

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL ON THURSDAY, 16 JANUARY 2020

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, G Jones, M J Jones, F H Jump, H Lewis, I McIntosh, D R Price, P C Pritchard, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams, J Williams and R Williams

1. APOLOGIES

Apologies for absence were received from County Councillor J Wilkinson.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 5 December, 2019.

Taxi and other licensing

3. DECLARATIONS OF INTEREST

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

County Councillors L. Corfield, M. J. Jones and J. Williams moved to the public seating area for the next item because they had not been at the last meeting where the item was discussed. County Councillor G Jones moved to the public seating area as he had not received taxi licensing training.

4. TAXI LICENSING FEES

The Committee received the update report which provided details of a comment received from the trade during the consultation. The Committee considered the comments and the officer's response.

RESOLVED	Reason for decision
1. That the proposed taxi fees, as reported on 5th December 2019 to come into effect on 1st April 2020.	1. To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976.
2. A review of taxi fares be undertaken to assess the need for a new table of fares.	2. To ensure the table of fares are deemed appropriate.

County Councillors G Jones and M. J. Jones resumed their seats in the Committee.

Planning

5. DECLARATIONS OF INTEREST

- (a) There were no declarations of interest.
- (b) County Councillor M. J. Jones requested that a record be made of his membership of Churchstoke Community Council where discussion had taken place of matters for the consideration of this Committee and that he had not taken part.
- (c) County Councillor G. Williams (who is a member of the Committee) declared that he was acting as 'local representative' in respect of application 19/0052/FUL.
- (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 Property, Planning and Public Protection (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.

In respect of the following application County Councillors L Corfield, M.J. Jones and J Williams moved to the public seating area as they had not attended the previous meeting. County Councillor G. Williams moved to the public seating area as he had acted as the local representative for the application at the previous meeting.

6.2 19/0052 FUL Land at Maes Y Cae, Dissersh, Builth Wells, Powys

Grid Ref: E: 306058 N: 256061

Valid Date: 11/01/2019

Community Council: Dissersh and Trecoed Community Council

Applicant: Mr Stuart Bridgewater

Location: Land at Maes Y Cae, Dissersh, Builth Wells, Powys

Proposal: Erection of rural enterprise dwelling, installation of sewage treatment plant and all associated works.

Application Type: Full Application

The Committee received the update report, which contained the reasons for voting against the officer's recommendation submitted by the Members who had voted against refusal. The Solicitor explained that as the Committee voted against refusal at the last meeting a positive vote for or against the application was now required.

Comment was made that the officers had not provided any evidence against the reasons submitted by those members who had voted against refusal. In response, the Professional Lead reminded the Committee that regard must be taken of the Local Development Plan, relevant policies and TAN 6. Officers had considered the reasons submitted by the Members for voting against the officer's recommendation but they were still of the opinion that they had not received sufficient justification of the need for a dwelling at this site. Therefore, the officers confirmed their original recommendation for refusal still stood. The Solicitor advised that functional need was a material consideration but if the Committee voted for the application they would be "setting the bar very low".

It was noted that the agricultural building was used for storage and was not used for the fabrication business and as a result there was no need to live on site. Comment was made that the Committee needed to bear in mind, for all applications, how they related to the use of land and should not consider the desires of the individual applicants. The Committee had to stick to the rules that everyone can understand.

It was moved and duly seconded to approve the application and this was lost on the vote.

RESOLVED:	Reason for decision:
That the application be refused.	Insufficient information has been submitted to support the principle of a new rural enterprise dwelling in the open countryside and as such the proposal fails to comply with policies SP6 and H1 of the Powys Local Development Plan (2018), Technical Advice Note 6 - Planning for Sustainable Rural Communities (2006) and Planning Policy Wales (10th Edition, December 2018).

In response to a question, the Solicitor advised that the correct procedures had been followed. At the last meeting the Committee voted against the officer's recommendation of refusal. Voting against refusal does not constitute a positive vote of approval. The second stage, was to seek reasons for approval from those Members that voted against refusal and then the Committee had to vote for or against approval based on these reasons.

County Councillors L. Corfield, M. J. Jones, G. Williams and J. Williams resumed their seats in the Committee.

