

Extracts from Investigation Report Dated April 2008.

This report details the results of the investigation carried out by Ifor Jones, Director of Development, PCNPA, into the complaint of maladministration first raised in April 2007 by Sandra Bayes.

Extracts and highlighting are by the Bettws Newydd Opposition Group.

- ⇒ **I agree with the complainant that the issue of visual intrusion should be approached in a comprehensive, structured, way, and I would propose that written guidance be prepared to assist officers in addressing visual intrusion under Policy 56 and other relevant policies of the JUDP.**
- ⇒ **I do feel that there are good practice points arising from the complaint that the Authority should recognise and take action on. Specifically in the case for applications for replacement dwellings – and other redevelopment proposals – the Officers' Report should make specific reference to the comparative siting, size and heights of the existing and proposed buildings as relevant contextual information. Where there are errors on plans they should be formally corrected as soon as they become apparent. I would propose to issue instructions to this effect.**
- ⇒ **I consider that in the interests of clarity and transparency it is essential that there should be clear file notes and confirmatory letters to architects, etc., setting out and explaining the conclusions and outcomes on outstanding issues, and that these should also be covered in the subsequent Report to Committee or Delegated Decision Report as appropriate. Instructions will be issued to staff to ensure adherence to this requirement in all cases in future.**
- ⇒ **Officers paid insufficient attention to the issue of levels in approving the application. They were clearly fully aware that the building was a substantial one, and there should have been absolute clarity over the ground level at which it would sit. Any shortcomings of the applicant in this respect should have been rectified during appraisal of the application. I note that the Development Management Team recognises this failing, and that steps have already been taken to ensure that the question of levels is routinely considered in all cases. I shall look to this being incorporated as a practice note in the Staff Handbook.**
- ⇒ **The Officers identified the need for further discussions with the architect over particular aspects of the scheme, and they negotiated an outcome which they considered reasonable. I do not consider that they have acted irrationally, or in a way that defies comprehension, or demonstrates flawed logic. I agree that there should have been greater clarity, precision and transparency in recording the outcome of negotiations and the thought process behind them, and this failing will be addressed.**

- ⇒ **The Authority has taken very seriously the widespread concerns expressed about the acceptability of the visual impact of the replacement dwelling. For this reason it has agreed to carry out an inspection on completion of the dwelling, in conjunction with Newport Town Council, to reassess its judgements in this case, and to reflect seriously on any conclusions it reaches. As has been noted previously, if there are on reflection further lessons to be learned, then the Authority will be determined to do so. I have indicated earlier that there are good practice points that arise from the complainant's concerns, and steps will be taken to apply them where they have not already been acted on.**

- ⇒ **(Referring to Conditions Precedent) often applicants do not comply with the requirement to submit their scheme before work commences, leading to a wasteful expenditure of Officer time in pursuing the retrospective submission of the required information. The Authority is no longer prepared to accept this, and it is reviewing its practices with the intention of introducing a comprehensive new planning application validation scheme, identifying those matters that it will expect to be dealt with in the application as submitted. I will propose that landscaping is included within these requirements, in recognition of the significant contribution it makes to the appearance and ultimate success of a scheme.**

- ⇒ **I have also noted the issues concerning the requirements of Condition 3 of the planning permission, setting out for approval the external ground and internal finished floor levels. There is a note on file of the February 2007 site meeting at which the levels were agreed, which included the requirement to reduce the finished foundation levels from those pegged out at the meeting. There is no further record on file until a letter was written to the architect some 5 months later, confirming that the Authority was satisfied that Condition 3 requirements had been met. From my discussion with the Officers concerned I am satisfied that the actions agreed at the February site meeting were carried out, but it is not acceptable that there is no confirmatory note of this on the file. I would propose to issue a reminder to staff on the need to maintain a clear file record of all key actions and outcomes of negotiations.**

- ⇒ **The complainant's concerns highlight a number of failings and good practice points; some of these are matters that have already been acted on, but fresh action needs to be taken on others. It is clear that there has been a loss of trust and confidence in the National Park Authority within the Newport community as a result of the granting of planning permission for what is seen by the complainant and others as an inappropriately designed and prominent building. The proposed visit by the Members of the Authority to view the completed property in association with the Town Council will provide an important opportunity to reflect on the scheme and to focus on the important challenges ahead in respect of achieving more energy and other resource efficient buildings.**