



2008-2009
Transforming Services:
Citizen Engagement
and Empowerment

Our Ref:
Your Ref:
Date: 5 February 2010

Mr Dootson
26 Westhoughton Road
Adlington
Chorley
PR7 4ET



Town Hall
Market Street
Chorley
PR7 1DP

Dear Mr Dootson

In response to your supplementary Question raised at Full Council, you have raised a number of related questions and identified numbered points as part of the question that relate to the following two issues that I will address first:

Q1. Was the application a "Departure Application"

Q2. Was the application determined in accordance with the Development Plan particularly with regard to Historic Parks and Gardens.

For an application to be considered to be a Departure from the Development Plan and caught by the Town & Country Planning (Development Plans & Consultation) (Departures) Directions 1999 the application would have to fall within:

"any other development which, by reason of its scale or nature or the location of the land, would significantly prejudice the implementation of the Development Plan's policies and proposals"

It should be noted that the above Departure Direction has since been deleted and replaced by the Town & Country Planning (Consultation) (England) Direction 2009. Under this new guidance only applications where there is a building of 1000m² or development that would significantly impact on the openness of the Green Belt would be considered for referral to the Secretary of State.

In conclusion to Q1 the status of the Historic Park and Garden has been taken into account in the determination of the application and a conclusion has been reached in this regard, the development would not "significantly prejudice the implementation of the Development Plan's policies and proposals" and therefore would not be a departure under the above regulations.

The Council's Constitution states that : "Applications where officers are minded to recommend a decision contrary to the development plan" must be referred to Committee.

The policy area "Historic Parks & Gardens" referred to has a policy HT13 that states:

"Development will not be permitted if it would lead to the loss of, or cause harm to, the historic character or setting of any part of a Park or Garden of Special Historic Interest as defined on the Proposals map. Pedestrian Access to these areas by historic paths and routes will also be protected and maintained."

The supporting text to the policy forms the basis for and justification for the policy, this states :

"The fact that a park or garden is registered does not confer any additional control but emphasises its historic value and importance." and reference is made to features within Historic Parks and Gardens and other areas that should be "protected from intensive development in order that future generations of people can study and enjoy them.

The register of Parks and gardens of Special Historic Interest refers to three avenues of trees, one running from the hall and past Great House Barn, one running eastwards through woodland and curving to join Rivington Lane and a third running south through woodland connecting other routes. This register also refers to the western boundary being formed by a wrought iron fence along the edge of the reservoir and erected by Liverpool Corporation.

The planning application in question identified land that was mainly located outside the wrought-iron railing boundary, did not result in the loss or cause harm to the three avenues of trees that form the principle historic interest within the vicinity. The impact of the development upon the listed building (Great House Barn) and the historic park was considered and a conclusion reached that the proposed development would have a negligible impact and would therefore be acceptable.

In conclusion to Q2 the application, having regard to the above facts in respect of the basis of the designation of the Historic Park would also not be contrary to the development plan (Chorley Borough Local Plan Review) and as such would not be required to be determined by the Development Control Committee.

The constitution of the Council has not been ignored as we have previously stated. Because the site of less than 1 hectare delegated powers were correct in this instance. We are in discussion with the Ombudsman on this technical point.

The Corporate Director (Business) has not breached the officer code of conduct or the constitution. Members of the Council have not breached the member code of conduct. There has been no lobbying of and by councillors on this issue that has been reported to the monitoring officer. If you are suggesting that there has been corruption this is a very serious allegation and I advise you to use your words with caution as this could lead to further personal legal action against you. If you have any evidence of corruption by either a council officer or a member please supply me with that evidence or the ombudsman as a matter of urgency. We treat vexatious complaints very seriously.

The Ombudsman's report considers the impact of the development upon the Historic Park and garden in respect of the views of the Conservation Officer and Lancashire Gardens Trust and reaches the conclusion that "Consulting the Garden History Society would not have altered the course of events and caused the planning application to be refused"

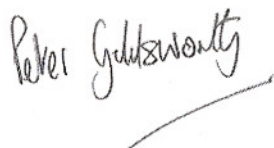
In considering the planning application, it was concluded that the harm caused by the development was negligible and the ombudsman does not disagree with that view.

The concerns raised in respect of many of the points made are based on the premise that the application was a departure and should have been referred to committee. These points have been answered above.

In terms of record keeping that was raised as a question Chorley Council do consider that record keeping is important and have taken the Ombudsman's findings on board and continue to highlight the importance of note taking for pre-application discussions with officers.

On the final point of reviewing the approval, I agree with the Ombudsman that our failing, which I again apologise for, caused no injustice to the planning permission and therefore the decision stands.

Yours sincerely

A handwritten signature in black ink, reading "Peter Goldsworthy". The signature is written in a cursive style with a long horizontal flourish extending from the bottom of the name.

Councillor Peter Goldsworthy
Leader of the Council

Email: peter.goldsworthy@chorley.gov.uk

Tel: 01257 515104

Fax: 01257 515156