

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 21 OCTOBER 2021

PRESENT

County Councillor K Lewis (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors K. Silk and J. Wilkinson.

Rights of Way

2. DECLARATION OF INTEREST

There were no declarations of interest.

3. POWYS LOCAL ACCESS FORUM - ANNUAL REPORT 2020-21

The Chair welcomed Mr Graham Taylor Chair, Powys Local Access Forum [LAF], Councillor Roger Williams, the Council's representative on the Forum and Sian Barnes, Professional Lead - Countryside Access & Recreation. Mr Taylor indicated that there was an excellent group of officers in Countryside Services who do all that they can within the resources at their disposal. He indicated that despite the Countryside Services work the rights of way network is continuing to deteriorate and in his view, is no longer fit for purpose [this was not Covid related and does not include the network in the BBNPA area]. He gave examples of issues on the network including very few signposts from roads, route markers and blocked routes. He advised that there are approx. 7200 reports of issues on rights of ways which had not been dealt with over the last 10 years. However, this is an under reported figure as LAF knows that many users have stopped reporting problems. He noted that the Council's own survey of the network completed a few years ago showed that only 38% of routes are in a satisfactory state. The LAF understands why the Council focuses its limited resources on key priorities such as education and social care. However, the contribution of accessing the outdoors to health and wellbeing is well known, the tourism economy is a priority in the Council's 2025 Vision and so a good rights of way network can support both of these. He asked that the Council considers these issues when considering its next budget setting process.

He advised that working in a different way could help transform how rights of way are viewed. All parts of the Council, the users, community and town councils, other public agencies and landowners should discharge their own responsibilities rather than assuming it's the Councils' Countryside Services sole responsibility. LAF would be happy to be involved in developing an action plan to fix the network and transform the way it is looked after.

Mr Taylor advised he would be meeting with the Cabinet member and Head of Service and advising them of the above. He would be asking the Cabinet member to maintain the existing funding for Countryside Services and developing a new way to fix our network. He asked that when the Committee considers planning applications that have rights of way at or near the site it should consider how the applicant is proposing to enhance the rights of way, as required in the Local Development Plan [LDP]. When making decisions the Council should also take into account the Wellbeing of Future Generations Act. Councillor Roger Williams paid tribute to the work of the LAF membership who do a lot of work to improve the network.

It was commented that although not a direct power of the Committee, it should be putting pressure on the Council at the very least that the funding to Countryside Services should not be reduced. It was noted that in some areas local councils or groups are promoting their local rights of way network and taking on the management of volunteers.

In response to a question, it was noted that the maintenance and replacement of a stile etc would be the responsibility of the landowner, but they can get support from the local authority. Councillor Roger Williams indicated that there needed to be more conversations between rights of way users and landowners. He advised that the new Code of conduct from the Ramblers Association encourages such contact. It was noted that the Definitive Maps would be available on the Council website by the end of this financial year and problems encountered on routes could be reported on this system.

It was moved and duly seconded that the Committee encourages the Portfolio Holder to retain the funding for Countryside Services and engages in work to create a new action plan, as suggested in the LAF report.

RESOLVED	Reason for decision
that the Committee encourages the Portfolio Holder to retain the funding for Countryside Services and engages in work to create a new action plan, as suggested in the Local Access Forum [LAF] report.	To convey the views of the Committee regarding rights of way to the Portfolio Holder.

The Chair thanked Mr Graham Taylor, LAF Chair for attending the Committee and Councillor Roger Williams and Sian Barnes for their contributions.

4. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 30 September 2021.

Planning

5.	DECLARATIONS OF INTEREST
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- (a) County Councillor K Laurie-Parry declared a prejudicial interest in application 20/0311/FUL because she was a tenant of the applicant.
- (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 Councillor K Laurie-Parry (who is a member of the Committee) due to her significant prejudicial interest was seeking another member to act as 'local representative' on her behalf in respect of 20/0311/FUL.
- (d) The Committee noted that County Councillors S Hayes, K Roberts-Jones and A Jenner (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications on the agenda.

6.	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).

6.1 Updates

The Members confirmed that they had received and had time to read the updates previously circulated.

6.2 20/2118/FUL Land Off Forden Road, Montgomery, Powys, SY15 6EU

Grid Ref: E: 322401 N: 297243

Valid Date: 11.02.2021

Community Council: Montgomery Town Council

Applicant: A Dawson

Location: Land Off Forden Road, Montgomery, Powys, SY15 6EU

Proposal: Erection of 33 affordable local need dwellings, formation of vehicular access road and all associated works

Application Type: Full application

The Senior Planning Officer corrected his report, which should have stated that 25 objections and 6 letters of support had been received.

County Councillor S Hayes spoke as the local representative.
Councillor H Andrew spoke on behalf of Montgomery Town Council.
Mr G Roberts spoke as the applicant.

In response to a question regarding play areas, the Senior Planning Officer advised that if the Committee was minded to approve the application the provision of natural play areas and provision of play equipment would be required through the proposed hard landscaping condition. The proposals regarding access to the site was noted and the Highway Authority officer advised that the New Road - Forden Road junction would be stopped up. If the Committee was minded to approve the application a condition had been recommended regarding the other access point and how this would be managed. The Highway Authority officer advised the options would be discussed and an application would be considered regarding the discharge of this condition. The Highway Authority officer confirmed that the proposed visibility display for the new junction was in line with appropriate guidance and it was noted that speed limits would also be changed.

