

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 24 AUGUST 2017

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, L George, H Hulme, E M Jones, K Laurie-Parry, H Lewis, D Selby, E Vaughan, G I S Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillors M Barnes, L V Corfield, M J Jones, I McIntosh, P C Pritchard, P Roberts, K S Silk, D A Thomas and D H Williams.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 3 August, 2017.

Taxi and other licensing

3. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the next item on the Agenda.

County Councillors L. George and H. Hulme moved to the public seating area as they had not been present at the previous meeting where the following item was considered.

4. VEHICLE LICENCE CONDITIONS

In response to the Committees' comments at the previous meeting regarding the proposed revision of the Authority's conditions for licensed Hackney Carriage and Private Hire Vehicles, the Senior Licensing Officer had further reviewed the proposed conditions. The Committee considered the further amendments [copy filed with the minutes].

The Committee noted the proposed conditions regarding wheelchair accessible vehicles. It considered the timescale in which the taxi trade would be required to comply with the condition, to ensure the safety of the public. In respect of possible exemptions for private hire operators providing Executive Hire, the Committee considered that there should be no exemptions, as display fixings would not impact on the bodywork of a vehicle.

RESOLVED	Reason for decision
1. That wheelchair accessible vehicles [WAVs] must meet European Community Whole Vehicle Type Approval [EWVTA]	To ensure the safety of people who use wheelchairs.

<p>within 12 months of the new conditions coming into force.</p>	
<p>2. That all hackney carriage or private hire vehicles shall display an identification and signage plate approved by the Licensing Authority.</p>	<p>To ensure that the public know that a vehicle is licensed.</p>
<p>3. That subject to the above: (i) the revised vehicle licence conditions set out at Agenda Item 4 be approved for consultation with the taxi trade via a trade newsletter sent to all drivers. The trade will have 14 days to respond. (ii) That the consideration of any objections to the revised conditions be delegated the Chair and Vice Chair of the Planning, Taxi Licensing and Rights of Way Committee in consultation with the Senior Licensing Officer. (iii) That subject to (ii) above, the revised vehicle conditions will come into effect for vehicle licences issued after the end of consultation.</p>	<p>To commence consultation on revised vehicle licence conditions for hackney carriages and private hire vehicles licensed by Powys County Council.</p> <p>To ensure up to date vehicle conditions are applied to all licensed hackney carriage and private hire vehicles in Powys to promote public safety.</p>

County Councillors L. George and H. Hulme resumed their seats in the Committee.

County Councillor R Williams arrived.

<p>5.</p>	<p>DECLARATIONS OF INTEREST</p>
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(a) County Councillor K Lewis declared a personal and prejudicial interest in applications P/2026/0796 and P/2016/0797 because he knows the applicant's family.

County Councillor K Laurie-Parry declared a personal non-prejudicial interest in application TREE/2017/0025 as she had been appointed as a school governor to Gwernyfed High School.

(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 H Hulme (who is a member of the Committee) declared that she would be acting as 'local representative' in respect of application P/2017/0154.

(d) The Committee noted that the following Councillors (who are not members of the Committee) would be speaking as the 'local representative' as follows:
P/2017/0010 County Councillor A Jenner
P/2017/0200 County Councillor G. Jones

6. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Committee considered the report of the Head of Regeneration, Property and Commissioning (copies filed with the signed minutes).

6.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

County Councillor K Laurie-Parry moved to the public seating area as she was not at the previous meeting when the following application was considered.

County Councillor H Hulme moved to the public seating area as she was acting at the "local representative" for the next application.

