

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 30 JANUARY 2025

PRESENT

County Councillor G D Jones (Chair)

County Councillors T Colbert, A Davies, D Edwards, C Hall, P James, E Jones, G E Jones, C Kenyon-Wade, G Morgan, G Pugh, E Roderick, E Vaughan, J Wilkinson and D H Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors A Jones and K Lewis.

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 21 November 2024.

Planning

3.	DECLARATIONS OF INTEREST
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(a) County Councillor J Wilkinson declared an interest in application 24/0525/FUL because he owns the land/farm.

County Councillor G D Jones declared an interest in applications 24/1628/FUL and 24/1627/HH because he owns the property.

(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 Councillor J Yeomans (who is not a member of the Committee) would be speaking as the 'local representative' in respect of an application on the agenda.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

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

4.2 24/0346/FUL Meteorological Mast On Aberedw Hil, Cregrina, Builth Wells, Powys

Grid Ref:	E: 309641 N: 252128
Valid Date:	25/03/24
Community Council:	Aberedw Community Council
Applicant:	Aberedw Energy Park Limited
Location:	Meteorological Mast On Aberedw Hil, Cregrina, Builth Wells, Powys
Proposal:	Application for temporary planning permission for an anemometer mast of up to 122.5m in height (including instruments) with associated stockproof fencing, for five years
Application Type:	Full Application

The Senior Planning Officer advised that a further third-party response had been received since writing her report. She advised that no new issues had been raised and all issues had been addressed in her report.

In response to a question the Senior Planning Officer advised that the proposed site was not within a pre-assessed area for wind farms. However, Future Wales does allow developments outside of these areas. It was noted that the proposed development is on common land. The Professional Lead - Countryside Access and Recreation advised that an application for a “temporary works consent” would need to be made to Planning & Environment Decisions Wales [PEDW] for determination. She advised that PEDW are currently advising in their guidance that unopposed applications can take up to three months to be determined and longer if objections are received. PEDW would consider any planning permission if granted. She advised that a member of the public or organisation can apply to the court if they consider development on common land is unlawful.

The Senior Planning Officer advised that the Ministry of Defence [MOD] had been consulted and had no objections to the development subject to conditions regarding aviation safety lighting and being notified of the commencement of the development. The Professional Lead - Planning advised it was for the MOD to advise on any issues regarding the cumulative impact of masts in any area. In response to a question the Senior Planning Officer advised that the Civil Aviation Authority had been consulted.

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.

4.3 24/0553/OUT Development at Argae Fields, New Mills, Newtown, Powys

Grid Ref: E: 309591 N: 300794

Valid Date: 16/04/24

Community Council: Dwyriw Community Council

Applicant: Mr & Mrs David Wierzbinski

Location: Development at Argae Fields, New Mills, Newtown, Powys

Proposal: Outline: Erection of an agricultural worker's dwelling with garage, installation of a septic tank and all associated works

Application Type: Outline planning

The Senior Planning Officer advised that the Professional Lead – Planning had called-in the application.

Councillor J Yeomans spoke as the local representative.
Mr I Pryce spoke as the Agent.

In response to a question the Highways Authority advised that the access to the site would be considered under a reserved matters application if the Committee was minded to approve the application.

Comments were made that the resolve of the applicants to develop their rural enterprise should be supported. Technical Advice Note [TAN] 6 was outdated and time and financial tests have both been met. However, further comment was made that the officer's report advised that the functional need for a permanent dwelling and financial basis had not been proven. It was noted that TAN6 does allow for a temporary dwelling to be approved which would allow for further evidence to be collected as to whether a permanent dwelling was justified.

It was noted that the Community Council supported the application.

The Professional Lead – Planning reminded the Committee it needs to consider the application in line with planning policy. The first test in TAN6 to be considered is whether there is a functional need and if this is satisfied the financial, time and other dwelling tests should then be considered. The

Committee needs to be satisfied that to live at that site is necessary for the functioning of the business for unexpected circumstances. He advised that the officers were not aware of the new beef calving business, which was referred to by the Agent and there is no evidence to say whether this will be successful or not. In respect of the size of the dwelling he advised that if Committee were to grant permission and the business did not continue, the dwelling could be used as an affordable house in the countryside. If Committee are minded to go against the officer's recommendation the Planning Protocol requires the Committee to state the planning reasons prior to going to the vote.

