

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL ON THURSDAY, 19 MARCH 2020**

**PRESENT**

County Councillor K Lewis (Chair)

County Councillors L V Corfield, H Lewis, I McIntosh, D R Price, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams and J Williams

**1. APOLOGIES**

Apologies for absence were received from County Councillors L George, D R Jones, E M Jones, G Jones, M J Jones, F H Jump, P C Pritchard and R Williams.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meeting held on 27 February 2020.

**Planning**

**3. DECLARATIONS OF INTEREST**

(a) County Councillor H Williams declared an interest in application 19/1899/REM as he attended the Nant Helen Liaison Committee up to two years ago, but has not attended since.

County Councillor K Lewis declared a prejudicial interest in application 19/1477/FUL as the applicant is a client of his business.

(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 S Williams (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**

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 and prior to the meeting.

#### 4.2 19/1899/REM Nant Helen Surface Mine, Coelbren, Neath

<b>Grid Ref:</b>	283050.34 211312.71
<b>Valid Date:</b>	11/11/2029
<b>Community Council:</b>	Tawe-Uchaf Community Council
<b>Applicant:</b>	Celtic Energy Ltd, 9 Beddau Way, Castlegate Business Park, Caerphilly, CF83 2AX
<b>Location:</b>	Nant Helen Surface Mine, Coelbren, Neath
<b>Proposal:</b>	Variation of condition 45 of planning approval 18/1070/REM to allow for a revised restoration scheme.
<b>Application Type:</b>	Variation of condition

County Councillor S Williams spoke as the local representative.  
Mr W Watson spoke on behalf of the applicant.

The Committee noted the Update report. The Planning Officer advised that the Land Drainage Officer had advised that there were no objections to the proposal. However, if the Committee was minded to approve the application a condition should be added to require submission of a land drainage scheme and that the wording of this condition be delegated to the Lead Professional in consultation with the Chair. The Committee was advised that if it approved the application the Welsh Government would be notified and had 28 days in which to "call-in" the application.

In response to questions the Planning Officer advised that if the applicant walked away from the site the £19.8m bond would be sufficient to cover the restoration costs. In respect of the proposed attenuation pond he advised that the installation of a cutting for the removal of any excess water requires less maintenance than a culvert, which can become blocked. The ongoing maintenance would still be the responsibility of the landowner and if the cutting was not maintained enforcement action could be taken. If the landowner went into liquidation the land would revert to the Crown Estate.

The Committee noted that the nearest dwellings were 1km north of the site. The Planning Officer advised that in his opinion the proposed work increased stability of the mound. In response to questions he advised that coaling was due to cease by 31 December 2021 but it was considered that it would cease before this and so there was sufficient time to complete the restoration. The railway line was approx. half a kilometre south of the site and was only used for freight.

It was moved and duly seconded to approve the application as recommended by the officer subject to a revised S106 agreement to secure restoration and aftercare in full and that a condition be added regarding a land drainage scheme and that the wording of this condition be delegated to the Lead Professional Development Management in consultation with the Chair.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be granted consent, subject to a revised Section 106 agreement and subject to the conditions set out in the report which is filed with the signed minutes and a condition regarding a land drainage scheme be added and that the wording of this condition be delegated to the Lead Professional Development Management in consultation with the Chair.</b></p>	<p><b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b></p> <p><b>To secure further land drainage details for subsequent approval.</b></p>

County Councillor H Williams asked that his vote against the application be recorded.

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

As the Vice Chair was not in attendance, the Committee appointed Councillor D Price to Chair the meeting for the next application.

4.3 19/1477/FUL Bryn Posteg, Tylwch, Llanidloes, Powys, SY18 6JJ

<b>Grid Ref:</b>	E. 297087 N 282209
<b>Valid Date:</b>	25/09/2019
<b>Community Council:</b>	Llanidloes Without and Llangurig Community Council
<b>Applicant:</b>	Mr David Williams, Sundorne Products (Llanidloes) Ltd, Llanidloes, Powys SY186JJ
<b>Location:</b>	Bryn Posteg, Tylwch, Llanidloes, Powys SY18 6JJ
<b>Proposal:</b>	Regularisation and retention of over-tipped material on the existing landfill, additional landfilling operations in accordance with revised restoration profile and phasing details together with associated landfill infrastructure.
<b>Application Type:</b>	Full application, part retrospective

The Planning Officer referred the Committee to the Update report and the Revised Phasing Plan. The Committee noted that the application was supported by an Environmental Statement.

