

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON WEDNESDAY, 5 OCTOBER 2022

PRESENT

County Councillor K Lewis (Chair)

County Councillors G D Jones, T Colbert, A Davies, D Edwards, H Hulme, P James, A Jones, G E Jones, C Kenyon-Wade, I McIntosh, G Morgan, G Pugh, R G Thomas, E Vaughan and D H Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors L George, E Roderick and J Wilkinson.

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 18 August 2022.

Planning

3.	DECLARATIONS OF INTEREST
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(a) County Councillor H Hulme declared a prejudicial interest in application 20/1122/FUL because she took part in debates at Community Council meetings when she was not on the Planning Committee.

County Councillor A Jones declared a prejudicial interest in application 22/1459/AGR because the application site is farmed by his sons.

(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 County Councillor P Lewis (who is not a member of the Committee) would be speaking as the 'local representative', on behalf of the local member who has declared a prejudicial interest.

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 and prior to the meeting.

4.2 21/1940/FUL Land East Of Ithon Road, Llandrindod Wells, Powys

Grid Ref:	E: 305479 N: 261732
Valid Date:	12.11.21
Community Council:	Llandrindod Wells Town Council
Applicant:	Mr Steve Griffiths
Location:	Land East of Ithon Road, Llandrindod Wells, Powys
Proposal:	Residential development comprising 79 residential units, formation of vehicular access, roadways and all associated works
Application Type:	Full application

In response to questions regarding the waste water treatment works and the impact on the River Wye SAC the Professional Lead Planning advised that the treatment works in the area currently included phosphate stripping. However Welsh Water had indicated that these were to be upgraded by 2025. In addition, under the Habitat Regulations the Environmental Permit for the treatment works had to be updated. Welsh Water and Natural Resources Wales [NRW] had agreed the Grampian Condition and provided that the works are undertaken and the Environmental Permit is updated the additional phosphates from the development can be mitigated. The Committee noted that condition 29 refers to this.

The Committee noted that a condition secured the maintenance and aftercare of the play area. The developer would be required to submit a scheme for this condition to be discharged. In response to a question regarding the density of housing on the site the Senior Planning Officer advised that the scale of the dwellings was acceptable due the development being well designed.

In response to a question the Senior Planning Officer advised that the school service had been consulted on the development but no response had been received. Comment was made that Trefonen School was at or close to capacity and it was disappointing that the school service had not responded.

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

which is filed with the signed minutes.	
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County Councillor H Hulme having declared an interest left the meeting for the next item.

4.3 20/1122/FUL Bank Farm, Aberhafesp, Newtown, Powys, SY16 3LS

Grid Ref: E: 308109 N: 293941

Valid Date: 04.09.20

Community Council: Aberhafesp Community Council

Applicant: Mr Jeff Hopkins

Location: Bank Farm, Aberhafesp, Newtown, Powys, SY16 3LS

Proposal: Erection of a livestock building for straw-based pig rearing with associated feed bin, hard standing area, landscaping and drainage attenuation pond

Application Type: Full application

Mr R Amy and Ms J Lloyd spoke as objectors. Mr R Amy spoke on behalf of Mr P Beck, objector, who was unable to attend the meeting.

The Principal Planning Officer advised that the update report referred to the new access to the site.

Comment was made that when the application was submitted in 2020 it complied with the legislation in respect of ammonia levels. In response to a question about the time it had taken to consider the application the Principal Planning Officer advised that when the application was submitted there were a number of material planning issues which needed to be resolved. All applications had to be considered on the latest guidance available and therefore the application had to be considered on the current ammonia level guidance.

The Principal Planning Officer acknowledged the members' desire to support agriculture but advised they had to consider the application on planning grounds, taking into account local, national and European policy. In response to a question regarding ammonia levels she advised that the critical level for the Gregynog SSSI site was set at 1%. The current ammonia concentration levels for the Gregynog SSSI were currently at 1.5%, and the development would add a further 0.7%. Whilst no cumulative assessment had been completed by the agent, Officers are aware of other developments which were not at the time included in the background ammonia concentrations and therefore would only also increase the emissions to the SSSI. As a result, NRW opposed the application.

In response to questions the Highways Officer confirmed that with the recommended conditions there were no objections to the application.

The Solicitor reminded the Committee that under law it had to determine applications in accordance with the Local Development Plan. If members were considering going against the officer's recommendation, they had to explain the planning reasons for doing this. Comment was made that this application illustrated the need for applicants and agents to submit applications which were right at the start.