In response to a question regarding financial viability the Senior Planning Officer advised that TAN6 requires a business to be operational for at least three years and profitable for one. Accounts had been submitted for 2022 and 2023 and the net profit had grown year on year since 2018, so there is growth in the business. It was noted that there is a financial risk, as much of the land is rented and if that is lost and other land does not become available this could affect the viability of the business.

In response to a question the Senior Planning Officer advised that the uppermost floor limit for an affordable dwelling is 115sq metres and the application is for a maximum size of 135sq metres. If the Committee was minded to approve the application, officers would recommend an occupancy condition to control the occupancy. Allowing a larger dwelling could make it unaffordable in the future for people in need of affordable housing. The other option would be to leave the size of the dwelling to be considered at reserved matters.

It was moved and duly seconded to approve the application contrary to the officer's recommendation, to support and facilitate growth of a rural enterprise, that the size of the dwelling be considered at reserved matters and that the dwelling be tied to the land via a S106 legal agreement for amenity reasons and that it be delegated to the Professional Lead – Planning in consultation with the Chair to agree conditions.

RESOLVED:	Reason for decision:
<p>that the application be approved contrary to the officer's recommendation and that</p> <ol style="list-style-type: none"> 1. the size of the dwelling be considered at reserved matters and 2. that the dwelling be tied to the land via a S106 legal agreement and it be delegated to the Professional Lead – Planning in consultation with the Chair to agree conditions. 	<p>To support a rural enterprise</p>

4.4 24/0741/FUL Development Land West of Maes-Yr-Esgob, Llanrhaeadr-ym-Mochnant, Oswestry, Powys, SY10 0LL

Grid Ref:

E: 312724 N: 325959

Valid Date: 10/06/24

Community Council: Llanrhaeadr-Ym-Mochant Community Council

Applicant: Ms Nicola Downes

Location: Development Land West of Maes-Yr-Esgob, Llanrhaeadr-ym-Mochnant, Oswestry, Powys, SY10 0LL

Proposal: Residential development of 18 affordable dwellings, creation of new access roads and associated works

Application Type: Full Application

The Senior Planning Officer referred the Committee to the Update report.

In response to comments made regarding the design of new housing developments the Senior Planning Officer advised that the design is a material consideration and Development Management can influence the design and this encouraged from the pre-application stage. The Professional Lead – Planning advised that Building Regulations would control for example the size of doors and it would be for the Housing Authority to consider if there was any need to provide housing for people with disabilities.

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

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

Councillor J Wilkinson having declared an interest left the meeting for the next item.

4.5 24/0525/FUL Dyffryn, Meifod, SY22 6HL.

Grid Ref: E: 314827 N: 312863

Valid Date: 24/5/24

Community Council: Meifod Community Council

Applicant: EM & JR Evans

Location: Dyffryn, Meifod, SY22 6HL

Proposal: Erection of an extension to an agricultural livestock building and all associated works

Application Type: Full Application

The Solicitor advised that as the application site is owned by a councillor, she had reviewed the file, as required in the Planning Protocol. She confirmed that the application had been processed appropriately.

The Senior Planning Officer advised that if the Committee was minded to approve the application, Natural Resources Wales [NRW] had asked that it be advised prior to the decision being issued in accordance with TAN15. This would allow NRW the opportunity to provide further comment to ensure consequences of flooding can be managed acceptably. In response to a question the Senior Planning Officer advised that a bund was not suggested by NRW and if one was included this might displace the flood elsewhere. She advised that NRW had approached the agent for an updated flood consequences report, but they had not responded.

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

RESOLVED:	Reason for decision:
<p>that the Committee was minded to grant consent, subject to</p> <ol style="list-style-type: none"> 1. Referral to NRW prior to issuing the decision notice, and 2. the conditions set out in the report which is filed with the signed minutes taking account of any recommendation from NRW. 	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p>

County Councillor J Wilkinson returned to the meeting room.

