

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 11 JANUARY 2024

PRESENT

County Councillor K Lewis (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillor A Jones.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 23 November 2023.

Planning

3. DECLARATIONS OF INTEREST

- (a) There were no declarations of interest.
- (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 T Colbert (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application 23/1531/OUT.
- (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 Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2 23/0630/FUL Land Adjacent to Brynllwarch Hall School, Kerry, Newtown, SY16 4PB

Grid Ref:	E: 315216 N: 289382
Valid Date:	10.05.23
Community Council:	Kerry Community Council
Applicant:	Powys County Council
Location:	Land Adjacent to Brynllwarch Hall School, Kerry, Newtown, SY16 4PB.
Proposal:	Full planning application for a proposed replacement school, ancillary buildings, a MUGA, landscaping and associated works

Application Type: Full application

Councillor D Jones, Chairman spoke on behalf of Kerry, Sarn & Dolfor Community Council.

Mr D Archer spoke as an objector.

Mr D Green, Agent spoke on behalf of the applicant.

The Principal Planning Officer advised that if the Committee was minded to approve the application no decision will be issued until confirmation has been received from the Welsh Minister in line with their correspondence.

In response to a question regarding the reason for including condition 25 the Professional Lead Planning advised that the condition tied the existing building and proposed development together, to control the use of the existing site and to ensure that there was no increase in traffic to the area. If a change of use of the existing site in the future was required, the owner of the site would need to apply for the condition to be removed. The Highways Officer in response to a question advised that driveways, being the area between the carriageway and the private boundary, are classed as part of the highway and therefore can be considered to be "informal" passing places. In response to a question regarding the use of a green field site the Professional Lead, Planning advised that use of a brown field site is always preferred but policy does allow for green field sites to be used. He advised that the current buildings are listed and therefore constrain the development of modern school facilities. The Principal Planning Officer confirmed that a sequential assessment of other sites in Powys had been considered and these had been discounted. In response to a question the Professional Lead Planning advised that the current property was listed and the owner has a responsibility to maintain it, but what would happen to it in the future was not for consideration as part of the planning application before Committee.

Issues were raised about the visibility of the proposed development and its impact on other properties to the south of the site and also whether a ground source heat pump could be installed, as a new building is proposed. It was noted that a landscape plan was included and the Principal Planning Officer advised that it had been assessed that there was no adverse visual impact to

surrounding properties. The Committee noted that it could not condition that a ground source heat pump be included but it was noted that a recommendation could be made by the Committee to the applicant. Wheelchair access to the rights of way was raised as an issue and in response the Principal Planning Officer advised that the kissing gate on the rights of way was listed as a curtilage structure and would be retained. Although wheelchair access to the right of way could not be conditioned a recommendation could be made to the applicant. The officer advised that the foul drainage proposal for the site was acceptable. The Committee noted that a SAB approval had been issued for the site.

It was moved and duly seconded to approve the application as recommended by the officer subject to consideration by the Welsh Minister.

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 and that no decision shall be issued until confirmation has been received by the Welsh Minister in line with the received correspondence.	As officer's recommendation as set out in the report which is filed with the signed minutes.

The Committee recommended to the applicant that a ground source heat pump should be considered and installed if appropriate as a new building was being proposed and that further trees and shrubs should be considered on the south facing side to screen the site. The Committee also recommended to the Rights of Way department that wheelchair access to the rights of way should be considered.

Councillor T Colbert moved to the public seating area and the Professional Lead Planning left the meeting room for the next application. Councillor E Vaughan left the online meeting.

4.3 23/1531/OUT Land Known as Caemawdy Slough, Bronllys, Brecon, Powys, LD3 0LH

Grid Ref: E: 314741 N: 235365

Valid Date: 06.11.23

Community Council: Bronllys Community Council

Applicant: Mr & Mrs D & S McCarthy

Location: Land Known as Caemawdy Slough, Bronllys, Brecon, Powys, LD3 0LH

Proposal: Outline: Erection of an affordable dwelling, creation of access, installation of treatment plant and all associated works (some matters reserved)

Application Type: Outline application

The Senior Planning Officer advised that since the update report was published, a further 13 letters of support had been received. In addition the agent had asked that the Committee undertakes a site visit and that consideration of the application be deferred to allow the applicant to submit additional information. The Senior Planning Officer advised that site visits are only made in exceptional circumstances and there were no such circumstances relating to this application. In respect of a deferment the officer advised that the applicant and agent had been given sufficient time to supply the required information and therefore deferment was not recommended.

