

Agenda Item No. 4

Title:	Presentation of the recommendations of the Scrutiny Committee
Chairman of Scrutiny Committee:	Cllr Osborn
Reporting Officer:	Paul Mountford - Policy and Communications Services Manager
Key decision:	No

Purpose

The purpose of this report is to present to Cabinet the recommendations of the Scrutiny Committee concerning:

- Outcome of the Ombudsman's Investigation into the handling of a planning application for the erection of a terrace of five dwellings at the former gasworks site, Frome Road, Bradford on Avon

Background

The complaint to the Ombudsman refers to the building of a terrace of five dwellings of modern design on land at the former gasworks, Frome Road, Bradford on Avon. The site is within the Bradford on Avon Conservation Area.

Complaints were made by the Preservation Trust and a group formed in response to the development of the site. The complainants raised a number of issues:

- The description of the development
- How the planning application was assessed
- The content of the report to the former Area North Committee on 24 April 2003
- Consideration of car parking provision
- Subsequent compliance with conditions attached to the planning permission in respect of the colours of the finished building, gates for vehicular and pedestrian access to the development, the height of the finished building, and on-street parking outside the site.

The Ombudsman completed its report on 10 May 2007. It found that there had been maladministration which caused the complainants injustice.

The Scrutiny Committee considered the report at its meeting on 13 June 2007. A further update report has been requested by the Committee in three months time.

Main issues

The Ombudsman considered that maladministration had occurred on three points:

- The reporting of the conservation officer's comments to the Area Committee
- The lack of involvement of the conservation officer in agreeing details required by conditions
- Delays in taking enforcement action

The Council became aware of the issues raised by the complainants through the Council's own complaints procedure well before the complaint was referred to the Ombudsman and has taken steps which should prevent a recurrence of the difficulties which arose in this case. This is acknowledged in the Ombudsman's report.

There are still several enforcement issues which remain outstanding:

- The design of the front entrance gates is unacceptable and has not been approved by the Council
- One walling panel has been installed in a colour which has not been approved
- On-street car parking has not been relocated to the opposite side of Frome Road.

Action to resolve these issues continues, but a difficulty has arisen with the developer going into financial administration. The planning enforcement team continues to take forward action in respect of the gates and walling panel. Discussions are ongoing involving the Highways development section of the County Council over relocation of the car parking. A road traffic order is required for this to proceed. There has been a discussion with the developer about the colour of the blue walling panels which were at variance with a colour sample panel approved by the Council. The Council is unable to take enforcement action on this issue but has attempted to negotiate with the developer to resolve this problem. In order to achieve a solution the Council held back on formal enforcement action on other issues at the site for a time in an attempt to seek a negotiated solution to this and other issues at the site.

A payment of £2,000 to the Preservation Trust has been recommended, to be used on a project of benefit to the Conservation Area. Discussions with the Trust, involving the Conservation and Heritage Development Officers are to take place to identify a suitable project.

Effect on strategies and codes

The Council has already made the necessary changes to its strategies and codes which address the criticisms made by the Ombudsman.

Risk management implications

The changes made to the strategies and procedures substantially reduce the risk of a repetition of the circumstances underlying this complaint.

Finance and performance implications

A payment of £2,000 is to be awarded to the Preservation Trust to be used for a project of benefit to the Conservation Area.

Legal and human rights implications

There are no legal or human rights implications arising from this report.

Recommendations

Cabinet is asked to consider the recommendations from the Scrutiny Committee as follows:

- To announce a formal Council apology for the maladministration that has occurred
- To request that negotiations are opened with both the occupants and developer to consider ways to lesson the impact of these dwellings on the conservation area
- To request that landscaping is undertaken around the site in accordance with the conditions

Background papers

- Minutes of the Scrutiny Committee 13.06.07
- Local Government Ombudsman Report on an investigation into complaint nos 06/B/00538, 06/B/00547, 06/B/00549 and 06/B/01306 against West Wiltshire District Council