

**MINUTES OF BRECON BEACONS NATIONAL PARK AUTHORITY PLANNING,
ACCESS AND RIGHTS OF WAY COMMITTEE HELD AT PLAS Y FFYNNON,
CAMBRIAN WAY, BRECON ON TUESDAY 5TH SEPTEMBER 2006**

PLANNING

PRESENT

Powys

Cllrs Mrs K Silk, E T Morgan (Chair), Mrs M E Morris, J Steadman, Mrs D James, J Griffiths

Carmarthenshire

Cllrs H Morgan, E Williams

Merthyr Tydfil

Cllr A Baynham

Rhondda Cynon Taf

Cllr G Thomas

Members appointed by the National Assembly for Wales

Mr M Thomas, MBE, Mrs M Taylor, Mrs J Charlton, Mr M Buckle, Mr P Seaman, MBE

1. Apologies

Apologies were received from Cllrs K Pathak, W Powell, A Breeze, A Carrington, M Reece, Mrs J James, Mr J Suter and Mrs I Evison.

2. Chairman's Announcements

The Chairman welcomed everyone to the new Committee of Planning, Access and Rights of Way Committee which would be meeting every six weeks.

3. Declarations of Interest

<u>Name</u>	<u>Enc No.</u>	<u>No.</u>	<u>Nature of Interest</u>
Cllr H Morgan	6	C21308	Neighbour
	6	P21426	Related to applicant
Mrs J Charlton	4	06/00181	Solicitor's advice

Cllr Mrs D James	4	P21307	Related to applicant
	4	P21312	Related to applicant
Mr P Seaman	4	P21312	Hon. Secretary to neighbouring landowner

4. Minutes

The Chairman was authorised to sign the minutes of the Development Control Committee held on Tuesday 1st August 2006.

5. Members made the following decisions on planning applications before them (all permissions being subject to conditions and agreements recommended unless otherwise stated, and refusals for the reasons recommended):-

Item No. Description

1. 06/00181/FUL – Proposed New Dwelling for Local Needs Housing – land adjacent to Ffawyddog Common, Ffawyddog, Llangattock, Crickhowell, Powys

Mrs J Charlton declared an interest in this item and left the meeting.

Late Info:

Two items of late correspondence had been received:

1. e:mail from a member passed to Area Planning Manager at 10 am on Monday 4th September seeking additional information to be reported to the Committee (and assessment of the application against the Welsh Assembly Government Affordable Housing toolkit)
2. letter from a local Powys Councillor referring to the Welsh Assembly Affordable Housing Toolkit and supporting the application.

Given the lateness of the receipt of the above, Officers have had no opportunity to undertake the necessary research to respond to these issues. Both could constitute material planning considerations and therefore, officers would ask for deferral of the application. An amended report would be presented to the next meeting.

Decision: Deferred

2. *Proposed by Cllr Mrs M Morris* *Seconded by Cllr H Morgan*
06/00200/FUL – Proposed Demolition of Existing Garage and Workshop and Construction of 1 No. New Dwelling – opposite 23, Charles Street, Brecon

A visual presentation was made to members.

Late Info: None

Decision: Refused

Proposed by Mr P Seaman

Seconded by Mrs J Charlton

3. 06/00204/FUL – Proposed Erection of Non-food Retail (DIY) (Class 1) Warehouse, Outdoor Garden Centre and Associated Service Yard, Car Parking, Access and Landscaping Works – land at Brecon Enterprise Park, Warren Road, Brecon

Late Info: information sent to members from Hephher Dixon regarding updated Retail Assessment

Letter of objection from Brecon based Builders suppliers - circulated to members - expressing concerns about the effect the proposal would have on Brecon town and businesses.

Letter from representative of Hephher Dixon – circulated to members - in response to above letter.

Public Speaker:

Mr Geraint John representing the applicant Westhill Developments Ltd said this was a re-submitted planning application following refusal of a substantially similar planning application earlier this year. Following this an appeal (which is currently in abeyance) was submitted to the Planning Inspectorate. In view of a significant amount of common ground between the National Park and applicant, it was decided to submit a revised application.

The applicant had taken the members reasons for refusal seriously and considered them in detail and responded appropriately in the re-submission.

An updated Retail Assessment had been submitted based on a re-survey and analysis in May of this year, it is considered there can be no more up-to-date and robust assessment of the present economic conditions of Brecon town. The findings of the Retail Assessment had been signed off by the Authority's independent retail consultants Nathaniel Lichfield and Partners who consider the Assessment to be robust and secure. The supporting Planning Statement illustrates that the application complies with National Retail Planning Policy Guidance and considers in detail and subsequently discounts any potentially sequentially preferable sites in turn.

