

DEVELOPMENT MANAGEMENT COMMITTEE (Extract only)

17th June 2009

Present: Councillor JA Brinsden (Chairman)
Messrs JS Allen-Mirehouse, JL Davies, D Ellis, ML Evans, RR Evans,
DJH George, RN Hancock, SL Hancock, R Howells, RM Lewis, P
Morgan, WL Raymond and M Williams.

(NPA Offices, Llanion Park, Pembroke Dock: 10.00a.m. – 12.50pm)

[Ms C Gwyther and Mrs F Lanc joined the meeting prior to consideration of the first application NP/08/361 Bettws Newydd, Parrog, Newport]

1. Apologies

Apologies for absence were received from Mr Tim Giles.

----- material omitted -----

(k) REFERENCE: 08/361
APPLICANT: Mr & Mrs Nicholas
PROPOSAL: Variation of Condition No. 2 on NP/06/076 under
Section 73A & discharge of planning conditions 5, 6
and 7
LOCATION: Bettws Newydd, Parrog, Newport, Pembs

Members were reminded that the current application was to be considered under S73A of the Town and Country Planning Act which related to a retrospective application for consent to develop land without complying with conditions previously imposed. The application, which sought to retain the dwelling as built and to complete the development in accordance with the submitted plans, had been reported to the April meeting of the Committee when it was resolved to grant planning permission for the development subject to the applicant first submitting and the Authority approving a) improved landscaping proposals aimed at achieving additional screening of the development; and b) reconsideration of the glazing element to address concerns of light pollution and glare.

By the date of the May meeting, further information had been received regarding the nature of the glazing as well as new plans showing the landscaping proposals, and these plans were made available to the Town Council and objectors, however both claimed they had had insufficient time to properly consider the landscaping proposals. Therefore it had been resolved



at the last meeting to defer the matter to give everyone more time to properly consider the matter.

The application had been the subject of considerable local opposition and it was reported that additional letters had been received from the objectors as a result of the consultation on the landscaping proposals. One of these, which was included with the Report before Members that day, questioned the nature of the report that had been put before Members at the April meeting, and particularly the way in which the policy considerations had been addressed. Counsel's opinion had been sought on the letter and officers' response to a number of the points in it was set out in the report. A number of other letters had only arrived in the previous 48 hours and Members were therefore given a few minutes to read the correspondence that had been copied to them. The Head of Development Management noted that many of these letters repeated the objections to the principle of development which had been considered at the meeting in April, rather than raising new issues and she did not therefore intend to respond to them in detail. The main issues raised by those which had related to the landscaping scheme were set out in the report and their concerns addressed.

The report before Members that day concentrated on the landscaping and glazing issues and an amended landscaping plan, prepared by consultants, had been submitted. The Head of Development Management explained that it was never intended that the landscaping would hide the building and considered that the amended proposals further developed the scheme particularly with regard to the impact of the development from the nearby rights of way and from the longer distance views. The officers' report set out a description of the details of the amended landscaping proposals.

With regard to the wetland area which had been disturbed during construction works, it appeared that the undamaged area was regenerating. The existing watercourse would remain exposed and banked to each side and left to regenerate naturally with the addition of plug plants. The unauthorised clearance of willow scrub had been unfortunate but it was believed that this too would regenerate. A row of willow bushes would be used to divide the garden from the recreated/retained wetland area.

In order to ensure the continued existence of the landscaping, the scheme had been accompanied by detailed management objectives and operations, and this could be linked to the landscaping maintenance condition that would be imposed on any planning permission to secure the planting scheme for the future. It was considered that subject to the imposition of appropriate implementation and management conditions the scheme could be supported.

At the April meeting of the Committee, Members had also expressed concern with regard to glazing in the northern elevation and the resultant risk



of glare in sunlight and light pollution at night. The applicant had provided a detailed specification of the glazing that had been installed, and this was appended to the report.

It was considered that outstanding matters had been addressed and it was recommended that the proposal be approved subject to the conditions reported to the previous Committee; namely restricting the use of the additional basement rooms to storage only and requiring the landscaping to be carried out within the next planting season and for replacement plants to be provided for the next five years in the event of their failure. An additional condition to protect the wetland during the re-profiling works was also recommended.

The first Member to speak began by pointing out that Committee would that day make a final decision on whether or not to approve the application. He drew attention to the many worrying letters which had been received showing how many people were unhappy with the development, and for well articulated reasons, which he believed to be good reasons. He considered the building as constructed to be enormous as a replacement dwelling and more harmful than that originally approved and that it should be refused.

In response to Members' representations the Solicitor clarified the legal context. He explained that as the application was retrospective it had to be dealt with under Section 73A with the consequence that it had to be judged against the Development Plan (and taking into account any other material considerations: in particular in this case the fall-back position) – accordingly Policies such as Policy 56 did have relevance. The Planning Officers' Report indicated that in their view the application complied with those policies. Others had expressed the contrary view, and so Members would have to give consideration to all the arguments in reaching their decision. The Solicitor clarified (in response to a Member's comments) that the fact that an application was retrospective was not in itself a valid reason to refuse it – Government guidance made clear that proposals before a Planning Authority (whether or not retrospective) had to be determined on their planning merits.

Other Members expressed concern about the landscaping, which had been produced sadly three years after the development had first been approved, to try to retrieve the unfortunate appearance of the development as built. The damage to and loss of the wetland was a particular concern. The huge area of concrete created could easily lead to flooding below. They considered that the building was not sustainable, was over-development and not suited to its location. With regard to the glazing, Members considered that despite the glass being of a higher specification than required, there was still an excessive area, having excessive impact and that the building as built was unacceptable. Some Members also felt that the application was contrary to policy, particularly Policies 56 and 67. They concluded that the landscaping



scheme and situation regarding the glazing (which was not proposed to be altered from that already in place) did not ameliorate the proposals, and it was moved and seconded that the application be refused.

DECISION: That the application be refused for the following reasons:

- 1. The dwelling as constructed does not achieve an acceptable level of integration with the land form and setting of the site. As a result, it is significantly more prominent and visually intrusive than both the original dwelling and the replacement dwelling approved under permission NP/06/076. It does not reflect the proportions of other buildings on The Parrog and it is therefore in conflict with criteria (i), (ii) and (iv) of Joint Unitary Development Plan (JUDP) Policy 67 (Conservation of the Pembrokeshire Coast National Park), criterion (iv) of JUDP Policy 56 (Replacement Dwellings) and JUDP Policy 76 (Design).**

- 2. Notwithstanding the fall back position encompassing permission NP/06/076 to the extent that it is relevant, the proposed landscaping scheme will not reduce the visual intrusion such that the conflicts identified in Reason 1 will be satisfactorily mitigated.**

Remainder of the minutes are omitted.

