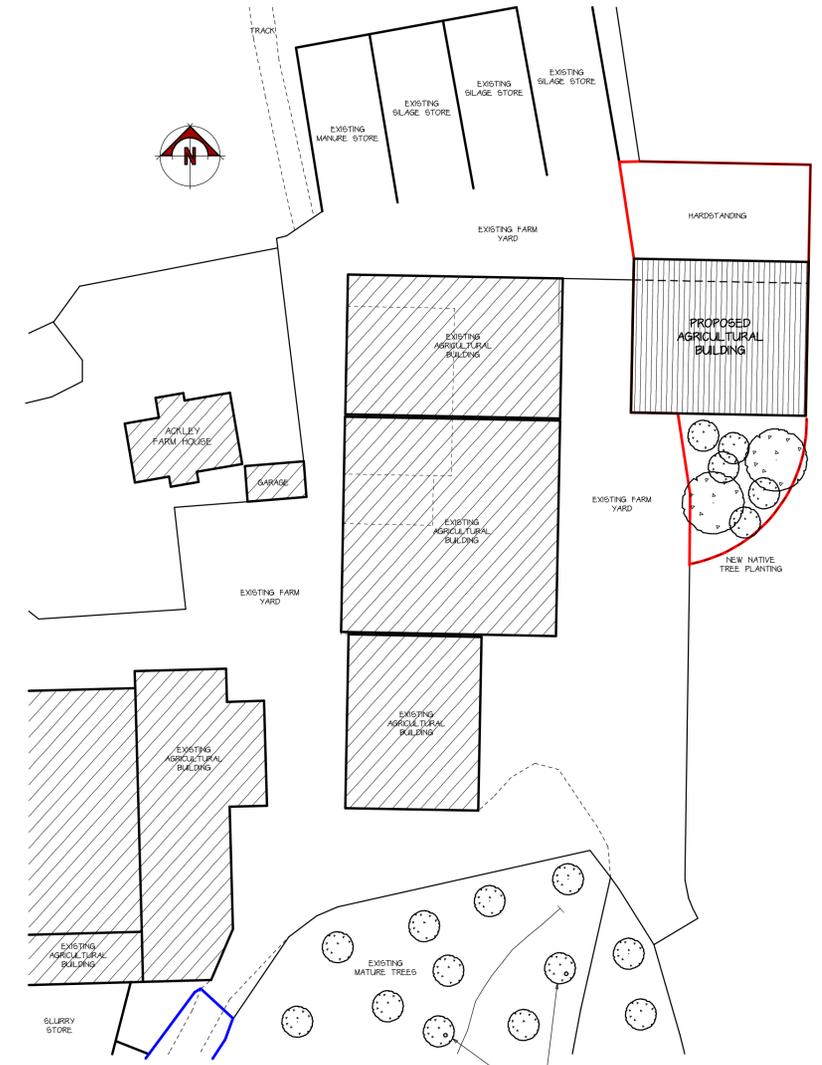
PROPOSED ELEVATIONS



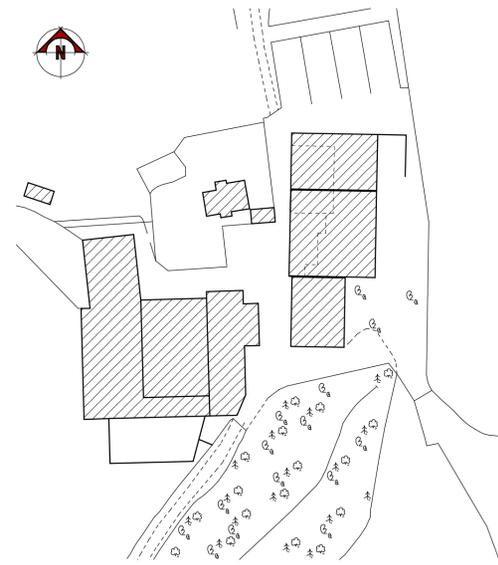
TYPICAL SECTION



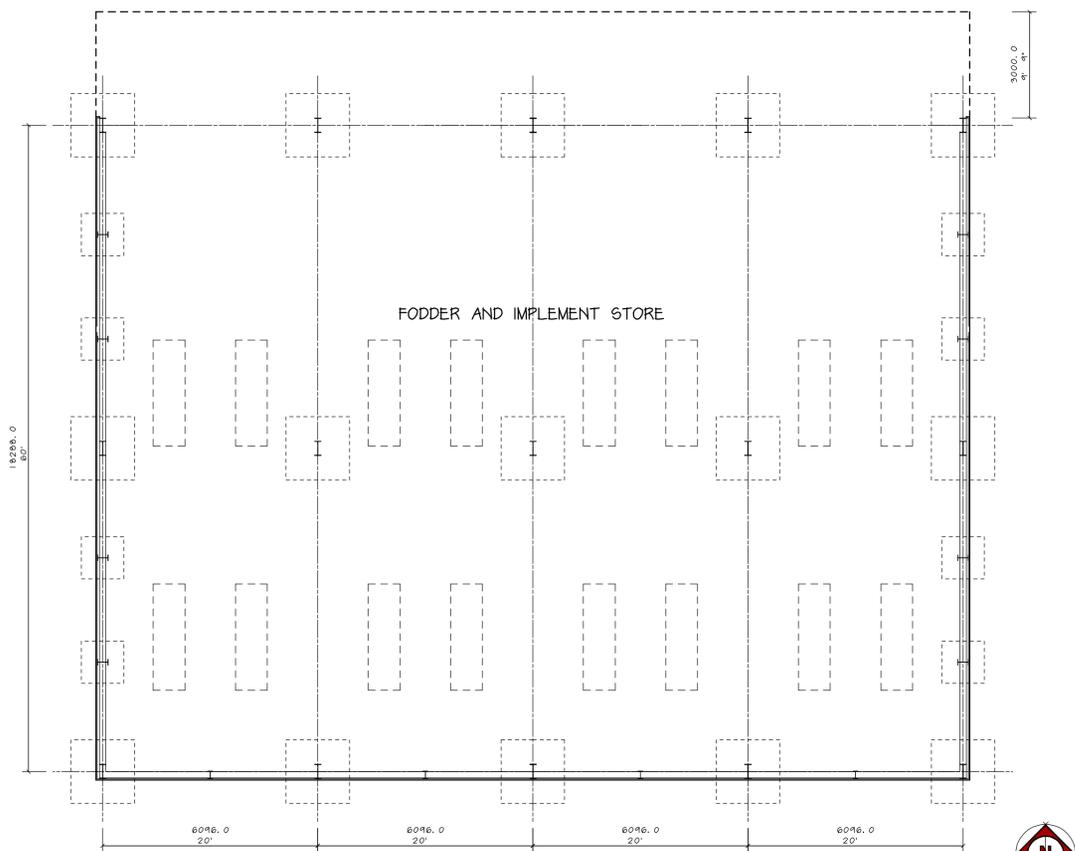
PROPOSED LOCATION PLAN 1 / 1250



BLOCK PLAN 1 / 500



EXISTING LOCATION PLAN 1 / 1250



PROPOSED LAYOUT

<p>All dimensions on site to be checked prior to commencement of work or ordering of materials and components. No dimensions to be scaled from this drawing. All materials and workmanship to comply with relevant British Standards and Codes of Practice. All works to conform to Building Regulations and NBS Standards (where applicable).</p> <p>COPYRIGHT This drawing and any design thereon is the copyright of Ian Pryce Property Services and must not be reproduced without written consent.</p>		<p>Ian Pryce CIQB Property Services Building Surveyors, Architectural Services and Project Management. PRINCES SQUARE, PRINCES STREET, MONTGOMERY, POWYS SY15 6PZ Telephone: 01686 66884 Fax: 01686 66899</p>	
<p>Date: _____ Ref: _____ Revision: _____</p>		<p>Project: AGRICULTURAL BUILDING ACKLEY MARTON WELGHPOOL POWYS SY21 8JJ</p>	
<p>Subject: PROPOSED DETAILS</p>		<p>Client: J CORFIELD</p>	
Date: AUG 2020	Drawn: Steve Mason	Scale: 1 / 100 / 200	
Project Number: 08 / 20 / TEMP10	Drawing Number: EK . 001	Amendment: .	
<p>CAD Reference: DRAWING6\ACKLEY\FARM\FM\BLDG2020\FM\BLDG2020-PROP.EXP</p>			

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86 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abermule And Llandyssil Community	Approve	10/03/2020	20/0492/FUL	Full Application	27/08/2020	Change of use of agricultural land to amenity area to be used in connection with existing caravan park (retrospective)	Smithy Park Abermule Montgomery Powys SY15 6ND
	Approve	25/06/2020	20/1019/VAR	Discharge/Modification of S106	12/08/2020	Application to discharge Section 52 legal agreement attached to planning permission M18140 (occupancy restriction)	Pen Y Ddol Llandyssil Montgomery Powys SY15 6LU
Banwy Community	Approve	24/10/2019	19/1733/FUL	Full Application	25/08/2020	Erection of two poultry units, 4 feed bins, alterations to existing access and all associated works	Land East Of B4395 Llangadfan Welshpool Powys

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	Refused	01/11/2019	19/1703/FUL	Full Application	25/08/2020	Change of use and conversion of former coach house into additional accommodation in connection with adjacent hotel	Cann Office Hotel Llangadfan Welshpool SY21 0PL
Bausley With Criggion Community	Approve	28/04/2020	20/0638/HH	Householder	19/08/2020	Erection of extensions & associated alterations	Pony House Criggion Shrewsbury SY5 9BQ
	Approve	29/06/2020	20/0993/HH	Householder	24/08/2020	Erection of a two storey rear extension and new side entrance door with porch over	Brook Cottage Alderbury Crew Green SY5 9AN
Begunty Community	Approve	22/06/2020	20/0996/HH	Householder	20/08/2020	Proposed roof extension to incorporate pitch roof dormers to front and rear (Resubmission)	Cwmberris Felindre Knighton Powys LD7 1YN
Berriew Community	Approve	24/06/2020	20/0973/TRE	Works to trees in Conservation Area	11/08/2020	Felling of 3 mature Pinus Sylvestris in rear garden and the removal of a privet hedge	Chestnut House Berriew Welshpool Powys SY21 8PL

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Bettws Community	Approve	09/06/2020	20/0884/FUL	Full Application	28/08/2020	Conversion and extension of building to form a holiday unit and installation of septic tank	Gwern Howell Bettws Cedewain Newtown SY16 3DZ
Builth Wells Community	Approve	14/07/2020	20/0994/TRE	Works to trees in Conservation Area	19/08/2020	Works to trees in a conservation area - removal of conifer hedge	1 North Road Builth Wells Powys LD2 3BT
	Consent	22/05/2020	20/0780/FUL	Full Application	25/08/2020	Change of use of residential flat to office	Flat 2 Groe Street Builth Wells Powys LD2 3DW
Caersws Community	Approve	26/06/2020	20/0942/HH	Householder	14/08/2020	Demolition of existing side & rear extension and erection of a detached garage, single storey side extension and two storey rear extension	Waen Bwlch-y-ffridd Newtown Powys SY16 3JF
	Approve	30/06/2020	20/0984/FUL	Full Application	19/08/2020	Erection of a general purpose agricultural building	Lluast Pontdolgoch Caersws Powys SY17 5NE

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Caersws Community

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Churchstoke Community	Approve	07/05/2020	20/0716/FUL	Full Application	13/08/2020	Proposed construction of a general purpose agricultural building	Todleth Farm Old Churchstoke Montgomery SY15 6DH
	Approve	12/06/2020	20/0948/FUL	Full Application	24/08/2020	Change of use application from domestic office within the detached garage to shared hair / wig salon	Rhiastyn House Hyssington Montgomery Powys SY15 6AT
	Consent	28/04/2020	20/0652/REM	Removal or Variation of Condition	12/08/2020	Section 73 application for variation of conditions 2 and 5 and removal of condition 4 of planning approval 19/1597/HH	Lake Farm Churchstoke Montgomery SY15 6TG
Cilmeri Community	Approve	19/06/2020	20/0945/HH	Householder	11/08/2020	Erection of a side & rear extension to existing dwelling	Ceirios 41 Parc-Yr-Irfon Builth Wells LD2 3NG
Disserth And Trecod Community	Approve	01/07/2020	20/0969/FUL	Full Application	28/08/2020	Erection of a dormer bungalow (part retrospective)	1 Southlands Drive Howey Llandrindod Wells LD1 5SJ

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Dwyriv Community	Approve	18/03/2020	20/0453/FUL	Full Application	24/08/2020	Erection of agricultural building and all associated works	Plas Coch Cefn Coch Welshpool Powys SY21 0AE
Felin-Fach Community	Consent	25/02/2019	19/0361/FUL	Full Application	21/08/2020	Demolition of existing structures and the proposed development of offices/welfare unit, a bulking facility, a storage shed, sump and silo for food waste, an area of hardstanding and associated car parking spaces for staff and operational vehicles	Brecon Waste Transfer Site Llan-y-wern Brecon Powys LD3 0TT
Forden With Leighton & Trelystan Com	Approve	17/12/2019	19/1915/LBC	Listed Building Consent	26/08/2020	Reinstatement of the statue of Icarus onto its original plinth set in the Serpentine pond at Leighton Hall	Leighton Hall Leighton Welshpool Powys SY21 8LW

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	Approve	13/07/2020	20/1056/CLE	Certificate of Lawfulness - Existing	27/08/2020	Certificate of lawfulness for an established use and operation (section 191) namely commencement and building of dwelling under planning approval M2668	Coed Y Brenin Forden Welshpool Powys SY21 8TT
Glantwymyn Community	Approve	14/11/2019	19/1826/OUT	Outline planning	27/08/2020	Erection of an agricultural workers dwelling (outline application with all matters reserved)	Land At Rhydaderyn Cemmaes Machynlleth SY20 8QP
Page 52 Glagbury Community	Approve	07/07/2020	20/0999/HH	Householder	28/08/2020	Removal of the existing flat roof extension and construction of a two storey rear extension	6 Station Road Boughrood Brecon LD3 0YF
Guilsfield Community	Consent	22/06/2020	20/0950/FUL	Full Application	28/08/2020	Erection of extension to existing agricultural building	Stonehouse Farm Maes Mawr Welshpool SY21 9DB
	Consent	30/06/2020	20/0956/FUL	Full Application	28/08/2020	Proposed erection of stables, including hay storage and tack room, formation of adjacent menage.	Ashtree Barn Guilsfield Welshpool SY21 9DT

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	Consent	08/07/2020	20/0337/FUL	Full Application	24/08/2020	Erection of new building for shop display area / storage	Derwen Garden Centre Guilsfield Welshpool Powys SY21 9PH
Kerry Community	Approve	20/05/2020	20/0770/FUL	Full Application	27/08/2020	Erection of extension to existing stable block & laying of 'Canter Carpet' surfacing to create all-weather turn out area.	Afallen Kerry Newtown SY16 4NS
	Closed	12/03/2020	20/0539/TRE	Works to trees in Conservation Area	28/08/2020	Application to fell a tree in a conservation area	Mill House Kerry Newtown Powys SY16 4LL

