

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 18 JANUARY 2018**

PRESENT

County Councillor D R Price (Chair)

County Councillors K Lewis, L V Corfield, L George, H Hulme, E M Jones, H Lewis, I McIntosh, P C Pritchard, K S Silk, D A Thomas, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

**1. APOLOGIES**

Apologies for absence were received from County Councillors M.J. Jones, K Laurie-Parry, P Roberts and D Selby. County Councillor P.C. Pritchard was on other Council business and would arrive late and County Councillors L.V. Corfield had advised that she would be late.

**2. MINUTES OF THE PREVIOUS MEETING**

The Chair was authorised to sign as a correct record the minutes of the meetings held on 7 and 15 December, 2017.

**Rights of Way**

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest in respect of the following agenda item.

**4. WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53 - PROPOSED DELEGATION OF DECISION-MAKING FOR DEFINITIVE MAP MODIFICATION ORDER CASE – ROUTE FROM BANKSHEAD, SHROPSHIRE TO SHEPHERDSWHIM, POWYS**

The Committee received the report from the Senior Manager, Countryside, Contracted and Cultural Services. The Committee noted the options available to it, in respect of how to manage the Definitive Map Modification Order case.

<b>RECOMMENDATION TO COUNCIL</b>	<b>REASON FOR RECOMMENDATION</b>
<b>that the Council delegates the decision making to Shropshire Council, in respect of the section of the claimed route in Powys.</b>	<b>To ensure the timely consideration of the Definitive Map Modification Order case - Route from Bankshead, Shropshire to Shepherdswhim, Powys and also without impacting on other casework that is already in progress in Powys.</b>

County Councillor LV Corfield arrived at the meeting.

**Planning**

**5. DECLARATIONS OF INTEREST**

(a) County Councillors R. Williams and K Silk sought advice regarding their membership of the Council for the Protection of Rural Wales [CPRW] which had responded to the application. The Solicitor noted that they were ordinary members of the organisation and advised them that they should declare a personal interest and remain as decision makers for the application.

County Councillor D. R. Price declared a prejudicial interest in application P/2017/1114 because a close personal friend is employed by the applicant.

County Councillor E. M Jones declared a prejudicial interest in application P/2016/0455 because he rented land from and does business with the applicant and a grand-daughter is employed by the applicant. He is also a Church Warden at St Stephens Church, Old Radnor and the church, which is a Grade 1 listed building is mentioned in the report and he is also the Chair of the Liaison Committee.

County Councillor L. George declared prejudicial interests in the following applications:  
P/2017/0580 and P/2017/1215 – because applicants are family members  
P/2017/0969 – as he is the applicant.

County Councillor G.I.S. Williams declared an interest in P/2016/0455 as he was a customer of the applicant.

(b) County Councillor E.M. Jones requested that a record be made of his membership of Old Radnor Community Council where discussion had taken place of matters for the consideration of this Committee and he took no part in these discussions.

(c) County Councillor E.M. Jones (who is a member of the Committee) declared that he would be acting as 'local representative' in respect of application P/2016/0455.

(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.

**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.

## 6.2 P/2016/0455 Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

<b>Grid Ref:</b>	324385 258094
<b>Valid Date:</b>	25/04/2016
<b>Officer:</b>	Thomas Boothroyd
<b>Community Council:</b>	Old Radnor Community Council
<b>Applicant:</b>	Tarmac Trading LTD
<b>Location:</b>	Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW
<b>Proposal:</b>	Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.
<b>Application Type:</b>	Full Planning Permission

County Councillor E.M. Jones spoke as the local representative and then, having declared a prejudicial interest, left the meeting room.

Councillor R. Burton spoke on behalf of Old Radnor Community Council.

Mr M Law spoke for the applicant.

The Chair advised that he would consider the application under the following headings: principle of development; cultural heritage; landscape and visual impact; ecology; highways and rights of way and any other issues under "catch all".

In response to questions the Planning Officer advised that the phasing of the scheme would be to 2111. The restoration was ongoing and also depended on the rate of extraction. A condition had been recommended which required the

submission of restoration and after care plans if the extraction process ceased. Concerns were raised that there were examples of sites across Powys where restoration and aftercare had not been completed. The Committee considered that if the quarry ceased at any point in time the County Council should not be liable for the restoration and after care costs. In response to questions regarding the ability of requesting a bond from the applicant, the Professional Lead Development Management advised that he was only aware of bonds being requested for coal and wind farm schemes. In addition he advised that recently a bond requested in respect of Garreg Llwyd windfarm was deemed to not be required by the Welsh Government. In response to a question the Planning Officer advised that the applicant had previously carried out acceptable restoration work and complied with restoration plans.

