

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD BY TEAMS ON THURSDAY, 1 JULY 2021

PRESENT

County Councillor K Lewis (Chair)

County Councillors G Jones, L V Corfield, L George, E M Jones, M J Jones, F H Jump, H Lewis, D R Price, K Laurie-Parry, P C Pritchard, G Pugh, D Selby, K S Silk, L Skilton, M Weale, D H Williams, R Williams and J Wilkinson

1. APOLOGIES

Apologies for absence were received from County Councillors E Vaughan and G I S Williams.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 20 May 2021.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor R Williams declared a prejudicial interest in application 20/1625/FUL because the applicant was a neighbour and the proposed new access to the site was opposite land owned by him and his wife.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that no Member (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

There were no updates.

County Councillor R Williams having declared a prejudicial interest left the meeting.

4.2 20/1625/FUL Land to the West of School House, Llanfilo, Brecon, LD3 0RH

Grid Ref: E: 311976 N: 232210

Valid Date: 30/10/20

Community Council: Felin-Fach Community Council

Applicant: Emma Palmer

Location: Land to the West of School House, Llanfilo, Brecon, LD3 0RH

Proposal: Full planning application for erection of a new shed, installation of a Menage and stables, formation of a new access and associated works

Application Type: Full application

The Planning Officer advised that the site was currently used for keeping horses. A Manure Management Plan had been submitted and the officer advised that an application would need to be made in respect of Sustainable Drainage Systems (SuDS). The Committee noted that a condition was recommended to restrict the use of the development to domestic/hobby equestrian use only.

In response to a question, the Highways Officer advised that moving the access to the site would improve the visibility in both directions and the Highways Authority had no objections subject to the conditions detailed in the report.

The Planning Officer advised that Environmental Health had no objections and it was noted that the construction hours were the subject of a condition, so ensuring that there was no impact on the neighbouring properties. In respect of the impact of the lighting on the dark skies within Brecon Beacons National Park, the Planning Officer advised that the Ecologist was satisfied with the lighting plan. The officer advised that if the Committee was minded to approve the application a condition had been recommended that the lighting plan be adhered to in perpetuity.

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

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

County Councillor R Williams returned to the meeting. Councillor D Price left the meeting to attend to urgent business.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 13 May 2021 and 21 June 2021.

In response to a question regarding 21/0580/NMA [Non-Material Amendment] - Land At The Rear Of Bronllys CP School, Bronllys, Brecon Powys the Professional Lead Planning advised that the Delegated List detailed decisions made by officers under delegated authority. He advised that he would liaise with the local member regarding her concerns about this application, outside of the meeting. The Committee agreed to receive the list, acknowledging the local members concerns in respect of 21/0580/NMA.

Rights of Way

6.	DECLARATIONS OF INTEREST
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County Councillor H Williams declared an interest in Opposed creation and extinguishment Orders: Determination by Welsh Government - Creation and extinguishment Orders - bridleway 75, footpaths 3, 6, 56 and 71 (Community of Ystradgynlais) as he had spoken for the proposal at a previous meeting.

County Councillor H Williams having declared an interest left the meeting for the next item.

7.	OPPOSED CREATION AND EXTINGUISHMENT ORDERS: DETERMINATION BY WELSH GOVERNMENT
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The Committee considered a report on the Opposed creation and extinguishment Orders: Determination by Welsh Government - Creation and extinguishment Orders - bridleway 75, footpaths 3, 6, 56 and 71 (Community of Ystradgynlais).

The Committee noted that the orders had been made in February 2021 and objections had been received from the County Councillor in the adjoining ward. Most issues had been resolved but some were still outstanding. The Professional Lead - Countryside Access & Recreation advised that waymarker posts would be installed to facilitate the use of the proposed route.

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

RESOLVED	Reason for decision
That the file be sent, along with an officer's report in support of the Orders, to the Welsh Government, so that it may be determined by the Planning Inspectorate on their	As officer's recommendation as set out in the report which is filed with the signed minutes.

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County Councillor H Williams returned to the meeting.

8.	TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 - PUBLIC PATH ORDER PROPOSAL
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The Committee considered a report on the Town and Country Planning Act 1990, section 257 Public path Order proposal - Proposal to divert part of footpath 16, at land adjacent to Aberannell Bungalow, Beulah LD5 4UA (Community of Treflys).