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Knighton Community	Approve	11/02/2019	19/0232/REM	Removal or Variation of Condition	24/08/2020	Section 73 application to vary condition no. 1 attached to planning permission P/2013/1262 to extend time limit for commencement of development for a further 5 years	Clayton Engineering Ludlow Road Knighton LD7 1LP
	Refused	10/07/2020	20/1062/CLE	Certificate of Lawfulness - Existing	10/08/2020	Section 191 application for a certificate of lawfulness in relation to use of annex as ancillary to residential accommodation	Rosehill Knucklas Road Knighton Powys LD7 1UP
Llanafan-Fawr Community	Approve	09/03/2020	20/0358/FUL	Full Application	26/08/2020	Resurfacing of existing area to facilitate a new turning area	Bwlch Ciliau Forest Llanafan Fawr Nr. Newbridge On Wye

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Llanbrynmair Community	Refused	10/06/2020	20/0931/HH	Householder	28/08/2020	Removal of open porch and erection of porch extension	Cartrefle Llanbrynmair Powys SY19 7AF
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Llandinam Community	Approve	18/12/2018	18/1155/LBC	Listed Building Consent	19/08/2020	Listed building consent for retention of works carried out namely: installation of electrical supply cable through wall; soil and vent pipe through WC roof to the rear and creation of coach drivers accommodation and insertion of a new window opening and all associated works (retrospective)	Broneirion Llandinam SY17 5DE
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Approve	04/01/2019	19/0078/FUL	Full Application	19/08/2020	Installation of biomass boiler, store buildings & timber fence; erection of equipment storage building; erection of a timber food store within covered courtyard; erection of a football pitch and fenced area surrounding and all associated works (retrospective)	Broneirion Llandinam SY17 5DE
Approve	16/07/2020	20/1044/FUL	Full Application	27/08/2020	Part-retrospective application for the installation of Portakabin building to be used as canteen extension to safely accommodate staff due to new social distancing guidelines	Randall Parker Foods Oakley Park Llanidloes Powys SY18 6LW

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Llandrindod Wells Community	Approve	07/05/2020	20/0677/FUL	Full Application	21/08/2020	Change of use of agricultural land to form additional domestic curtilage together with erection of a car-port/garage	Land Adj. Plot 2 Cae Eithin Llandrindod Wells Powys LD1 5LX
	Approve	21/05/2020	20/0690/FUL	Full Application	17/08/2020	Change of use of building from D1 (day services) to B1 (charity offices).	Wellfield House Temple Street Llandrindod Wells LD1 5HG
	Refused	11/06/2020	20/0845/HH	Householder	11/08/2020	Single storey-side extension and conversion of existing garage. New vehicular access and parking area to the rear.	Arosfa Spa Road Llandrindod Wells LD1 5ER
Llanfair Caereinion Community	Approve	06/05/2020	20/0715/OUT	Outline planning	28/08/2020	Erection of a rural enterprise dwelling and associated works	Land At Belan House Llanfair Caereinion Welshpool SY21 0BS
	Approve	16/06/2020	20/0882/FUL	Full Application	19/08/2020	Application for the erection of a proposed agricultural building and the installation of an existing Biomass Boiler (retrospective)	Brynglas Farm Dolanog Welshpool Powys SY21 0HU

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	Approve	24/06/2020	20/0824/HH	Householder	28/08/2020	Erection of extension to dwelling	Rhiwlas Mount Road Llanfair Caereinion Welshpool SY21 0BH
	Approve	25/06/2020	20/0800/HH	Householder	13/08/2020	Erection of detached garage (with first floor studio over).	Tegfryn Mount Road Llanfair Caereinion Welshpool SY21 0BH
Llanfechain Community	Consent	03/06/2020	20/0704/OUT	Outline planning	24/08/2020	Erection of a single two storey dwelling (Some matters reserved)	Central House Llanfechain SY22 6UJ
Llangammarch Community	Approve	15/05/2020	20/0633/FUL	Full Application	28/08/2020	Erection of an agricultural building	Sacket's Yard Cefn Gorwydd Llangammarch Wells LD4 4DP
Llangurig Community	Approve	06/07/2020	20/1043/HH	Householder	14/08/2020	Installation of biomass boilers, flues, ancillary apparatus and all associated works to existing domestic outbuilding (retrospective)	Pantdrain Llangurig Llanidloes SY18 6SA

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Llangyniew Community	Consent	14/01/2020	20/0071/OUT	Outline planning	28/08/2020	Erection of an agricultural workers dwelling, detached garage, formation of a new vehicular access and associated works (some matters reserved)	Land West Of Mathrafal Park Meifod Powys SY22 6HS
	Consent	15/07/2020	20/0923/FUL	Full Application	28/08/2020	Replacement Dwelling - The proposed works consist of the demolition existing roofs and conservatory. Erection of porch and 1.5 storey side/front extension. Rationalising of roof. Internal alterations	Delfan Newydd Pont Robert Meifod Powys SY22 6JF
Llanidloes Community	Approve	09/06/2020	20/0887/HH	Householder	12/08/2020	First floor extension to bungalow to form a habitable bedrooms & living area	Clywedog Caravan Park Van Llanidloes SY18 6NE
	Approve	15/07/2020	20/1012/FUL	Full Application	28/08/2020	Addition of use class A1 retail to current use class B1	Unit 5D Derwen Fawr Business Park Llanidloes SY18 6FE

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Llanrhaeadr-Ym-Mochant Community	Approve	09/12/2019	19/1716/FUL	Full Application	25/08/2020	Conversion of 3 no. barns to holiday accommodation units, demolition of barn, installation of septic tank, alterations to access and all associated works.	Cefn Hir Fach Llanrhaeadr-ym-mochnant Oswestry Powys SY10 0DY
	Approve	20/03/2020	20/0484/FUL	Full Application	14/08/2020	Erection of a single storey extension to existing dwelling	Woodlands Pedair-Ffordd Oswestry SY10 0AL
Llansantffraid Community	Approve	03/06/2020	20/0897/VAR	Discharge/Modification of S106	28/08/2020	Application to discharge Section 106 legal agreement attached to planning permission M20030924 (occupancy restriction)	15 Ffordd Spoonley Llansantffraid SY22 6FB
	Consent	13/07/2020	20/0868/FUL	Full Application	28/08/2020	Erection of a agricultural building and all associated works	Crib Y Gwynt Meifod SY22 6XX
Llanwddyn Community	Approve	13/03/2020	20/0298/FUL	Full Application	11/08/2020	Erection of a footbridge, alterations to abutments and creation of paths	Footbridge Over River Vyrnwy Llanwddyn Oswestry SY10 0LZ

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	Approve	13/03/2020	20/0299/LBC	Listed Building Consent	19/08/2020	Erection of a footbridge, alterations to abutments and all associated works	Footbridge Over River Vyrnwy Llanwddyn Oswestry SY10 0LZ
	Consent	03/08/2020	20/1127/FUL	Full Application	28/08/2020	Erection of an outdoor activity and events shelter	Lake Vyrnwy Sculpture Park Llanwydyn Powys
Llanwrthwl Community	Approve	16/03/2020	20/0454/REM	Removal or Variation of Condition	19/08/2020	Section 73 application to vary conditions 2 and 3 of planning consent P/2018/0376 to extend the outline consent and submission of reserved matters	Dol-y-coed Llanwrthwl Llandrindod Wells Powys LD1 6NU
Machynlleth Community	Approve	30/06/2020	20/0943/LBC	Listed Building Consent	21/08/2020	Re-routing and re-positioning of existing gas pipe	65 Maengwyn Street Machynlleth SY20 8EE
Newtown And Llanllwchaiarn Community	Approve	26/06/2019	19/0888/FUL	Full Application	11/08/2020	Demolition of existing outbuilding, erection of 4 flats and all associated works	Sunlea The Bank Newtown Powys SY16 2AA

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Approve	12/09/2019	19/1492/LBC	Listed Building Consent	11/08/2020	Demolition of existing outbuilding, erection of 4 flats and all associated works	Sunlea The Bank Newtown Powys SY16 2AA
Approve	02/06/2020	20/0827/HH	Householder	11/08/2020	Widening of access & creation of enlarged parking area (part retrospective)	Bodafon Frankwell Street Newtown SY16 2BU
Approve	02/07/2020	20/1021/HH	Householder	19/08/2020	Demolition of existing rear single storey extension & erection of a new rear two storey extension (resubmission of 19/2007/HH)	Old Toll Cottage Milford Road Newtown SY16 3HF
Permitted Development	04/08/2020	20/1201/DEM	Demolition Notification	28/08/2020	Application for prior notification of proposed demolition	Robert Owen House Park Lane Newtown Powys SY16 1EN

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Pen-y-bont Fawr Community	Refused	03/07/2020	20/1023/HH	Householder	26/08/2020	Erection of a second floor extension over the existing ground floor room with shower room, kitchenette and mezzanine floor (part retrospective)	Fronlwyd Hirnant Pen-Y-Bont-Fawr SY10 0HP
Presteigne Community	Approve	24/04/2020	20/0609/FUL	Full Application	27/08/2020	Proposed change of use from combined retail, store & distribution (A1 and B8) to combined production, storage and distribution (B1 and B8).	Presteigne Mill Prestiegne Powys LD8 2HN
Rhayader Community	Refused	18/06/2020	20/0732/FUL	Full Application	10/08/2020	Proposed extension to existing premises to increase showroom display area	Sycamore Garage East Street Rhayader LD6 5DS
St. Harmon Community	Approve	10/07/2020	20/1079/HH	Householder	01/09/2020	Erection of a two storey rear extension	Church Cottage St Harmon Rhayader Powys LD6 5LU

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Tawe-Uchaf Community	Approve	28/04/2020	20/0620/HH	Householder	27/08/2020	Single storey side Extension, Raised balcony to rear and Construction of detached garage.	Dolycoed Caehopkin Abercrave Powys SA9 1TP
Trallong Community	Approve	19/05/2020	20/0727/FUL	Full Application	28/08/2020	Proposed extension to an existing sheep shed	Gwarllan Llanfihangel-Nant-Bran Brecon LD3 9NA
Tregynon Community	Approve	20/05/2020	20/0748/FUL	Full Application	19/08/2020	Erection of a small Agricultural Shed for the storage of feed and machinery	Lower Cwmharri Tregynon Newtown SY16 3ES
	S106 Discharge d	26/06/2020	20/1035/VAR	Discharge/Modification of S106	28/08/2020	Application to discharge planning obligation (Section 106 legal agreement) attached to planning permission M/2001/0508 (occupancy restriction)	12 Parc Hafod Tregynon Newtown Powys SY16 3EQ

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Trewern Community	Approve	14/02/2020	20/0272/FUL	Full Application	17/08/2020	Installation of 3 x 25 kw (75kw total) ground source heat pump and all associated works (retrospective)	Lower Heldre Heldre Lane Trewern Welshpool Powys SY21 8TD
	Approve	15/06/2020	20/0944/FUL	Full Application	17/08/2020	Erection of an outbuilding to replace existing	New House Hope Leighton Powys SY21 8JD
	Approve	05/06/2020	20/0817/OUT	Outline planning	27/08/2020	Outline Planning Application (some matters reserved) for a Residential Development of up to 8 dwellings, formation of a vehicular access, road improvements, and all associated works	Land Adjacent West Of Penyfoel Middletown Welshpool Powys SY21 8DG
Welshpool Community	Approve	06/05/2020	20/0706/HH	Householder	11/08/2020	Erection of a two storey side and rear extension	5 Garreg Drive Welshpool Powys SY21 7HX

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Approve	15/05/2020	20/0734/HH	Householder	27/08/2020	Erection of a single storey extension to the front elevation	Bethel House Mount Street Welshpool Powys SY21 7PA
Approve	25/06/2020	20/0916/HH	Householder	19/08/2020	Single storey rear extension	16 Sheppards Barns Leighton Welshpool SY21 9JH
Consent	29/04/2020	20/0549/LBC	Listed Building Consent	11/08/2020	Relocate gas meter from outside wall of porch to rear of house, to back wall of house	Broom Cottage 38 Mount Street Welshpool SY21 7LW
Consent	26/06/2020	20/0979/ADV	Advertisement Consent	12/08/2020	Installation of 5 no. fascia signs , 3 no. booth letters and 1 no. 15" booth screen	Lant At Buttington Cross Enterprise Park Buttington Welshpool Powys SY21 8SL



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	Consent	26/06/2020	20/0988/ADV	Advertisement Consent	12/08/2020	Installation of site signage; 4 no. freestanding signs, 1 no. banner sign, 1 no. digital booth screen and 19 no. dot signs (revised proposal to approval 19/1533/ADV which now includes 2 additional 2 no. No Entry dot signs	Land At Buttington Cross Enterprise Park Buttington Welshpool Powys SY21 8SL
Whitton Community	Approve	29/04/2020	20/0611/FUL	Full Application	24/08/2020	Renovation and extension of dwelling, change of use of farm outbuilding to form ancillary accommodation and demolition of conservatory attached to dwelling	The Birches Rhos-Y-Meirch Knighton LD7 1PE
Ystradgynlais Community	Approve	28/05/2019	19/0826/HH	Householder	28/08/2020	Proposed rear first floor extension	55 Brecon Road Ystradgynlais SA9 1HH
	Approve	17/06/2020	20/0872/HH	Householder	10/08/2020	Construction of single storey rear extension and front porch to existing farmhouse	Blaen Y Gors Farm Ystradgynlais SA9 1PY

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Consent	19/11/2019	19/1793/FUL	Full Application	12/08/2020	Construction of a detached Early Years Facility with sprinkler tank and pump house, with new vehicular entrance, access-controlled staff parking area, external playground areas and new stepped pedestrian access from the main road	Ysgol Gymraeg Dyffryn Y Glowyr Gurnos Swansea SA9 2PT
Refused	17/06/2020	20/0920/HH	Householder	26/08/2020	Single storey rear extension comprising kitchen, living, dining, utility, wc and entrance lobby	5 Alder Avenue Ystradgynlais Powys SA9 1AQ

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Consent	06/04/2020	20/0567/FUL	Full Application	10/09/2020	Proposed Agricultural General Purpose Building and associated works	Waun Farm Bwlch-y-sarnau Rhayader Powys LD6 5NB
Aberedw Community	Approve	03/12/2019	19/1630/FUL	Full Application	02/09/2020	Conversion of barn to holiday unit, installation of windows and doors, and the erection of a linking porch	Cwmfilo Cregrina Llandrindod Wells Powys LD2 3UU
Aberhafesp Community	Approve	10/07/2020	20/1054/HH	Householder	02/09/2020	Erection of a 2 storey extension to dwelling including demolition of attached garage	Tan Y Coed Aberhafesp Newtown Powys SY16 3JL

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	Permitted Development	05/08/2020	20/1267/ELE	Electricity Overhead Line	22/09/2020	Application under Section 37 of the Electricity Act 1989 to divert an existing 11kV overhead line and to install a new pole	Bryn-y-garreg Bwlch-y-ffridd Newtown Powys SY16 3JW
Banwy Community	Approve	09/03/2020	20/0343/FUL	Full Application	11/09/2020	Formation of new vehicular access roadway including improvements to existing access	Land South Of Swn Yr Afon Llangadfan Welshpool Powys SY21 OPW
Bausley With Crigdon Community	Approve	02/05/2020	20/0695/REM	Removal or Variation of Condition	10/09/2020	Section 73 application to vary condition no.6 attached to planning approval P/2017/0731 (revised footway details - revised proposal to 19/1240/REM)	New Plot Adj Hand And Diamond Inn Coedway Crew Green Powys SY5 9AR