6.2 P/2017/0154 Land adjoining "The Garage", Adfa, Newtown, Powys SY16 3DW

Application No:	P/2017/0154
Grid Ref:	305746.64 301004.76
Valid Date:	10/02/2017
Officer:	Eddie Hrustanovic
Community Council:	Dwyriw Community Council
Applicant:	Mr T P Richards, Maenllengen Adfa, Newtown, Powys SY16 3DL
Location:	Land adjoining "The Garage" Adfa Newtown, Powys SY16 3DW
Proposal:	Outline: Residential development of up to 5 dwellings, creation of access and associated works (some matters reserved)
Application Type:	Application for Outline Planning Permission

The Planning Officer advised that the applicant had reduced the number of proposed dwellings from 9 to 5 [4 open market dwellings plus 1 affordable dwelling] as a result of the discussions at the last Committee.

County Councillor H Hulme spoke as the local representative.

The applicant had now provided information regarding sustainability and the impact on the Welsh language.

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 officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor H Hulme resumed her seat on the Committee.

County Councillor K Laurie-Parry remained in the public seating area as she was not at the previous meeting when the following application was considered.

6.3 P/2017/0329 Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB

Application No: P/2017/0329

Grid Ref: 306282.14 301102.68

Valid Date: 24/03/2017

Officer: Dunya Fourie

Community Council: Dwyriw Community Council

Applicant: Mr D T M Jones, Min-Y-Fford, Adfa, Newtown, Powys, SY16 3DB

Location: Land adjoining Min-y-Fford, Adfa, Newtown, Powys, SY16 3DB

Proposal: Outline: Residential development of up to 9 dwellings, including new access and all associated works (some matters reserved)

Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that the applicant had reduced the number of proposed dwellings from 9 to 5 [4 open market dwellings plus 1 affordable dwelling] as a result of the discussions at the last Committee. The applicant had now provided information regarding sustainability and the impact on the Welsh language.

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 officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor K Laurie-Parry resumed her seat on the Committee.

6.4 P/2017/0119 Wyese Caravan Park, Rhayader, Powys, LD6 5LB

Application No: P/2017/0119

Grid Ref: 296834.02 268416.04

Valid Date: 07/02/2017

Officer: Karen Probert

Community Council: Rhayader Town Council

Applicant: Mr Nathan Goodyear, The Camping and Caravanning Club

Location: Wyese Caravan Park, Rhayader, Powys, LD6 5LB

Proposal: Full: Upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works

Application Type: Application for Full Planning Permission

Councillor C Evans spoke on behalf of Rhayader Town Council.
 Mrs S Jones spoke against the application.
 Miss S Butterfield and Mr N Goodyear spoke as the Agent and applicant.

Colin Edwards, Solicitor declared a non-prejudicial interest as he was a member of the Camping and Caravanning Club but having consulted the Monitoring Officer it had been confirmed that he could remain in the meeting to advise the Committee on any legal issues.

The Planning Officer advised that if the Committee was minded to approve the application, Development Management recommended that the wording of condition 3 should include "to be fully implemented thereafter." and condition 8 should be amended to refer to the fact that the Site Managers hardstanding should be temporary for three years as Development Management did not believe full details were available to justify a permanent residential pitch, with the wording of the condition being delegated to the Professional Lead Development Management.

In response to questions regarding the gift of the land to the town and the terms of the lease the Solicitor advised that these were not issues for the Committee to

consider. Neither had any bearing of the determination of the planning permission.

In response to questions the Planning Officer advised that the access to Capel Parc would be retained. The Professional Lead Development Management advised that the existing use went up to the riverside but the application provided for a buffer zone and that the common land and public rights of way rights would not be affected by the application.

The Planning Officer advised that the original proposal was for 41 pitches and this had been reduced to 31, retaining an area of grass for tents. The Committee noted that Natural Resources Wales [NRW] and other statutory consultees had not objected to the application. The Committee acknowledged that the site was already used and was in a C2 flood zone but raised concerns that the installation of 31 hardstanding areas could divert flood water to other areas. It was noted that NRW had only considered whether the proposal intensified the use of the area, which it did not.

It was proposed and duly seconded to defer the application.

RESOLVED:	Reason for decision:
that the application be deferred.	To enable officers to ask Natural Resources Wales [NRW] to provide further comments regarding the potential impact of the proposed hardstanding on the flooding in the area and impact on other areas.

