

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 16 MARCH 2023**

PRESENT

County Councillor K Lewis (Chair)

County Councillors G D Jones, T Colbert, A Davies, D Edwards, L George, H Hulme, P James, A Jones, G E Jones, C Kenyon-Wade, I McIntosh, G Morgan, G Pugh, E Roderick, R G Thomas, E Vaughan, J Wilkinson and D H Williams

**1. APOLOGIES**

There were no apologies for absence.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 22 February 2023.

**Rights of Way**

**3. DECLARATIONS OF INTEREST**

Councillor A Davies advised that two locations referred to in the Powys Local Access Forum's annual report are in her ward.

**4. POWYS LOCAL ACCESS FORUM - ANNUAL REPORT 2021-2022**

The Chair welcomed Mr Graham Taylor Chair, Powys Local Access Forum [LAF], Councillor Gareth E Jones, the Council's representative on the Forum and Sian Barnes, Professional Lead - Countryside Access & Recreation.

Mr Taylor thanked the Committee for writing to the Minister regarding the funds available to consider public path orders and the need to reduce the bureaucracy associated with these and he noted the response. He thanked the Countryside Access & Recreation Team for their work, which was undertaken with limited resources.

He advised that since his last presentation to the Committee in 2021 the number of outstanding public reports regarding problems with rights of way was now over 10000. The poor state of footpaths negatively impacted on some of the Council's key priorities:

- improving people's physical and mental health of residents and increasing equality - the state of the network impedes people's access.
- stimulate the visitor economy - many visitors to the area were being put off visiting again as only one third of the routes were accessible.
- improving biodiversity - the lack of obvious paths on the ground means people will find a way and may inadvertently damage valuable areas, such as bogs and nesting sites in open areas.

County Councillor K Lewis arrived.

The LAF considered a range of things could be done to transform access to rights of way including such things as:

- Other Cabinet members looking at their Portfolios to see what they can do to help improve the situation, such as those who have responsibility for land or property could undertake an audit to see where rights of ways exist and that they ensure they are meeting their responsibilities of keeping these rights of way accessible.
- The Committee should ask questions regarding rights of ways when considering planning applications.
- Windfarm applications refer to community benefits and these funds could be used for improving rights of ways.
- Review the existing references to rights of way in the current Local Development Plan [LDP] to see if they have resulted in the desired effects and include new rights of way provisions in the replacement LDP.
- A transformation programme for ROW was needed.
- Effective enforcement action was required where landowners were blocking rights of ways.
- Utilising the Shared Prosperity Fund to increase signage and waymarks.
- Revising the criteria used when determining the priority given to reports of problems with rights of way.
- Making use of apprentices.

In response to questions Mr Taylor advised that volunteers could be involved in a range of work. The Professional Lead - Countryside Access & Recreation advised that volunteers would be assisting with the updating of information on the database about the work of volunteers in the field. However, there were confidentiality issues regarding using them to support other work such as helping with Definitive Map Orders [DMOs].

County Councillor E Roderick arrived.

Councillor Gareth E Jones the Council's representative on the Forum congratulated the small Team for their work. He considered that the number of problems on the footpath network was significantly underreported, the use of the Shared Prosperity Funding for improving signposting needs to be expanded and the Council should work with the National Farmers Union [NFU] and National Farmers Union Wales [NFUW] to communicate to farmers about their responsibilities to maintain rights of way and ensure they are accessible. If the Council was not meeting its statutory duties in other service areas inspectors would be involved and so the Council needs to review this area of its responsibilities and review its budgetary commitments for 2024 onwards.

In response to questions about how town and community councils can be involved in the work, Mr Taylor advised that the Open Spaces Society had published a guide on what they can and cannot do in respect of issues. Town and community councils could use their networks to encourage landowners to improve the network. The Committee noted that discussions were taking place regarding the sponsorship of signs by local companies which could contribute to the improvement of signage.

In his final remarks to the Committee, Mr Taylor quoted the following extract from Welsh Government Guidance which says that local authorities:

“Should ensure that sufficient resources are devoted to meeting their statutory duties with regard to the protection and recording of public rights of way and that the rights of way network is in a fit condition for those wish to use it”.

Mr Taylor was thanked for attending the meeting.

## 5. COUNTRYSIDE ACCESS AND RIGHTS OF WAY WORK

The Committee noted the correspondence between the Committee Chair, on behalf of the Committee and the Frist Minister, Rural Affairs and North Wales and Trefnydd.

### Planning

## 6. DECLARATIONS OF INTEREST

- (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.

## 7. 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).

### 7.1 Updates

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

### 7.2 22/1033/FUL Former Motorworld Site, Gas Street, Newtown SY16 2AB

**Grid Ref:** E: 310979 N: 291595

**Valid Date:** 14/07/22

**Community Council:** Newtown and Llanllwchaiarn Community Council

<b>Applicant:</b>	Mr N Bryant
<b>Location:</b>	Former Motorworld Site, Gas Street, Newtown, SY16 2AB
<b>Proposal:</b>	Demolition of existing building, erection of a building containing a ground floor retail space and 6 flats above, to include with associated auxiliary spaces and all associated works

**Application Type:** Full application

Mrs T Davies spoke against the application.

Mr G Jones spoke as the Agent.

The Committee noted that this site was a prime brownfield site for development and that it was within the conservation area. The design and impact of the building on the surrounding area was of importance and it was noted that extensive work had been undertaken by the Built Heritage Officer to ensure that a suitable building was forthcoming. However, the Committee noted that the Built Heritage Officer had advised that insufficient regard had been paid of his advice and therefore he recommended refusal. In response to a question the Built Heritage Officer advised that the ridge height elevation on the street was 6m and the proposed height was 13m.