The Planning Officer in response to questions regarding dust monitoring advised that this would be covered under other legislation and be monitored by the Environmental Health Officer. The Profession Lead Development Management advised that although planning should not duplicate other legislation a condition could be added if the Committee was minded to approve the application.

The Committee noted that the £10k contribution made by the applicant to the Authority, referred to by the applicant, was a contribution towards mitigating any impact of the public rights of ways network.

It was proposed and duly seconded to defer consideration to enable officers to consider the issue of securing a bond for the future restoration and aftercare of the site, as the Council had a responsibility to future generations to ensure the environmental and health & safety impact can be dealt with. The Professional Lead Development Management advised that he considered that delegation to him in consultation with the Chair and Vice Chair to agree a suitable Bond where appropriate, which would be secured by a S106 agreement, was an option for Committee to consider. In light of this the proposer and seconder for the deferment agreed to withdraw their proposal.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<p><b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the addition of a condition in respect of dust monitoring and delegation to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree a suitable Bond, which would be secured by a S106 agreement in respect of the restoration and aftercare of the site.</b></p>	<p><b>As officers recommendation as set out in the report which is filed with the signed minutes.</b></p> <p><b>In order to ensure that sufficient finance is set aside to ensure to enable that restoration obligations are fully achieved.</b></p>

County Councillors P.C. Pritchard arrived at the meeting. County Councillors P.C. Pritchard and G.I.S. Williams moved to the public area for the next application as they had not previously considered the following application which had been deferred from the meeting on 26 October, 2017.

6.3 P/2017/0571 Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ

**Grid Ref:** 312659.85 326184.17

**Valid Date:** 18/05/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Llanrhaeadr Community Council

**Applicant:** Mr N Jones, Tanat Valley Developments,  
Woolston Bank, Fairfields, Oswestry SY10 8HZ

**Location:** Land adjoining Brynderw Park Street, Llanrhaeadr Ym Mochnant, Oswestry SY10 0JJ

**Proposal:** Outline application for residential development for up to 5 dwellings, formation of access road and all associated works

**Application Type:** Application for Outline Planning Permission

In response to questions the Principal Planning Officer advised that a Welsh Language and Culture mitigation plan would be produced at the time of the development. It could include details of how the developer would promote the Welsh language and culture in the area or provide funding for Welsh classes. The developer would normally consult relevant organisations in the development of the plan.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillors P.C. Pritchard and G.I.S. Williams resumed their seats in the Committee.

County Councillor L. George having declared a prejudicial interest left the meeting room for the next item.

6.4 P/2017/0580 Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys SY16 3PL

**Grid Ref:** 309892.84 298237.96

**Valid Date:** 31/05/2017

**Officer:** Eddie Hrustanovic

**Community Council:** Tregynon Community Council

**Applicant:** Tyn Y Bryn Farms, Tyn y Bryn, Tregynon, Newtown, Powys, SY16 3PJ

**Location:** Land adjacent Tyn y Ddol, Tregynon, Newtown, Powys, SY16 3PL

**Proposal:** Outline: Erection of up to 5 dwellings, formation of vehicular access and access road and all associated works

**Application Type:** Application for Outline Planning Permission

The Highway Officer confirmed that the proposed footpath would link with the current footpath along the road.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor L. George resumed his seat in the Committee.

County Councillor D.R. Price having declared a prejudicial interest left the meeting room for the next application. County councillor K. Lewis took the Chair.

6.5 P/2017/1114 Land at Alltmawr, Abernant, Erwood, Powys

**Grid Ref:** 307147.89 246177.92

**Valid Date:** 11/10/2017

**Officer:** Thomas Goodman

**Community Council:** Erwood Community Council

**Applicant:** Mr Jones, Oak Villa, Erwood, Builth Wells, Powys

**Location:** Land at Alltmawr, Abernant, Erwood, Powys

**Proposal:** Full - Application for the retention of a single affordable dwelling and associated works

**Application Type:** Application for Full Planning Permission

In response to questions the Highways Authority advised that it could not comment on the safety of the junction to the A470 as this was an issue for the Trunk Road Agency.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>The application be refused.</b>	<p><b>1. The proposed development constitutes unjustified development in the open countryside contrary to adopted policies on development in the open countryside. The proposed development does not comply with policies HP6, HP7, HP8 and HP9 of the Powys Unitary Development Plan (2010).</b></p> <p><b>2. Insufficient information has been provided to properly assess the acceptability of the development as to whether the development will have a detrimental impact upon highway safety. The proposed development therefore does not comply with policy GP4 of the Powys Unitary Development Plan (2010) and Technical Advice Note: 18 Transport (2007).</b></p>

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

6.6 P/2017/1252 Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford, HR3 5PU

**Grid Ref:** 321054.4 240280.57

**Valid Date:** 26/10/2017

**Officer:** Thomas Goodman

**Community Council:** Llanigon Community Council

**Applicant:** Mr & Mrs RK & PA Bishop, Llanigon, Llanthomas Cottage, Llanthomas Lane, Hereford, HR3 5PU

**Location:** Land adjoining Gardeners Barn, Llanthomas Lane, Llanigon, Hereford HR3 5PU

**Proposal:** Outline: Erection of two detached dwellings

**Application Type:** Application for Outline Planning Permission

The Planning Officer advised that if the Committee was minded to approve the application the conditions were those as detailed in the Update report which included a condition removing permitted development rights.

