

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 2 JULY 2020

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, D R Jones, G Jones, M J Jones, F H Jump, H Lewis, I McIntosh, D R Price, P C Pritchard, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillor E Vaughan, due to technical difficulties. However, Councillor Vaughan joined the meeting from item 4.4 onwards.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 19 March 2020.

Planning

3. DECLARATIONS OF INTEREST

(a) County Councillor G Jones declared a prejudicial interest in applications 20/0300/DIS and 20/0642/NMA because he was the applicant.

(b) County Councillor D Selby requested that a record be made of his membership of Newtown Town 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.

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 meeting adjourned for five minutes for the Members to read the update. On resuming the meeting, the Members confirmed that they had received and had read the update circulated the previous day.

4.2 19/1572/FUL Pontypentre , Llansantffraid-Ym-Mechain, Powys, SY22 6XP

Grid Ref: E: 321683 N: 319817

Valid Date: 15.10.2019

Community Council: Llansantffraid Community Council

Applicant: RG & GL Thomas

Location: Pontypentre, Llansantffraid-Ym-Mechain, Powys SY22 6XP

Proposal: Change of use of agricultural building to B1/B8 use (storage and distribution) and all associated works

Application Type: Full Application

The Principal Planning Officer advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to add a condition in respect of the hours of operation.

In response to a question regarding highways, the Principal Planning Officer confirmed that the Highways Authority had now withdrawn objections and provided appropriate conditions. The Principal Planning Officer advised that the application is for change of use to B1/B8 and that storage and distribution is not incompatible with a farm setting. She indicated that planning could not control the internal use of the buildings, providing the use fell within the B1/B8 use classes. In response to a question regarding the proposed conditions restricting the hours of operation the Principal Planning Officer advised that B1/B8 class use could generate noise and light pollution. She advised that Environmental Health had requested conditions in respect of operating hours and also, the applicant had indicated they were happy with an operating period of 0900hrs - 1700hrs and appropriate conditions were therefore recommended. The Principal Planning Officer advised that a lighting design scheme had been submitted but a condition was recommended seeking more information in respect of this and the condition regarding hours of operation would restrict the use of external lighting.

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

It was moved and duly seconded to approve the application as recommended by the officer with the delegation to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to add a condition in respect of the hours of operation.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the	As officer's recommendation as set out in the report which is

<p>conditions set out in the report which is filed with the signed minutes and that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to add a condition in respect of the hours of operation.</p>	<p>filed with the signed minutes.</p> <p>Additional condition included to ensure the protection of local amenities.</p>
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4.3 19/2042/FUL Former Red Dragon Public House & Newtown Youth Centre , Plantation Lane, Newtown, Powys, SY16 1LQ

Grid Ref: E: 309983 N: 290509

Valid Date: 20.12.2019

Community Council: Newtown And Llanllwchaiarn Town Council

Applicant: Affordable Housing Team, Powys County Council

Location: Former Red Dragon Public House & Newtown Youth Centre, Plantation Lane, Newtown, Powys SY16 1LQ

Proposal: Development of 18 affordable dwellings and associated works

Application Type: Full Application

The Principal Planning Officer advised that a minor issue had been raised regarding the width of the roadway to plots 12 – 18 and a minor change was needed to the layout of the parking on the site plan. As a result, she advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to agree an amended plan in respect of this.

In response to questions the Principal Planning Officer advised that the mix of the proposed houses met the needs in the area as identified by the Local Housing Authority. The Committee was advised that a scheme for one-bedroom units was to be developed in the town but was on hold as the builder had gone into administration. The Professional Lead Development Management agreed that for future applications a statement of need would be provided by the Local Housing Authority for such applications.

The Principal Planning Officer advised that the development would be maintained and operated by Powys County Council as affordable housing. The Committee noted that Natural Resources Wales [NRW] had initially raised concerns regarding the development. However, on considering the amended plans, NRW had advised that there were no unacceptable impacts of the development.

It was moved and duly seconded to approve the application as recommended by the officer and that it be delegated to the Professional Lead Development Management, in consultation with the Chair and Vice Chair to agree the amended plan.

RESOLVED:	Reason for decision:
<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, in consultation with the Chair and Vice Chair to agree the amended plan.</p>	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p> <p>Amended plan required to satisfy Local Highway Authority requirements.</p>

County Councillor E Vaughan joined the meeting.

County Councillor G Jones left the meeting for the next two applications.

4.4 20/0300/DIS Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Grid Ref: E: 309008 N: 306394

Valid Date: 25.02.2020

Community Council: Llanfair Caereinion Community Council

Applicant: G Jones

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

Proposal: Application to discharge conditions 5, 7, 8, 12 and 13 of planning approval 19/0524/FUL

Application Type: Discharge of conditions

In response to a question the Principal Planning Officer advised that the landscape implementation scheme would be completed prior to the first use of the scheme as required in condition 12.

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

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

RESOLVED:	Reason for decision:
that the application be approved to formally discharge the conditions as 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 E Vaughan confirmed that he had read the update for the next application.

4.5 20/0642/NMA Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

Grid Ref: E: 309008 N: 306394

Valid Date: 01.05.20

Community Council: Llanfair Caereinion Community Council

Applicant: G Jones

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

Proposal: Application for a non-material amendment to planning approval 19/0524/FUL to remove condition 10.