Questions were asked about car parking and the Highways Officer advised that as this was a town centre development, where there was public parking, that on balance no designated parking was required. In response to a question the Built Heritage Officer advised that if the parapet was removed from the design the development would, in principle, be more acceptable. In light of this, it was moved and duly seconded to defer the application to enable the agent and developer to consider the Built Heritage Officer's advice. This was put to the vote and lost.

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

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be refused.	1. The development would harm the settings of the listed buildings known as The Bank Antiques (Cadw ID: 8104), Bank Place (Cadw ID: 8102) and Bank Place (Cadw ID: 8103). Therefore, the development would fail to have special regard to the desirability of preserving the listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, the development would

**be contrary to Policy SP7 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Historic Environment Including Historic Environment Record (Adopted July 2021), Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (Edition 11, 2021).**

**2. The development would fail to preserve the appearance of the Newtown Conservation Area under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development would be contrary to Policies SP7 and DM13 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Conservation Areas Adopted January 2020, Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (Edition 11, 2021).**

**3. The development has not been designed to complement or enhance the character of the surrounding area in terms of appearance, integration, scale, height, massing, and design detailing. Therefore, the development is contrary to Policy DM13 of the Powys Local Development Plan (2011-2026), Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Residential Design (Adopted January 2020), Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales (Edition 11, 2021).**

County Councillors T Colbert and E Roderick left the meeting.

7.3 22/1342/FUL Fir View Tan y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT

**Grid Ref:** E: 311619 N: 310318

**Valid Date:** 19/08/22

**Community Council:** Llangyniew Community Council

**Applicant:** Sheehan

**Location:** Fir View, Tan y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT

**Proposal:** Change of use of land to static caravan park, including the installation of 20 static caravans, creation of internal road layout and landscaping

**Application Type:** Full application

Mr G Watkins spoke on behalf of Llangyniew Community Council.  
Mr N Jones spoke against the application.  
Mr G Jones spoke as the Agent.

In response to comments made about the compliance to the conditions in respect of the previous planning permission, the Principal Planning Officer advised that if there were issues, these should be reported and investigated and if appropriate enforcement action would be taken.

In respect of the proposed evacuation route the Principal Planning Officer advised the route was not in the ownership of the applicant but the latter had served notice and followed correct procedures. He advised that the owner of the evacuation route had not raised any objections. The Committee noted this but raised concerns that if the landowner was undertaking tree felling operations, the evacuation route could be blocked and the developer has no control over such events.

Comment was made about the cumulative and visual landscape impact of adding more caravans to the site. The Professional Lead Planning advised member that if they were minded to go against the officer's recommendation and consider refusing the application, they would need to articulate sound planning reasons for doing so. If they were minded to do this, an alternative was to use a "cooling off" period to consider reasons for refusal and bring this back to the next meeting. He advised that where a developer may not be complying with planning conditions in respect of a previous application, this could not be used as a reason for refusing the current application. The Solicitor advised that if reasons for refusal are weak and unreasonable this would expose the Authority to the risks of cost if the case was lost at appeal.

In response to questions regarding the volume of traffic for the proposed development the Highways Officer advised that there was capacity on the roads for the increase in traffic and the access was acceptable. As a result there were no highways grounds for refusing the application.

The following reasons for refusal were suggested: the cumulative landscape impact of more caravans was detrimental to the landscape and surrounding area and that as the evacuation route was not in the ownership of the developer it could not be operational under all circumstances in accordance with TAN15. The Principal Planning Officer advised that this could be considered as an infill site surrounded by existing caravans and a landscaping plan was included in the conditions.

It was moved and duly seconded to refuse the application contrary to officer's recommendation and to delegate the wording of the refusal to the Professional Lead Planning in consultation with the Chair and Vice Chair.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be refused contrary to the officer's recommendation with the final wording of the reasons for refusal delegated to the Professional Lead – Planning in consultation with the Chair and Vice-Chair of the Committee</b></p>	<ol style="list-style-type: none"> <li><b>1. The proposed development fails to demonstrate that in a flooding event the development will be served by an escape / evacuation route which is operational and accessible at all times. In light of this it is therefore considered the proposed development is contrary to Planning Policy Wales, Technical Advice Note 15 and Policy DM5 of the Powys Local Development Plan.</b></li> <li><b>2. The proposed development is considered to have a detrimental impact, individually and cumulatively, on the valued characteristics and qualities of the Powys landscape and is therefore considered contrary to Policies DM4, DM13 and TD1 of the Powys Local Development Plan, the Landscape Supplementary Planning Guidance and Planning Policy Wales.</b></li> </ol>

<b>8.</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 14 February 2023 and 8 March 2023.

<b>9.</b>	<b>APPEAL DECISION</b>
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The Committee received a copy of the Planning and Environment Decisions Wales letters regarding appeals in respect of the following applications:

- Applications 21/1374/HH and 21/1375/CAC - 58 Mill Road, Knighton LD7 1RT. The Committee noted that the Inspector had upheld the appeals.
- Application 21/2258/FUL - The Rhos Farm, Kinnerton, Presteigne, Powys, LD8 2PD. The Committee noted that the Inspector had dismissed the appeal.

The Chair noted that the Committee had received an email from a member of the public regarding policy TD1 tourism development. The Professional Lead Planning advised that a policy should be read in full, to understand the context, rather than considering just extracts. In addition, a policy should also be considered in context with all policies in the plan. The wording of the policy will be reviewed during the development of the Replacement Local Development Plan.

**County Councillor K Lewis (Chair)**