

**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON THURSDAY, 6 DECEMBER 2018**

PRESENT

County Councillor K Lewis (Chair)

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

<b>1. APOLOGIES</b>
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Apologies for absence were received from County Councillors F H Jump and J Wilkinson.

<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 meetings held on 10 October, 2018 and 25 October, 2018 subject to the correction of a typographical error under minute 3c of 25 October 2018 “he” not “she”.

<b>Rights of Way</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.

<b>4. DEFINITIVE MAP MODIFICATION ORDER (DMMO) APPLICATION</b>
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The Committee considered the Definitive Map Modification Order [DMMO] application in respect of Application Ref Llanbrynmair\_Dmmo\_001: affecting Bridleway 6 (Community of Llanbrynmair) on land at Barlings Barn, Cwm-Y-Ffynnon Farm and Cwm-Pen-Llydan, Pandy.

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

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That a Definitive Map Modification Order should not be made in respect of application Llanbrynmair_DMMO_001.</b>	<b>That on the balance of probabilities, the legal criteria under section s53(3)(c)(ii) of the Wildlife and Countryside Act 1981 are not met.</b>

County Councillor DR Price arrived at 12.00 p.m.

**Planning**

**5. DECLARATIONS OF INTEREST**

- (a) County Councillor DR Price declared an interest in application P/2018/0514.
- (b) County Councillor G Williams requested that a record be made of his membership of Llanafanfawr Community Council where discussion had taken place of matters for the consideration of this Committee. He advised that he had not been present at the meeting when the matter had been discussed.
- (c) County Councillor G Pugh declared he was acting as 'local representative' in respect of 18/1019/DIS.
- (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/2018/0392 Land Opposite Rhysgog Bungalow, Llanafanfawr, Builth Wells, Powys, LD2 3LY

**Grid Ref:** E: 294265 N: 254335

**Valid Date:** 16/04/2018

**Community Council:** Llanafan-fawr Community Council

**Applicant:** A & M Jones, Rhysgog Bungalow, Llanafanfawr, Builth Wells, LD2 3LY

**Location:** Land Opposite Rhysgog Bungalow, Llanafanfawr, Builth Wells, Powys, LD2 3LY

**Proposal:** Erection of an agricultural worker's dwelling, alterations to existing agricultural access, installation of sewage treatment plant, formation of 2 no. passing bays and siting of temporary caravan and all associated works.

**Application Type:** Full application

Mrs P Tappin spoke against the application. Mr G Jones spoke as the agent.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
that the application be refused.	<ol style="list-style-type: none"><li data-bbox="794 351 1300 936">1. The dwelling is proposed at a location where it would be visually prominent in a landscape of high visual and sensory quality. The proposed siting, combined with the incongruous design and large scale would unacceptably harm landscape quality contrary to policies DM4 and DM13 of the Powys Local Development Plan (2018), Powys Residential Design Guide (2004), Technical Advice Note 6 (2010) and Planning Policy Wales (Edition 9, 2016).</li><li data-bbox="794 976 1300 1339">2. The application fails to demonstrate that the scale of the dwelling reflects the needs of the enterprise or its ability to fund such a property. The proposal therefore fails to comply with Technical Advice Note 6 (2010) and the associated Practice Guidance for Rural Enterprise Dwellings (2011).</li><li data-bbox="794 1379 1300 1888">3. The design of the proposal by reason of its appearance, scale, height, massing and design detailing fails to complement or enhance the character of the surrounding area and fails to contribute towards the preservation of local distinctiveness and sense of place contrary to policy DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 (2016) and Planning Policy Wales (Edition 9, 2016).</li><li data-bbox="794 1928 1300 2063">4. The proposed dwelling is to be sited in a prominent location, which combined with the large scale and incongruous</li></ol>

	<p><b>design, would detract from the setting of Rhysgog, a grade II listed farmhouse, contrary to policy SP7 of the Powys Local Development Plan (2018), the local planning authority's duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Technical Advice Note 24 (2017) and Planning Policy Wales (Edition 9, 2016).</b></p> <p><b>5. Insufficient information has been submitted with the application to demonstrate that the treatment plant soakaway is sufficiently sized and that ground conditions are suitable for drainage so that the quality of surface and ground waters will not be adversely affected in accordance with Policy DM13 of the Powys Local Development Plan (2018), Welsh Government Circular 008/2018 and Planning Policy Wales (Edition 9, 2016).</b></p>
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County Councillor J Williams left the meeting at 12.49 p.m.