The Committee noted that a small corner of the site was in the flood zone.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the update report which is filed with the signed minutes.</b>

County Councillor L George having declared a prejudicial interest left the meeting room for the next item.

6.7 P/2017/0969 Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys SY17 5NJ

**Grid Ref:** 300661.43 294136.08

**Valid Date:** 22/08/2017

**Officer:** Gemma Bufton

**Community Council:** Caersws Community Council

**Applicant:** Mr L George, Pontdolgoch Mill, Pontdolgoch, Caersws, Powys, SY17 5JE

**Location:** Land opposite Cefn y Wern, Pontdolgoch, Caersws, Powys SY17 5NJ

**Proposal:** Outline: Proposed residential development of up to 3 dwellings, formation of vehicular access & access road & all associated works (some matters reserved).

**Application Type:** Application for Outline Planning Permission

The Principal Planning Officer confirmed that the application was now for two dwellings.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the</b>	<b>As officers recommendation as set out in the report which is</b>



<b>conditions set out in the report which is filed with the signed minutes.</b>	<b>filed with the signed minutes.</b>
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County Councillor L George resumed his seat in the meeting.

The Chair agreed to change the order of the agenda to accommodate the public in attendance.

6.9 P/2017/0703 Oaklands, Forden, Welshpool, Powys SY21 8NA

**Grid Ref:** 323225.64, 301055.76

**Valid Date:** 21/06/2017

**Officer:** Bryn Pryce

**Community Council:** Forden Community Council

**Applicant:** Mrs L & G Broxton and James Brynderwen, Forden, Welshpool, Powys SY21 8NA

**Location:** Oaklands, Forden, Welshpool, Powys SY21 8NA

**Proposal:** Outline application for residential development of up to 9 dwellings, installation of sewage treatment plant and associated works

**Application Type:** Application for Outline Planning Permission

The Committee raised as a concern the proposal to provide two affordable houses on the development and noted the concerns raised by the Affordable Housing Officer that this level does not meet the Supplementary Planning Guidance. The Professional Lead Development Management advised that the applicant had informed him that he wishes to provide three affordable houses and he recommended that if the Committee was minded to approve the application this level could be added to the conditions.

It was noted that the traffic speed limit on the adjacent B4388 was 60 mph. In response to questions the Highways Authority advised that the appropriate visibility splays for such speeds could not be achieved. As a result the developer had offered to fund a Traffic Regulation Order [TRO] to reduce the speed limit on the road to 40mph.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the addition of a condition for the</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>
	<b>In order to secure an appropriate level of affordable</b>

<b>provision of three affordable houses.</b>	<b>housing.</b>
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6.12 P/2017/1318 Coedbach, Franksbridge, Llandrindod Wells, Powys, LD1 5SA

**Grid Ref:** 311664.2 256448.52

**Valid Date:** 10/11/2017

**Officer:** Kevin Straw

**Community Council:** Glascwm Community Council

**Applicant:** Mr M Davies, Coedbach, Franksbridge, Llandrindod Wells, Powys LD1 5SA

**Location:** Coedbach, Franksbridge, Llandrindod Wells, Powys LD1 5SA

**Proposal:** Outline: Erection of 2 no. single storey residential dwellings and associated works (all matters reserved).

**Application Type:** Application for Outline Planning Permission

In response to questions the Highways Authority advised that drainage had improved in the area due to recent maintenance work on the road.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor L George, having declared a prejudicial interest, left the room for the next application.

6.14 P/2017/1215 2 Tynybryn Cottages, Tregynon, Newtown, Powys, SY16 3PJ

**Grid Ref:** 309545.09 297741.08

**Valid Date:** 19/10/2017

**Officer:** Luke Jones

**Community Council:** Tregynon Community Council

**Applicant:** Mr & Mrs T Jones, 2 Tynybryn Cottages,  
Tregynon, Newtown, Powys SY16 3PJ

**Location:** 2 Tynybryn Cottages, Tregynon, Newtown, Powys  
SY16 3PJ

**Proposal:** Householder: Erection of a two storey extension  
and all associated works

**Application Type:** Householder Application

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor L George resumed his seat in the meeting.