6.3 19/1734/FUL Land Adjacent to Waverleigh, Clyro, Hereford, Powys, HR3 5SE

Grid Ref: E: 321208 N: 243803

Valid Date: 31/10/2019

Community Council: Clyro Community Council

Applicant: Mr & Mrs Cooper-Lally

Location: Land Adjacent to Waverleigh, Clyro, Hereford, Powys, HR3 5SE

Proposal: Erection of a dwelling and all associated works (Resubmission of 18/0840/FUL

Application Type: Full Application

In response to questions, the Built Heritage Officer advised that in the previous application the dwelling was located in the middle of the site and did not reflect the vernacular of the village. She had considered the current design and location of the dwelling on the edge of the conservation area and did not object to the development subject to conditions.

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.

County Councillor R. Williams arrived at the meeting.

6.4 19/1798/REM Development at Land Adjoining Fir House, Churchstoke, Montgomery, Powys,

Grid Ref: E: 327554 N: 293963

Valid Date: 30/10/2019

Community Council: Churchstoke Community Council

Applicant: Powys County Council

Location: Development at Land Adjoining Fir House, Churchstoke, Montgomery, Powys,

Proposal: Section 73 application to vary condition no. 2 attached to outline approval P/2016/0721 for up to 45 dwellings to allow extension of time for further 3 years to submit reserved matters application

Application Type: Removal or Variation of Condition

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

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 officer's recommendation as set out in the report which is filed with the signed minutes.
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6.5 19/1886/DIS Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU

Grid Ref: E: 315775 N: 294250

Valid Date: 15/11/2019

Community Council: Abermule and Llandyssil Community Council

Applicant: Powys County Council

Location: Abermule Business Park, Abermule, Newtown, Powys, SY15 6NU

Proposal: Discharge of condition 9 from planning approval P/2018/0587 (Full) in respect of a remediation scheme

Application Type: Discharge of Condition

In response to questions, the Senior Contaminated Land Officer advised that if the contractor found any issues on site they would need to report these to the Council. The Principal Planning Officer advised that if there are concerns about the site they should be raised with officers.

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

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 officer's recommendation as set out in the report which is filed with the signed minutes.
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6.6 19/1943/TRE Rock Park, Llandrindod Wells, Powys, LD1 6AE.

Grid Ref: E: 305578 N: 260937

Valid Date: 26/11/2019

Community Council: Llandrindod Wells Town Council

Applicant: Powys County Council

Location: Rock Park, Llandrindod Wells, Powys, LD1 6AE

Proposal: Application to fell three oak trees within a conservation area

Application Type: Works to trees in Conservation Area

In response to a question, the Planning Officer advised that a condition could only be added to any approval if there was a Tree Protection Order on the trees. The Professional Lead Development Management advised that if the Committee was minded to approve the application an advisory note requesting the planting of replacement trees could be added to the approval.

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 with an advisory note requesting the planting of replacement trees.	As officer's recommendation as set out in the report which is filed with the signed minutes.

7.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 27 November, 2019 and 7 January 2020. The Committee noted that a number of applications which had been considered by the Committee were included on the list. The Professional Lead Development Management advised that these would be checked and amended to show them correctly.

The Professional Lead Development Management left the room due to a prejudicial interest in the first appeal decision.

8.	APPEAL DECISIONS
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The Committee received a copy of the Planning Inspectorate's letters regarding the following appeals:

Application 19/0427/AGR - The Slangs, Cascob, Presteigne LD8 2NT. The Committee noted that the Inspector had upheld the appeal. The Committee noted that the Inspector had refused an application for costs in respect of this appeal.

Concerns were raised in that the Inspector had included a condition that a suitably qualified archaeological contractor be present when groundwork was being undertaken and yet the site had already been cleared. The Principal Planning Officer had raised this issue with the Inspector and would also contact CPAT for an update.

The Professional Lead Development Management returned to the meeting.

Application 19/0236/FUL - Camp Farm, C2052 from fork at Pullpidwr to fork near Ael-Y-Bryn, Llandyssil, Montgomery SY15 6LU. The Committee noted that the Inspector had dismissed the appeal.

The Professional Lead Development Management advised that a site visit would be made at the next meeting.

County Councillor K Lewis (Chair)