

## **MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 3 FEBRUARY 2022**

### **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, E Vaughan, G I S Williams, D H Williams, R Williams and J Wilkinson

### **1. APOLOGIES**

Apologies for absence were received from County Councillor M Weale.

### **2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 13 January 2022.

## **Planning**

### **3. DECLARATIONS OF INTEREST**

(a) County Councillor H Williams declared a prejudicial interest in application 20/1314/FUL as he had spoken about the application at previous meetings and it could be deemed that he was predetermined.

County Councillor L George declared a prejudicial interest in application 20/1241/FUL as he had taken part in discussion at community council meetings and indicated he was not in favour of the application.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown and Llanllwchaiarn Community Council where discussion had taken place of matters for the consideration of this Committee, in which he took no part.

(c) County Councillor L Corfield (who is a member of the Committee) declared that she would be acting as 'local representative' in respect of application 21/0422/FUL.

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

### **4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE**

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

#### 4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day.

#### 4.2 21/1660/FUL Cedewain School, Plantation Lane, Newtown, SY16 1LH

<b>Grid Ref:</b>	E: 309990 N: 290353
<b>Valid Date:</b>	02/11/21
<b>Community Council:</b>	Newtown and Llanllwchaiarn Town Council
<b>Applicant:</b>	Powys County Council
<b>Location:</b>	Cedewain School, Plantation Lane, Newtown, SY16 1LH
<b>Proposal:</b>	Demolition of all buildings currently associated with the existing Ysgol Cedewain Additional Learning Need (ALN) School site. Erection of a new 2 Storey Additional Learning Need School, formation of Multi Use Games Area, external services yard compound, sports pitch, new 45 space car parking area including 4 electric charging bays, new vehicular access off Plantation Lane, landscaping works and all associated works
<b>Application Type:</b>	Full Application

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those in the update report.

In response to a question regarding the use of the open spaces and facilities the Principal Planning Officer advised that the Education Service had advised that there was a possibility that the open space could be used in the future by the community. Comment was made that the community had been able to use the open space to date and if it could not be used in the future, it would be another loss to the area, which had already lost the community centre and pub. The Solicitor and the Professional Lead – Planning in response to a question confirmed that if the Committee was minded to approve the application a commentary could be added making strong representations to the Education Service to work hard to allow the community to use the facilities on the site outside of school hours.

In response to questions regarding site access, the Principal Planning Officer advised that the existing access to the primary school would continue to be used. However, usage would be reduced as a new access was included for the new development. The Highways Officer in response to a question regarding the number of Electric Vehicle [EV] charging points advised that Future Wales Development Plan Policy 12 required that 10% of parking allocation on a site should be provided as EV charging points.

In respect of the right of way, the Assistant Commons Registration and Definitive Map Officer advised in response to a question that the proposed new line of the public footpath would run along the edge of the school site and a 2.1 metre fence would be erected on the school side of the path.

The Professional Lead - Planning in response to a question regarding the sustainability of the development advised that the development would meet BREAM standards. In response to a question regarding the height of the development the Principal Planning Officer advised that although at the maximum the building was 9.8 metres the building was not considered to be overbearing due to its design and its location away from sensitive receptors and with the backdrop of the industrial buildings. Concerns were raised regarding the proposed cladding and the weathering of the timber. The Principal Planning Officer advised that if the Committee was minded to approve the application a condition could be added seeking prior approval of the timber cladding to ensure that the most suitable materials are used.

It was moved and duly seconded to approve the application as recommended in the update report with the addition of a condition regarding the cladding and a commentary seeking the Education Service to allow the local community to have access to the open space and facilities on the site.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and that the following condition be added: seeking prior approval of the timber cladding to ensure that the most suitable materials are used and that a commentary seeking the Education Service to allow the local community to have access to the open space and facilities on the site.</b></p>	<p><b>As officer's recommendation as set out in the update report which is filed with the signed minutes.</b></p> <p><b>To include an additional planning condition to ensure appropriate materials are used, and to include a commentary to encourage the Education Service to consider the wider community role of the school.</b></p>

County Councillor H Williams having declared a prejudicial interest left the meeting for the following item.

Councillors D Price, D Selby and J Wilkinson muted their microphones and took no part in the discussions or the vote in respect of the next item, as they were not present at the previous meeting, at which the application was deferred.

