

APPEALS PANEL NO. 3

MONDAY 21 JULY 2014 AT 10.00am

PRESENT: Councillors Collier, Bell and Stothard

OFFICERS: Principal Lawyer
Development Manager
Committee Clerk

1. APPOINTMENT OF CHAIRMAN

It was moved and seconded that Councillor Stothard be appointed as Chairman of the Appeals Panel No.3 for the municipal year 2014/15.

RESOLVED – That Councillor Stothard be appointed as Chairman of the Appeals Panel No.3 for the municipal year 2014/15.

Councillor Stothard thereupon took the Chair.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Number 1 of Part 1 of Schedule 12A of the 1972 Local Government Act.

4. DECLARATIONS OF INTEREST

Councillor Bell declared an interest in accordance with the Council's Code of Conduct. The interest related to the fact that his grandchild attended Dalston Junior School.

5. COMPLAINT REGARDING A PLANNING APPLICATION

Consideration was given to complaint regarding the Council's responsibilities in relation to conservation and heritages matters and, in particular, its dealing as Local Planning Authority with a planning application for a development. .

The Chairman introduced the Panel and outlined the purpose of the meeting and procedure to be followed. He confirmed that all those present had seen the relevant documentation, copies of which had been circulated.

The appellant introduced himself and his representative to the Panel.

The Chairman asked the appellant to summarise the complaint as clearly as possible. The appellant explained that he had summarised the complaint into fifteen points which would complement the information within the report. The appellant believed that there had been procedural shortcomings in respect of two planning applications. The appellant further

believed that if correct consideration had been given to the applications the development which was the subject of the applications would have been refused as the development would harm the Conservation Area and would not be sustainable. The appellant outlined the fifteen points.

In response to a query from a Member the appellant confirmed that elements of the Planning Officer's report in respect of one of the applications were weak and did not reflect an accurate interpretation of the National Planning Policy Framework which affected local policies and had not taken account of local policies and statements made by the Council regarding Conservation Areas. He believed that little importance had been given to advice by an independent consultant regarding aspects of the application and that advice had been ignored by the applicant, the Planning Officer and the Development Control Committee.

A Member confirmed that schools and health services were already overcrowded in the area. The appellant believed that to be a good planning reason to consider the impact on the area as part of the planning consideration.

The appellant had raised concerns about the location of the proposed development with regard to a prohibited area. Whilst amendments had been made to the development he believed that some of the units were still too close to the prohibited zone.

In summing up the Chairman and the appellant agreed that the complaint had been adequately summarised within the fifteen points raised in the hearing and in two letters contained within the document pack. The appellant confirmed that he was satisfied that everything contained in the summary complemented the documents previously circulated and that there was no new information.

The Panel thanked the appellant for his input and he and his representative left the hearing at 10.35am.

The Panel invited the Development Manager to the meeting.

The Development Manager explained that Officers were satisfied with advice given by English Heritage in respect of the applications. That advice had been examined and a judgement made.

With regard to the concerns regarding schools and health services the Development Manager explained that both the Education Authority and Health Services were consulted as part of the process.

The Development Manager advised that a screening mechanism was in place in respect of prohibited zones and confirmed that the development had been amended as some of the units were within the prohibited zone in the initial application.

The Development Manager further explained how the number of car journeys was calculated and confirmed that the Highway Authority had agreed to the original scheme and the amended scheme. The Development Control Committee had raised concerns regarding some aspects of the highway proposals and changes were made.

The Development Manager confirmed that Planning Officers do not make decisions in respect of applications but make recommendations to the Development Control Committee which can be overturned by the Committee.

The Development Manager further confirmed that a legal agreement would have been drawn up with regard to education provision in relation to the proposed development.

The Development Manager responded to the fifteen points raised by the appellant and clarified points where required.

With regard to the decision made by the Development Control Committee the Development Manager believed that the applications had been assessed against the Council's policies and was happy that the process had been followed.

The Development Manager explained issues around the New Homes Bonus. He confirmed that all information had been made available prior to the meeting of the Development Control Committee and that some information had also been shown on screen in the meeting for further clarification.

The Panel thanked the Officer for his input and he left the hearing at 11.10am.

The Panel then considered the evidence that had been presented to them, prior to and during the hearing and:

RESOLVED – that the complaint would not be upheld as they believed that the Council and its Officers had carried out its duties in an open and transparent manner, that all matters had been dealt with fairly and that the correct procedures had been followed by Council Officers.

[The meeting ended at 11.30]