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	Approve	02/07/2020	20/1015/REM	Removal or Variation of Condition	11/09/2020	Section 73 application for the variation of condition 2 in relation to planning permission P/2018/0518 with regards to amendments to fenestration and the first floor at rear	The Cottage Crew Green Shrewsbury Powys SY5 9AT
Beguildy Community	Approve	01/07/2020	20/0958/HH	Householder	17/09/2020	Erection of a single-storey rear garage (Resubmission)	Bryn Afon Felindre Knighton LD7 1YR
	Consent	19/06/2020	20/0829/RES	Reserved Matters	03/09/2020	Reserved matters application for details of access, appearance, landscaping, layout, and scale in connection with proposed development of 10 dwellings and demolition of school approved under outline permission P/2015/1147	Beguildy C In W School Beguildy Knighton LD7 1YE
Berriew Community	Consent	31/03/2020	20/0542/FUL	Full Application	15/09/2020	Siting of a holiday lodge and associated works	Land West Of Garthmyl Hall Garthmyl Montgomery SY15 6RS

Beguildy Community

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Berriew Community

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Bronllys Community	Approve	08/06/2020	20/0818/HH	Householder	10/09/2020	Removal of a single storey flat roof extension and erection of a two storey rear extension	Lower Danyllan Danyllan Llyswen Brecon Powys LD3 0UP
Builth Wells Community	Approve	02/04/2020	20/0555/FUL	Full Application	17/09/2020	Erection of two semi-detached bungalows	Hay Road Garage Hay Road Builth Wells LD2 3BP
Caersws Community	Approve	10/09/2019	19/1437/FUL	Full Application	10/09/2020	Conversion of barn to garages and store together with erection of an extension to rear to provide machinery store shed (retrospective)	Barn At Rhydlydan Cottage Aberhafesp Newtown SY16 3HP
	Approve	23/07/2020	20/1119/HH	Householder	10/09/2020	Erection of a first floor balcony	10 Maesydre Caersws Powys SY17 5HX

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Churchstoke Community	Approve	06/08/2019	19/1198/OUT	Outline planning	02/09/2020	Erection of an affordable dwelling, creation of vehicular access (some matters reserved)	Land Adjacent To Tregarne Weston Road White Grit, Minsterley Shrewsbury Powys SY5 0JJ
	Approve	24/04/2020	20/0646/HH	Householder	08/09/2020	Conversion of outbuilding to additional living accommodation ancillary to Court House Cottage	Court House Cottage Churchstoke Montgomery SY15 6TQ
Felin Fach Community	Approve	29/07/2020	20/1174/HH	Householder	09/09/2020	Demolition of the existing garage and rear extension and erection of a side and rear extension along with a loft conversion	Minyffordd Glan Dulais Felinfach Brecon LD3 0UD

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Forden With Leighton & Trelystan Com	Approve	20/03/2019	19/0385/REM	Removal or Variation of Condition	16/09/2020	Section 19 application to vary condition 2 of approved application M/2007/0775 (amended plans) (part retention of works in respect of units 3, 4, 5, 17, 18 and 19, hardstanding to the front of units 17, 18 and 19, and proposed re-building of stockyard walls adjacent to units 6 and 7)	Nantcribba Barns Forden Welshpool SY21 8NW
Glasgowm Community	Refused	11/12/2019	19/1972/HH	Householder	08/09/2020	Erection of a front extension, and porch	School House Llansantffraed-in-Elvel Hundred House Llandrindod Wells Powys LD1 5RT
Gwernyfed Community	Approve	14/07/2020	20/1088/HH	Householder	02/09/2020	Construction of single storey, lean-to extension to front elevation of property	7 Gwernyfed Avenue Three Cocks Brecon LD3 0RT

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Kerry Community	Consent	30/03/2020	20/0488/FUL	Full Application	06/09/2020	Erection of an agricultural workers dwelling, installation of sewage treatment plant, access and all associated works	Land At Nantyrhynau Farm Anchor, Newcastle Craven Arms Powys SY7 8PS
	Refused	28/05/2019	19/0908/REM	Removal or Variation of Condition	14/09/2020	Section 73 application to vary condition 1 of permission P/2012/0184 to extend the deadline for the commencement of the development	Pt Enclo 1786 City Lane Sarn Newtown Powys SY16 4HH
Llanafan-Fawr Community	Prior Approval Approved	11/05/2020	20/0686/AGR	Full Application	09/09/2020	Formation of new stoned forest tracks for the management and extraction of timber	Bwlchciliau Forest Llanafan Fawr Powys
Llanbadarn Fynydd Community	Approve	10/07/2019	19/1046/RES	Reserved Matters	02/09/2020	Application for reserved matters following the approval of P/2012/0865 for the erection of an agricultural workers dwelling	Land At Tyn Y Pant Llananno Llandrindod Wells Powys LD1 6TT

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Llanbister Community	Refused	09/11/2018	18/0826/FUL	Full Application	17/09/2020	Construction of an extension to an existing free range egg production unit, including silos and all associated works	Poultry Unit (Forest View) Llanbister Llandrindod Wells Powys LD1 6UL
Llanbrynmair Community	Approve	10/01/2020	20/0036/OUT	Outline planning	16/09/2020	Erection of a bungalow with a garage and vehicular access (some matters reserved)	Plot 10 Maes-y-Dderwen Llanbrynmair Powys SY19 7DG
Llandrindod Wells Community	Approve	16/07/2020	20/1093/RES	Reserved Matters	09/09/2020	Application for reserved matters following approval of P/2016/1145 (Plot 4)	Plot 4 Site Adjacent To Cae Eithin Cefnlllys Lane Llandrindod Wells Powys LD1 5LE
	Approve	21/07/2020	20/1099/FUL	Full Application	11/09/2020	Erection of a wooden decking area with balustrade and disabled access ramp	Commodore Hotel Spa Road Llandrindod Wells LD1 5ER

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Llandrinio And Arddleen Community	Approve	13/07/2020	20/1147/VAR	Discharge/Modification of S106	16/09/2020	Application to discharge legal agreement attached to M98434 and M25943 (occupancy restriction)	5 Laburnum Meadows Four Crosses Llanymynech Powys SY22 6QT
	Consent	01/07/2020	20/1007/FUL	Full Application	16/09/2020	Erection of a rural enterprise dwelling (log cabin), installation of sewage treatment plant, formation of vehicular access and all associated works	Land At Cefn Farm Llansantffraid-Ym-Mechain SY22 6TF
Llanysilio Community	Approve	26/03/2020	20/0865/REM	Removal or Variation of Condition	11/09/2020	Section 73 application to vary condition 1 of planning permission P/2015/0234 to extend commencement of development for a further 5 years	5 Y Clawdd Four Crosses Llanymynech Powys SY22 6TX
Llanfair Caereinion Community	Consent	05/08/2020	20/1183/FUL	Full Application	16/09/2020	Erection of extension to existing agricultural building together with all other associated works	Rhos Fawr Cwm Golau Cyfronydd SY21 9HE

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Llanfihangel Rhydithon Community	Approve	01/07/2020	20/0954/RES	Reserved Matters	14/09/2020	Reserved matters application for details of landscaping and scale in connection with proposed rural enterprise dwelling approved under outline application P/2018/0464	Nantwellan Dolau Llandrindod Powys LD1 5UW
	Approve	02/07/2020	20/1017/RES	Reserved Matters	14/09/2020	Reserved matters application for planning permission P/2017/1389 (18/0447/NMA) in relation to the erection of a dwelling and garage at Plot 1	Plot 1 Adj ToThe Manse Dolau Llandrindod Wells Powys LD1 5TW
Llanfyllin Community	Approve	20/11/2019	19/1404/FUL	Full Application	10/09/2020	Installation of a 15 metre high lattice mast supporting 3 no. antenna, 2 no dishes, ground based equipment and ancillary development including a permanent generator, housed within a secure compound	Telecommunications Base Station Llanfyllin Powys

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Approve	10/03/2020	20/0427/LBC	Listed Building Consent	15/09/2020	Demolition of existing rear lean to and erection of replacement lean-to extension. Enlarge existing door opening within existing stone wall with new beams over.	Tai Clochydd 21 High Street Llanfyllin Powys SY22 5AA	
Approve	11/03/2020	20/0426/HH	Householder	15/09/2020	Demolition of existing rear lean to and erection of replacement lean-to extension.	Tai Clochydd 21 High Street Llanfyllin Powys SY22 5AA	
Llanidloes Without Community	Approve	04/08/2020	20/1161/ADV	Advertisement Consent	04/09/2020	Erection of a timber post & board sign	Pen Y Banc Glan-y-nant Llanidloes Powys SY18 6PQ

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Llanidloes
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Community

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Llanrhaeadr-Ym-Mochnant Community	Approve	06/03/2020	20/0388/FUL	Full Application	15/09/2020	Siting of 2 no. holiday cabins and a hub service unit/store room, installation of sewage treatment plant, formation of access road, car parking and all associated works.	Land Near Bwych-Y-Groelen Penygarnedd Oswestry SY10 0AT
	Approve	02/07/2020	20/1005/HH	Householder	15/09/2020	Erection of a garage	Glan Nant Pedairffordd Llanrhaeadr Ym Mochnant Oswestry SY10 0AJ
Llanwddyn Community	Approve	13/06/2019	19/0950/FUL	Full Application	21/09/2020	Change of use of ground to allow siting of 4 holiday pods , formation of access , installation of septic tank and all other associated works	Maesdyfnant Llanwddyn Oswestry SY10 0NL
Llanyre Community	Approve	06/02/2020	20/0223/FUL	Full Application	15/09/2020	Erection of 4 no. holiday lodges, formation of access road, installation of sewage treatment plant and all associated works (resubmission of 19/1044/FUL)	Land At Gravel Road Llanyre Llandrindod Wells Powys LD1 6EA

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Machynlleth Community	Approve	20/07/2020	20/1039/HH	Householder	09/09/2020	Works to roof, rebuilding of chimney and associated works (Resubmission)	105 Heol Maengwyn Machynlleth Powys SY20 8EF
Manafon Community	Consent	13/07/2020	20/1060/FUL	Full Application	18/09/2020	Erection of agricultural building to be used for housing livestock (sheep) and agricultural storage and all associated works	Bron Heulog Manafon Welshpool SY21 8BW
Meifod Community	Approve	05/12/2019	19/1997/FUL	Full Application	21/09/2020	Construction of 12 additional parking spaces, to be constructed on existing grassed area.	1 Troed-Y-Rhiw Meifod SY22 6DQ
	Consent	21/07/2020	20/1110/FUL	Full Application	09/09/2020	Erection of a covered slurry store and all associated works	Lower Fawnog Fawnog Lane Upper Sarnau Llanymynech SY22 6QW
	Consent	31/07/2020	20/1193/FUL	Full Application	09/09/2020	Erection of a covered slurry store and all associated works	Lower Fawnog Fawnog Lane Upper Sarnau Llanymynech SY22 6QW

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Merthyr Cynog Community	Approve	19/02/2020	20/0258/CLE	Certificate of Lawfulness - Existing	15/09/2020	Section 191 application for a certificate of existing use for the change of use of agricultural land and construction of building to use as a games room	Pentwyn Pentwyn Merthyr Cynog Brecon Powys LD3 9SB
	Approve	16/04/2020	20/0600/FUL	Full Application	18/09/2020	Erection of covered manure store	Tydu Farm Upper Chapel Brecon Powys LD3 9RG
Nantmel Community	Approve	23/10/2017	P/2017/1116	Full application	17/09/2020	Full: Proposed erection of a Free Range Poultry Unit, erection of 2 no. feed silos, creation of vehicular access and all associated works	Neuaddfach Nantmel Rhayader Powys LD6 5PE

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New Radnor Community	Approve	10/08/2020	20/1288/TRE	Works to trees in Conservation Area	02/09/2020	Removal of two large ash trees within a conservation area	New Radnor Castle Mound Near To Castle Cottage Mutton Dingle New Radnor Presteigne Powys LD8 2TL
Newtown And Llanllwchaiarn Community	Approve	23/04/2020	20/0640/LBC	Listed Building Consent	07/09/2020	Installation of 2 no. ticket vending machines (platform 1 and platform 2) and associated works.	Newtown Railway Station Newtown SY16 1BP
	Approve	20/07/2020	20/1070/FUL	Full Application	17/09/2020	Demolition of dwelling and erection of a replacement dwelling	Mile Oak Milford Road Newtown SY16 3AR
	Approve	24/07/2020	20/1086/FUL	Full Application	17/09/2020	Demolition of existing 'plant room' and erection of two storey rear extension to form additional production area, office above and associated work	Unit 45 Mochdre Industrial Estate Newtown Powys SY16 4LE

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Trallong Community	Approve	02/07/2020	20/0951/FUL	Full Application	03/09/2020	Erection of an agricultural storage building for fodder / implement store	Development To The North Of Ynys Y Bont Aberbran Brecon Powys
Trewern Community	Approve	11/10/2019	19/1679/CLE	Certificate of Lawfulness - Existing	15/09/2020	Section 191 application for a certificate of lawful development for the existing use of the "Old Mill" as ancillary residential accommodation	1 Pentre Mill Leighton Welshpool Powys SY21 8HN
	Consent	31/03/2020	20/0530/FUL	Full Application	15/09/2020	Erection of a general purpose agricultural building together with creation of a new access	The Rhos Holding Trelystan Leighton Powys SY21 8JB
	Consent	06/04/2020	20/0456/FUL	Full Application	15/09/2020	Erection of a manege and all associated works	New House Hope Road Hope Leighton SY21 8JD

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Welshpool Community	Approve	05/11/2018	18/0847/LBC	Listed Building Consent	15/09/2020	Listed Building Consent for internal and external alterations / renovation works to include installation of a fascia and hanging sign	18A-19 Berriew Street Welshpool SY21 7SQ
	Approve	25/03/2020	20/0519/CAC	Conservation Area Consent	02/09/2020	Removal of external steps, installation of new entrance doors, with internal ramp and internal dado wall demolition	40 Broad Street Welshpool SY21 7RT
	Approve	01/04/2020	20/0518/FUL	Full Application	02/09/2020	Removal of external steps, installation of new entrance doors, with internal ramp and internal dado wall demolition	40 Broad Street Welshpool SY21 7RT
	Consent	14/07/2020	20/1032/FUL	Full Application	21/09/2020	Erection of roof to create a covered yard area	Timber Yard Whitehouse Bridge Berriew Road Welshpool Powys SY21 7SP

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Whitton Community	Approve	14/07/2020	20/1033/FUL	Full Application	09/09/2020	Installation of ground-mounted solar PV panel array.	Erw Deg Penybont Road Whitton Knighton LD7 1NP
Ystradgynlais Community	Approve	27/05/2020	20/0799/HH	Householder	03/09/2020	Proposed first floor rear extension	49 Heol Tawe Abercrave Swansea SA9 1XP
Page 86	Approve	10/08/2020	20/1137/HH	Householder	16/09/2020	Demolition of the existing garage and erection of a replacement garage with ancillary day room to first floor	58 Bethel Road Lower Cwmtwrch Swansea SA9 2PT
	Consent	11/02/2020	20/0309/FUL	Full Application	15/09/2020	Demolition of existing golf driving range structure, erection of a new building for 6 no. visitor accommodation units, formation of parking area and new vehicular access road	Golf Driving Range At Celtic Minor Golf Club Lower Cwmtwrch Swansea Powys SA9 2QQ
	Consent	25/06/2020	20/0927/FUL	Full Application	17/09/2020	Proposed change of use and internal alterations from former offices / store to 2 self-contained flats	Golden Save 30 Brecon Road Ystradgynlais Swansea SA9 1HE

