

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 3 MAY 2018**

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, L V Corfield, L George, H Hulme, M J Jones, K Laurie-Parry, H Lewis, I McIntosh, G Pugh, P Roberts, D Selby, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

<b>1. APOLOGIES</b>
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Apologies for absence were received from County Councillor E. M. Jones County Councillor P Pritchard, who was on other council business.

<b>2. MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 12 April, 2018.

<b>Planning</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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(a) County Councillors K. Lewis declared a prejudicial interest in application P/2018/0067 because the end user of the site/or company who will run the site is a client of his.

County Councillors M.J. Jones and K. Laurie-Parry declared personal and prejudicial interests in application P/2015/0176 because they were Members of the Brecon Beacons National Park Authority.

County Councillor K. Silk declared a prejudicial interest in application P/2015/0131 because a close friend would be affected by the proposed development.

Note – later in the meeting County Councillor R Williams declared a personal interest in P/2015/0131 because he was an ordinary member of CPRW.

(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) County Councillor P Roberts (who is a member of the Committee) would be acting as 'Local Representative' in respect of application P/2015/0131.

(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 Regeneration, Property and Commissioning (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. However as a further update had been circulated that morning, the Chair allowed the Committee time to read this new update.

County Councillor K. Silk having declared a prejudicial interest left the meeting room for the next application.

County Councillor P. Roberts arrived and sat in the public seating area.

4.2 P/2015/0131 Land at Penarth Farm, Cregrina, Llandrindod Wells, Powys, LD1 5SF

**Grid Ref:** 310991.43 254053.58

**Valid Date:** 09/02/2015

**Officer:** Tamsin Law

**Community Council:** Glascwm Community Council

**Applicant:** Mr V Powell, Hundred House, Garnwen, Llandrindod Wells, Powys, LD1 5RP

**Location:** Land at Penarth Farm, Cregrina, Llandrindod Wells, Powys, LD1 5SF

**Proposal:** Full: Erection of an agricultural building for use as a free range egg production unit (16,000 bird) together with feeds bins, formation of vehicular access road and highway improvements at main junction off A481 and all associated works

**Application Type:** Application for Full Planning Permission

County Councillor P. Roberts spoke as the "Local Representative" on behalf of Councillor M. Mackenzie.

Mrs C. Hugh-Jones spoke against the application.

Mr V. Powell, applicant and Mr I Pick, Agent spoke.

In response to the objector's reference to a Judicial Review in Shropshire the Solicitor advised that this was an application for a Judicial Review. He advised that the Committee should give little or no weight to this information.

The Principal Planning Officer advised that although the historic landscape was classed as outstanding neither CADW nor CPAT objected to the application. The proposed buildings were a low profile and would merge with the backdrop of the existing buildings. The cumulative impact with other poultry units in the area had been considered. The Habitats Regulations Assessment Screening had concluded that there would be no likely significant effect on the SAC or any of its features from the proposed development or cumulatively with other developments in the area.

The Principal Planning Officer advised that if the Committee was minded to approve the application she asked that it be delegated to the Professional Lead Development Management to reword condition 35 which should relate to condition 28 rather than condition 29 and that a condition regarding the site and finished floor levels be added.

In concluding her presentation the Principal Planning Officer recommended that the application be approved subject to conditions and advised Members that the cumulative impact of the development had been considered and all Environmental Information submitted had been considered in the determination of the application.

In response to a question the Principal Planning Officer advised that two 25 x 1 metres precast panels would be fitted to the bridge to prevent any runoff entering the watercourse.

In respect of the manure store the Principal Planning Officer advised that a store was not included in this application and that the manure would be stored on the land and covered with sheeting. A manure spreading plan had been included in the application and no consultees had objected to this.

The Highways Authority in response to questions advised that there was no requirement for passing bays on the road.

Concerns were raised about the screening of the proposed building from the nearest associated dwelling. The Principal Planning Officer advised that the proposed building would have a lower profile to the existing building and would not have an impact on the nearest dwelling even if the current buildings were demolished.

The Committee noted that Public Health Wales required dust impact assessments for units of 400,000 birds which were less than 100 metres from dwellings. This application was a significantly smaller unit. The Principal Planning Officer advised that this issue had been discussed with Environmental Health who did not consider an assessment or management plan was required, however if Members were minded to approve the application a condition for a dust management plan could be added.

