

12th January 2010
Our Ref: 09.211

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NP/10/033

Dear Catherine,

Town and Country Planning Act 1990

Planning application in pursuant of S.73A (1) and S.62 of the Town and Country Planning Act 1990 for the retention of building and compenion of dwelling and landscaping proposal in accordance with plans submitted herewith' - Land at Bettws Newydd, Newport, Pembrokeshire.

In support of the above planning application I would be grateful if you could have regard to the following matters: -

- o Planning fallback of the 2006 Approved scheme;
- o NPA letter dated 26th July 2007;
- o NPA annotated plan identifying AOD levels and position of the 'as built scheme' dated 20th February 2008;
- o Agreed Levels;
- o Agreed position of the building;
- o Landscape Visual Assessment;
- o Amended Landscaping Proposal prepared by Soltys Brewster.

1 Planning Fallback.

Mr Nicholas has the benefit of an extant planning permission on the site, subject to four planning conditions being discharged prior to commencement of development. This permission remains extant until 16th October 2011. Our client has made it clear in the event that this application is refused, he will demolish the current building and rebuild the dwelling in accordance with the approved permission. Thus, the 'extant planning permission' is a significant material planning consideration in the determination of this application, and should form the basis for the NPA to determine the application.

2. NPA letter dated 26th July 2007

The NPA letter dated 26th July 2007 clearly states that condition 3 of planning permission NP/06/076 (relating to approval of site profiles of the external ground and internal finished floor levels) had been formally discharged. This letter was issued

following a site visit by an officer of the NPA who had reviewed the development against the approved plans. My client continued the development with the confidence that the NPA had approved the profiles and site levels. The 'as built' building subject of this application has been part completed, in accordance with the levels approved by virtue of the letter discharging condition 3. This is a significant material planning consideration in the determination of this application.

3 NPA annotated plan dated 20th February 2008;

The NPA signed annotated plan dated 20th February 2008 clearly identifies the following levels and distances: -

- o AOD datum level of 1.605 at the top step on the adjacent public footpath set of steps
- o AOD datum level of 1.538 for the ground floor level in the 'as built' building - a 80mm screed had not been laid, (thus the AOD datum level of the finished floor would be 1.618)
- o The distances as measured (identified in red ink) confirmed that the building had been built in accordance with the NPA approved location i.e.
 - o NW corner of the northern elevation of the building is 17.65m from the NW corner of the actual plot (adjacent to the steps)
 - o NW corner of the western elevation of the building is 14.7 from the NW corner of the actual plot (adjacent to the steps) and 14.5m from the southern end of the access area;
 - o Eastern elevation is 12.696m from the eastern boundary to the actual plot

These measurements and levels clearly show that our client was progressing with the development in accordance with the support of the NPA.

4. Agreed AOD Datum Levels

This application is supported by a 'AS built' site survey undertaken by DT Surveys. This survey has been accurately undertaken from local datum levels. The survey identifies the following levels: -

- o Top step on adjoining public footpath steps - AOD level 20.00
- o Lower Ground floor - 17.080
- o Ground Floor - 20.00 (identical to 'top step')
- o First Floor - 22.950
- o Eaves Levels - 24.300 & 24.600
- o Ridge Level - 27.400

This most recent site survey confirms that the 'as built' building has been constructed in accordance with the details agreed by letter dated 26th July 2007 and site survey undertaken on 20th February 2008. It can be concluded that AOD datum level for the 2006 approved scheme would be closer to 15m as assumed in the officer report to the October Development Management Committee

5 Agreed position of the building

It is acknowledged that the position of the 'as built' building is slightly different to the 2006 'approved scheme'. The reason for the re-positioning was due to the ground conditions on the north eastern corner of the plot being much 'softer' than originally

anticipated, resulting in trial holes collapsing. A letter from Roger Casey Associates (project Civil and Structural Engineer) dated 16th July 2008 confirmed that the ground conditions were poor. Given this geo-technical problem the building was moved slightly to the west. Photographs taken by the NPA on the 14th February 2007 shows that they were aware of the position of the relocation of the building. As a result of the building being moved the AOD level of the foundations of the 'as built scheme' were therefore at a slightly lower level than the foundation level of the '2006 approved scheme'. (The original site survey shows that the land was higher at the north eastern corner of the plot). Given the foundation levels were slightly lower a larger void was created at lower ground floor level. This explains the reason for additional floor space being created at this level in the 'as built' scheme.

6 Agreed differences between the '2006 approved' and 'as built' schemes

Discussions between the NPA and ourselves over recent months have concluded that the main differences between the two schemes are as follows:

- o The north elevation is 1.5m narrower in the 'as built' scheme;
- o The eastern elevation is 70cm longer in the 'as built' scheme;
- o The massing of the 'as built scheme' is 40 cm higher;
- o The lean-to roof of the building on the eastern elevation is 1m lower in the 'as built scheme'.

7 Revised Landscape Proposals

The comprehensive Landscaping scheme proposed by Soltys Brewster has been designed to create a natural and well maintained landscape setting for the dwelling. The scheme has been designed to include two profiled embankments in front of the dwelling that will reduce the amount of the visible surface area of the northern, eastern and western elevations. A matrix of enhanced woodland planting is proposed along the embankments and site boundaries. (The species proposed will be of local provenance from the approved NPA species list). Given that the implementation of this proposed scheme will have an immediate positive impact on the amount of visible elevation surface area, the 'as built' scheme will have a lesser impact than the 2006 approved scheme. During the next ten years the impact of the development on the local landscape will reduce on an annual basis as the landscaping scheme matures. The application is supported by two drawings 0937601 and 0937602 that clearly show that the dwelling will have minimal impact on the local landscape, with all of the lower ground floor and majority of the ground floor eastern and western elevations will be screened by the mature landscape scheme.

8 Landscape Visual Assessment

The application is supported by a Landscape and Visual Assessment Report prepared by Soltys Brewster Consultants. The report concludes that there are no significant differences between the '2006 approved' and 'as built schemes' when viewed from key locations. The locational and dimensional differences between the two schemes do not constitute significant changes that register a conscious change in design or appearance of the building. The proposed landscaping scheme (re-profiling of garden and native woodland and shrub planting) will reduce the scale of the eastern and northern elevations and achieve an effective integration of the dwelling with the setting of the site.

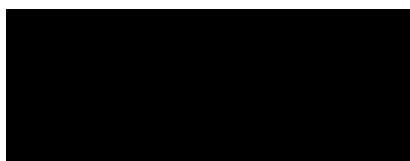
Conclusion

Whilst it is acknowledged that the 'as built' scheme differs from the 2006 approved scheme and requires the submission of a new planning application to regularise the development, our client has acted throughout the construction process in consultation with the NPA. The NPA have approved in writing the AOD datum levels for the development and the position of the building in letters dates 26th July 2007 and by undertaking site measurements and level review on the 20th February 2008.

The extant planning permission for the construction of a dwelling on the site (i.e. permission NP/06/076 that expires in October 2011), must constitute the principle material planning consideration for determining this application. The differences between the '2006 approved' and 'as built' schemes are not significant, and together with the comprehensive landscaping scheme proposed by Soltys Brewster, there is no significant differences in terms of the design of the building nor in the prominence of its visual intrusion in the local landscape.

Given the above the NPA are respectfully requested to favourably consider the application and grant full planning permission for the development.

Yours sincerely



Robin Williams
Managing Director