Decision: Permitted subject to amendment of condition 8 to read "Any lighting agreed in condition 7 shall be turned off between 22.30 hours and 08.00 hours any day.

Proposed by Mr M Thomas

Seconded by Mrs J Charlton

4. M21462 – Proposed Conversion of Barn to Residential use with Garage – Lower Common Barn, Maes-y-Berllan Farm, Gilwern

A visual presentation was made to Members.

Late Info: None

Decision: Permitted

Proposed by Cllr A Baynham

Seconded by Cllr H Morgan

5. P21307 – Proposed Reinstatement of Dwelling and Extention – Weighbridge Cottage, The Old Tramway, Talybont-on-Usk

Cllr. Mrs D James and Mr P Seaman declared an interest in this item and left the meeting.

A visual presentation was made to Members.

Late Info: None

Decision: Permitted

Proposed by Cllr Mrs M Morris

Seconded by Cllr H Morgan

6. P21312 – Proposed Reinstatement of Cottage with extension Weighbridge Cottage, The Old Tramway, Talybont-on-Usk

Cllr. Mrs D James and Mr P Seaman declared an interest in this item and left the meeting.

A visual presentation was made to Members.

Late Info: None

Decision: Permitted

Proposed by Cllr Mrs M Morris

Seconded by Cllr H Morgan

6. Applications Delegated to the Development Control Managers

Cllr H Morgan declared an interest in items C21308 and P21426

The Report was received.

7. Development Control Related Matters

Update of the Development Control Statistics

The Area Planning Manager (West) presented graphs of the Development Control statistics. He informed members that during the last two months there has been a very large increase in the number of applications received, with 75 being received in July and 88 in August. As a consequence the graph showed a backlog which it was hoped to reduce over the next month. There appeared to be a trend developing for increased amounts of applications being received in the Summer months. Based on current figures, the application numbers showed a need for a further three planning officers, and it had been agreed to engage the services of Mr Peter Martin to assist in the department.

The new planning system was now showing an improvement after initial problems and is being monitored carefully.

The Chairman thanked the Area Planning Manager (West) for his presentation and said members were aware of the very large increase in application numbers which would have a consequent effect on statistics.

Update on Agenda Formatting

The Area Planning Manager (East) asked members for any observations on the new system of sending their agendas via CD rom. A meeting was being held with the IT manager on 11th September when any issues could be looked at, and it any problems should be amended by the October meeting. Members would also be e:mailed the link for the new system so the database can be assessed via internet, members would be able to look at any information held by officers. Members said that the maps were not coming over on the CD, enclosure numbers needed to be available and tables sometimes were distorted so that information could not be read properly.

Update on Priory School, Brecon

The Area Planning Manager (West) circulated samples of roofing materials to Members. The applicant had complied with all the criteria members had requested, except for solar heating, as plans were under-way for water heating via biomass. Members approved the roofing samples and authorised the Area Planning Manager (West) to proceed with the application.

Public Consultation on Planning Applications

The Area Planning Manager (East) drew members attention to Enclosure 7 – a review on the Public Consultation on Planning Applications. She asked members to consider the review and contact her with any observations and comments.

Members Training Day

Members agreed Friday 6th October for a training day when they would be shown examples of innovative modern planning in a traditional town setting.

8. **Access to Information**

Resolved that pursuant to the provisions of Section 100A of the Local Government Act 1972, the public be excluded from the Meeting for the following item of business on the grounds that there would be disclosure to them of exempt information as defined in Paragraph 13 of Schedule 12A to that Act.

8(a) **Alleged Breaches of Planning Control**

Section 1 – Reports seeking authority to take enforcement action

ENF3037 – Alleged Breach – Site of visual detriment – Mardy House, Llanfihangel Crucorney, Abergavenny

Decision: That authority be granted to re-issue Enforcement Notice with regard to the site of visual detriment.

ENF3455 – Alleged Breach – Unauthorised change of use of agricultural land used as an operational compound and storage facility and the erection of a storage shed.

Decision: That authority be granted to issue a S215 Notice with regard to the unauthorised change of use.

Section 2 – Update Members on Notices Issued

The contents of the report were noted.

Section 3 – Reports where no further action is to be taken

The contents of the report were noted.

9. **Such other business of a planning nature as in the opinion of the Chairman is of such urgency as to warrant consideration**

None

10.1 MINUTES (ACCESS & RIGHTS OF WAY/LOCAL ACCESS FORUMS)

The minutes of the Local Access Forums were received. The Access Officer reminded members that the function of the Forums was to advise the National Park Authority on improvement of access to land. They were also consulted closely on the Rights of Way Improvement Plan, and comments made would be taken into account. The NERC Act was also discussed, but it remained to be seen how this would affect vehicular access in the National Park.

