

Statement of Complaint by the Bettws Newydd Opposition Group Concerning Maladministration by PCNPA Development Management Officers During the Applications Process for Bettws Newydd Newport.

Maladministration in:-

- 1. Not recording pre-application meetings on file, particularly the meetings that took place prior to the submission of the 2006 and 2010 applications.**
- 2. Agreeing a level for the Ground Floor of the Replacement Dwelling before submission of Application 06/076 and not supplying this information to the Development Management Committee and others throughout both the 2006 and 2008 application processes**
- 3. Not properly assessing the 2006 application against National and Development Plan policies and not properly describing the application to the Development Management Committee, Newport Town Council and other consultees.**
- 4. In particular not assessing the implication of setting the Ground Floor of the development at the “agreed” level against compliance with National and Development Plan policies.**
- 5. Advising that the development is a two storey dwelling in the March 2006 and April 2010 Officer Reports, in the Delegated Decision Statement 2006, and even in briefing the NPA team to the Inquiry in preparation of the Statement of Common Ground, and thereby not making it clear that this is a three storey building from the level of the original bungalow on the site.**
- 6. Not taking into account JUDP policy 79 “Development within a Conservation Area” and Planning Policy Wales relating to the setting of Conservation Areas when considering the 2006 and 2010 applications**

and only assessing the as-built development against this policy in one Officer Report, April 2009, when considering the 2008 application.

- 7. Telling Newport Town Council that the height had been reduced in the amended plans when it had not**
- 8. Not recording on file advice given to Newport Town Council concerning these and any other applications concerning Newport**
- 9. Not having the orientation labelling on all elevations corrected before stamping them approved**
- 10. Not noting on the Planning File, to this day, the need to correct the orientation of Elevations as labelled on the 2006 Stamped Approved Drawings.**
- 11. Not achieving modification of the North (labelled South) Elevation, to be in compliance with JUDP policy 76, before stamping this approved**
- 12. Not assessing the validity of the Site Plan before stamping this approved**
- 13. Not properly negotiating amended plans as prescribed by the Development Management Committee and not justifying lesser amendments as meeting development plan policies in writing the Delegated Decision Statement before issuing Consent.**
- 14. Not returning to the Development Management Committee when satisfactory amended plans had not been achieved in October 2006**
- 15. Inadequate care in writing Conditions attached to Consent.**
- 16. Not halting work in January 2007 when it was clear that vegetation and trees had been cleared and construction work had started, without complying with any conditions precedent attached to the 2006 consent.**

17. **Not advising that non-compliance with conditions precedent required a retrospective application to be made to vary conditions.**
18. **Not properly overseeing the setting out of site “profiles for external ground and internal finished floor levels” as specified in Condition 3 and when “agreeing” levels on 27th February 2007 and in not recording any information on the planning file of any levels “agreed”.**
19. **Not monitoring whether or not the “*the finished foundations*” were “reduced by @ 400 -450mm as much as possible” following the 27th February 2007 site visit.**
20. **Refusing to accept that material had been imported to build up levels to the south and west of the as-built dwelling when neighbours had told Officers that this had been observed and when comparison of levels shown on the 2005 and 2009 surveys proves that levels have been made up.**
21. **Not filing a record of the meeting on site on 14th June 2007 with the developer and his architect present**
22. **Not filing a record of the meeting on site on 20th July 2007 with the developer and his foreman present, when, according to the developer, a number of dimensions were taken by the foreman (who was using the Building Regs Drawings) and checked by the Case Officer against “her plans”**
23. **“Discharging” a Condition Precedent, Condition 3, seven months into Construction Work on site.**
24. **Stating in the 26th July 2007 Letter to the Developer that “I am able to confirm that the development is being carried out according to the approved drawings” when this was not the case.**

- 25. Telling Newport Town Council that the as-built development appeared higher than expected due to the inaccuracy of the architect's levels, after those levels had been agreed on 27th February 2007.**
- 26. Not advising that changes made from the Stamped Approved Drawings by July 2007 fell outside the Authority's "Minor Amendments Protocol" and required an application to be made for retrospective consent**
- 27. Informing the Development Management Committee (when Bettws Newydd went back to Committee under Enforcement and Other Matters in October 2007, following expressions of concern and questions from Newport Town Council and a demand for revocation of the 2006 consent), that "*the steel structure has been erected according to the approved plans*" when this was not the case.**
- 28. The Head of Development Management advising the DMC in October 2007 that "*I see no merit in visiting the site at this particular time*"**
- 29. The Head of Development Management telling the Members of the DMC in October 2007 that there had been a personal attack on an Officer, especially as this was not the case.**
- 30. Senior Officers instructing the Chairman of Newport Town Council Planning Committee that the Case Officer was not to be questioned by councillors concerning levels of the as-built dwelling at Bettws Newydd.**
- 31. Allowing work to continue on site after the architect was told by telephone in December 2007 by an Officer that an application was required, and allowing a further six months to pass before informing the Developer in writing that an application would be required.**