4.6 24/1012/REM Land At Church House Farm, Llanwnog, Caersws, Powys, SY17 5JG

Grid Ref: E: 302027 N: 293805

Valid Date: 10/07/24

Community Council: Caersws Community Council

Applicant: Tyn Y Bryn Farms

Location: Land At Church House Farm, Llanwnog, Caersws, Powys, SY17 5JG

Proposal: Section 73 application to vary condition no. 10 of outline approval P/2017/0368 (drainage details)

Application Type: Removal or Variation of Condition

The Solicitor advised that, as the applicant is a close relative of a councillor, she had reviewed the file, as required in the Planning Protocol. She confirmed that the application had been processed appropriately.

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 update 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 G D Jones having declared an interest in the next two planning applications left the meeting room.

4.7 Appointment of member to Chair the meeting for the following two applications

The Committee appointed Councillor J Wilkinson to chair the meeting for items 4.8 and 4.9. The meeting adjourned for 10 minutes to allow the officers to brief the Chair regarding these applications.

County Councillor H Williams left the meeting.

4.8 24/1628/FUL Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU.

Grid Ref: E: 309007 N: 306393

Valid Date: 15/11/24

Community Council: Llanfair Caereinion Community Council

Applicant: SM & GD Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Proposal: Erection of an agricultural building for manure storage

Application Type: Full Application

The Solicitor advised that, as the applicant was a councillor, she had reviewed the file, as required in the Planning Protocol. She confirmed that the application had been processed appropriately.

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

RESOLVED:	Reason for decision:
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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.
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4.9 24/1627/HH Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Grid Ref: E: 309007 N: 306393

Valid Date: 08/11/24

Community Council: Llanfair Caereinion Community Council

Applicant: SM & GD Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Proposal: Erection of a two storey side extension and associated works

Application Type: Householder

The Solicitor advised that as this was an application from a councillor, she had reviewed the file, as required in the Planning Protocol. She confirmed that the application had been processed appropriately.

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 G D Jones returned to the meeting room and resumed the Chair.

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 15 November 2024 and 22 January 2025.

6. APPEAL DECISION[S]

The Committee received the Planning and Environment Decisions Wales [PEDW] letter regarding the appeal in respect of application 23/1910/FUL - Land

opposite Brynllwarch Garden, Kerry, Newtown, SY16 4PD. The Committee noted that PEDW had dismissed the appeal.

7. PLANNING PERFORMANCE UPDATE

The Development Management Team Leader gave a verbal report on Quarter 3 performance. The Team reports on seven indicators within planning and they range between enforcement and planning applications. Performance was as follows:

- Enforcement cases investigated within 84 days – target 80%, actual 99%
- Positive action taken in enforcement cases, which can include the determination of a planning application to overcome those breaches - target 421 days, actual 354 days.

- Planning applications determined within required time period – 80% target, actual 98%
- Major applications determined within required time period - actual 100%
- Determination of all applications – target 112 days, actual 143 days. This performance had slipped and was being addressed to ensure the target is met in the future. The determination of some old applications in the quarter had affected the figures and there had been delays with some consultees responses.
- Average number of days to determine major applications – target 476 days, actual 248 days.
- Number of appeals dismissed – target 66%, actual 100%.

In response to a question the Development Management Team Leader advised that consultees do not have to reply. However, where an officer considers they need that specialist advice, a consultee would be chased for a response. The Professional Lead – Planning advised the targets are a mixture of local and national targets. The Development Management Team Leader advised that the locally set targets are reviewed on an annual basis.

The Committee thanked the Development Management Team for their work and for its achievements. The Committee appreciated receiving the performance reports.

Taxi and other licensing

8. DECLARATIONS OF INTEREST

There were no declarations of interests.

9. MINUTES OF TAXI LICENSING SUB-COMMITTEES

The Chairs presiding at the Taxi Review Panels held on 9 October 2024, 27 November 2024 and 2 December 2024 were authorised to sign the minutes as correct records.

County Councillor G D Jones (Chair)