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

RESOLVED:	Reason for decision:
that the application be refused.	The proposed development has failed to demonstrate that there will not be a detrimental impact on the Gregynog SSSI through ammonia deposition and is therefore contrary to policies SP7 and DM2 of the Powys Local Development Plan, TAN 5 Nature Conservation and Planning and Planning Policy Wales (2021).

County Councillor H Hulme returned to the meeting.

4.4 22/0415/FUL Land Near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU

Grid Ref: E: 322513 N: 329665

Valid Date: 05.04.22

Community Council: Llansilin Community Council

Applicant: Mr D Thomas

Location: Land Near to Lledrod, Llansilin, Oswestry, Powys, SY10 7PU

Proposal: Change of use of agricultural land and a building to a mixed use of agriculture along with machinery/vehicle repairs and servicing, to include hard standing and all associated works (part retrospective)

Application Type: Full application

County Councillor P Lewis spoke in the local representative role on behalf of the local councillor who had a prejudicial interest.

County Councillor P Lewis spoke in the Member representative role, speaking on behalf of Alison Gallagher, objector, who was unable to attend the meeting. The objector was representing her mother.

Mr D Thomas the applicant and Mr R Corbett the agent spoke.

County Councillor A Davies advised she knew the objector but did not know her mother. The Solicitor advised that she could consider the application.

The Planning Officer advised that if the Committee was minded to approve the application the conditions were those contained in the update report.

In response to questions regarding the condition regarding the hours of operation the Professional Lead Planning advised that the times were recommended by the Environmental Health Officer as a noise assessment report had not been submitted as part of the application. The Committee was reminded that the agent had advised that the applicant accepted this condition. Comments were made that the hours of operation were unworkable and the condition should be removed. The Professional Lead Planning advised that as a noise assessment had not been submitted in the application, reasonable steps have to be taken to protect neighbours and so the condition regarding operating hours is recommended. If the Committee was minded to approve the application the applicant if they wished could apply to vary these by submitting evidence regarding noise levels. The Principal Planning Officer advised that the hours of operation related to the commercial use of the building and not to the agricultural use.

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.

4.5 22/1141/FUL Post Office Field Adjacent To Yew Tree Barn, Llanwnog, Caersws, Powys, SY17 5JG

Grid Ref: E: 302150 N: 293868

Valid Date: 15.08.22

Community Council: Caersws Community Council

Applicant: Mr W W Wainwright

Location: Erection of Two Dwellings At Post Office Field Adjacent to Yew Tree Barn, Llanwnog, Caersws, Powys, SY17 5JG

Proposal: Erection of 2 no dwellings incl. change of use

Application Type: Full application

The Committee was advised that this application had been withdrawn by the applicant.

County Councillor A Jones left the meeting having declared an interest.

4.6 22/1459/AGR Pied House, Garthmyl, Montgomery, SY15 6SQ,

Grid Ref: E: 318339 N: 298901
Valid Date: 07.09.22
Community Council: Berriew Community Council
Applicant: R A Jones
Location: Pied House, Garthmyl, Montgomery, SY15 6SQ
Proposal: Erection of agricultural storage building and all associated works

Application Type: Agricultural Notification

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 prior approval of the proposed agricultural building is not required.	As officer's recommendation as set out in the report which is filed with the signed minutes.

County Councillor A Jones returned to the meeting.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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As it had not been possible to add the Delegated decision list to the agenda, this would be emailed to the Committee and also added to the next agenda.

6.	APPEAL DECISION
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The Committee received a copy of the Planning Inspectorate's letter regarding an appeal in respect of an Enforcement Notice, numbered E/01/2021 in respect of Land formerly known as Corn Barn, Crickadarn, Erwood, LD2 3PJ. The Committee noted that the Inspector had upheld the enforcement notice with amendments.

The Solicitor updated the Committee regarding an application for judicial review. The previous Committee in March 2022 approved an application for an intensive poultry unit at Wern Halog Farm, Llanfared, Builth Wells, Powys [21/1381/FUL]. An application for judicial review has been made and the judge at first instance did not grant permission for a review as, in his opinion, there was no case on all grounds. The appellant Fish Legal then applied for the matter to be heard in front of a second judge. The second judge refused this application on the same grounds as the first judge. The appellant has now exercised its right of appeal to the Court of Appeal.

County Councillor K Lewis (Chair)