In the most recent round of meetings LAF members had expressed concern at cuts made to the Rights of Way budget in view of the importance of this work in supporting Park purposes.

The CALAF had asked officers to consider commercial sponsorship of particular routes. They had also resolved to write to the Authority, the Countryside Council for Wales and the Assembly in relation to the inequity of access to water and the fact that legislation was needed to improve access to water recreation. The Access Officer advised that the Assembly had commissioned the Environment Agency to look at this and that workshops were scheduled for the Autumn, to which Park officers will be invited.

The Central and Western Forums had expressed concern about the route of the proposed gas pipeline, and these concerns had been relayed to the relevant officers.

It was noted that the Black Mountains Cross Border Project (of which the Eastern Forum were valuable members) had now been wound up.

Members of PAROW asked whether the Local Access Forums were aware that cuts to the rights of way budget had now been rectified, following additional monies from the Assembly, and were informed that the Chairmen were aware, and that this would be reported at the next round of meetings in the Autumn. Members were also keen to have an opportunity to review the Rights of Way Improvement Plan and the Head of Countryside advised that this would be brought to PAROW in October or November.

RESOLVED

- a) ***That the minutes of the former Access and Rights of Way Committee held on 23 February be received;***
- b) ***That the minutes of the Local Access Forums be received as follows:***
 - ***Central Area Local Access Forum 23 February 2006***
 - ***Western Area Local Access Forum 9 March 2006***
 - ***Eastern Area Local Access Forum 15 March 2006***
 - ***Western Area Local Access Forum 10 May 2006***

- *Central Area Local Access Forum 18 May 2006*
- *Eastern Area Local Access Forum 8 June 2006*

10.2 DECISIONS RELATING TO THE DEFINITIVE MAP : CREATION, DIVERSION AND EXTINGUISHMENT ORDERS - HIGHWAYS ACT 1980

10.2.1 Application for a Public Path Diversion Order, Public Footpath No. 3 in the Community of Crucorney Fawr

Members considered a path diversion that originated from the Black Mountains Cross Border Project, and which would improve access for the visually and mobility impaired.

RESOLVED:

- a) that the application to divert footpath no. 3 in the Community of Crucorney Fawr be approved and that the Chief Executive be instructed to make an order under section 119 of the Highways Act 1980;*
- b) if no representations or objections are duly made to the order during the statutory objection period, or if any so made are withdrawn, that the Chief Executive be authorised to confirm the order as an unopposed order.*

10.2.2 Application for a Public Path Diversion Order, Public Footpath No. 24 in the Community of Crucorney Fawr

RESOLVED:

- a) that the application to divert footpath no. 24 in the Community of Crucorney Fawr be approved and that the Chief Executive be instructed to make an order under section 119 of the Highways Act 1980;*
- b) That if no representations or objections are duly made to the order during the statutory objection period, or if any so made are withdrawn, that the Chief Executive be authorised to confirm the order as an unopposed order.*

10.2.3 Application for creation of public footpath at Court Farm, Llanthony in the Community of Crucorney Fawr

In considering this application a member asked whether the Eastern Local Access Forum was a consultee. The Rights of Way Officer advised that the consultation list was prescribed in statute, but that organisations could apply to be on this list. Members noted that the Eastern LAF had been closely involved in the creation of rights of way to facilitate access for the disabled at Court Farm. Members then requested that in cases such as this, the Brecknock Disabled Access Group be consulted.

RESOLVED:

That the application to create a new public footpath in the Community of Crucorney Fawr be approved and that the Chief Executive be instructed to enter into a public path creation agreement with the landowners under section 25 of the Highways Act 1980;

That in applications for improved access for mobility or otherwise impaired people, the Brecknock Disabled Access Group be consulted.

10.2.4 Application for a Public Path Diversion Order, Public Footpath No. 33 in the Community of Ystradfellte

RESOLVED:

- a) ***that the application to divert footpath no. 33 in the Community of Ystradfellte be approved and that the Chief Executive be instructed to make an order under section 119 of the Highways Act 1980;***
- b) ***that all charges be waived in accordance with paragraph (d) (ii) (correction of definitive map anomalies) of the Authority's policy concerning the recovery of costs for public path and rail crossing orders;***
- c) ***if no representations or objections are duly made to the order during the statutory objection period, or if any so made are withdrawn, that the Chief Executive be authorised to confirm the order as an unopposed order.***

10.3 ANY OTHER BUSINESS of ACCESS AND RIGHTS OF WAY NATURE

There was no further business.

Signed as a correct record
Chairman of the Planning, Access and Rights of Way Committee