In relation to phosphates, it was noted that the development was not in a phosphate SAC catchment area. In addition, the S104 agreement was an arrangement between the developer and water company and was outside the planning process. In response to a question regarding the fact that the site was outside the Local Development Plan [LDP], the Senior Planning Officer advised that this was an exception site of 100% affordable housing which was in line with policy.

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.

Councillor R Williams left the meeting.

6.3 21/0919/FUL Hafod Barn, Llangadfan, Welshpool, Powys, SY21 0QB

Grid Ref: E: 302215 N: 314353

Valid Date: 14.05.21

Community Council: Banwy Community Council

Applicant: T Van-Rees

Location: Hafod Barn, Llangadfan, Welshpool, Powys, SY21 0QB

Proposal: Conversion of barn to holiday letting unit

Application Type: Full application

The Senior Planning Officer advised that he was recommending deferral of the application to enable a matter raised in third party correspondence to be

addressed. The Committee was advised that the relevant notice had not been served on all the tenants of the land by the applicant.

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

RESOLVED:	Reason for decision:
that the application be deferred.	To allow the applicant to follow correct procedures.

County Councillor H Williams left the meeting for other council business.

6.4 21/0551/FUL Land Adjacent Upper Cefnperfa House, Kerry, Newtown, Powys, SY16 4DW

Grid Ref: E: 311972 N: 289039

Valid Date: 19.04.21

Community Council: Kerry Community Council

Applicant: Mr P Woodbine

Location: Land Adjacent Upper Cefnperfa House, Kerry, Newtown, Powys SY16 4DW

Proposal: Creation of a glamping site, to include 5 pods, a log cabin, septic tanks and associated works

Application Type: Full application

County Councillor K Roberts-Jones spoke as the local representative.

The Committee noted the update report.

In response to questions the Highways Officer advised that the proposed passing places were of the appropriate size.

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 E Vaughan left the meeting.

As Councillor K Laurie-Parry had a significant prejudicial interest, under the Planning Protocol she was able to ask another councillor to act as "local representative". As she had not been able to do so, the Chair, on taking legal

advice, agreed that her statement could be read to the Committee by the Solicitor.

County Councillor K Laurie-Parry having declared a prejudicial interest left the meeting for applications 20/0311/FUL and 20/0312/LBC.

6.5 20/0311/FUL Tregare, Barns at Tregare, Gwenddwr, Builth Wells, LD2 3BZ

Grid Ref: E: 307330 N: 244302

Valid Date: 03.03.2020

Community Council: Erwood Community Council

Applicant: Mr & Mrs Sid and Celia Jefferies

Location: Tregare, Barns At Tregare, Gwenddwr, Builth Wells, LD2 3BZ

Proposal: Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension, installation of septic tank and associated works

Application Type: Full application

The Solicitor read Councillor K Laurie-Parry's statement, as she was the local representative.

Mr Southerby spoke as the agent and Mrs Jeffries spoke as the applicant.

Comment was made that as the applicant had indicated they had nearly resolved the outstanding highways and phosphate issues consideration of the application should be deferred. The Professional Lead - Planning advised that it was correct that the application should be considered and based on the current information regarding the application, Development Management was recommending refusal. The outstanding issues could then be considered further and the applicant could submit a new application within 12 months without having to pay another fee. He advised that officers had to be consistent in how they respond to applications and he strongly recommended the application for refusal.

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

RESOLVED:	Reason for decision:
that the application be deferred.	To enable the applicant to submit information regarding outstanding highways and phosphate issues.

6.6 20/0312/LBC Tregare, Barns at Tregare, Gwenddwr, Builth Wells, LD2 3BZ

Grid Ref: E: 307330 N: 244302

Valid Date: 03.03.2020

Community Council: Erwood Community Council

Applicant: Mr & Mrs Sid and Celia Jefferies

Location: Tregare, Barns At Tregare, Gwenddwr, Builth Wells, LD2 3BZ

Proposal: Conversion and change of use of barn(s) to a dwelling to include part rebuilding and extension, installation of septic tank and associated works

Application Type: Listed building consent

In light of the decision in respect of 20/0311/FUL it was moved and duly seconded to defer consideration of the application.

RESOLVED:	Reason for decision:
that the application be deferred.	To enable the applicant to submit information regarding outstanding highways and phosphate issues.

County Councillor K Laurie-Parry returned to the meeting.

County Councillors D Price and L Skilton left the meeting.

6.7 21/1216/DIS 27 Middletown Residential Park, Middletown, Welshpool, SY21 8EX

Grid Ref: E: 330260 N: 312424

Valid Date: 01.07.2021

Community Council: Trewern Community Council

Applicant: Laird

Location: 27 Middletown Residential Park, Middletown, Welshpool, SY21 8EX

Proposal: Discharge of condition 2 of planning permission M/2004/0776 (type, colour and texture of all external materials and fenestration of the mobile home to be sited on plot 27 of Middletown Residential Park)

Application Type: Discharge of condition

County Councillor A Jenner spoke as the local representative.
Ms K Burns spoke as the agent.

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.

7.	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 22 September 2021 and 15 October 2021. In response to a question the Professional Lead Planning advised that the Councils' Constitution [Section 13] allowed minor applications made by the Authority to be considered by officers under delegated authority.

County Councillor K Lewis (Chair)