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Refused	18/04/2019	19/0662/REM	Removal or Variation of Condition	15/09/2020	Section 73 application to vary condition 1 of permission P/2014/0222 to allow an extension of time to implement the permission	Land Opposite Number 2 Tan Y Graig Abercrave SA9 1TA
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CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE
1st October, 2020

REPORT AUTHOR: Wyn Richards
 Scrutiny Manager and Head of Democratic Services

SUBJECT: Revisions to the Planning Protocol

REPORT FOR: **Decision**

1. The current version of the Planning Protocol came into effect on 5th April, 2019. Whilst there is a requirement for the document to be reviewed by the Committee every two years, officers have become aware of a few amendments which are required to the document which are presented for consideration at **Appendix 1**.
2. The amendments to the document are as follows:

Rule	Amendment
	General change of "Development Management" to "Planning"
19.6.1	Clarification of the definition of "Agent"
19.6.12	Addition of new definition in relation to "Interest"
19.65.6	Addition of the words "or property"
19.82	Addition of words
19.84.1	Addition of the word "independent" to be consistent with the definition in Rule 19.6.1
19.85	Addition of words

3. Both the amendments have arisen due to a need to clarify the position in relation to Members' own applications, firstly to clarify what is meant by agent and whether a Member could use another member of their family to undertake the role of agent. The officer recommendation is that this should for the sake of transparency not be the case and a Member should seek an "independent person" to undertake the role of Agent.
4. The second amendment is to clarify other types of interests which a Member could have in land or property, and that in all instances where a Member's land or property interest is affected, again for transparency, these applications should be considered by the Committee, which is the officer view and recommendation.
5. If the Committee is minded to approve these amendments to the Planning Protocol, they would take effect from 15th October, 2020 in accordance with Section 19 of the Constitution, unless referred following a request to the Monitoring Officer by 4 Members of the Committee to Full Council for consideration.

Recommendation:	Reason for Recommendation:
That the amendments to the Planning Protocol be approved.	To update the Planning Protocol.

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

SECTION 19 – PLANNING PROTOCOL

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TITLE, COMMENCEMENT, APPLICATION AND EFFECT

TITLE

19.1 The title of this Protocol is “Planning Protocol”.

COMMENCEMENT

19.2 This Revision of the Protocol shall come into force on 15th ~~April~~October, 20~~19~~20.

19.3 This Protocol shall be reviewed at least every 2 years by the Planning Committee.

APPLICATION

19.4 This Protocol:

19.4.1 regulates, guides and informs Councillors and Officers of Powys County Council in all matters concerning the exercise of the Planning Functions.

19.4.2 explains which of the Planning Functions will be dealt with and determined by the Planning Committee and which will be dealt with and determined by the Professional Lead - ~~Development Management~~Planning

19.4.3 aims to help Applicants, Agents, and anyone likely to be affected by development and planning related issues have a greater insight to the Council’s processes and procedures for dealing with the Planning Functions.

EFFECT

19.5 Failure to follow this Protocol without good reason could be taken into account in investigations into possible maladministration or alleged breaches of the Members’ Code of Conduct or have implications for the standing of Councillors and professional officers

INTERPRETATION

19.6 In this Protocol:

19.6.1 “**Agent**” means a person (other than a Member Representative) authorised by an “Applicant” or “Objector” to represent them, which can include a professional person, which must be an independent person employed by the Applicant.

19.6.2 “**Applicant**” means a person who has instigated a planning application for whatever purpose.

19.6.3 “**Call-in**” means the procedure set out in Rules 19.51 to 19.61.

19.6.4 “**Clear Working Days**” means for the purposes of this Planning Protocol only days which do not include the day of the meeting, the day on which the request is made, weekends and bank holidays.

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- 19.6.5** “**Councillor with a Dispensation**” has the meaning given by Rules 19.71 to 19.75 of this Protocol.
- 19.6.6** “**Councillor with a Personal Interest**” has the meaning given by Rules 19.62 to 19.65 of this Protocol.
- 19.6.7** “**Councillor with a Prejudicial Interest**” has the meaning given by Rule 19.66 to 19.69 of this Protocol.
- 19.6.8** “**Councillor’s Family or a Relative of a Councillor**” means the wife, husband, partner, son, daughter, son-in-law, daughter-in-law, grandchild, grandfather, grandmother, uncle, aunt, nephew, niece, and cousin of the Councillor, or the Councillor’s spouse or partner, or any other person related by birth or marriage to the Councillor or the Councillor’s spouse or partner, with whom they live, or with whom the Councillor or the Councillor’s spouse or partner has regular personal contact. For the purposes of the above definition “marriage” shall be taken to include co-habitation.
- 19.6.9** **Decision Maker** has the meaning given by Rules 19.25 to 19.33 of this Protocol.
- 19.6.10** “**Decision Making Process**” has the meaning given by Rules 19.89 of this Protocol.
- 19.6.11** “**Friend(s)**” means close personal associate(s) of the Councillor or the Councillor’s spouse or partner including neighbours and individuals with whom the Councillor or the Councillor’s spouse or partner has regular social contact, including membership of the same club, association or organisation as the Councillor or the Councillor’s spouse or partner.
- 19.6.12** “**Interest**” means land property or business interest of a Councillor including but not by way of limitation legal, leasehold and, beneficial interest.
- 19.6.123** “**Lobbying**” means any attempt (successful or not) to persuade or influence a Councillor or planning officer towards a particular point of view in relation to a planning application. A Member Representative may not lobby on behalf of an “Applicant” or “Objector”.
- 19.6.134** “**Local Representative**” has the meaning given by Rules 19.34 to 19.45 of this Protocol and for the avoidance of doubt more than one Councillor can undertake the role of Local Representative in relation to a Planning Application.
- 19.6.145** “**Member Representative**” means a Councillor who has agreed to represent a person able to speak at meetings of the Planning Committee and can perform the functions set out in Rules 19.47 to 19.50 below.
- 19.6.156** “**Objector**” means a person or body (other than a Town or Community Council or a Local Representative) who has lodged an objection to any planning application.
- 19.6.167** “**Planning Application**” means any application to the Council for an approval, agreement, permission, determination, consent, certificate or authorisation of any kind in respect of a Planning Function.

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- 19.6.178** “**Public Speaking Procedures**” has the meaning given by Rules 19.113 to 19.117 of this Protocol.
- 19.6.189** “**Representative**” means any non professional person who is not a Member who is asked by an Applicant or Objector to represent him / her in relation to the application and who may carry out all the roles or functions of an “Agent”.
- 19.6.1920** “**the Council**” means Powys County Council.
- 19.6.201** “**the Professional Lead** - **Development Management Planning**” means Head of Property, Planning and Public Protection and / or Professional Lead – **Development Management Planning** including any officer authorised by that Head of Service in writing to exercise those powers, duties, responsibilities and decision making on their behalf.
- 19.6.212** “**the Planning Committee**” means the Committee appointed by the Council (currently the Planning, Taxi Licensing and Rights of Way Committee) under its Constitution to exercise the Planning Functions.
- 19.6.223** “**the Planning Functions**” means all those functions set out in Section 13 of the Constitution (Responsibility for Functions) and reference to “Planning Function” or “a Planning Function” shall be construed accordingly.
- 19.6.234** “**Quorum**” means that the number of members who must be present at a meeting of the Planning Committee must be 50% or more of the total membership in accordance with The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017.

PROTOCOL’S AIMS

PROTOCOL AIMS TO:

- 19.7 Regulate, guide, inform and assist Councillors and Officers, potential developers, interested parties and members of the public in relation to the exercise of the Planning Functions.
- 19.8 Supplement the Members’ Code of Conduct contained in the Council’s Constitution, the Code of Professional Conduct of the Royal Town Planning Institute and the Protocol on Member / Officer Relations (Council Constitution Section 21).
- 19.9 Provide specific guidance on ethical matters.
- 19.10 Ensure that decisions taken are based on informed judgement within a firm policy and legal context and made in an open, transparent, impartial way with justifiable reasons.
- 19.11 Recognise the need to control development in the public interest whilst acknowledging that decisions in this area necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.
- 19.12 Assist Councillors with their duties, obligations and responsibilities:
- 19.12.1 to their constituents (including those who did not vote for them)

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- 19.12.2 to the whole community and County (in respect of which they have an overriding duty); and
- 19.12.3 to all individuals and bodies directly and indirectly concerned with Planning Applications:
 - 19.12.3.1 not to favour, or be seen to favour, any individuals or groups or be unduly influenced by the opinions of others, and discharge the responsibility that they alone have to decide what view to take; and
 - 19.12.3.2 to decide (where they are members of the Planning Committee) all Planning Applications which fall to be determined by the Planning Committee as required by law in accordance with the statutory development plan (i.e. the Powys Unitary Development Plan or Local Development Plan) having taken into account the advice of appropriate officers and relevant representations made in respect of such Planning Applications and, what weight should be attached to them.

PUBLICATION OF THE CODE

- 19.13 This Planning Code of Conduct is publicised and made publicly available, and is incorporated into the Council's Constitution.

COUNCILLORS SHOULD SEEK ADVICE

- 19.14 A Councillor in any doubt as to his position under this Protocol or the Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DELEGATION OF THE PLANNING FUNCTIONS

DELEGATION TO THE PLANNING COMMITTEE AND THE PROFESSIONAL LEAD - ~~DEVELOPMENT MANAGEMENT~~ PLANNING

- 19.15 The Council has delegated responsibilities for the Planning Functions to the Planning Committee and to the Professional Lead - ~~Development Management~~ Planning.
- 19.16 The Council may from time to time review these delegation arrangements and it is essential that Councillors, Officers, Applicants, Agents and others always refer to the latest version of the Protocol.
- 19.17 The Professional Lead - ~~Development Management~~ Planning is responsible for ensuring that proper and timely procedures and arrangements are in place so that all Councillors may be aware of:
 - 19.17.1 Planning Applications within or affecting their electoral divisions received and being dealt with and determined by the Professional Lead - ~~Development Management~~ Planning; and
 - 19.17.2 Decisions made in respect of those Planning Applications by the Professional Lead - ~~Development Management~~ Planning.

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- 19.18 Nothing prevents the Planning Committee from delegating a function to an officer in consultation with the Chair of the Committee.

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ROLES OF COUNCILLORS

INTRODUCTION

- 19.19 The Council has one Planning Committee comprising 21 Councillors which determines those Planning Applications referred to it for decision in accordance with the Decision Making Process.
- 19.20 A Planning Application will, however, in accordance with the “Decision Making Process”, more often than not be determined by the Professional Lead - ~~Development Management~~ Planning rather than the Planning Committee. In this situation those Councillors who sit on the Planning Committee will have no role to play in the decision making process.
- 19.21 In respect of a Planning Application in their electoral division or which affects their electoral division a Councillor may exercise the power of Call-in (so that the application is dealt with by the Planning Committee and not the Professional Lead - ~~Development Management~~ Planning).
- 19.22 A Councillor may also in respect of a Planning Application in their electoral division or which affects their electoral division attend a meeting of the Planning Committee when that application is determined to put forward the views of those constituents they represent (See Rule 19.24 below).
- 19.23 The roles and powers of Councillors may be restricted where there are conflicts between their position as Councillors and their private or outside interests.
- 19.24 These roles and powers of Councillors are defined in more detail below.

ROLE OF DECISION MAKER

DECISION MAKER ROLE

- 19.25 A Councillor who is a member of the Planning Committee and who takes part (or who intends to take part) at a meeting of the Planning Committee in the determination of a particular Planning Application will for the purposes of this Protocol be a Decision Maker in relation to such Planning Application.
- 19.26 A Councillor who is a Decision Maker shall comply with the provisions of the Decision Making Process and with the Members’ Code of Conduct generally.
- 19.27 For the avoidance of doubt a Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures.

OBLIGATIONS OF DECISION MAKER

- 19.28 A Decision Maker in relation to any Planning Application to be determined by the Planning Committee:
- 19.28.1 **shall not** discuss such a Planning Application with, or seek information about that Planning Application from, an Applicant / Objector or any third party (including another Councillor – whether a member of the Planning Committee or not) other

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- than the Professional Lead - ~~Development Management~~Planning or the Monitoring Officer prior to the Planning Committee considering and determining that Planning Application. **In the event that any such individual attempts to hold such discussions with or impart information to the Decision Maker that individual shall be advised by the Decision Maker of the fact that under the requirements of this Protocol they are not allowed to discuss or receive information concerning such Planning Application and that the proper course of action is for the individual to discuss or relay information about the Planning Application to the Professional Lead - ~~Development Management~~Planning; the Decision Maker shall also notify the Professional Lead - ~~Development Management~~Planning of such approach to them forthwith. Members must take account of the provisions of Rule 19.28.9 (Councillor keeping an open mind) and Rule 19.28.15 (attendance at meetings of Town and Community Councils) in this circumstance;**
- 19.28.2 **shall not** allow themselves to be lobbied or influenced by any other person (including another Councillor – whether a member of the Planning Committee or not) or body such as a political or other interest group concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application. **If a Councillor acting as a Decision Maker is approached by Applicants, Objectors and others interested in the outcome of a Planning Application they should not allow themselves to be lobbied – whether for or against an application and should inform the person seeking to lobby them, that if they discuss the application with that person this will disqualify them from taking part in the decision making process on the application. Potential lobbyists should be advised to contact an appropriate officer within ~~Development Management~~Planning. The Decision Maker shall also notify the Professional Lead - ~~Development Management~~Planning of such approach to them forthwith. Members must take account of the provisions of Rule 19.28.9 in this circumstance;**
- 19.28.3 **shall not** lobby or influence or attempt to lobby or influence another Decision Maker or the Professional Lead - ~~Development—Management~~Planning concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application;
- 19.28.4 **shall not** become involved in organised local support or opposition to such application;
- 19.28.5 **shall not** accept any gifts or hospitality from anyone connected with such Planning Application and take immediate steps to

