

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 14 MARCH 2024**

**PRESENT**

County Councillor K Lewis (Chair)

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

<b>1. APOLOGIES</b>
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Apologies for absence were received from County Councillor T Colbert.

<b>2. MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 21 February 2024.

<b>Planning</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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- (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) 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 Councillors G Mitchell and L George (who are not members of the Committee) would be speaking as the 'local representative' in respect of applications on the agenda.

<b>4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE</b>
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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 the update circulated the previous day and prior to the meeting. As a member advised that they required more time to read the update circulated prior to the meeting, the Chair agreed to adjourn the meeting prior to Item 4.3 being considered.

4.2 24/0062/FUL Land 3800 Metres West of Staylitttle, Staylitttle,  
Llanbrynmair, Powys

**Grid Ref:** E: 284921 N: 291803

**Valid Date:** 29.01.2024

**Community Council:** Trefeglwys Community Council

**Applicant:** Esgair Galed Energy Park Limited

**Location:** Land 3800 Metres West of Staylitttle, Staylitttle,  
Llanbrynmair, Powys

**Proposal:** Erection and operation of a temporary meteorological  
mast for an approximate 36-month period

**Application Type:** Full Application

The Senior Planning Officer advised that two further public representations had been received, one objecting to the application and the other in support of the application.

Councillor G Mitchell spoke as the local representative.  
Mr Brimson spoke against the application.

In response to a question the Professional Lead Planning advised that the Local Development Plan [LDP] did not contain specific policies relating to masts, but other policies in respect of landscape and visual impact would apply to this application. The Professional Lead Planning also advised in response to a question that Technical Advice Note [TAN] 8 had been superseded by Future Wales. This identified three areas in Powys for development of wind energy, however this application was not for wind energy.

The Committee noted that the applicant had advised that no concrete would be used on site and the Senior Planning Officer advised that steel anchors and pins would be used to secure the mast and the guy wires would be anchored by railway sleepers. In response to a question she also advised that the PCC Ecologist had no objection to the application subject to a condition being included that bird deflectors be installed on the guy wires.

In response to questions the Highways Officer confirmed the transport requirements and that no crane would be required to install the mast.

The Committee noted that 85 objections had been received and one letter of support. Concerns were raised about the visual impact, the impact on users of Public Rights of Way and the impact on the historic landscape. In response to a question the Senior Planning Officer advised that the Snowdonia National Park had not been consulted.

It was moved and duly seconded to approve the application as per the officer's recommendation with an additional condition stating that concrete should not be used on the site.

The Committee noted that the objector had referred to impacts on birds in the area. Concerns were raised that there was no data providing the wildlife baseline at the site.

It was moved and duly seconded to refuse the application contrary to the officer's recommendation due to insufficient information to demonstrate that the proposal would not have a detrimental impact upon the landscape, to users of the rights of way and the potential impact on birds at the site.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be refused contrary to officer's recommendation and that the wording of the reasons for refusal delegated to the Professional Lead – Planning in consultation with the Chair and Vice-Chair.</b></p>	<p><b>1. Insufficient information has been submitted to demonstrate that, as a result of its scale and siting, the proposed development would not have a detrimental impact upon the landscape and enjoyment by users of Public Rights of Way. The application is therefore contrary to Policies SP7 and DM4 of the Powys Local Development Plan (2018).</b></p> <p><b>2. Insufficient information has been submitted to enable consideration of the potential impact of the proposed development upon birds and ornithology contrary to Planning Policy Wales (Edition 12, 2024), Technical Advice Note (TAN) 5: Nature, Conservation and Planning (2009), LDP Policies DM2 and SP7 and Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018).</b></p>

The meeting adjourned to enable members to read the update circulated prior to the meeting in respect of Item 4.3.

County Councillor H William left the meeting for other Council business.

4.3 23/1238/FUL Hendre Fach, Carno, Caersws, SY17 5JY

**Grid Ref:** E: 296278 N: 297693

**Valid Date:** 16/08/2023

**Community Council:** Carno Community Council

**Applicant:** Mr & Mrs Ceri & Edward Jerman-Jones & Jones

**Location:** Hendre Fach, Carno, Caersws, SY17 5JY

**Proposal:** Erection of a rural enterprise dwelling, detached garage & change of use of agricultural building to mixed use (agricultural & commercial) & associated works

**Application Type:** Full Application

County Councillor L George spoke as the local representative and also read out a statement from Carno Community Council, which was unable to send a representative.