In response to questions, the Planning Officer advised that if the Committee was minded to approve the application, a condition was proposed which required the developer to submit annual surveys on the use and restoration etc of the site. In addition, the Planning Authority could also undertake inspections and charge the cost thereof to the developer. He advised that it would be difficult to impose an end date on the use and restoration of the site due to a range of issues which could affect this. However, the Committee noted that if it was minded to approve the application a condition regarding timeframes for the restoration of the site could be added.

The Planning Officer advised that a bond is not used for landfill sites. If the company ceases to exist Natural Resources Wales [NRW], which agrees the Environmental Permit, has the required powers to address any shortfall. The Committee noted that issues regarding flies and dust are covered by the Environmental Permit, however, condition 10 refers to Highways Cleanliness.

The Solicitor advised that the proposed Section 106 Agreement was required to revoke previous planning permissions relating to the site and so ensuring that only one planning permission relates to it forthwith. The Planning Officer advised that the proposed conditions and S106 Agreement strengthened the conditions relating to the site.

It was moved and duly seconded to approve the application as recommended by the officer, subject to the developer entering into a Section 106 Agreement and that it be delegated to the Lead Professional for Development Management, in consultation with the Chair to add a condition relating to the indicative timeframes for the use and restoration of 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 report which is filed with the signed minutes and to the Section 106 Agreement and that it be delegated to the Lead Professional for Development Management, in consultation with the Chair to add a condition relating to the indicative timeframes for the use and restoration of the site.</b></p>	<p><b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b></p> <p><b>To secure further details regarding the timescales of the site.</b></p>

County Councillor K Lewis returned to the meeting and resumed the Chair.

4.4 19/0943/OUT Land Adjacent To Four Crosses Inn, Four Crosses, Powys, SY22 6RE

**Grid Ref:** E: 326854 N: 318442

**Valid Date:** 17/07/2019

**Community Council:** Llandysilio Community Council

**Applicant:** Mr Graham Jenner

**Location:** Land Adjacent to Four Crosses Inn, Four Crosses, Powys SY22 6RE

**Proposal:** Erection of 7 affordable dwellings and associated works

**Application Type:** Outline Planning

Councillor B Lee spoke on behalf of Llandysilio Community Council.  
Mr M Johnson spoke on behalf of the applicant.

The Planning Officer in response to questions advised that the site is outside the settlement boundary. However, the access and entrance are within the settlement boundary and so the development is considered to be a logical extension to the village. The Planning Officer advised that, since the Committee report had been written, the Affordable Housing Officer had, provided the following information regarding housing need in the area: 17 people were on the housing register and of these 13 were in housing need. The Committee was advised that if it was minded to approve the application a condition could be added to remove permitted development rights.

In response to questions, the Highways Authority advised that it did not object to the application subject to the conditions indicated in the report. He advised that their original email had included a typographical error. Concerns were raised regarding the proposal to establish a Management Company which would put extra costs onto the affordable housing scheme which did not seem to be appropriate.

It was moved and duly seconded to refuse the application due to the fact that the establishment of a management company regarding the access would make the affordable housing unviable. On the Chair's casting vote the motion for refusal was lost.

It was moved and duly seconded to approve the application as recommended by the officer and to add a condition to remove permitted development rights. On the Chair's casting vote the application was approved.

<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</b>	<b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b>

<b>minutes and that a condition regarding the removal of permitted development rights be added.</b>	<b>To ensure ongoing affordability.</b>
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County Councillor D price left the meeting.

<b>5.</b>	<b>URGENT ITEM AGREED BY CHAIR - TEMPORARY SUSPENSION OF THE PLANNING CALL-IN PROCEDURE IN THE PLANNING PROTOCOL</b>
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The Committee considered the urgent report regarding the temporary suspension of the Planning Call-In procedure to enable the Planning Authority to continue to make planning decisions during the current Covid-19 pandemic.

It was moved and duly seconded to approve the urgent report.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p>1. that with immediate effect, to suspend temporarily for a period of six months the member call-in procedure as set out in the Planning Protocol [paragraphs 10.51 – 19.61 of the Planning Protocol].</p> <p>2. to delegate to the Chair and Vice Chair of the Planning, Taxi Licensing and Rights of Way Committee to either reduce or increase the above period as necessary.</p>	<p>To enable the Local Planning Authority to continue to determine planning applications during the Covid-19 pandemic.</p>

<b>6.</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 19 February and 10 March 2020.

<b>7.</b>	<b>PLANNING ENFORCEMENT POLICY AND PROCEDURE</b>
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The Committee received the draft Planning Enforcement Policy and Procedure. The Committee was asked to forward comments via email to the officers.

**County Councillor K Lewis (Chair)**