6.3 18/1019/DIS Abermule Business Park, Abermule, Montgomery, Powys

**Grid Ref:** E: 315775 N: 294250

**Valid Date:** 23/11/2018

**Community Council:** Abermule and Llandyssil Community Council

**Applicant:** Powys County Council

**Location:** Abermule Business Park, Abermule, Montgomery, Powys

**Proposal:** Discharge of conditions 8 and 12 of planning approval P/2018/0587

**Application Type:** Discharge of Condition

Members of the Committee confirmed that they had received and had read the update circulated at the meeting.

Mr Aimes spoke asking the Committee to reject the application to discharge the conditions. Officers explained that there was no consultation period on applications of this type. The letter to the Community Council which had been automatically generated had given a response date when none was required. Officers confirmed that they would look at the erection of a fence at the site.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the conditions are partially discharged.</b>	<b>As officers recommendation as set out in the report which is filed with the signed minutes.</b>

County Councillor DR Price left the meeting at 1.09 p.m.

6.4 18/0339/REM Craignant, Painscastle, Builth Wells, LD2 3JQ

**Grid Ref:** E: 312954 N: 245619

**Valid Date:** 13/08/2018

**Community Council:** Painscastle Community Council

**Applicant:** Mr John Abberley

**Location:** Craignant, Painscastle, Builth Wells, LD2 3JQ

**Proposal:** Section 73 application to remove condition 13 from planning permission P/2017/0640 in relation to passing bays

**Application Type:** Removal or Variation of Condition

The Highways department had offered no objection to the removal of the condition to provide passing bays and apologised for having asked for the condition when the application had been originally considered.

<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>

6.5 18/0200/FUL Llanelwedd Voluntary Primary School

**Grid Ref:** E: 304568 N: 251784

**Valid Date:** 25/06/2018

**Community Council:** Llanelwedd Community Council

**Applicant:** Mr David Thompson

**Location:** Llanelwedd Voluntary Primary School  
**Proposal:** Siting of a mobile classroom  
**Application Type:** Full 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>

6.6 P/2018/0514 Ysgiog Field, Builth Wells, Powys, LD2 3YP

**Grid Ref:** E: 306703 N: 248588  
**Valid Date:** 30/05/2018  
**Community Council:** Duhonw Community Council  
**Applicant:** Miss Carol Gittins  
**Location:** Ysgiog Field, Builth Wells, Powys, LD2 3YP,  
**Proposal:** Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show  
**Application Type:** Full application

The Lead Professional Development Management confirmed he would address the need to enforce conditions with senior managers.

<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>

6.7 18/0712/DIS Land at Dol Y Garreg, Llanwrthwl, Llandrindod Wells, Powys, LD1 6NU

**Grid Ref:** E: 295827 N: 265700  
**Valid Date:** 20/09/2018

**Community Council:** Llanwrthwl Community Council  
**Applicant:** Mr Paul Wozencraft  
**Location:** Land at Dol Y Garreg, Llanwrthwl, Llandrindod Wells, Powys, LD1 6NU.  
**Proposal:** Discharge of conditions 15, 20, 23, 24 and 25 from planning permission P/2017/1437  
**Application Type:** Discharge of Condition

<b>RESOLVED:</b> that the discharge of conditions be granted consent.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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6.8 18/0940/NMA Carreghofa Primary School, Llanymynech, SY22 6PA

**Grid Ref:** E: 326051 N: 320683  
**Valid Date:** 20/11/2018  
**Community Council:** Carreghofa Community Council  
**Applicant:** Powys County Council  
**Location:** Carreghofa Primary School, Llanymynech, SY22 6PA  
**Proposal:** Application for a non-material amendment to planning approval P/2018/0370 in respects of altering the roof construction from pitched roof to flat roof  
**Application Type:** Non-Material Amendment

<b>RESOLVED:</b> that the application be granted consent.	<b>Reason for decision:</b> As officers recommendation as set out in the report which is filed with the signed minutes.
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<b>7. NOTIFICATION TO ERECT AGRICULTURAL BUILDING AT MAES Y NANT, BERRIEW</b>
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The Chair agreed that this item could be considered as an urgent item of business as it was an application from a County Councillor which officers had no delegated authority to deal with. It would be deemed to be given approval if not dealt with within 28 days and the committee was not due to meet again within that period.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>That a full planning application be submitted for approval.</b>	<b>The nature of the agricultural building the subject of the notification is such that a full planning application is required.</b>

<b>8.</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 19th October, 2018 to 29th November, 2018. The Lead Professional Development Management noted members' comments that the format of the document should be improved.