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- register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council;
- 19.28.6 **shall not** accept or indicate that they will accept any letter, pamphlet or other written material (including email and FAX) concerning such a Planning Application before it is determined by the Planning Committee. **Where a Decision Maker gratuitously receives such material they shall forthwith forward it to the Professional Lead - ~~Development Management~~ Planning who will arrange for the material to be referred to, in the Officer's Committee Report. Members must take account of the provisions of Rule 19.28.9 in this circumstance;**
- 19.28.7 **shall not** attend any Meeting, Briefing or Discussion concerning such Planning Application which is not arranged by or attended by the Professional Lead - ~~Development Management~~ Planning or otherwise authorised in writing by the Monitoring Officer;
- 19.28.8 **shall not** indicate or express publicly or privately the likely decision on or the merits of/objections to, such Planning Application prior to the Planning Committee considering and determining that Planning Application. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker;**
- 19.28.9 **shall not** give a commitment in relation to that Planning Application prior to its consideration at the Planning Committee. **It is of vital importance that Councillors come to meetings with an open mind and can demonstrate that they are open-minded;**
- 19.28.10 **shall not** bring detailed presentations with them to be read out at the meeting. **This could be perceived as indicating that the Councillor had already decided in favour of, or against an application prior to attending the meeting.** (It is recommended that Councillors make notes of points raised at the meeting as they occur for use in any presentations);
- 19.28.11 **shall not** vote or take any part in the Planning Committee meeting if they have not been present to hear the entire debate, including the officer's presentation concerning the application;
- 19.28.12 **shall not** resume their seat in the Planning Committee room or chamber (having left the room or chamber before the debate on the application began or during the debate on the application) until consideration of the application being determined at that time is concluded. **Until so concluded the Councillor must sit in the public gallery;**
- 19.28.13 **shall not** propose, second or support a decision contrary to the Development Plan or the recommendations of the Professional Lead - ~~Development Management~~ Planning without clearly identifying and articulating the planning reasons

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- supporting that proposed decision. **Those reasons must be given prior to the vote and be recorded in the Minutes;**
- 19.28.14 **shall not** move a motion that the Planning Application be deferred without clearly identifying and articulating the reasons justifying such deferral. **Those reasons must be recorded in the Minutes if the planning application is deferred;**
- 19.28.15 **shall not** remain in the room, vote on or take part in discussions where planning applications are considered at a meeting of a Town or Community Council whether they are a member of the Town or Community Council or not. **In the event of a Decision Maker having not adhered to this Rule, they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.**
- 19.29 If, during a Planning Committee meeting a Decision Maker concludes that (for whatever reason) they are prejudiced and unable to continue to undertake the role of Decision Maker in relation to a particular Planning Application, **they cannot change their role to that of Local Representative and address the meeting in relation to that application (subject to Rules 19.97 to 19.99).** A Councillor in this situation may, however, ask the Committee to defer the application for consideration at a future meeting and must then leave the room during any subsequent discussion of the application in question by the Planning Committee.
- 19.30 **A Councillor who is a member of the Planning Committee and who wishes to undertake the Local Representative role in relation to a Planning Application which is to be determined by the Planning Committee shall comply with the provisions in this Protocol relating to the Local Representative in Rules 19.39 to 19.45.**
- 19.31 A Councillor who is a member of the Planning Committee shall comply with the provisions of the **Decision Making Process** and the provisions of this Protocol relating to **Councillor with a Personal Interest, Councillor with a Prejudicial Interest** and **Councillor with a Dispensation** and with the **Members' Code of Conduct** generally and is reminded in particular that if they have in respect of a Planning Application to be determined by the Planning Committee:-
- 19.31.1 a Personal Interest - the requirements as to disclosure;
- 19.31.2 a Prejudicial Interest – the need to obtain a dispensation from the Standards Committee – or otherwise be unable to undertake the role of Decision Maker.

DECISION MAKER WHO HAS EXERCISED POWER OF CALL-IN

- 19.32 If a specific planning application falls to be determined by the Planning Committee as a result of a Call-in request from a member of the Committee then that Councillor needs to consider carefully the role which they are able to play when the Planning Committee comes to consider and determine the application in question. **In particular, where the member of the Planning Committee who has made the Call-in request:**

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- 19.32.1 **has couched the Call-in request in language which might indicate that they have already formed a clear and settled view as to the appropriate outcome of the application;or**
- 19.32.2 **has made the Call-in request following discussions with the application /Agent /Objector and / or any third party (including another Councillor whether a member of the Planning Committee or not)**
- 19.33 The Councillor should seek advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.

LOCAL REPRESENTATIVE ROLE

LOCAL REPRESENTATIVE ROLE

- 19.34 A Councillor who is not a member of the Planning Committee but who, in respect of a Planning Application in their electoral division or which affects their electoral division, attends (or who intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.35 A Councillor who is a member of the Planning Committee and who decides not to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division, but who attends (or intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.36 A Councillor who is a member of the Planning Committee and who decides to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division may arrange for another Councillor to represent their constituents in relation to the Planning Application in question and to make representations about the Planning Application on behalf of their constituents at meetings of the Planning Committee. In this situation this other Councillor will for the purposes of this Protocol be a Local Representative in relation to that Planning Application.
- 19.37 A Councillor who is a Local Representative shall comply with the Public Speaking Provisions set out in Rules 19.113 to 19.117 and with the Members' Code of Conduct generally. Further provisions relating to the Local Representative role are also contained in Rules 19.39 to 19.45.
- 19.38 For the avoidance of doubt a Councillor may choose (where they are a Town or Community Council member) to make representations on behalf

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of a Town or Community Council in their electoral division but that Councillor shall not also make representations as Local Representative under the Public Speaking Procedures.

OBLIGATIONS OF LOCAL REPRESENTATIVE

- 19.39 A Councillor wishing and, under this Protocol, entitled to act as a Local Representative at a meeting of the Planning Committee and address the Committee, make representations and answer questions must notify the Professional Lead - ~~Development Management~~ Planning of such wish **“no later than 4 clear working days in advance of the meeting”** unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.52. Applicants will be informed by means of a circular letter prior to the meeting that the Local Representative may exercise their right to speak at the Committee meeting.
- 19.40 A Councillor acting as a Local Representative (whether a member of the Planning Committee or not):
- 19.40.1 Shall not sit with members of the Planning Committee, when attending a meeting of the Planning Committee concerning the Planning Application in question, and must wait to be called to make any representations in the public area of the room.
 - 19.40.2 Shall not speak to any member of the Planning Committee in relation to the Planning Application in question, either during a meeting of the committee or otherwise.
 - 19.40.3 May, in relation to the Planning Application in question with the consent of the Chair, respond to questions from members of the Committee, the Applicant or his Agent and any other party allowed to speak at the meeting.
 - 19.40.4 Shall if the Councillor has a prejudicial interest (unless as a Councillor with a Dispensation the Councillor has a dispensation to remain) withdraw from the room, chamber or place where the meeting of the Planning Committee is taking place once they have concluded their representations and dealt with any questions asked and in any event before further consideration of the Planning Application begins.
 - 19.40.5 Shall not accept any gift or hospitality from anyone connected with the Planning Application in question and take immediate steps to register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council.
- 19.41 Councillors who are not on the Planning Committee are expected to undertake training provided by the Council at regular intervals to enable them to properly carry out their role as Local Representative.
- 19.42 When acting in the role of Local Representative in relation to a specific Planning Application a Councillor can attend meetings held in the Community by lobby groups and others and participate in those meetings if the Councillor so wishes, but the Councillor must not communicate any information, views or recommendations arising from such meetings to members of the Planning Committee determining the Planning Application

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in question in advance of a meeting of the Planning Committee and should only express any such views as part of their formal presentations to the Planning Committee at a public meeting of the Committee called to determine the application.

- 19.43 When acting in the role of Local Representative in relation to a specific Planning Application, a Councillor who does not have a prejudicial interest may decide not to address the Planning Committee, but may submit written comments either supporting or objecting to the application prior to the meeting to the Professional Lead - ~~Development Management~~ Planning. The comments will be included in the Planning Officer's report to the Committee where it is practicable to do so and will be displayed on the Planning Portal. The Applicant can make a written response to the Local Representative's written comments. Such a Member is allowed to sit in the public gallery during consideration of the application.
- 19.44 A Councillor acting as a Local Representative who requires further information on the Planning Application in question should seek such information from the relevant planning officers and not from members of the Planning Committee.

RIGHTS OF LOCAL REPRESENTATIVE

- 19.45 For the avoidance of doubt a Local Representative will have those rights set out in Rule 19.46 of this Protocol under the heading of "Non-Planning Committee member role" that is to say:

19.45.1 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is a Local Representative will be free to:

- 19.45.1.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
- 19.45.1.2 attend any locally organised meeting concerning the application
- 19.45.1.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application
- 19.45.1.4 relay relevant information about the application to a planning officer.
- 19.45.1.5 seek information / clarification about the application from a planning officer.

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Professional Lead - ~~Development Management~~ Planning or a Planning Officer in relation to the determination of a Planning Application.

SECTION 19 – PLANNING PROTOCOL

NON-PLANNING COMMITTEE COUNCILLOR ROLE

- 19.46 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is not a member of the County Planning Committee (whether or not they play or intend to play the role of Local Representative) will be free to:
- 19.46.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
 - 19.46.2 attend any locally organised meeting concerning the application;
 - 19.46.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application;
 - 19.46.4 relay relevant information about the application to a planning officer;
 - 19.46.5 seek information / clarification about the application from a planning officer.

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Professional Lead - ~~Development Management~~ Planning or a Planning Officer in relation to the determination of a Planning Application.

MEMBER REPRESENTATIVE

- 19.47 A Councillor can act as a Member Representative on behalf of persons entitled to speak at meetings of the Planning Committee PROVIDED THAT:
- 19.47.1 the Councillor cannot act for a person living within their electoral division unless the Member has handed over their responsibilities as Local Representative to another Councillor pursuant to Rule 19.68.
 - 19.47.2 the Councillor notifies the Professional Lead - ~~Development Management~~ Planning or a Planning Officer that they are acting as a Member Representative on behalf of an objector entitled to speak at meetings of the Planning Committee **no later than 4 clear working days in advance of the meeting.**
 - 19.47.3 Where a Councillor wishes to act as a Member Representative for an applicant s/he must notify the Professional Lead - ~~Development Management~~ Planning **no later than 2 clear working days in advance of the meeting.**
- 19.48 A Councillor acting as a Member Representative cannot:

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- 19.48.1 be a Decision Maker if they are a member of the Planning Committee;
 - 19.48.2 Call-in an application to the Planning Committee.
 - 19.48.3 seek to influence / lobby fellow Councillors or officers;
 - 19.48.4 attend site visits.
- 19.49 A Councillor acting as a Member Representative at a meeting of the Planning Committee must:
- 19.49.1 when the Chair calls them prior to speaking to advise the Committee:
 - 19.49.1.1 that they are not acting in the role of Local Representative;
 - 19.49.1.2 that they are not acting in the role of a County Councillor;
 - 19.49.1.3 that they are acting as a Member Representative;
 - 19.49.1.4 whether they have a personal or a personal and prejudicial interest in respect of the application.
 - 19.49.2 not speak to members of the Planning Committee regarding the application;
 - 19.49.3 sit in the public gallery and not sit with members of the Committee
- 19.50 A Councillor acting as Member Representative who has a personal and prejudicial interest must disclose that interest prior to making a presentation to the Committee, and having completed their presentation must leave the room prior to the Committee discussing the application.

CALL-IN

- 19.51 A Councillor (whether a member of the Planning Committee or not) may:
- 19.51.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Professional Lead - ~~Development Management~~ Planning will be determined by the Planning Committee and in this Protocol a Councillor making such a request will be referred to as exercising “the power of Call-in”.
 - 19.51.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules 19.57.
- 19.52 A Councillor exercising the power of Call-in will have an automatic right to speak.
- 19.53 An objection from a Town or Community Council will not automatically trigger an application being considered by the Planning Committee.

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Call-in Procedure relating to a Councillor making a request for a planning application to be determined by the Planning Committee and not by the Professional Lead - ~~Development Management~~Planning.

- 19.54. Subject to Rule 19.56 below, a Councillor (whether a member of the Planning Committee or not) may, in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request in writing (by letter, email or fax), in accordance with Rule 19.55 below, that such Planning Application which ordinarily would be determined by the Professional Lead - ~~Development Management~~Planning be determined by the Planning Committee;
- 19.55 A written request (by letter, email or fax) by a County Councillor for a Planning Application within their Electoral Division or which affects their electoral division to be considered by the Planning Committee shall be sent or forwarded to the Professional Lead - ~~Development Management~~Planning so as to be received by them within the period of 21 consecutive days from the County Councillor receiving notification of the Planning Application and such request must set out the specific planning grounds justifying the request;
- 19.56 A Councillor shall not be entitled to make a request under Rule 19.54 above in relation to re-submitted applications where no substantial change has been made to an original application which has been refused.
- 19.57 A Councillor who has exercised the Call-in of a Planning Application may request that the Call-in be withdrawn by written notification to the Professional Lead - ~~Development Management~~Planning at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution.
- 19.58 The decision of the Chair of the Planning Committee as to whether a request complies with the procedure in Rules 19.51 to 19.61 shall be final.
- 19.59A Councillor exercising the power of Call-in who has an automatic right to speak shall comply with the provisions of this Protocol relating to Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and with the Members' Code of Conduct generally.
- 19.60 Members of the Planning Committee are cautioned that if, in exercising the power of Call-in:
- 19.60.1 they express an opinion for or against the Planning Application, they will only be able to undertake the role of Local Representative; and
 - 19.60.2 if they have previously discussed the application with Applicant and / or Agent and / or Objector and / or third party they will only be able to undertake the role of Local Representative.

In these situations, the advice of the Monitoring Officer should be sought.

- 19.61 Where a Councillor requests determination by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Councillor relating to the Planning Application will be allowed as an alternative to an oral presentation made by that Councillor.

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Alternatively, a Councillor acting as Local Representative, where they are unable to attend the meeting of the Committee when the application is considered, may hand over their Local Representative role to another County Councillor.

COUNCILLORS WITH PERSONAL AND PREJUDICIAL INTERESTS

COUNCILLOR WITH A PERSONAL INTEREST

19.62 A Councillor with a Personal Interest in relation to a Planning Application who attends a meeting of the Planning Committee (whether as a member of the Committee or not) when that Planning Application is considered must, in accordance with the Members' Code of Conduct, disclose orally to that meeting the existence and nature of the Personal Interest in question before or at the commencement of the consideration of the Planning Application or when the Personal Interest becomes apparent to the Councillor. The role of a Councillor with a Personal Interest who also has a prejudicial interest under the Members' Code of Conduct is further limited as detailed in Rules 19.66 to 19.68 below.

DEFINITION OF COUNCILLOR WITH A PERSONAL INTEREST

19.63 Under the Members' Code of Conduct a Councillor (whether a member of the Planning Committee or not) must consider whether they have a Personal Interest (as defined in the Members' Code of Conduct) in respect of a Planning Application and whether the Members' Code of Conduct requires them to disclose that interest in the event of the Councillor attending a meeting of the Planning Committee which considers that Planning Application. A Councillor who is required to declare a personal interest in respect of a Planning Application at a meeting of the Planning Committee will for the purposes of this Protocol be a Councillor with a Personal Interest in relation to that Planning Application.

EXAMPLES OF PERSONAL INTERESTS

19.64 Paragraph 10 of the Members' Code of Conduct details what will constitute a "Personal Interest" for the purposes of the Code and, by extension through Rule 19.63 above. Illustrative of the types of interest referred to in Paragraph 10 are the categories listed below. They must not be taken as authoritative. Reference to Paragraph 10 must always be made to ascertain with certainty whether a Councillor is a Councillor with a Personal Interest.

19.65 Planning Applications concerning:

19.65.1 The Councillor

19.65.2 The Councillor's family;

19.65.3 The Councillor's friends;

19.65.4 The Business interests of the Councillor;

19.65.5 The Land or property interests of the Councillor or their family;

19.65.6 An organisation of which the Councillor is a member (including those to which the Councillor has been elected, appointed or nominated by the Council;

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- 19.65.7 Projects and schemes in respect of which the Councillor (or members of the family of the Councillor) has drawn plans for their family / friends or for other people or acted as Agents for their family friends or for other people.

COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.66 A Councillor with a Prejudicial Interest in relation to a Planning Application who is a member of the Planning Committee may not in respect of that Planning Application (unless granted a dispensation by the Standards Committee to be a Decision Maker) be a Decision Maker but may undertake the role of Local Representative in respect of that Planning Application.
- 19.67 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may undertake the role of Local Representative in respect of that Planning Application and may apply to the Standards Committee for a dispensation as detailed in the provisions of this Protocol below and in Rules 19.71 to 19.72 relating to a Councillor with a Dispensation.
- 19.68 A Councillor with a Prejudicial Interest in relation to a Planning Application whether they are a member of the committee or not, who is undertaking the Local Representative Role, may if s/he determines that their prejudicial interest is so significant that it would prejudice their ability to undertake the Local Representative role, appoint another Councillor to undertake the Local Representative role by giving written notice to the Professional Lead - ~~Development Management~~ Planning who will arrange for the appointment to be placed on the relevant application file. The Councillor who takes over the Local Representative role may not be a Decision Maker or have a significant Prejudicial Interest which would prejudice their ability to act as the Local Representative.
- 19.69 A Councillor with a Prejudicial Interest in relation to a Planning Application whether they are a member of the committee or not, who is undertaking a Local Representative role and are unable to attend the meeting may submit a written statement and must advise ~~Development Management~~ Planning that they are intending to submit a written submission at least 4 clear working days before the meeting. The applicant will have a right of response to this submission at the committee either orally or in writing.

DEFINITION OF COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.70 Where a Councillor (whether a member of the Planning Committee or not) is a Councillor with a Personal Interest in relation to a Planning Application that Councillor will, for the purposes of this Protocol, also be a Councillor with a Prejudicial Interest in respect of that Planning Application if the interest of that Councillor is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice that Councillor's judgement of the public interest.

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COUNCILLOR WITH A DISPENSATION

COUNCILLOR WITH A DISPENSATION

- 19.71 A Councillor with a Dispensation attending a meeting of the Planning Committee (whether a member of the Committee or not) to which the dispensation is relevant may only participate in the meeting subject to:-
- 19.71.1 Stating at the Meeting that they are relying on the dispensation; and
 - 19.71.2 Giving to the Solicitor to the Council a written notification before or immediately after the close of the Meeting containing:
 - 19.71.2.1 Details of the Prejudicial Interest;
 - 19.71.2.2 Details of the Planning Application to which the Prejudicial Interest relates;
 - 19.71.2.3 Details of, and the date on which, the dispensation was granted; and
 - 19.71.2.4 The Councillor's signature.
- 19.72 A Councillor with a Dispensation making written or oral representations in reliance upon the dispensation must provide details of the dispensation within such written or oral representations, and in the latter case, provide written notification to the Solicitor to the Council within 14 days of making the representations.

DEFINITION OF COUNCILLOR WITH A DISPENSATION

- 19.73 A Councillor with a Prejudicial Interest who is a member of the Planning Committee may
- 19.73.1 undertake the Role of Local Representative, but shall leave the meeting room after making their presentation; or
 - 19.73.2 if a Local Representative with a Prejudicial Interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.
 - 19.73.3 A Councillor undertaking the role of Local Representative with a prejudicial interest is allowed to make written representations in lieu of their right to speak at the meeting.
 - 19.73.4 where he / she does not wish to act as a Decision Maker or Local Member but does wish to act as a Member Representative may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.
- 19.74 A Councillor with a Prejudicial Interest who is not a member of the Planning Committee may undertake the Role of Local Representative (or Member Representative), but shall leave the meeting room after making their presentation. If a Local Representative (or a Member Representative) with a prejudicial interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in

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advance of the meeting of the Planning Committee. A Councillor undertaking the role of Local Representative with a prejudicial interest is allowed to make written representations in lieu of their right to speak at the meeting.

- 19.75 A Councillor who has obtained such dispensation as is mentioned in Rules 19.73 and 19.74 shall for the purposes of this Protocol be a Councillor with a Dispensation.

MEMBERS' CODE OF CONDUCT

- 19.76 The Members' Code of Conduct in force at the time (as supplemented by this Protocol), **must be followed at all times**.

PREDISPOSITION AND PREDETERMINATION

- 19.77 A Councillor who is a Decision Maker may be predisposed to a particular view. However, the Councillor must be open to the possibility that they will hear arguments during the debate about the Planning Application that will change their mind about how they intend to vote. As long as the Councillor is willing to keep an open mind about the Planning Application they are entitled to take part on any vote on it.
- 19.78 A Decision Maker must exercise care not to predetermine a Planning application. Predetermination is where the Councillor's mind is closed to the merits of any arguments which differ from their own about a Planning Application. A Decision Maker should avoid giving the appearance that they have decided how they will vote at the meeting and that nothing will change their mind.

A COUNCILLOR'S DIRECT CONNECTIONS WITH APPLICANTS AND OTHERS

- 19.79 If a Councillor advises Applicants, Agents, Objectors or other interested parties about the likely acceptability of planning proposals then in relation to planning applications relating to those proposals that Councillor cannot undertake the role of Decision Maker and may need to consider whether they fall within the category of a Councillor with a Prejudicial Interest.
- 19.80 A Councillor who wishes to ensure that they remain eligible to carry out the role of Decision Maker should advise prospective Applicants to contact a Planning Officer for advice on both merits and procedures.
- 19.81 **A Councillor should never seek to influence / lobby fellow Councillors or officers in these circumstances.**

DEVELOPMENT PROPOSALS INVOLVING COUNCILLORS

- 19.82 A Planning Application by a Councillor (~~or their own~~ concerning a business or land in which they have an interest) or their family and relatives, close friends and business associates can easily give rise to suspicions of impropriety. It is vital that it is handled in a way that gives no grounds for accusations of favouritism.
- 19.83 A serving Councillor who prepares plans or generally acts as an Agent for people submitting a Planning Application should never be a Decision

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Maker or Local Representative in relation to that Planning Application and should not seek to lobby / influence fellow Councillors or officers.

- 19.84 Where a Councillor is the Applicant for a planning permission they:
- 19.84.1 must appoint an independent Agent or Representative to act on their behalf;
 - 19.84.2 must notify, in writing, the Professional Lead - ~~Development Management~~Planning that such application has been submitted;
 - 19.84.3 should take no part in the processing of that application or endeavour to influence the final decision on the application;
 - 19.84.4 must not seek to influence / lobby fellow Councillors or officers;
 - 19.84.5 must not attend any meeting of the Planning Committee whilst it is considering their application;
 - 19.84.6 must regard themselves as being both a Councillor with a Personal Interest and a Councillor with a Prejudicial Interest.
 - 19.84.7 must not act as a Local Representative and must advise Democratic Services who will liaise with neighbouring Members and agree a replacement Local Representative and advise ~~Development Management~~Planning – as in Rule 19.68.
- 19.85 Any Planning Application submitted by a Councillor (or relating to a councillor's business or land interests) will be determined by the Planning Committee and shall never be dealt with by officers under 'delegated powers'. The Council's Planning Solicitor should confirm in the Planning Officer's report to the Planning Committee that the application has been processed normally and therefore must be given the opportunity to review the file.
- 19.86 Where a Planning Application is made by a member of a Councillor's family, a friend or business associate of the Councillor or an organisation in which the Councillor holds a position of responsibility the Councillor shall advise the Professional Lead - ~~Development Management~~Planning of the submission of that application, and the relationship between the Councillor and that individual. The Professional Lead - ~~Development Management~~Planning shall determine whether the nature of the relationship would warrant the application being referred to the Planning Committee for determination or whether it could be determined by him. In any event the Councillor should not seek to influence / lobby fellow Councillors or officers in respect of the application.
- 19.87 A Councillor must have regard to the Members' Code of Conduct when dealing with a Planning Application involving another Councillor.

COUNCILLORS SHOULD SEEK ADVICE

- 19.88 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DECISION MAKING PROCESS

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- 19.89 Subject to Rule 19.90 below the Committee will perform the functions and follow the delegation set out in Section 13 (Responsibility for Functions).
- 19.90 The Professional Lead - ~~Development Management~~ Planning will not exercise their delegated responsibility for functions in the following circumstances whereupon the function will be dealt with by the Planning Committee:
- 19.90.1 the Professional Lead - ~~Development Management~~ Planning considers that the Planning Function should be dealt with by the Planning Committee and not by him / herself;
 - 19.90.2 a Councillor registers a Call-in request under Rules 19.51 to 19.61 that a Planning Application be referred to the Planning Committee for decision and not determined by the Professional Lead - ~~Development Management~~ Planning;
 - 19.90.3 the Planning Application in question constitutes a material departure from the Development Plan and the view of the Professional Lead - ~~Development Management~~ Planning is that the Planning Application should be approved;
 - 19.90.4 the Planning Application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council);
 - 19.90.5 the Planning Application is required to be accompanied by an Environmental Statement under the EIA Regulations;
 - 19.90.6 the Planning Application is submitted by or on behalf of any member of the Council or any member of staff employed in ~~Development Management~~ Planning, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with ~~Development Management~~ Planning.

DECISION MAKING BY THE PLANNING COMMITTEE

PLANNING COMMITTEE DETERMINATION PRINCIPLES

- 19.91 In considering and determining a Planning Application the Planning Committee shall:
- 19.91.1 have regard to the regulatory and quasi-judicial nature of the Committee's proceedings;
 - 19.91.2 disregard irrelevant considerations;
 - 19.91.3 act impartially, fairly and not take into account any political considerations;
 - 19.91.4 determine the application in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise;
 - 19.91.5 acknowledge the emphasis in determining applications is upon a 'plan-led' system;
 - 19.91.6 reflect the basis of the planning system is the consideration of private proposals against the wider public interest;

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- 19.91.7 recognise much is often at stake in this process and opposing views are often strongly held by those involved;
- 19.91.8 take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification;
- 19.91.9 decide which representations are material to the decision to be made, and, if so, what weight to attach to them;
- 19.91.10 not reach any conclusion on the merits until all the relevant facts have been considered including the officer's report and the matter appropriately debated;
- 19.91.11 ensure that the Public Speaking Provisions are implemented fairly.

Statutory Duties

- 19.92 The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

Equality Act 2010

- 19.93 Section 149 provides that:

- 19.93.1 A council must, in the exercise of its functions, have due regard to the need to:
 - 19.93.1.1 eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
 - 19.93.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 19.93.1.3 foster good relations between persons who share a protected characteristic and persons who do not share it.
- 19.93.2 The above powers relate to the following protected characteristics:
 - 19.93.2.1 age;
 - 19.93.2.2 disability;
 - 19.93.2.3 gender reassignment;
 - 19.93.2.4 marriage and civil partnership;
 - 19.93.2.5 pregnancy and maternity;
 - 19.93.2.6 race (including colour, nationality and ethnic or national origins);
 - 19.93.2.7 religion or belief;
 - 19.93.2.8 sex; or
 - 19.93.2.9 sexual orientation.

Human Rights

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19.94 Section 6(1) of the Human Rights Act 1998 provides that:

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

Best Value

19.95 Section 3(1) of the Local Government Act 1999 and Part 1 of the Local Government (Wales) Measure 2009 provides that:

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

Crime and Order

19.96 Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

DEFERRALS

19.97 In the event of consideration of a Planning Application being deferred at a meeting of the Planning Committee then (unless deferral of the application is agreed at the outset of the consideration of the application by the Planning Committee and no further discussion about it takes place at that meeting) only those Decision Makers present during the meeting when the application is deferred will be eligible to reconsider the application at a subsequent meeting of the Planning Committee. **Please refer also to Rule 19.117.8.4.**

19.98 Where the quorum of a meeting falls below 50%, any application where this occurs will be automatically deferred and considered at the next available meeting.

RECONSIDERED APPLICATIONS

19.99 Where an application which has been previously considered and / or determined by the Committee, is subsequently reconsidered, the Professional Lead - ~~Development Management~~ Planning in consultation with the Chair and Vice-Chair should consider whether:

19.99.1 the application is materially the same as the previous application considered. If so only those Councillors who were present when the application was considered can take part in any subsequent consideration of the reconsidered application. Speaking rights at this meeting will be in accordance with Rule 19.117.8.4 as follows:

“If representations are made by a Councillor acting as a Local Representative / an Objector/ a representative of a Town or Community Council / an Applicant or their Agent to a Planning

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Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only.**

- 19.99.2 the application is significantly different to the previous application considered. If so the application will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the reconsidered application and full speaking rights will be allowed.
- 19.99.3 the length of time between the original consideration and subsequent consideration is 6 months or more. If the length of time is 6 months or more (the timescale starts from the date of the meeting when the matter was first considered), then it will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the reconsidered application and full speaking rights will be allowed.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 19.100 When members of the Planning Committee are minded to either approve or refuse a Planning Application contrary to the recommendation of the Professional Lead - ~~Development Management~~ Planning (in a written report to the Committee or communicated orally at a meeting of the Committee) those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Professional Lead - ~~Development Management~~ Planning and a copy of the minute containing the Committee's reasons shall be placed on the relevant application file.
- 19.101 If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it may wish to consider whether to defer the confirmation of reasons for granting or refusal of the application to the next available committee. This will allow members the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.
- 19.102 If the Planning Committee is minded to grant an application contrary to Officer recommendation, it may wish to consider whether to delegate the conditions to the Professional Lead – ~~Development Management~~ Planning or defer the confirmation of conditions to the next available committee.

MODIFYING PLANNING CONDITIONS

- 19.103 Where members of the Planning Committee wish to add, modify or amend conditions which are recommended by the Professional Lead - ~~Development Management~~ Planning those members shall clearly identify and articulate the planning reasons supporting their view before a vote is

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taken on the application and/or the conditions in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Professional Lead - ~~Development Management~~Planning **PROVIDED ALWAYS** that the wording of the final version of those conditions shall be delegated to the Professional Lead - ~~Development Management~~Planning.

- 19.104 Where the Professional Lead - ~~Development Management~~Planning considers that they would be unable to defend a proposed decision of the Planning Committee on appeal they shall make this point known to the Committee before the final vote is taken. In such cases the Minutes of the meeting shall record the proposer and seconder of the motion to pass a resolution contrary to the recommendation of the Professional Lead - ~~Development Management~~Planning.

PREDETERMINATION

- 19.105 Where the Monitoring Officer (or their representative at a meeting of the Planning Committee meeting) considers that a member of the Planning Committee has prejudiced their position as a Decision Maker, by expressing a clear and settled view on an application before its determination by the Planning Committee, the Monitoring Officer (or their representative at a meeting of the Planning Committee) shall advise the Councillor in question and the Chair of the Committee of the effect of that Councillor continuing to play the role of a Decision Maker. The decision as to whether that Councillor shall continue to play the role of Decision Maker shall rest with that Councillor.

