

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
18 NOVEMBER 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Peter Hiller, Cabinet Member for Planning and Housing Services	
Contact Officer(s):	Nick Harding, Head of Development and Construction	Tel. 454441

LOCAL GOVERNMENT OMBUDSMAN REPORT – 157-161 FLETTON AVENUE (PALACE GARDENS)

R E C O M M E N D A T I O N S	
FROM : Director of Growth and Regeneration	
<p>1. That the Ombudsman’s report be noted.</p> <p>2. That the actions proposed to address the Ombudsman’s report be noted.</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Committee following receipt of a report from the Local Government Ombudsman (LGO) report (enclosed at Appendix 1) that investigated a complaint regarding the enforcement of landscaping conditions at the development at 157-161 Fletton Avenue (Palace Gardens).

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to share with Committee the LGO report and the proposed actions to be taken to address the issues identified.

2.2 This report is for the Committee to consider the report pursuant to its Terms of Reference in paragraphs 2.5.5 of part 3, section 2 of the Constitution.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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4. MAIN BODY OF REPORT

4.1 The LGO investigated whether or not officers had appropriately dealt with a complaint that the development had not provided the soft landscaping and that the Council had not appropriately dealt with this.

4.2 In summary, when the complaint was received, the matter was investigated by officers. The investigation found that:

- a. Whilst the approved layout plan (Appendix 2) indicated that soft landscaping would be provided, the wording of the condition was such that it did not say that soft landscaping must be provided (Appendix 3).
- b. Notwithstanding item (a), the alternative landscaping being provided which was hard and not soft, was acceptable.

- 4.3 On the basis of the above the complainant was informed that there was no breach of condition and that no further action would be taken.
- 4.4 The LGO concluded that there was fault in that:
- a. There was a breach of condition.
 - b. The condition was poorly written and not fit for purpose.
- 4.5 The LGO's findings (para 35 to 38 in Appendix 1) are accepted and, in response to this, the following actions are proposed to be taken:
1. Revision to the wording of standard landscaping conditions so that they comply with National Planning Policy Framework guidance.
 2. That landscaping conditions are only used where the development would otherwise be unacceptable.
 3. That where layout plans show landscaping which is not necessary to requirements that these are either removed from plans or that a note is added to the permission to make it clear that the landscaping has not been approved.
- 4.6 An apology has been issued to the complainant and this report has been issued to them.

5. CONSULTATION

- 5.1 None

6. ANTICIPATED OUTCOMES

- 6.1 That Committee note the LGO report and the proposed actions to address the issues identified.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The development has had a history of legal challenges and complaints and therefore it is appropriate for the matter to be brought to the notice of the Committee.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 Status quo.

9. IMPLICATIONS

9.1 LEGAL

The proposed actions will result in revisions to the way landscape conditions are to be applied and reduce the risk of future challenges.

FINANCIAL

None

CROSS SERVICE IMPLICATIONS

None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

APPENDICES

Appendix 1 – LGO Report

Appendix 2 – Approved Layout Plan
Appendix 3 – Landscape Condition

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