#### 4.3 20/1314/FUL Land at Brynygroes Farm, Ystradgynlais, SA9 1LF

**Grid Ref:** E: 299115 N: 267747

**Valid Date:** 21/08/2020

**Community Council:** Ystradgynlais Town Council

**Applicant:** Mr Matthew Morgan

**Location:** Land at Brynygroes Farm, Ystradgynlais, SA9 1LF

**Proposal:** Full planning application for residential development and associated works

**Application Type:** Full Application

The Senior Planning Officer advised that the applicant had addressed the issues of sustainability, justification for the reduced parking provision, Welsh language action plan and the provision of play equipment raised by the Committee at the meeting in December 2021.

In response to questions the Highways Officer advised that there was a dedicated active travel route from the development to the A4607 and a signalised crossing on that road. Due to the gradient of the site the active route was designed to ensure that it could be used by all users.

In respect of the deregistration of the Common Land, the Assistant Commons Registration and Definitive Map Officer advised in response to a question that the Planning Inspectorate had considered this on behalf of the Welsh Government and the latter had granted this.

County Councillor H Lewis and R Williams left the meeting for other Council business.

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

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

County Councillors H Williams re-joined the meeting and County Councillors D Price, D Selby and J Wilkinson unmuted their microphones [this was because they had not been present when the application was discussed previously by the committee and that being the case, they did not take part in discussions or vote in respect of the above resolution].

County Councillor L Corfield left the meeting for the following item as she would join the meeting as a speaker.

4.4 21/0422/FUL Land Near To St Mary The Virgin Church, Trelystan ,  
Welshpool, SY21 8LD

<b>Grid Ref:</b>	E: 326265 N: 303958
<b>Valid Date:</b>	17/03/21
<b>Community Council:</b>	Forden With Leighton & Trelystan Community Council
<b>Applicant:</b>	Mrs J Jones
<b>Location:</b>	Land Near to St Mary The Virgin Church, Trelystan, Welshpool, SY21 8LD
<b>Proposal:</b>	Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit
<b>Application Type:</b>	Full Application

The Principal Planning Officer advised that since the update report had been circulated, eight letters of objection had been received.

County Councillor L Corfield spoke as the local representative.  
Mrs D Stevens, Mr R Stevens and Mrs A Batten spoke as objectors.  
Mr G Clark spoke as the Agent on behalf of the applicant.

In response to questions regarding the listed building the Principal Planning Officer advised that the listed building had been taken into consideration and the Built Heritage Officer had advised that the visual impact would be neutral. The Built Heritage Officer advised that the impact on the listed building had to be balanced against the financial benefits to the church and the communal benefits of bringing more people to the church. He stated that steps had been taken to mitigate the impact of the marquee by locating it further away from the listed building and also changing the colour of the roof. He advised that taking all this into account there was a neutral impact on the setting and that the marquee should be tied to the usage of the church through the S106.

Concerns were raised about the noise levels in the marquee and the impact on the church and neighbours. It was noted that the Environmental Health Officer had recommended that noise levels should not exceed 30db, which was said to be equivalent to a quiet whisper and which was not seen as achievable for the proposed use of the marquee.

In response to a question the Principal Planning Officer advised that Shropshire County Council had not been consulted. In respect of the work which seems to have been carried out at the site Development Management would have to consider whether any changes had been made on the site, whether these were allowed under permitted development rights or whether these required investigating and enforcement action taken in the event of the application being refused.

Concerns were raised about the S106 agreement, as drafted, as it did not seem to tie the marquee directly to the use of the church as ceremonies could also be held in the marquee and not the church or both being used at the same time. It was noted that the Built Heritage Officer had indicated that to mitigate the impact on the church the use of the marquee should be tied directly to the use of the church.

The Highways Officer in response to a question regarding the new Highway Code which refers to the distance between drivers and horse riders advised that drivers could not comply with this due to the limited space on the access road. He advised that there are limited passing facilities on the highway in this area. Concerns were raised about the increased use of the narrow road. In respect of permitted development rights the Principal Planning Officer advised that the marquee could be used for 28 days in a calendar year with no restrictions on visitor numbers or the times of year the marquee could be erected.

In response to a question regarding the views of the Church, the Professional Lead – Planning advised that the Diocese of Hereford had supported the application in December 2020. Comment was made that the opinion may have changed since this response. The Committee noted the differences in the financial benefits to the church quoted by the agent and the vicar which were quoted by an objector.