<b>9.</b>	<b>APPEAL DECISION</b>
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The Committee received a copy of the Minister's and Planning Inspectorate's letters regarding the appeal in respect of application P/2014/0672 Land off A44 South West of Llandegley, Llandrindod Wells, Powys, LD1 5UG [Hendy Wind Farm].

Members were advised that although the planning inspector had agreed with the Council and recommended refusal of the application, the Minister had granted permission on the basis of the need for renewable energy. Members were further advised that the Campaign for the Protection of Rural Wales had served papers for a judicial review of the Minister's decision. In response to members' questions as to whether enforcement action was appropriate, the Lead Professional Development Management advised that Counsel's advice had been secured and that the threshold for formal enforcement action had not been reached. This was however being constantly reviewed. A statement had been released to objectors and would be shared with members of the committee. A motion that the Committee write to the Minister seeking recovery of the Council's costs at the inquiry was lost upon being put to the vote.

P/2017/0078 Glascwm - The Committee was advised that the Council had lost the judicial review in respect of the application for a single dwelling at Glascwm.

County Councillor Laurie-Parry left the meeting at 4.02 p.m.

<b>Taxi and other licensing</b>
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<b>10.</b>	<b>DECLARATIONS OF INTEREST</b>
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There were no declarations of interest.

**11. REVISED TAXI FEES FOR 2019/20**

The Committee considered revised fees for the Hackney Carriage and Private Hire Licensing regime, notably operator, vehicle, driver licences and tests to commence from April 2019. The Senior Licensing Officer confirmed that the Section 151 Officer and Deputy Monitoring Officer both approved the report.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the revised Taxi Licensing fees be approved for consultation, and if following consultation no objections are received then they will come into effect on 1st April 2019.</b>	<b>To enable a new compliant fee to be set for licences issued under The Local Government (Miscellaneous Provisions) Act 1976.</b>

**12. REVISED GUIDANCE DOCUMENT ON DETERMINING SUITABILITY OF TAXI APPLICANTS/LICENCE HOLDERS**

The Committee considered adopting the Institute of Licensing document 'Guidance on determining the suitability of applicants and licensees in the hackney and Private Hire Trades'. The Senior Licensing Officer confirmed that the S151 Officer and Deputy Monitoring Officer approved the report.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>To adopt the Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades produced by the Institute of Licensing in partnership with other relevant organisations.</b>	<b>Adoption of this policy will provide members with an up to date guide on how they should consider applicants / licensees presented to them that has been produced by the Institute of Licensing and that is considered best practice. It will aid in ensuring a consistent approach nationally.</b>

**13. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - VEHICLE CONDITIONS**

The Committee considered adopting a policy on the age of licensed Hackney Carriages and Private Hire Vehicles. The Senior Licensing Officer confirmed that the S151 Officer and Deputy Monitoring Officer approved the report.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>To approve an age policy as set out below for licensed Hackney Carriages and Private Hire Vehicles to be consulted on with the trade for a four week period, any valid and reasoned opposition to the policy will be brought back to committee,</b>	<b>Implementing the policy will reduce the age of the fleet of licensed vehicles in Powys, in turn raising the reliability, safety and overall standard of licensed vehicles.</b>

**otherwise the policy will be implemented after the four week period**

**The age policy proposed as part of the consultation will be:**

***Vehicles first presented for licensing must be less than 6 years old from the date of first registration (admission age).***

***Vehicles currently licensed when presented for renewal must be less than 12 years old from the date of first registration provided each subsequent licence takes place immediately on expiry of the current licence. (i.e. no breaks in between renewal of the licence).***

***This condition will effect existing vehicle licences (excluding stretch limos) from [12 months from the implementation date of 1/4/2019].***

**County Councillor K Lewis (Chair)**