Application Type: Non-material amendment

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

In response to questions the Senior Planning Officer advised that the application related to the larger building on the site. Concerns were raised that if the condition was removed for this building it would still however remain for other parts of the site and would therefore be difficult to monitor. The Committee queried what had now changed for officers to recommend the removal of condition 10, as it was placed on the application to protect the people living in the area. The Senior Planning Officer advised that Environmental Health had not requested the condition and it was probably unreasonable to have attached it. The Committee noted that the update report referred to an objection regarding the application to remove the condition.

The Chair agreed to adjourn the meeting for ten minutes to allow the Planning Officers to review the files. The Principal Planning Officer advised that the report in respect of the original application indicates that Environmental Health requested that collection and delivery times be restricted, due to issues at large scale agricultural sites. Historically, Environment Health asked for such a condition as standard and this has been duplicated on further applications. She advised that applications had been received to remove such conditions where there are no sensitive receptors. The Professional Lead Development Management advised that the Agent had confirmed that the restriction related to

both buildings and the Agent was content if the Committee wished to consider deferment of the application.

Comment was made that if this had not been an application from a councillor the application would have been approved by officers and the issues raised by the Committee would not have been considered. A comment was made that all Non-Material Amendment applications should be considered by the Committee.

It was moved and duly seconded to approve deferral of the consideration of the application.

RESOLVED:	Reason for decision:
That the application be deferred.	To allow the applicant to review how condition 10 relates to the whole site and to consult with Environmental Health.

County Councillor G Jones re-joined the meeting.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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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 20 May 2020 and 23 June 2020.

In response to a question the Professional Lead Development Management advised that the application 19/1899/REM had been considered at the previous meeting and should not be on the list.

He advised that there is no consultation regarding Non-Material Applications and therefore councillors are not advised about such applications and such applications must be considered in 28 days. A comment was made that local councillors should be consulted on whether a change is considered to be non-material, as they will be aware of any local issues. The Chair asked that officers provide information regarding NMAs at the next meeting to enable the Committee discuss involvement in such applications.

6.	APPEAL DECISIONS
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The Committee received a copy of the Planning Inspectorate's letters regarding the appeals and the Inspectorate's decisions:

The Committee noted that the Inspector had dismissed the appeals:

- 18/1192/FUL - Land near to Tyn y Celyn Farm, Llangedwyn, Llanfechain, Powys SY10 9LN
- P/2018/0470 - Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown SY16 3LA
- 19/0220/FUL - land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys LD5 4RR
- 19/1187/FUL - 24 Palleg Road, Lower Cwmtwrch, Swansea SA9 2QE
- 19/1409/HH - Bethal House, Bowling Green Lane, Welshpool SY21 7PA

The Committee noted that the Inspector had upheld the appeal and granted planning permission:

- 19/0201/FUL - Land Adjacent to Lawr y Cwm, Pantyfridd, Berriew, Welshpool, SY21 8BN

The Committee noted that the Inspector had refused the application for costs in respect of the appeal relating to:

- P/2018/0470 - Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown, SY16 3LA

7.	REVIEW OF THE TEMPORARY SUSPENSION OF THE LOCAL MEMBER CALL-IN OF PLANNING APPLICATIONS
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The Committee discussed whether to re-instate the call-in procedure temporarily suspended in March 2020. The Chair advised he wanted to ensure that the Committee was content with undertaking meetings online, prior to re-instating applications which are called-in being considered by the Committee. Comment was made that people feel left out of the democratic process if the call-in procedure to Committee is not available.

Comments were also made about the use of the remote meeting system and the re-introduction of meetings in County Hall. The Chair advised that he had emailed the Head of Legal and Democratic Services asking if there were plans to resume meetings in County Hall, but also allowing remote links for members who needed to work in this way. He advised that any changes would be influenced by advice from the First Minister regarding travel etc. The Head of Legal and Democratic Services had responded that he would keep the Chair informed of developments regarding meetings in County Hall.

As a result of the discussions the Chair and Vice Chair agreed to re-instate the call-in procedure, whereby applications which have been called-in and not yet determined and any applications subsequently called in, are, from now on, considered by the Committee.

Rights of Way

8.	DECLARATIONS OF INTEREST
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County Councillor R Williams declared a personal interest in the next item because he knows the applicant. As a result he left the meeting for the next item.

County Councillor K Silk left the meeting for other Council business.

9.	COMMONS ACT 2006, SECTION 19(2)B - APPLICATION TO CORRECT THE REGISTER
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The Committee considered the report regarding the application to correct the register. The following amendment to the report was noted - Page 138 Section

24: It is of note as it refers to a total land area of 63.24 hectares [rather than acres as stated in the report]. This equates to 156.3 acres.

It was moved and duly seconded to grant the application as recommended in the officer's report.

RESOLVED	Reason for decision
that the application be granted as made, as detailed in the report which is filed with the signed minutes.	That on the basis of the information put forward by the applicant and to the criteria in Section 19 of the 2006 Act, as it has been shown, on the balance of probability, that a mistake was made by the original applicant on the CR Form 9 when registering the right of common for Safn y Coed.

The Chair thanked the Committee and officers for attending this first Microsoft Teams live meeting and thanked any public and press for watching.

County Councillor K Lewis (Chair)