CORRESPONDENCE AND OTHER RELEVANT INFORMATION RECEIVED BY MEMBERS OF THE PLANNING COMMITTEE

- 19.106 A member of the Planning Committee may receive from time to time correspondence and other relevant information from persons or groups who have an interest in the outcome of a planning application to be determined by the Planning Committee and there will be pressure to reply. A member of the Planning Committee will occasionally receive a significant amount of unsolicited correspondence and other information on more contentious applications. The Councillor shall not reply or respond to this correspondence but instead shall refer it to the Professional Lead - ~~Development Management~~Planning. This will prevent any delay in the process. The Professional Lead - ~~Development Management~~Planning shall also:

- 19.106.1 if time permits, send a copy of such correspondence / other information to the Applicant or their Agent (provided neither is the author) so as to allow them an opportunity to respond;
- 19.106.2 place a copy of all such correspondence/other information on the relevant Planning file;
- 19.106.3 if time permits, ensure that their report to the Planning Committee refers to such correspondence / other information; otherwise the Professional Lead - ~~Development Management~~Planning should refer to such correspondence / other information orally at the meeting of the Planning

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Committee giving it such prominence and weight as its relevance requires.

- 19.107 On occasions the new information may be so substantial as to lead to a deferment of the application. Where the Planning Application is not deferred the Chair will allow members an appropriate period of time to read the new material before proceeding with consideration of the item.
- 19.108 The Professional Lead - ~~Development Management~~Planning shall be responsible for reporting any correspondence or new information of relevance to the Planning Committee.

SITE INSPECTIONS

19.109 There will be no Site Inspections undertaken by the Planning Committee unless there are exceptional circumstances justifying a site inspection (that is to say it must be clearly demonstrated that a site inspection is essential to the decision making process i.e. that a proper decision cannot be made without a site inspection taking place). For the avoidance of doubt, it will be the expectation that Local Representatives will make any request for Site Inspections well in advance of the meeting:

- 19.109.1 as recommended by the Professional Lead - ~~Development Management~~Planning in consultation with the Solicitor to the Council and the Chair and Vice-Chair of the Planning Committee; or
- 19.109.2 as determined by the Committee itself to deal with unresolved site specific planning issues in which case these wholly exceptional circumstances justifying the site visit shall be recorded in the minutes of the meeting at which the decision is taken.
- 19.109.3 as determined by the Chair and Vice-Chair of the Planning Committee on the application of one or more Councillors in whose electoral division(s) the development in question will take place or whose electoral division will be affected by the development in question subject to consultation with the Professional Lead - ~~Development Management~~Planning and the Solicitor to the Council.

19.110 Where Site Inspections are held the following Policies shall apply.

POLICY 1: ARRANGEMENTS FOR HOLDING SITE INSPECTIONS

19.110.1 Wherever practicable Site inspections shall be arranged to take place on the same day as and immediately prior to the formal public Planning Committee meeting considering the application.

POLICY 2: ATTENDANCE AT SITE INSPECTIONS

- 19.110.2 ALL members of the Planning Committee shall be invited to attend Site Inspections together with planning officers.
- 19.110.3 Councillors acting as a Local Representative shall, be allowed to attend site visits (but not travel with the committee) to provide planning specific information to the committee except where they

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have a Personal and Prejudicial Interest. Alternatively, a Local Representative may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning officer will inform those present at the site inspection of this additional information except where the Member has a Personal and Prejudicial Interest.

- 19.110.4 In exceptional circumstances the Chair may, after consultation with the Professional Lead - ~~Development Management~~ Planning and the Vice-Chair, invite other council officers to attend site inspections for the sole purpose of providing information only, in relation to specialist matters, concerning the application and to answer such questions as Councillors may wish to raise.
- 19.110.5 **Landowners / representative of a Town and Community Council / Applicants / Objectors / supporters or any other third party shall not be allowed to attend site inspections.**

POLICY 3: NON ATTENDANCE BY COUNCILLORS

- 19.110.6 All members of the Planning Committee shall use their best endeavours to attend a Site Inspection where they intend to play the role of Decision Maker in relation to the Planning Application in question. A Councillor's position to undertake the role of Decision Maker in relation to such application may be in doubt if they did not attend a relevant Site inspection (i.e. as a consequence of which the Councillor is unable to take a decision with knowledge of all relevant matters) and in that situation the Councillor shall seek the advice of the Monitoring Officer, which shall wherever practicable be obtained in writing and a copy given to the Chair and Vice-Chair of the Planning Committee prior to the commencement of the meeting in question.
- 19.110.7 **Councillors who, as a result of such advice from the Monitoring Officer, conclude that they are unable to undertake the role of Decision Maker shall either move to the public gallery, or may leave the room during consideration of the application in question.**

POLICY 4: ACCESS TO PRIVATE LAND

- 19.110.8 Where Councillors need to enter onto private land the landowner's prior consent shall be sought by the Professional Lead - ~~Development Management~~ Planning. If consent is not forthcoming, the site shall, if practicable, be viewed from the public highway.

POLICY 5: PURPOSE OF SITE INSPECTION

- 19.110.9 The sole purpose of the site inspection will be for the planning officers to explain in the context of the site, the planning issues relating to the application and for Councillors to view the site. **There shall be no discussions at the site inspection concerning the merits of the application and the site**

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inspection will not be used as a forum for debate. No recommendations shall be made at the site inspection.

POLICY 6: REPORT TO PLANNING COMMITTEE

19.110.10 The Chair of the Planning Committee shall report if a Site Inspection has been undertaken.

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REPORT ON A PLANNING APPLICATION BY THE PROFESSIONAL LEAD - ~~DEVELOPMENT MANAGEMENT~~ PLANNING

- 19.111 All Planning Applications considered by the Planning Committee shall be the subject of a full written report by the Professional Lead - ~~Development Management~~ Planning, including a detailed assessment of the proposal, including any reasonable options available to the Committee and a reasoned recommendation.
- 19.112 Any new matters that have arisen between the preparation of the report and the date of the Planning Committee considering the planning application or planning matter in question will be the subject of a written update report circulated prior to the commencement of the proceedings of the Planning Committee meeting or referred to orally at the meeting. Only exceptionally should planning officers report only orally to the Planning Committee. The update report will be filed with the signed minutes and the other reports on the Planning Application and added to the published agenda on the Council's website, where possible, prior to the meeting. All submissions should be received where possible no later than 48 hours before the meeting of the Planning Committee.

SPEAKING AT PLANNING COMMITTEE MEETINGS

WHO MAY SPEAK

- 19.113 For the purposes of Rules 19.114 to 19.117 and 19.121, an Applicant and Objector may speak either directly or via an Agent, Member Representative, or Representative.
- 19.114 Where in relation to a specific Planning Application to be determined by the Planning Committee:
- 19.114.1 a person or body (other than a statutory consultee) has lodged an **objection** to that application and has notified the Professional Lead - ~~Development Management~~ Planning (in accordance with Rule 19.116 below) of their wish to exercise the right to speak against the application at the relevant meeting of the Planning Committee; or
 - 19.114.2 a **Town or Community Council** has indicated a wish to be heard regarding that application as a consultee (in accordance with Rule 19.116 below); or
 - 19.114.3 **(a) Local Representative(s)** has / have indicated a / their wish to speak (in accordance with Rule 19.116 below); or
 - 19.114.4 The **Applicant** exercises the right to respond to any representations made to the Committee by an Objector, Town/Community Council or Local Representative(s)

the **PUBLIC SPEAKING PROCEDURES** set out Rule 19.117 below shall apply.

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MATTERS NOT INCLUDED

19.115 For the avoidance of doubt Rules 19.113 to 19.116 shall not apply to, (and there shall be no right for any person to speak in relation to) the following:

- 19.115.1 enforcement cases;
- 19.115.2 applications for listed building consent;
- 19.115.3 advertisements;
- 19.115.4 lawful use certificates;
- 19.115.5 appeal decisions and proposals to remove legal obligations under Section 106 of the Town & Country Planning Act;
- 19.115.6 ancient / important hedgerows.

OBTAINING THE RIGHT TO SPEAK

19.116 A right to speak at a meeting of the Planning Committee will only be obtained in the following situations:-

- 19.116.1 A member of the public shall be allowed to speak as an **Objector** to a planning application at the Planning Committee where:
 - 19.116.1.1 They have duly made, within prescribed time limits, a written objection to a planning application;
 - 19.116.1.2 A member of the public will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee which will need to be confirmed at least 4 clear working days before the date of the relevant committee; and
 - 19.116.1.3 Has submitted the request to be heard by the Planning Committee with **Development Management** Planning at least 4 clear working days before the date of the relevant meeting of the Planning Committee. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.

PROVIDED ALWAYS that:

- 19.116.1.4 Where more than one person or body (other than a statutory consultee) has lodged an objection to a planning application (as mentioned in Rule 19.114.1 above) and the Chair of the Planning Committee in consultation with the Vice-Chair concludes that the substance of the objections by

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those persons are identical or similar then only one such person so objecting shall be permitted to exercise the right to speak against the application in accordance with the Public Speaking Procedures, and that person shall be the individual agreed by all the Objectors who have raised the same or similar objection or in the absence of such agreement the individual who first submitted an objection in writing to ~~Development Management~~ Planning.

19.116.1.5 Where in relation to the above situation the Chair of the Planning Committee in consultation with the Vice-Chair concludes that different persons or bodies have made objections which are different in substance each person or body making a different substantive objection shall be allowed to exercise the right to speak in opposition to the planning application in accordance with the Public Speaking Procedures.

19.116.1.6 Where more than one person or body (other than a statutory consultee) has submitted an objection, the Professional Lead - ~~Development Management~~ Planning shall, prior to the meeting of the Planning Committee in question, notify (by the most appropriate means) the persons or bodies of the conclusions of the Chair and Vice-Chair as to whether the objections are different in substance and accordingly as to those individuals and bodies who are entitled to exercise the right to speak under the Public Speaking Procedures.

19.116.2 **A Town or Community Council** (by its clerk or one of its members who can be a County Councillor (if a member of the Town or Community Council) will be allowed to speak as a consultee to a Planning Application at a Planning Committee where that Council has submitted a request to be heard by the Planning Committee with ~~Development Management~~ Planning at least 4 clear working days before the date of the relevant meeting of the Planning Committee. (A Town or Community Council will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee) which will need to be confirmed at least 4 clear working days before the date of the relevant committee. For the avoidance of doubt:

19.116.2.1 the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in

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- consultation with the Vice-Chair at a subsequent meeting.
- 19.116.2.2 The County Councillor choosing to speak on behalf of a Town or Community Council cannot also be a Local Representative.
- 19.116.3 (A) Councillor(s) exercising the role of **Local Representative(s)** will be allowed to speak in relation to a Planning Application at a Planning Committee where that / those Councillor(s) has/have submitted a request to be heard by the Planning Committee with **Development Management** Planning at least 4 clear working days before the date of the relevant meeting of the Planning Committee **unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40**. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.116.4 The **Applicant** will be allowed to speak (if they wish) where an Objector, Town or Community Council or Local Representative has spoken.

PUBLIC SPEAKING PROCEDURES

- 19.117 Where an Objector, and / or representative of a Town or Community Council, and / or (a) Councillor(s) in the role of Local Representative has duly complied with the above provisions enabling that individual or Council to speak at a meeting of a Planning Committee in relation to a specific Planning Application then the procedures to be followed at a meeting of the Planning Committee will be as follows.
- 19.117.1 The Chair will briefly outline these procedures that allow Councillor(s) acting as (a) Local Representative(s), Objectors, and representatives of Town and Community Councils the right to address the Committee, and the Applicant's right of reply.
- 19.117.2 Prior to making their representations to the Planning Committee these individuals shall sit in the public gallery or wait outside the meeting room.
- 19.117.3 For the purposes of making their representations to the Planning Committee an individual entitled to address the Planning Committee under these provisions will be invited by the Chair to take a seat allocated for this purpose where a microphone will be available. A maximum time limit of 5 minutes will be available for each presentation which will be strictly observed save for:

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- 19.117.3.1 in applications where there are multiple speakers objecting to the application, the Applicant will be allowed the same aggregate time allowed to the Objectors.
- 19.117.3.2 In Planning Applications classified by the Professional Lead - **Development Management** Planning as major applications a maximum time limit of 8 minutes will apply but this will be subject to Rule 19.117.3.1 above (e.g. **those applications with a Welsh Office Planning Statistics (WOPS) Code 1 to 6 inclusive plus any application subject to an Environmental Impact Statement (EIA).**
- 19.117.4 Those making presentations cannot ask questions of one another, members of the Committee or officers
- 19.117.5 Those individuals making representations under these provisions must avoid making personal or derogatory remarks, confine their presentation to relevant planning issues and shall not use plans, photographs or other display material (but may refer to plans, documents etc included in the formal application material to be considered by the Committee).
- 19.117.6 At the end of the each presentation, the individual making the presentation will either take a seat in the public gallery or leave the meeting room **PROVIDED ALWAYS** that a Local Representative who is also a Councillor with a Prejudicial Interest having completed their presentation to the Committee and answered any questions shall (unless they have received a dispensation from the Standards Committee to remain throughout the proceedings) immediately leave the room or chamber where the meeting is taking place.
- 19.117.7 The order in which individuals shall exercise their right in making representations to a Planning Committee shall be as follows:
- 19.117.7.1 The Local Representative (s).
- 19.117.7.2 Representative(s) of Town or Community Council.
- 19.117.7.3 Objector(s) entitled to speak under Rule 19.115.1.
- 19.117.7.4 Applicant and / or Agent(s).
- 19.117.7.5 Professional Lead - **Development Management** Planning
- PROVIDED ALWAYS** that the Applicant is not obliged to exercise a right of reply to representations / objections made to the committee if they do not wish to do so.
- 19.117.8 For the avoidance of doubt
- 19.117.8.1 where an Applicant does exercise the right to reply to representations / objections the time

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- limits and other procedures referred to in Rules 19.117.3, 19.117.3.1 and 19.117.3.2 above shall apply.
- 19.117.8.2 An Applicant has no right to make representations to a Planning Committee in the absence of presentations by the Local Representative(s), and / or representatives of Town or Community Councils, and / or Objector.
- 19.117.8.3 In respect of proposals where there are lodged duplicate applications or several linked applications relating to the same site, these shall be deemed to relate to one overall development and the rights to address the Committee will be interpreted accordingly.
- 19.117.8.4 If representations are made by a Councillor acting as a Local Representative / an Objector / a representative of a Town or Community Council / an Applicant to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However public speaking and additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where there has been a change of circumstances.**
- 19.117.8.5 A Councillor who chooses to be a Local Representative shall not also make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.117.8.6 A Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.117.8.7 Public speaking is expected to take place at the first meeting where the application is determined unless the application is deferred, a site meeting recommended or there is additional information submitted, in which case additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair.
- 19.117.9 Following oral presentations by individuals under the above provisions, the Chair of the Planning Committee shall invite the Professional Lead - ~~Development Management~~ Planning (if he / she wishes) to respond as necessary to those presentations

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before proceeding with his / her presentation of the application in the normal way **including where appropriate an update to the Committee concerning any correspondence or additional information received since publication of the Committee Agenda papers.**

- 19.117.10 The Professional Lead - ~~Development-Management~~Planning shall keep a record of all notices received under these provisions.
- 19.117.11 At a meeting of the Planning Committee where representations under these provisions fall to be made in respect of a specific Planning Application every effort should be made for that application to be dealt with at the earliest opportunity.
- 19.117.12 The relevant plans shall be displayed as appropriate and a description of the application given before any oral representations are heard.
- 19.117.13 The minutes of the Planning Committee shall record the receipt of representations made under these arrangements but shall not record the substance of the representations.