It was moved and duly seconded to defer the application to enable the S106 agreement to be made more concise to ensure it ties the marquee to the church, to consult Shropshire County Council and the Diocese, for the applicant and church to clarify the financial benefits to the church, to review the noise issues and consider the highways issues.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be deferred.</b>	<b>To enable the S106 agreement to be made more concise to ensure it ties the marquee to the church, to consult Shropshire County Council and the Diocese, for the applicant and church to clarify the financial benefits to the church, to review the noise issues and consider the highways issues.</b>

Comment was made that advice from the Welsh Government regarding the Built Heritage issue should be sought, to support the Committee’s further consideration of the application.

County Councillors M J Jones and K Laurie-Parry did not vote as they were not present for the whole discussion.

County Councillor L Corfield re-joined the meeting.

County Councillor L George having declared an interest left the meeting for the following item.

4.5 20/1241/FUL Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU

<b>Grid Ref:</b>	E: 294486 N: 299084
<b>Valid Date:</b>	30/09/2020
<b>Community Council:</b>	Carno Community Council
<b>Applicant:</b>	Corrine Adlington
<b>Location:</b>	Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU
<b>Proposal:</b>	Conversion of existing barn to 5 holiday let units, the change of use of an agricultural building to a communal recreational area and all associated works.
<b>Application Type:</b>	Full application

The Principal Planning Officer advised that if the Committee was minded to approve the application the conditions were those in the update report.

In response to questions regarding water pollution the Professional Lead – Planning advised that the area was not in a SAC catchment. It was noted that Natural Resources Wales [NRW] had approved the previous application for the conversion of a barn to a dwelling. NRW had raised no objections regarding the proposed development subject to an Environmental Permit being sought. Concerns were raised about a tank and foul water facility being located in the brook and in a location that was liable to flood. The Principal Planning Officer advised that the previous application included a foul water system for up to eight people and the current application was to upgrade this facility to cater for up to 20 people. The Principal Planning Officer advised that Land Drainage had considered the flooding consequences assessment and had no objections subject to mitigations and conditions.

It was considered that NRW should be asked to visit the site if an environmental permit had not been issued.

County Councillor K Laurie-Parry made a personal statement - from the actual documentary evidence put forward to us today and the possibility that NRW and Environmental Services have not been to the site, I am deeply concerned as a Planning Committee politician that the statutory bodies taking this approach, which is clearly not in line with current regulations are damaging, in my belief, that the stance or the advice to the Planning Committee that NRW and Environmental Services as statutory bodies are making is damaging, in my belief, the reputation of Powys County Council's planning services and does not do justice to our decision making powers.

It was moved and duly seconded to approve the application as recommended by the officers and that NRW should be asked to visit the site if an environmental permit had not been issued.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and that officers should write to NRW asking them to visit the site if an environmental permit had not been issued.	As officer's recommendation as set out in the update report which is filed with the signed minutes.

County Councillor L George returned to the meeting.

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 5 January 2022 and 26 January 2022.

<b>6.</b>	<b>APPEAL DECISIONS</b>
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The Committee received a copy of the Planning Inspectorate's letters regarding the following appeals:

- application 21/0183/AGR - Mathafarn, C2164 From Junction with B4404 Cemmaes Road Near Mathafarn to Junction with Access Road for Llanwrin, Machynlleth SY20 8QJ. The Committee noted that the Inspector had dismissed the appeal.
- application 20/2031/OUT - Church Field, Nant Glas, Llandrindod Wells, LD1 6PA. The Committee noted that the Inspector had dismissed the appeal. The Committee also noted that the Planning Inspector had refused the application for an award of costs.

<b>Rights of Way</b>
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<b>7.</b>	<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest regarding the next item.

<b>8.</b>	<b>TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 PUBLIC PATH ORDER PROPOSAL</b>
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The Committee considered the proposal to divert part of public footpath N1 on land at Ysgol Cedewain, Plantation Lane, Newtown SY16 1LH (Community of Newtown & Llanllwchaiarn).

In response to questions regarding the fencing of the path from the school site the Assistant Commons Registration and Definitive Map Officer advised that they



would seek assurance from the Education Service regarding this and add this to the works associated with the order.

It was moved and duly seconded to approve the officer's report and that assurance should be sought from the Education Service regarding the provision of a fence on the school side of the path.

**RESOLVED**

**That an Order be made to divert part of footpath N1, on the land at Ysgol Cedewain, Plantation Lane, Newtown as shown on the plan at appendix C and that officers would seek assurance from the Education Service the path is fenced from the school site and that this is added to the works associated with the order.**

Reference had been made earlier in the meeting to the new Highway Code regarding the distance drivers should be from other road user. The Chair agreed to ask Highways Officers for advice on the implications of this on the Powys highways.

**County Councillor K Lewis (Chair)**