6.5 P/2017/0010 Land adjoining The Fron, Middletown, Welshpool, Powys, SY21 8EN

Application No: P/2017/0010

Grid Ref: 330432.21 312640

Valid Date: 20/01/2017

Officer: Kate Bowen

Community Council: Trewern Community Council

Applicant: E M & A R Paddock, c/o Agent

Location: Land adjoining The Fron, Middletown, Welshpool, Powys, SY21 8EN

Proposal: Outline: Residential development of up to 25 dwellings, construction of vehicular access, car parking facilities and attenuation pond

Application Type: Application for Outline Planning Permission

The Committee noted that the application was for outline planning permission, rather than full planning permission as shown on the front of the report.

County Councillor A Jenner spoke as the local representative.
Mr N Williams spoke as the Agent.

The Planning Officer advised that if the Committee was minded to approve the application, the Update report contained the revised conditions and it was recommended to the Committee that it be delegated to the Lead Professional Development Management in consultation with the Chair and Vice Chair to add a condition regarding the on-site open space/play area and to resolve with Education Services its request for a contribution for improvements to parking a Buttington/Trewern County Primary School.

In response to comments the Planning Officer advised that the application was for a maximum of 25 dwellings. She advised that in respect of capacity issues, it was considered that on balance, Middletown had the facilities and transport links to make the development sustainable, but this was an issue for the Committee to consider. Comment was made about the level of vehicle movements to and from the site. Officers advised that access was from the trunk road and the Trunk Road Agency had no objections to the development subject to conditions.

In respect of the provision by the applicant of a car parking area for visitors to the neighbouring Church the Committee noted the offer by the Agent to include this area via an appropriately worded condition. The Planning Officer advised that the provision had been withdrawn from the submitted plans and a condition as recommended by the agent would not comply with the tests for planning conditions.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and that it be delegated to the Lead Professional Development Management in consultation with the Chair and Vice Chair</p> <ul style="list-style-type: none"> • the addition of an appropriately worded condition regarding a management agreement for on-site open space/play area to secure its provision, retention and maintenance and • to resolve with Education Services its request for a contribution for improvements to parking a Buttington/Trewern County Primary School. 	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure the provision of amenity space and to secure an appropriate contribution to parking facilities at Buttington/Trewern school if appropriately justified by Education Services.</p>

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The Committee adjourned for lunch at 12.30 p.m. and reconvened at 1.10 p.m.

6.6 P/2017/0200 Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF

Application No: P/2017/0200

Grid Ref: 310686.84 307007.83

Valid Date: 23/02/2017

Officer: Tamsin Law

Community Council: Llanfair Caereinion Community Council

Applicant: Mr JPR Andrew, Bronheulog, Manafon, Welshpool, Powys, SY21 8BW

Location: Land adj Llys Awel, Pool Road, Llanfair Caereinion, Welshpool, Powys, SY21 0SF

Proposal: Outline: Proposed residential development comprising of up to 42 no. dwellings, formation of estate road and all associated works (all matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor G Jones spoke as the local representative.
Councillor K Roberts spoke on behalf of Llanfair Caereinion Town Council.
Mr R Corbett spoke as the Agent.

The Principal Planning Officer advised that if the Committee was minded to approve the application it was recommended that it be delegated to the Lead Professional Development Management, in consultation with the Chair and Vice Chair, to resolve with the Education Services as to the level of financial contribution for education services. In addition Development Management recommended that the affordable houses should be restricted to 130sqm. and permitted development rights should be removed.

In response to a question the Principal Planning Officer advised that the site was rejected during the development of the Local Development Plan [LDP]. However, the applicant had addressed the issues raised during the LDP process. The Committee noted that the applicant had referred to a Welsh Language Plan and officers advised that this would be considered in more detail at reserved matters. In respect of education capacity, the Principal Planning Officer advised that the High School had surplus capacity but a financial contribution was required by the primary school.