- 32. Not halting work on site in late 2007 when informed that the wetland area, which was the subject of a condition precedent (and which had not been discharged), had been dug out and filled in with other material.**
- 33. Informing the complainant concerning the wetlands destruction that she would be informed of results of an investigation and never doing this.**
- 34. Not filing a record of a meeting between Senior Officers and Newport Town Council, in Newport, on 31st January 2008, when councillors were told by the Head of Development Management that the Authority knew how high the building was above the foundations but could not tie this into the level of the land at the time, and admitted that this was a mistake.**
- 35. Not filing a record of the meeting on site on 20th February 2008 with the Developer and new architect (other than on drawings of measurements taken), when according to the developer an increase in height was recorded.**
- 36. Not filing a record of the meeting at Llanion Park on 28th February 2008 with the developer and the architect when the offer was made by the Developer to lower the roof height.**
- 37. Informing Newport Town Council Planning Committee on 27th February 2008 that the 20th February survey had shown that the as-built development complied with the 2006 Stamped Approved Drawings “*in terms of size and shape, (but some details had changed)*”, when drawings handed to the Council by Senior Officers on 31st January 2007 had clearly showed this not to be the case, and telling the Planning Committee that the latest drawings should be “*disregarded*”**
- 38. Not recording all meetings on the Planning File for instance, meetings on site of 14th June and 20th July 2007 and the meeting at NPA offices on 28th February 2008.**

- 39. Not holding all correspondence on the Planning File for instance letters from the Head of Development Management of 17th January 2008 and 16th April 2008.**
- 40. Advising the Developer in June 2008 to make an application to vary Condition 2 and not for a new dwelling, “*which could open up a debate about replacement dwellings that had already been approved under a previous application*”**
- 41. Accepting comparison drawings for consideration which showed the ridge height of the as-built dwelling to be the same as the ridge height of the 2006 approved scheme, when this was known not to be the case, and also when drawings continued to show the wrong orientation of elevations.**
- 42. Not properly assessing the 2008 application against Development Plan policies**
- 43. When considering retrospective applications, not reporting to any meetings of the Development Management Committee until April 2010 that Condition 3 had been “discharged” by letter on 26th July 2007**
- 44. In not recording on file a meeting by the Head of Development Management with Newport Town Council 19th February 2010**
- 45. Not establishing under which part of sub section 2 of section 73A of the Act that the application NP/10/033 was being made, despite questions from complainants.**
- 46. Not holding on the Planning File, from February 2007, any record of “agreed” levels and only introducing one level, over three years later, “*understood from discussion with the case officer, against the context of an agreed level of 20m from a temporary benchmark on the top surface of a set of*”**

steps located adjacent to the site access” into the April 2010 Officer Report

- 47. Stating in the April 2010 Officer Report “*From our records the only details that were submitted were ground and floor level details to discharge condition 3*”, when no such information existed on file.**
- 48. In the April 2010 Officer Report referring to a July 2007 survey as setting the Ground Floor level of the dwelling as-built at 20m AOD when no such survey took place**
- 49. The chaos of misinterpretation of information derived from surveys undertaken in 2005, 2009 and twice purportedly at public expense, in 2010, using different methods of measurement.**
- 50. Stating in the April 2010 Officer Report that “*The ‘as-built’ dwelling is marginally taller than the 2006 approved scheme which is compensated for by the fact the foundation of the ‘as-built’ scheme is at a lower level than the 2006 approved scheme The difference between the two schemes is therefore ‘marginal’ especially when viewed from distant vantage points.*”**
- 51. Advising the DMC in April 2010 that the Fall-back consisted of the 2006 Approved Scheme and the 26th July 2007 letter and that the differences between the Fall-back and the Proposal were minimal so that the Fallback should override policy.**
- 52. Advising the DMC in April 2010 that “*Refusal may well lead to the implementation of the 2006 permission with no obvious visual or amenity benefit*”**
- 53. Not taking into account Planning Policy Wales in relation to the setting of Conservation Areas and Supplementary Planning Guidance relating to Newport and Newport Parrog Conservation Areas in assessing application NP/10/033**

54. Not taking additional Supplementary Planning Guidance - Landscape Character Assessment 23 (Newport) into account when considering NP/10/033 (Landscape Character assessment SPG adopted June 2009)

55. That “Public Responses” in the April 2010 Officer Report did not list concerns about the destruction of vegetation and habitats and alterations to drainage systems and site topography since 2005 through unauthorised landscaping works, and that these were not taken into account in the analysis of proposals.

The above is not necessarily a comprehensive list

BNOG /November 2010