ROLE AND DUTIES OF THE COMMITTEE CHAIR / VICE CHAIR

ELECTION OF THE CHAIR

19.118 The Chair of the Planning Committee shall:

- 19.118.1 be a Councillor elected by the Committee at the first meeting of the Committee following the Annual Meeting of the Council or at an ordinary meeting in the event of a vacancy occurring between Annual Meetings.
- 19.118.2 hold office until:
 - 19.118.2.1 the Annual Meeting of the County Council next following their appointment; or
 - 19.118.2.2 they resign from the office; or
 - 19.118.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - 19.118.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
 - 19.118.2.5 a vote of no confidence in the Chair of the Planning Committee is passed by the Council following a Notice on Motion; or
 - 19.118.2.6 they are no longer a Councillor;

whichever shall first occur.

ELECTION OF VICE-CHAIR

19.119 The Vice-Chair of the Planning Committee shall:

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- 19.119.1 be a Councillor elected to that position by the Planning Committee at the first meeting of the Committee following the Annual Meeting of the Council, or in the event of a vacancy occurring at the next convenient meeting of the Committee following the occurrence of the vacancy.
- 19.119.2 hold office until:
- 19.119.2.1 the first meeting of the Planning Committee which follows the next Annual Meeting of the County Council after the Councillor's appointment; or
 - 19.119.2.2 they resign from the office; or
 - 19.119.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - 19.119.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
 - 19.119.2.5 in the event of a vote of no confidence in the Vice-Chair of the Planning Committee being passed by the Council following a Notice on Motion; or
 - 19.119.2.6 they are no longer a Councillor;

whichever shall first occur.

CHAIRING THE PLANNING COMMITTEE

19.120 In the absence of the Chair for the whole or part of a meeting of the Planning Committee the Vice-Chair shall preside. If the Vice-Chair shall be absent the Planning Committee shall choose one of its number present to preside as Chair for that meeting or part of it until the Chair (or Vice-Chair) returns to the meeting.

RESPONSIBILITY OF THE CHAIR PRESIDING AT A MEETING OF THE PLANNING COMMITTEE

19.121 The Councillor presiding as Chair at a meeting of the Planning Committee shall have the following general responsibilities:-

- 19.121.1 to preside over the meeting so that the Committee's business can be carried out efficiently and with proper regard to the rights of Councillors, Applicants, Objectors, officers and the interest of the community as a whole.
- 19.121.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning applications.
- 19.121.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol; and

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shall in particular have the following duties, obligations and responsibilities:

- 19.121.3.1 at the commencement of the meeting:
- (a) to request declarations of interests from members of the Committee relating to items to be considered on the agenda;
 - (b) to receive notification that a Member of the Planning Committee is a member of a Town and Community Council, and in relation to an application to be considered by the Planning Committee whether they:
 - (i) took part in a meeting of the Town and Community Council where the application was considered – in which case they can only take a Local Representative Role; or
 - (ii) left the room during the meeting of the Town and Community Council where the application was considered – in which case they can continue to undertake a Decision Maker Role.
 - (c) to receive declarations from members of the Committee that they will be acting as Local Representative in respect of an individual application being considered by the Committee;
 - (d) to receive details of Councillors (who are not members of the Committee) who will be acting as Local Representative in respect of an individual application being considered by the Committee.
- 19.121.3.2 prior to the consideration of each application to call out the application number (whereupon any Councillor undertaking the role of Local Representative in relation to that application, and who is a member of the committee, will withdraw to the public gallery and the withdrawal of the Local Representative will be recorded in the minutes of the committee);
- 19.121.3.3 to amend if necessary the order in which planning applications are to be considered by the committee in order wherever practicable that Planning Applications where members of the Planning Committee will; be undertaking the role of Local Representative are dealt with first;
- 19.121.3.4 to introduce each agenda item for discussion or for information; and
- 19.121.3.5 to report where a site inspection has taken place.

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- 19.121.3.6 following the officer presentation relating to a Planning Application to facilitate the debate of Councillors and allow them to participate in the discussion in the order in which they acknowledge their wish to speak;
- 19.121.3.7 to consider whether an officer of the Council other than an officer of ~~Development Management~~Planning should be allowed to address the Planning Committee or answer questions and to ensure that only such officers as they consider necessary do so (it being acknowledged that it will not normally be the practise for such officers to address the Committee or answer questions);
- 19.121.3.8 to consider whether a representative of a statutory consultee should be allowed to address the Planning Committee or answer questions and to ensure that only such representatives as they consider necessary do so (it being acknowledged that it will not normally be the practise for such representatives to address the Committee or answer questions);
- 19.121.3.9 not to differentiate between Councillors (Members of the Planning Committee represent the whole community of Powys) and not to afford any preferential treatment of or special privileges to a Councillor on the basis that they are the local electoral division Councillor for the application;
- 19.121.3.10 to ensure so far as is reasonable that all Councillors and Officers attending the meeting shall abide by the provisions of the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol;
- 19.121.3.11 to ensure that Decision Makers refrain from making speeches and address the Committee on material 'planning matters' only. (The Chair will be expected to intervene and curtail Councillors who are making repetitious, or irrelevant statements);
- 19.121.3.12 where officers' response to comments or questions from Councillors is required to ensure that officers are given that opportunity;
- 19.121.3.13 a general discretion in relation to the protocol in consultation with the Professional Lead - ~~Development Management~~Planning and Legal Officers.

BRINGING DISCUSSIONS TO A CONCLUSION

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- 19.121.4 at the conclusion of the discussion relating to a specific Planning Application the Chair shall not sum up but shall request those Councillors on the Planning Committee exercising the role of Decision Maker to move and second motions and any amendments and to vote on them (taking amendments first);
- 19.121.5 to ensure that votes are properly recorded and that the result is clearly communicated to the meeting so that the outcome is in no doubt;
- 19.121.6 to rule on all questions of procedure and process at the Committee meeting (the Chair's decision shall be final and not open to discussion);
- 19.121.7 to ensure that proper regard is had by all Councillors to the advice given by officers at the Committee meeting.

THE ROLE OF OFFICERS IN SUPPORTING THE CHAIR

19.122 The Lead Professional, Legal and the Professional Lead - ~~Development Management~~Planning and relevant officers representing them shall provide professional advice to the Councillor presiding as Chair of a meeting of the Planning Committee in order to assist the Chair in discharging the duties of the post and in particular officers shall provide advice as follows:

- 19.122.1 at pre-Committee meetings so that the Chair and Vice-Chair are fully briefed on issues that may arise at meetings;
- 19.122.2 at any post-Committee meetings (if relevant);
- 19.122.3 during Committee meetings where questions are directed towards the Chair for response.

RESPECT FOR OFFICE OF CHAIR

19.123 All Councillors and officers shall respect the position of Chair.

~~DEVELOPMENT MANAGEMENT~~PLANNING

CONDUCT OF OFFICERS

19.124 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute (RTPI) Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they shall:

- 19.124.1 act with competence, honesty and integrity;
- 19.124.2 fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- 19.124.3 discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Planning Code of Conduct;
- 19.124.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;

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- 19.124.5 not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;
- 19.124.6 decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.
- 19.125 Any officer supporting or advising the Planning Committee if they have a personal and prejudicial interest relating to an application being considered, should disclose the interest at the meeting and leave the room whilst the application is being considered.

RELATIONSHIPS BETWEEN COUNCILLORS AND OFFICERS

- 19.126 In order to engender a committed professional relationship between both planning officers and Councillors each shall have respect and regard for the roles both play within the decision making process. Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers must act in accordance with their professional codes of conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which occasionally may be at odds with the views, opinions or decisions of the Committee or its members. Officers should also have regard to, and comply with the Protocol on Member / Officer Relations (Council Constitution Section 21).

REPORTS AND PRESENTATIONS TO THE PLANNING COMMITTEE

- 19.127 The report by the Professional Lead - ~~Development Management~~Planning to the Planning Committee in relation to a Planning Application shall:
- 19.127.1 be a report based on the professional judgement of planning officers;
- 19.127.2 include the observations, recommendations and comments of consultees, Objectors and others including other departments of the Council;
- 19.127.3 be supported by the use of still photographs, video etc., to assist Councillors in determining that application (i.e. to provide a balanced view of the site, including a 360° view of the site, contours and topography) which shall specifically include points and issues raised by the Councillor for the electoral division concerned and address and deal with the observations, recommendations, comments of other departments of the Council.
- 19.128 Recommendations in such report may not always accord with the views and opinions of individuals, groups, statutory consultees etc. However, the report will always follow this Protocol. A Councillor acting as a Decision Maker shall respect the advice given by planning officers at the Committee or when dealing with delegated applications and shall not lobby, seek to

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influence, or bring pressure to bear on a planning officer for a particular recommendation or decision.

PRE-APPLICATION AND PRE-DETERMINATION DISCUSSIONS BY OFFICERS WITH APPLICANTS ETC

19.129 In any discussions involving the Professional Lead - ~~Development Management~~ Planning or a member of their department regarding proposed development or other planning issues, it shall always be made clear at the outset, that such discussions shall not bind the local planning authority to make a particular decision, and that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.

19.130 Any advice given by the Professional Lead - ~~Development Management~~ Planning or a member of their department shall be consistent and based upon the Development Plan and other material considerations. Furthermore any advice given shall be impartial; the best that the officer can give in the circumstances and shall highlight any apparent problems and where appropriate discuss possible options that may be open to the developer or other party to the discussions.

PUBLIC MEETINGS RELATING TO DEVELOPMENT PROPOSALS

19.131 Officers involved in the processing or determining of planning applications or planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless their attendance has been authorised by the Monitoring Officer. In some situations, attendance by officers at such meetings could lead to allegations of bias or prejudice in relation to a particular point of view. If authorised to attend such meetings officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

GIFTS AND HOSPITALITY

19.132 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of gifts and hospitality in accordance with the Council's policy. Officers must record any offers of hospitality refused in a register to be kept by the Professional Lead - ~~Development Management~~ Planning.

RECORD KEEPING

19.133 Every planning file (including one relating to an enforcement matter) shall contain an accurate account of events throughout its life including minutes and notes of meetings of all descriptions. Where appropriate, the case officer shall visit each site to which the file relates and a record shall be maintained on file. Managers and team leaders within ~~Development Management~~ Planning will undertake monitoring of record keeping on a regular basis.

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DECISION MAKING BY THE PROFESSIONAL LEAD - ~~DEVELOPMENT MANAGEMENT~~ PLANNING

19.134 Section 13 (Responsibility for Functions) stipulates those Planning Functions which are the responsibility of the Professional Lead - ~~Development Management~~ Planning.

DELEGATED DECISION MAKING

19.135 In determining Planning Applications under the delegated powers the Professional Lead - ~~Development Management~~ Planning shall have regard to:

- 19.135.1 the Planning Committee Determination Principles; and
- 19.135.2 the necessity of ensuring that Councillors are made aware of such Planning Applications which relate or affect their electoral division;
 - 19.135.2.1 when submitted; and
 - 19.135.2.2 when approved or refused (together with the officer's report).
- 19.135.3 the requirement for the relevant line manager to countersign case officer reports on delegated decisions.

19.136 Where the Professional Lead – ~~Development Management~~ Planning has a conflict of interest in relation to a planning application to be determined under the Scheme of Delegation, determination of that application will be taken by 2 Principal Planning Officers in his / her place.

PLANNING APPLICATIONS SUBMITTED BY OFFICERS

19.137 Proposals for development by officers of ~~Development Management~~ Planning and their relatives and close friends can easily give rise to suspicions of impropriety. It is vital that they are handled in a way that gives no grounds for accusations of favouritism.

19.138 Any member of staff within ~~Development Management~~ Planning shall not prepare plans or act as Agent for any person or body (including themselves, members of their own family) pursuing a planning application or planning matter with the Council. If such an officer submits their own application, they shall take no part in the processing of that application and shall appoint an Agent or Representative. Such proposals shall be reported to the Planning Committee for consideration and determination. The Solicitor to the Planning Committee must confirm that these requirements have been complied with.

19.139 A Planning Application by an officer within ~~Development Management~~ Planning must be processed by an officer under different line management

19.140 A Planning Application submitted to the Council by an officer within the Senior Leadership Team or any other officer who has regular contact with ~~Development Management~~ Planning in the planning process shall be determined by the Planning Committee. In the event of any doubt the

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matter shall be determined by the Solicitor to the Planning Committee in consultation with the Chair and Vice-Chair of the Planning Committee.

- 19.141 Any officer who is related to a Member, when submitting a planning application should refer to Rule 19.86.
- 19.142 An officer (not within ~~Development–Management~~Planning) shall not prepare plans or act as Agent for any person or body other than themselves or close members of their family (i.e. spouses, partners, parents, grandparents, children, brothers or sisters).

PLANNING APPEALS

PROCEDURE FOR DEALING WITH APPEALS

- 19.143 The Lead Professional, Legal is responsible for determining who should present a case at appeal / examinations and which witnesses should be called on behalf of the planning authority and generally for the care and conduct of the Appeal or hearing.
- 19.144 Officers of Legal and ~~Development–Management~~Planning will organise the Council's case and generally the latter will appear as witnesses at planning inquiries and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council, particularly where specialist support is necessary.
- 19.145 In giving evidence ~~Development–Management~~Planning officers will present the best possible case on behalf of the Council whilst also complying with the RTPI Code of Professional Conduct.
- 19.146 Where a Planning Committee decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Planning Committee that they are unable to defend such decisions, the Professional Lead - ~~Development–Management~~Planning shall report notice of the appeal to the next planning meeting of the Planning Committee.
- 19.147 Where a Planning Committee decision contrary to the recommendation of the Professional Lead - ~~Development–Management~~Planning is the subject of an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, members of the Planning Committee who supported the decision may be called to present evidence at the appeal if deemed necessary by the Lead Professional, Legal. Councillors shall be provided with support in preparing their submissions for an Inquiry by the Council's own officers or by consultants. The Lead Professional, Legal shall provide a level of professional support for Councillors who are required to present an appeal to a Planning Inquiry.
- 19.148 The Professional Lead - ~~Development–Management~~Planning shall regularly report on appeal decisions
- 19.149 The Professional Lead - ~~Development–Management~~Planning will advise the Planning Committee of the outcome of enforcement appeal decisions.

TRAINING

TRAINING OF PLANNING COMMITTEE COUNCILLORS

- 19.150 The Council shall ensure that members of the Planning Committee satisfactorily complete Induction Training before first serving on the

SECTION 19 – PLANNING PROTOCOL

Planning Committee and undertake from time to time additional / refresher training in accordance with a training programme agreed by the Council.

- 19.151 Attendance records for planning training events shall be monitored. A Member who fails to attend the training sessions shall not be permitted to sit on the Planning Committee, until such training has been completed. A new member of the Council shall undertake a training session before they are permitted to sit on the Planning Committee.

TRAINING OF OTHER COUNCILLORS

- 19.152 Appropriate training for Councillors who do not sit on the Planning Committee will be arranged at regular intervals so as to enable them to properly discharge the role of Local Representative.

REVIEW OF DECISIONS

- 19.153 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 19.154 Attendance at the review site visits shall be restricted to Members of the Committee.

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