The Committee adjourned for lunch at 12.45 p.m. and resumed at 1.15 p.m.

County Councillor E Vaughan left the meeting for other Council business and County Councillor H Hulme left the meeting.

6.8 P/2017/0501 Land at Foundry Lane, Welshpool, Powys SY21 7TR

**Grid Ref:** 323097.5, 307637.7

**Valid Date:** 04/05/2017

**Officer:** Bryn Pryce

**Community Council:** Welshpool Town Council

**Applicant:** Wales & West Housing Association St David's  
Park, Ty Draig, Ewloe, Deeside CH5 3DT

**Location:** Land at Foundry Lane, Welshpool Powys SY21  
7TR

**Proposal:** Full: Erection of 8 no. bungalows and 1 no. staff  
accommodation unit together with formation of  
vehicular access and roadway, parking and all  
associated works

**Application Type:** Application for Full Planning Permission

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted</b>	<b>As officers recommendation as</b>

<b>consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>set out in the report which is filed with the signed minutes.</b>
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6.11 P/2017/1267 Land by Glanaber, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD

**Grid Ref:** 309035.84 324477.57

**Valid Date:** 30/10/2017

**Officer:** Sara Robinson

**Community Council:** Pen-y-bont Community Council

**Applicant:** Mr RE Hughes, Parc, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD

**Location:** Land by Glanaber, Pen y Bont Fawr, Oswestry, Powys, SY10 0PD

**Proposal:** Outline: Erection of up to 2 dwellings and associated works

**Application Type:** Application for Outline Planning Permission

In response to questions the Highways Authority advised that it objected to the original application but on receipt of revised plans its objection had been withdrawn.

The Professional Lead Development Management advised that sites for five or more houses were included in the Unitary Development Plan or the Local Development Plan.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

6.15 NMA/2017/0080 Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys, SY16 2NH

**Grid Ref:** 310684.23 291656.08

**Valid Date:** 12/10/2017

**Officer:** Luke Jones

**Community Council:** Newtown Town Council

**Applicant:** Powys County Council

**Location:** Land Adjacent South of Newtown Bowling Club, Back Lane, Newtown, Powys SY16 2NH

**Proposal:** Non material amendment to planning permission P/2016/0466 in regards to alterations to the site layout, reducing the size of the windows, revision of the sill height and seek to use a timber & render cladding system in place of brickwork and the addition of a mobility scooter store at the rear of the property

**Application Type:** Non Material Amendments

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

6.10 P/2017 1154 Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys SY21 9DZ

**Grid Ref:** 315965.31 305563.63

**Valid Date:** 11/10/2017

**Officer:** Sara Robinson

**Community Council:** Castle Caereinion Community Council

**Applicant:** Mr David Thomas, D J Thomas Developments Ltd, Dolanog, Ysgubor-y-Wig, Welshpool, Powys, SY21 1AS

**Location:** Land at Swallows Meadow, Castle Caereinion, Welshpool, Powys, SY21 9DZ

**Proposal:** Full: Erection of 4 no. dwellings with detached garages, formation of vehicular access roadway and all associated works

**Application Type:** Application for Full Planning Permission

The Planning Officer advised that this was a new application for the site.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
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 P/2017/1112 Site Next to Manteg, Stepside, Newtown Powys, SY16 4JJ

**Grid Ref:** 308200.64 289379.51

**Valid Date:** 04/10/2017

**Officer:** Karen Probert

**Community Council:** Mochdre Community Council

**Applicant:** Mr Emyr Davies, Tynypwll, Llandinam, Powys, SY17 5BQ

**Location:** Site Next to Manteg, Stepside, Newtown Powys, SY16 4JJ

**Proposal:** Outline: Erection of an eco-friendly dwelling (all matters reserved)

**Application Type:** Application for Outline Planning Permission

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

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be granted consent, subject to the conditions set out in the Update report which is filed with the signed minutes.	As officers recommendation as set out in the report which is filed with the signed minutes.

<b>7.</b>	<b>DECISIONS OF THE HEAD OF REGENERATION AND REGULATORY SERVICES ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Regeneration and Regulatory Services during the period between 7 December, 2017 and 11 January, 2018.

**Taxi and other licensing**

**8. MINUTES OF TAXI REVIEW PANELS**

The Chairs presiding at the Taxi Sub-Committees held on 15 August, 2017, 4 October, 2017 and 14 November 2107 were authorised to sign the minutes as correct records.

The Committee noted that a site visit would be undertaken prior to the next Committee meeting on 1 February and due to the large number of applications an extra meeting would be held on 2 March, 2018.

**County Councillor D R Price (Chair)**