In response to questions concerning the grant of planning permission, the Assistant Commons Registration and Definitive Map Officer advised that as the planning application and footpath application are governed by separate legislation they cannot be considered at the same time.

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

RESOLVED	Reason for decision
<ol style="list-style-type: none"> 1. That an Order be made to divert footpath 16, at land adjacent to Aberannell Bungalow, Beulah in the community of Treflys as shown on the plan at appendix B; 2. That if the Order is made and opposed, unless significant new information comes to light, it is submitted to the Planning Inspectorate for determination; 3. That the Council takes a neutral stance with respect to confirmation of the Order, if it is submitted to the Planning Inspectorate for determination. 	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p>

9.	OPPOSED STOPPING UP ORDER 2021: ABANDONMENT AND MAKING OF A DIVERSION ORDER UNDER TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
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The Committee considered the report regarding the Opposed Stopping Up Order 2021: Abandonment and making of a diversion Order under Town and Country Planning Act 1990, section 257 - Public footpath B59, land at Ysgol Gymraeg y Trallwng (Howell Road, Welshpool SY21 7SU (Community of Welshpool.) Proposed abandonment of Stopping Up Order 2021 and making of a new Diversion Order.

The local member advised the Committee that there had been no consultation on this latest proposal. He advised that this was not a sensible proposal, as there would be access to the school carpark.

The local member proposed that consideration of this should be deferred to enable discussions to take place between himself, the Town Council and the Education Service.

In response to a question the Assistant Commons Registration and Definitive Map Officer advised that as an objection had been raised in respect of the Stopping Up Order the Education Service agreed to consider the diversion proposed by the objector. She informed the Committee that a perimeter fence would be erected to separate the footpath from the school field and car park, so addressing safeguarding issues.

In response to questions the Professional Lead - Countryside Access & Recreation advised that if the Committee was minded to approve deferment, to allow discussions with the Education Service and the local member a few weeks delay would have some impact but this should be minimal. However, if a significantly different proposal was then put forward there could be significant delay. If an objection was received this would need to be considered by the Planning Inspectorate which could take a year or more.

It was moved to agree the officer recommendation.

The local member argued that he did not consider that the building of the school would be delayed as the car park would be the last thing to be provided. He considered that there should be proper consultation with the Town Council. His proposed deferment was seconded.

The Professional Lead - Countryside Access & Recreation in response to questions advised that a small section of the proposed school impacted on the current footpath. She advised any delay could potentially have an impact on the 21st Century school funds allocated to the development. She advised that the Extinguishment Order had not been referred to the Planning Inspectorate due to the potential delay in the later considering this. The Education Service had therefore sought to find a solution in respect of a diversion order. She advised that if the Committee was minded to approve as per the officer's recommendation and this was not opposed later there would be no delay. If approved and an objection was received the proposal would need to be referred to the Planning Inspectorate for consideration, which would mean a delay.

The Assistant Commons Registration and Definitive Map Officer advised that the Education Service had undertaken the correct consultation and sent the correct documents to consultees. Email reminders had been sent and consultees had been advised that if no response had been received it would be assumed they had no comments on the proposal.

The motion to agree officer's recommendation was seconded. The Solicitor advised that this second motion was an amendment to the proposal to defer consideration of the application and should therefore be taken first.

RESOLVED	Reason for decision
<p>1. That the Stopping Up Order made in April 2021 for part of footpath B59 under section 257 of the Town and Country</p>	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p>

<p>Planning Act 1990, as at appendix B, be formally abandoned; and</p> <p>2. That a diversion Order be made under section 257 of the Town and Country Planning Act 1990 in replacement to divert part of footpath B59 in the community of Welshpool as shown on the plan at appendix E.</p>	
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The Professional Lead - Countryside Access & Recreation agreed she would send information to the local member and the seconder of his motion on how to object to the above decision.

Taxi and other licensing

10. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the next item, which was being provided for information only.

11. UPDATE ON TAXI LICENSING STANDARDS IN WALES

The Committee noted the Welsh Government's plan to update the taxi licensing legislation and to develop a standardised policy across Wales. The Senior Licensing Officer advised that the draft policy would be brought to Committee in due course for consideration.

County Councillor K Lewis (Chair)