The Highways Authority advised that the site was accessed from the Trunk Road. Although the Welsh Government Transport had not required the provision of a footpath, the Highways Authority was concerned about a lack of a safe link to the town and considered that a footpath was imperative. The Professional Lead Development Management advised that if the Committee was minded to approve the application he recommended a condition for the provision of a footpath and that it be delegated to him to investigate matters to ensure that the condition can be complied with and that if this is not feasible the application is referred back to the Committee.

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 the affordable houses should be restricted to 130 sqm and permitted development rights be removed and that it be delegated to the Lead Professional Development Management to resolve with the Education Services as to the level of financial contribution for education services and that a condition regarding the provision of a footpath from the site to the town and that it be delegated to the Professional Lead Development Management to investigate matters to ensure that the condition can be complied with and that if this not complied with that the application be referred back to the Committee.</p>	<p>As officers recommendation as set out in the report which is filed with the signed minutes.</p> <p>To ensure an appropriate education contribution is secure where justified by the Education Service.</p> <p>To ensure highways safety and a sustainable development.</p>

County Councillor D Price left the meeting and County Councillor K Lewis took the Chair.

The applications were then considered as follows.

6.11 P/2017/0647 Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

Application No: P/2017/0647

Grid Ref: 324016.07 308909.80

Valid Date: 14/06/2017

Officer: Rachel Mulholland

Community Council: Welshpool Community Council

Applicant: Mr & Mrs Roberts, Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

Location: Land forming part of Rhallt Field, Rhallt Lane, Buttington, Welshpool, SY21 9JP

Proposal: Erection of a dwelling and detached garage, formation of vehicular access and all associated works (with all matters reserved)

Application Type: Application for Outline Planning Permission

County Councillor F Jump spoke as the local representative.
Mr Roberts spoke as the applicant and Mr Corbett spoke as the Agent.

In response to a question the Planning Officer advised that the application had previously been refused due to the lack of information regarding ecology matters and that it was considered that as the development was outside of the rural settlement of Buttington. The ecology information had now been received and the local community had now confirmed that the site formed part of Buttington.

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 officers recommendation as set out in the report which is filed with the signed minutes.

6.12 P/2017/0670 Land adjacent to Nant Y Waen, Abermule, SY15 6NR

Application No: P/2017/0670

Grid Ref: 316158.50 292849.37

Valid Date: 13/06/2017

Officer: Rachel Mulholland

Community Council: Llandyssil Community Council

Applicant: Mr & Mrs Bebb, Waen, Llanmerewig, Abermule, Montgomery, Powys, SY15 6NR

Location: Land adjacent to Nant Y Waen, Abermule, SY15 6NR

Proposal: Erection of two dwellings and installation of sewerage treatment plant (with some matters reserved)

Application Type: Application for Outline Planning Permission

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 officers recommendation as set out in the report which is filed with the signed minutes.

6.13 TREE/2017/0025 Land at Ysgol Uwchradd Gwernyfed, Three Cocks, Brecon, LD3 0SG

Application No: TREE/2017/0025

Grid Ref: 317182.44 237423.11

Valid Date: 17/07/2017

Officer: Thomas Goodman

Community Council: Gwernyfed Community Council

Applicant: Powys County Council, Cambrian Way, Neuadd Brycheiniog, Brecon LD3 7HR

Location: Land at Ysgol Uwchradd Gwernyfed, Three Cocks, Brecon, LD3 0SG

Proposal: Application for works to a tree subject to a tree preservation order

Application Type: Works to trees subject to a TPO and/or Notification of proposed works to trees in conservation areas

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 officers recommendation as set out in the report which is filed with the signed minutes.

