

Via email:
prestonunderscarpc@gmail.com

Your Ref: Planning Application ref
21/00720/FULL
My Ref: 20221101 – Cllr D Amsden

01 November 2022

Dear Cllr Amsden,

Re: Planning Decision ref 21/00720/FULL

Thank you for your correspondence dated 10th October 2022, concerning the above planning application.

This has been logged as a formal complaint against the Council's Planning Service and has been investigated under Stage One of our Complaints Procedure.

Whilst it is never pleasant to see that a customer of ours is dissatisfied with the level or quality of service received, it is important that we consider carefully the points that you raise and identify areas where our service may be improved.

In addition, where we are at fault then we will of course offer you an apology for any shortcomings and for any inconvenience and frustrations that have arisen from our actions.

In order for me to properly understand what has happened here I have discussed the situation with the case officer and have asked for her comments on the matters that you raise. I have also discussed the issues relating to process raised in your complaint with our Technical Support Officer. As you know, this case was initially allocated to Caroline Walton before being reassigned to Gemma Newall earlier this year on 3rd March. The application was determined under delegated powers because it had not been called-in by an elected member for a committee decision within the 25-day period set out in the Council's Constitution.

From my review of the case, it is apparent that from the outset this proposal proved to be controversial locally. Over the course of the application, the scheme was amended multiple times in response to objections received from the parish council, local residents and from the Council's Conservation Advisor. These delays also led to complaints from the applicant and the case officer was placed in the challenging position of trying to balance these

various tensions whilst also trying to meet Government expectations to reach a timely decision.

Through a process of dialogue, a series of revisions intended to overcome these objections were submitted to the point where the Conservation Advisor was satisfied with the proposals in June 2022, and the application was recommended for approval. The report was reviewed and signed by the Team Leader on 6th July 2022. The decision notice could not be issued at that point pending completion of a legal agreement under s106 of the Town and Country Planning Act 1990 to secure a contribution towards local affordable housing, consistent with Policy CP6 of the development plan. That part of the process was concluded on 22nd August 2022 which enabled the formal decision notice granting planning permission to be issued on 25th August.

Turning to the main criticisms and observations raised in your letter, my considered views are set out as follows:

You will have noted that the officer report runs to eleven pages, which is unusually long for what amounts to a relatively modest development proposal. This is because the case officer wished to cover in detail all of the representations and comments received and to fully address them in the report before making her recommendation. This included setting out the parish council's comments as well as summarising the objections from local residents. These issues were covered in detail within the report. From my review, this is consistent with our normal practice, and I am unable to agree with your view that we failed to have proper regard to the concerns of residents.

However, I do agree that the site lies entirely within the designated Preston under Scar Conservation Area. This was an error in the drafting of the report for which I apologise. I would, nevertheless, assure you that the relationship between the proposed development and the wider Conservation Area was fully considered and the discussion was informed by the Conservation Advisor and that this is evident in the discourse set out in paragraphs 6.12 – 6.14 of the report.

The proposed development has been designed to fit in with local vernacular styles and it will be constructed using high quality natural materials. There are examples of buildings within the village that have slate roofs. Welsh slate as a roofing material is mentioned specifically in the related Conservation Area Statement. As such, this is considered to be an appropriate roofing material for the development.

The front boundary wall is one of several that are acknowledged as a feature of heritage value in the Conservation Statement, although no such mention is made of the footpath. The removal of the wall was discussed in detail with the Conservation Advisor as it was hoped that at least part of it could be retained either side of a narrower vehicular access. Unfortunately, this would not have met visibility standards at the access point, which would have created a potential local highway safety hazard. A planning judgement was necessary, and the compromise agreed was that the wall could be removed.

Turning to your comments on the process, the Technical Support Officer has explained that when our computer system generates a decision notice it automatically adds it to the Council's website. In this case, that is what happened, and it was uploaded on 25th August. The report takes a little longer to upload as it is not generated by the computer system and

has to be uploaded manually by the Council's Business Support Team. Notifying local residents and the parish council takes place at the same time. Depending on workloads, this may take quite a number of additional days to complete.

In this instance, in order to speed matters up, the Technical Support Officer offered to assist by undertaking the post-decision notifications but due to a computer glitch, the incorrect letters were generated for four out of the sixteen residents that had submitted representations. For those four, letters informing them that the application would be referred to a planning committee was clearly incorrect, and we acted to correct that error once alerted to the situation. I apologise for the confusion that this caused.

In terms of the procedure for elected members calling applications in for determination by planning committee, this only applies when an application is initially received; it does not apply to subsequent amendments. Members have a 25-day period from the date of notification within which to request that a planning application be referred to the planning committee.

You are concerned that condition that the parish council requested have not been included on the planning permission. The National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following statutory tests:

1. necessary.
2. relevant to planning.
3. relevant to the development to be permitted.
4. enforceable.
5. precise; and
6. reasonable in all other respects.

The conditions that have been imposed are considered to be consistent with the above and adequately address the issues that were raised in the representations received from the parish council and from local residents. These include a Construction Management Plan and controls over any contamination discovered on the site.

All development carries with it some disruption and inconvenience during the construction phase; but this tends to occur over a short time period and the temporary nature of disruption has to be considered in the round. The small scale of the development and the physical constraints of the site meant that it was not possible to require an off-site contractor's compound although the requirement for submission of a construction management plan will include details of how and where materials etc will be stored on the site during the construction phase.

The comments received from the Environmental Health Officer are available to inspect on the Council's website at this link:

<https://documents.richmondshire.gov.uk/my-requests/document-viewer?DocNo=1673971>

These comments were based upon a desktop assessment, which is normal procedure for development proposals of this nature. The submitted Contaminated Land Report was reviewed by the Environmental Health Officer but no other specialist reports were required. The Officer applied her professional judgement to assess the potential impact of the development upon the local area. This is standard procedure and reflects the relatively minor nature of the development proposal within a village context where there is

reasonable expectation that new development will create some noise, dust and disturbance during the development phase.

The Council will not consult the parish council on any applications submitted to discharge conditions. This is a technical exercise and there is no requirement placed upon the local planning authority to engage with the local community in this regard. The Council will consult the technical consultees to ensure that they are satisfied with the submissions before any pre-commencement conditions are discharged.

Having completed my review of the matters raised by you in your correspondence, it is my conclusion that the application was properly considered, and the conditions imposed meet the statutory tests and are reasonable in their scope. I accept that an error was made in describing the application site's relationship with the Conservation Area; but I am satisfied that this did not affect the assessment of impact of the proposals upon that heritage asset.

I appreciate the fact you may remain dissatisfied with the outcome of this review.

Should you remain dissatisfied with this response you have the option of escalating the complaint to Stage Two where it will be reviewed by a corporate director. To do so you should explain fully what it is about this Stage One response you find unsatisfactory.

Yours sincerely,

Bart Milburn

Planning Manager

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