Mr E Jerman-Jones applicant and Mr G Davies agent spoke.

Comment was made that such applications were challenging but the Authority needed to look at how rural communities can have a future, that young people do not leave the area and the use of the Welsh Language is encouraged. The Committee noted the update from the Agent, received prior to the meeting and many Committee members considered that this had answered the outstanding issues raised by officers in respect of functional need, time test, financial test and other dwelling test.

The Professional Lead Planning advised that the Committee had to consider the application in line with policy. Officers had sympathy with the applicants' needs but there had to be planning reasons for the development of a rural enterprise dwelling on site. The Senior Planning Officer advised in response to a question that the officers considered that there was no functional need to have a dwelling next to the storage building used by the business. She advised that there was no connection between the site and the land, as the site was for storage of equipment and the functions of the business were undertaken in forests away from this location. The Senior Planning Officer referred the Committee to her update circulated the previous evening in which she had considered the update from the Agent and she had considered that this had not provided any new information in respect of the various Technical Advice Note 6 tests which needed to be considered and as a result the officer's recommendation remained as refusal.

Comment was made that 24/7 access was needed to the site to enable the business to respond to emergency call outs. In response the Senior Planning Officer advised that having a dwelling on site was not justified as the difference in travelling times to the site from the dwelling currently occupied by the applicants was negligible especially as attendance at an emergency would be at another location. The security of equipment at the business site was not a planning consideration as this could be addressed by other means.

It was moved and duly seconded to defer the decision on the application to enable the agent to respond to the issues raised by officers. The motion was put to the vote and lost.

It was moved and duly seconded to approve the application, contrary to officer's recommendation and that it be delegated to the Professional Lead Planning, in consultation with the Chair and Vice Chair, to agree conditions.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>to approve the application, contrary to officer's recommendation and that it be delegated to the Professional Lead Planning, in consultation with the Chair and Vice Chair, to agree conditions.</b>	<b>There is a functional need to have a rural enterprise dwelling at the site of the business and that the other TAN 6 tests including time and financial tests are met.</b>

County Councillor G E Jones left the meeting.

4.4 24/0168/TRE River Wye Activity Centre, Glasbury House, Glasbury, Hereford, Powys, HR3 5NW

**Grid Ref:** E: 317742 N: 239140

**Valid Date:** 06/02/2024

**Community Council:** Glasbury Community Council

**Applicant:** Mrs Kasie Jenkins

**Location:** River Wye Activity Centre, Glasbury House, Glasbury, Hereford, Powys, HR3 5NW

**Proposal:** The felling of 4 Corsican pine and 7 Scots pine trees

**Application Type:** Works to trees in Conservation Area

In response to a question the Principal Planning Officer advised that as part of this application process there was no requirement to replant the area with native trees. He advised that an Informative for planting native trees could be added, if the Committee were minded to approve the application. The Committee was advised that the current trees were considered a risk to the Rights of Way and the flood defence wall.

It was moved and duly seconded to approve the application as recommended by the officer, with the addition of an Informative regarding the planting of native trees.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, with the addition of an Informative regarding the planting of native trees.</b>	<b>As officer's recommendation as set out in the report which is filed with the signed minutes.</b>

**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 5 January 2024 and 7 March 2024. The Professional Lead Planning noted the data errors [page 67] in respect of the second entry for the Abbey Cwm-hir Community Council area.

**6. APPEAL DECISIONS**

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

- 23/0501/FUL - The Talkhouse, Pontdolgoch, Caersws SY17 5JE. The Committee noted that PEDW had upheld the appeal.
- 22/1892/FUL - Tregare, Gwenddwr, Builth Wells, LD2 3BZ. The Committee noted that PEDW had dismissed the appeal.

**Taxi and other licensing****7. MINUTES OF TAXI LICENSING SUB-COMMITTEES**

The Chair presiding at the Taxi Review Panel held on 27 February 2024 was authorised to sign the minutes as a correct record.

**County Councillor K Lewis (Chair)**