The Chair adjourned the meeting for a few minutes to allow the Principal Planning Officer to speak with the Agent and applicant regarding the bund and "swales". On reconvening the meeting the Principal Planning Officer advised that the swales would filter and clean the water. She advised that a rigorous assessment had been undertaken and Natural Resources Wales [NRW] and the

Ecologists had considered the HRA and were content with the proposed drainage scheme.

The Principal Planning Officer advised that following a request by Ecology detailed modelling had been undertaken regarding the impact of ammonia from the proposed development on the ancient woodland. This had indicated that this would not exceed the lower threshold of the critical levels and would have no impact. The application had also agreed to undertake tree planting as part of the development.

Due to further questions regarding the storage of manure the Chair adjourned the meeting for a few minutes to allow the Principal Planning Officer to speak with the Agent and applicant regarding this. On reconvening the meeting the Principal Planning Officer advised that manure would be taken out of the buildings on a belt system and either spread or stored in fields on a temporary basis and covered with sheeting. A manure store is not part of his application and the farmer is in discussion with a neighbour regarding the possibility of developing a store.

County Councillor R. Williams declared a personal interest as a member of CPRW, as he had arrived after Declarations of Interest had been taken at the start of the meeting.

The Principal Planning Officer advised that if the Committee was minded to approve the application she also asked that it be delegated to the Professional Lead Development Management to add a condition regarding the existing and proposed site levels and the finished floor levels.

It was moved and seconded to add a condition regarding dust management. The amendment was put to the vote and lost.

In determining the application all Environmental Information submitted with the application was considered.

<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 and that a condition be added regarding the existing and proposed site levels and the finished floor levels and that it be delegated to the Professional Lead Development Management to reword condition 35 which should relate to condition 28 rather than condition 29.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>  <b>To ensure that the finished levels of the building are acceptable.</b>

County Councillors K. Silk and P Roberts resumed their seats in the Committee. County L. George arrived at the meeting.

The Chair agreed to change the order of the applications to facilitate the public present.

County Councillors M.J. Jones and K. Laurie-Parry having declared prejudicial interests left the meeting room for the following application.

4.3 P/2015/0176 Land at Bryn Henllys Open Cast Mine site near Cwmllynfell, Upper Cwmtwrch, Swansea, Powys

<b>Grid Ref:</b>	276414 212002
<b>Valid Date:</b>	06/02/2015
<b>Officer:</b>	Tamsin Law
<b>Community Council:</b>	Ystradgynlais Town Council
<b>Applicant:</b>	Mr David Mackins, Juwi Renewable Energies Ltd
<b>Location:</b>	Land at Bryn Henllys Open Cast Mine site near Cwmllynfell, Upper Cwmtwrch, Swansea, Powys
<b>Proposal:</b>	Full: Installation of Solar Photovoltaic (PV) Farm with ancillary infrastructure capable of generating up to 20 MW
<b>Application Type:</b>	Application for Full Planning Permission

Councillor L. Evans spoke on behalf of Ystradgynlais Town Council.  
Mr A. Rees spoke as the agent.

The Principal Planning Officer advised that this was a finely balanced recommendation for approval, as the benefits of renewable energy and the economic benefits had to be weighed against the landscape impact. The Principal Planning Officer advised that if the Committee was minded to approve the application she recommended that it be delegated to the Professional Lead Development Management for a condition regarding the decommissioning and remediation of the site after 27 years.

The Principal Planning Officer in response to questions advised that, although she understood the comments about the providing community benefits there was nothing that could be required under a S106 agreement. The Solicitor agreed that, a S106 agreement could not be used for securing community benefits unless they were directly related to the development and such a provision passed all the S106 tests..

The Highways Authority in response to questions advised that there would only be increase traffic during the 30 week construction period.

In respect of the decommissioning and remediation the Principal Planning Officer advised that this was one year each for construction and demolition and 25 years for operation. She advised that there was nothing stopping the owner making a further application to extend the life of the site.