In response to a question regarding the type of businesses considered to be rural enterprises the Senior Planning Officer advised that TAN6 referred to land based enterprises. This initially meant agricultural enterprises but the policy had been broadened to include such things as tourism business and support services to agricultural contractors, but all had to be land based. The officer advised that a cabinet making business, making kitchens was not dependent on land to exist. In respect of the pedigree flock business, she advised that not enough information had been provided to consider whether a dwelling was required to support this business.

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

RESOLVED:	Reason for decision:
<p>To refuse the application.</p>	<ol style="list-style-type: none"> <li data-bbox="821 1151 1359 1682">1. The proposed development is outside of the development boundary of Bronllys and does not form a logical extension to Bronllys. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies SP1, SP3, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018). <li data-bbox="821 1715 1359 2089">2. Insufficient information has been submitted to enable an assessment of the stated local need. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policies H1 and H6 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011-2026) Supplementary Planning

**Guidance Affordable Housing
(Adopted October 2018).**

- 3. The application site area is 0.19ha and therefore exceeds the guidance contained within Powys Local Development Plan (2011-2026) Supplementary Planning Guidance Affordable Housing (Adopted October 2018) and is contrary to the density guidelines set out in Policy H4 of the Powys Local Development Plan (2011-2026).**
- 4. Insufficient information has been submitted to demonstrate that the development would comply with the rural enterprise dwelling criteria set out within Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Practice Guidance Rural Enterprise Dwellings - Technical Advice Note 6 Planning for Sustainable Rural Communities (2011). Therefore, the development is considered unjustified and unsustainable development contrary to Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010) and Policies SP1, SP5, SP6, H1 and H6 of the Powys Local Development Plan (2011-2026).**
- 5. Insufficient information has been submitted to demonstrate that the proposed development would be served by an adequate means of foul drainage. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021), Policy DM13 of the Powys Local Development Plan (2011-2026) and Welsh Government Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage**

	<p>treatment plants (2018).</p> <p>6. Insufficient information has been submitted to enable the Local Planning Authority to assess the potential impacts of the proposed development upon the River Wye Special Area of Conservation (SAC), in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), in relation to phosphate inputs. Therefore, a significant effect upon the SAC cannot be ruled out, and the development is contrary to the requirements of Planning Policy Wales (Edition 11, 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009), Policy DM2 of the Powys Local Development Plan (2011-2026) and Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018).</p> <p>7. Insufficient information has been submitted to justify the loss of land graded as the best and most versatile agricultural land (grade 2) by the Predictive Agricultural Land Classification Map 2. Therefore, the proposed development is contrary to Planning Policy Wales (Edition 11, 2021) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010).</p>
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County Councillor T Colbert and the Professional Lead Planning returned to the meeting room.

4.4 23/1372/FUL Land Adjacent To Hollydene, Hall Bank, Churchstoke, Montgomery, Powys SY15 6EN

Grid Ref: E: 327550 N: 294575

Valid Date: 08.09.23

Community Council: Churchstoke Community Council

Applicant: Mr Arwyn Davies

Location: Land Adjacent To Hollydene, Hall Bank, Churchstoke, Montgomery, Powys SY15 6EN

Proposal: Change of use of agricultural land to domestic curtilage adjacent to allocated housing site (19/0993/OUT)

Application Type: Full application

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.

5. DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS

The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 16 November 2023 and 4 January 2024. In response to a question the Professional Lead Planning advised that officers would review whether application 23/1723/AGR [page 145 in the pack] was listed under the correct community council.

6. APPEAL DECISION[S]

The Committee received the Planning and Environment Decisions Wales [PEDW] letters regarding the appeals in respect of the following applications and noted the decisions:

- application - 22/0687/HH - Aberdeunant, Bryn Lane, Newtown, SY16 3LX - PEDW had dismissed the appeal
- application 21/2225/REM - Tanyfron, Broncafnt Lane, Llanfair Caereinion, Welshpool SY21 0BW – the appeal was dismissed
- application 23/0236/FUL - The Wood Yard, Broadaxe, Presteigne, LD8 2LA - PEDW had dismissed the appeal
- application 21/0186/FUL - Unity House, Llandrinio, Llanymynech, SY22 6SG – the appeal was dismissed
- application 22/1342/FUL - Fir View Tan y Ffridd Caravan Park, Llangyniew, Welshpool, SY21 OLT – PEDW allowed the appeal and planning permission was granted.

Taxi and other licensing

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. MINUTES OF TAXI LICENSING SUB-COMMITTEES

The Chairs presiding at the Taxi Review Panels held on the following dates were authorised to sign the minutes as correct records: 12 October 2023, 18 December 2023 and 19 December 2023.

County Councillor K Lewis (Chair)