6.9 P/2016/1126 Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys SY21 8NE

Application No: P/2016/1126

Grid Ref: 322608.01, 301110.5

Valid Date: 09/11/2016

Officer: Bryn Pryce

Community Council: Forden Community Council

Applicant: Mr & Mrs DA & OE Williams DA & OE Williams c/o Roger Parry and Partners LLP

Location: Land at Pen y lan & adjacent to Woodluston, Forden, Welshpool, Powys SY21 8NE

Proposal: Proposed residential development comprising of up to five dwellings and all associated works

Application Type: Application for Outline Planning Permission

RESOLVED: that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.	Reason for decision: As officers recommendation as set out in the report which is filed with the signed minutes.
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6.10 P/2017/0111 Montgomeryshire Natural Spring Water Co, Crosslikely, Churchstoke, Montgomery Powys SY15 6AR

Application No: P/2017/0111

Grid Ref: 327914.26, 293690.04

Valid Date: 13/02/2017

Officer: Bryn Pryce

Community Council: Churchstoke Community Council

Applicant: Mr P Delves, Crosslikely, Montgomeryshire Natural Spring Water Co, Churchstoke, Montgomery, Powys SY15 6AR

Location: Montgomeryshire Natural Spring Water Co, Crosslikely, Churchstoke, Montgomery Powys SY15 6AR

Proposal: Section 73 application to vary condition 2 of permission P/2015/0180 relating to the approved plans

Application Type: Application for Removal or Variation of a Condition

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 officers recommendation as set out in the report which is filed with the signed minutes.

County Councillor D R Price returned to the meeting and resumed the Chair.

County Councillor K. Lewis having declared a pecuniary interest left the room for the next two applications.

6.7 P/2016/0796 Land to the south of A489 West of Mochdre Brook, Newtown, Powys, SY16 4HZ

Application No: P/2016/0796

Grid Ref: 308602.37 290319.98

Valid Date: 28/07/2016

Officer: Tamsin Law

Community Council: Mochdre Community Council

Applicant: Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury SY2 6LG

Location: Land to the south of A489 West of Mochdre Brook, Newtown, Powys, SY16 4HZ

Proposal: Outline application for erection of up to 60 dwellings and construction of vehicular access

Application Type: Application for Outline Planning Permission

The Principal Planning Officer advised that the Education Service had confirmed that it was now not seeking a financial contribution, from the development.

The Built Heritage Officer advised the Committee that new guidance regarding the protection of listed buildings was published in May 2017. She advised that the building had been designed to take advantage of the views to the land in front of it and the building of houses in this area would divorce the building from the landscape. She considered that the development would adversely impact on the house. The Principal Planning Officer stated that the proposed development could be designed to retain important views and that on balance, taking into the appropriate weighting that needs to be allocated to safeguarding listed buildings and their setting, the development was considered acceptable.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions	As officers recommendation as set out in the report which is filed with

set out in the report which is filed with the signed minutes.	the signed minutes.
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County Councillor G Williams left the meeting.

6.8 P/2016/0797 Land to the north of A489 west of Mochdre Brook, Newtown, Powys, SY16 4HZ

Application No: P/2016/0797

Grid Ref: 308602.37 290383.72

Valid Date: 28/07/2016

Officer: Tamsin Law

Community Council: Mochdre Community Council

Applicant: Melrose Developments, Shrewsbury Business Park, c/o Willow House East, Shrewsbury SY2 6LG

Location: Land to the north of A489 west of Mochdre Brook, Newtown, Powys, SY16 4HZ

Proposal: Outline application for erection of up to 30 dwellings and construction of vehicular access

Application Type: Application for Outline Planning Permission

The Principal Planning Officer referred the Committee to the Update report and advised that if the Committee was minded to approve the application that a condition be added to provide a footpath from the site.

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 and that a condition be added to provide a footpath from the site linking it with Newtown.	As officers recommendation as set out in the report which is filed with the signed minutes. To ensure highways safety.

County Councillor K Lewis returned to the meeting room.

7.	DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS
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Planning, Taxi Licensing & Rights of Way Committee Thursday, 24 August 2017

The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 13th July, 2017 and 16th August, 2017.

The Committee noted the dates and venues for future meetings.

County Councillor D R Price
Chair