It was noted that Development Management considered this to be a finely balanced recommendation. Concerns were raised about the size of the proposed development and although it was stated that it could produce up to 20MW the average solar farms in the UK operate at around 25% of their capacity over the course of a year and so this made it even more finely balanced. The Principal Planning Officer responded that even at this level it would be producing green energy for a large number of homes and contributing to carbon offset.

The Principal Planning Officer advised that conditions 22 and 23 referred to landscaping and the protection of the Rights of Way.

In determining the application all Environmental Information submitted with the application was considered.

<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 and that it be delegated to the Professional Lead Development Management as to whether a condition or Section 106 agreement regarding the decommissioning and remediation of the site after 27 years is added.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>  <b>To ensure the conditions are enforceable.</b>

County Councillors M.J. Jones and K. Laurie-Parry resumed their seats in the meeting.

The Committee adjourned for lunch at 13.12 hrs and reconvened at 13.50 hrs.

County Councillors H. Hulme and G. Williams left the meeting. County Councillor J. Williams left the meeting on other Council business.

County Councillor K. Lewis having declared a prejudicial interest left the meeting room for the next application.

4.4 P/2018/0067 Unit 4, Dyffryn Industrial Estate, Pool Road, Newtown, Powys, SY19 3BD

**Grid Ref:** 296632.9 267941.51

**Valid Date:** 28/09/2015

**Officer:** Robin Wynne Williams

**Community Council:** Newtown Town Council

**Applicant:** Powys County Council

**Location:** Unit 4, Dyffryn Industrial Estate, Pool Road, Newtown, Powys, SY19 3BD

**Proposal:** Demolition of existing building and construction of a Household Waste Recycling Centre (HWRC) and associated infrastructure

**Application Type:** Application for Full Planning Permission

<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 officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor K. Lewis resumed his seat in the Committee.

4.5 P/2017/1044 Hendre Poeth, Llansantfriad ym Mechain, Powys SY22 6TJ

**Grid Ref:** 321905.69 318481.7

**Valid Date:** 18/09/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llansantfriad Community Council

**Applicant:** Mr Bebb Wallace, Bebb Farms, Hendre Poeth, Llansantfriadym Mechain, Powys, SY22 6TJ

**Location:** Hendre Poeth, Llansantfriad ym Mechain, Powys SY22 6TJ

**Proposal:** Major - Erection of a replacement intensive poultry building and all associated works to include a boiler bio mass storage building

**Application Type:** Application for Full Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application it was recommended to delegate the following to the Professional Lead Development Management:

- Rewording of condition 6
- Deleting the words "...unless otherwise agreed in writing with the Local Planning Authority." from conditions 17 and 18
- Deleting condition 26 which duplicated condition 25.

In determining the application all Environmental Information submitted with the application was considered.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p>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 to :</p> <ul style="list-style-type: none"> <li>• Reword condition 6</li> <li>• Delete the words “....unless otherwise agreed in writing with the Local Planning Authority.” from conditions 17 and 18</li> <li>• Delete condition 26 which duplicated condition 25.</li> </ul>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p>

4.6 P/2018/0201 The Glen, Glanyafon, Llanfair Caereinion, Welshpool SY21 9EB

**Grid Ref:** 310572.81 306654.17

**Valid Date:** 12/02/2018

**Officer:** Eddie Hrustanovic

**Community Council:** Llanfair Caereinion Community Council

**Applicant:** Powys County Council

**Location:** The Glen, Glanyafon, Llanfair Caereinion, Welshpool SY21 9EB

**Proposal:** Full - Reconfiguration of turning point to create parking bays and associated works

**Application Type:** Application for Full Planning Permission

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



<b>5.</b>	<b>DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 4 April 2018 and 26 April, 2018.

<b>6.</b>	<b>APPEAL DECISION</b>
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The Committee received a copy of the Planning Inspectorate's letters regarding the following appeals, both of which had been dismissed:

P/2017/0548 - Land adjoining Penyfoel Farm, Middletown, Near Welshpool SY21 8DQ

P/2017/0170 - Land adjacent to Peartree Lane, Llanfair Caereinion SY21 0BH.

The Committee noted the dates of forthcoming meetings. It was noted that the next meeting would be the Annual meeting where the Chair and Vice Chair would be elected. The Chair thanked Members and officers for their work over the last year and especially over the last six months.

**County Councillor D R Price (Chair)**