

**ST ALBANS CITY AND DISTRICT COUNCIL**

**DECISION REGISTER**

Portfolio(s) decision relates to:		Planning Appeal. Release of funds to contend case.	Name of Portfolio Holder:		Cllr. Chris Whiteside			
Name of decision maker:		Peter Lerner	Signature of decision maker:					
Name of relevant Overview and Scrutiny Committee:		Overview and Scrutiny (Enterprise and Civic Environment)	Date of decision:		21st April, 2004			
Type of decision ( <i>please tick</i> )	Key		Significant	Yes	Virement		Other	
Scheme of delegation reference under which decision is taken:		Scheme of Delegation, para. 1 ( C )						
Has this decision drawn upon confidential information? ( <i>If yes – please set out what confidential information has been taken into account on a separate sheet</i> )			No					
<p><b>DECISION</b> (<i>Note this should be written in the style of a committee minute and should not include confidential information</i>):</p> <p>I agree to the release of a maximum of £12,000 to fund the defence of a planning appeal in connection with the two planning applications and applications for conservation area consent for the partial demolition and extension of the existing dwelling and erection of 10 dwellings and construction of access road, on <b>land to the rear of 18-30 and including 28 Ox Lane, Harpenden.</b></p> <p>In arriving at my decision I have properly and thoroughly taken into account the legal, financial and workforce implications for the Council. My decision is within the Council’s policy and budget framework and complies with the regulations and procedures set out in the Constitution. I have explicitly considered the Council’s corporate objectives in arriving at my decision. In coming to my decision I have consulted with all relevant parties as appropriate and in accordance with the scheme of delegation.</p>								

## REASON/S FOR THE DECISION

The basis for this decision is ...

The latest applications relating to development at this site were considered at the Planning Development Control Committee (North) on 5<sup>th</sup> April, 2004. The professional recommendation was to refuse permission/consent and this was endorsed by the committee but additional reasons for refusal were added contrary to officer advice.

A planning appeal against these decisions has been received, to be dealt with at a forthcoming Public Inquiry.

Following Counsel advice, there are three witnesses required to give evidence on matters relating to noise impact, effect on nearby trees and planning policy matters, that cannot be advanced from officers in-house. There is no professional support from in-house staff to represent the Council in the case of two of the three given reasons for refusal of permission..

A private planning practice has been approached, a specialist arboricultural practice, and a company of acoustic consultants. The likely total costs would be in the region of £12,000

OTHER OPTIONS CONSIDERED:	REASONS FOR REJECTING THESE OPTIONS
1. Provide no evidence at the public inquiry	Likely award of costs against the Council
2. Use of in-house professional staff	No support for the case from in-house staff

## CONSULTEES

In making this decision, I have consulted the following people:

Name and Signature	Position	Date of consultation	Outcome of consultation (may cross reference to supplementary/background sheets)
Michael Lovelady	Head of Legal and Democratic Services. Council's Monitoring Officer	19/4/04	agreed
Ian Duffield	Head of Finance	19/4/04	agreed
Cllr. Chris Whiteside	Portfolio Holder Planning and Conservation	19/4/04	Supported expenditure of up to £12,000.

## LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985

Bibliography	Custodian	File location
File ref: 5/04/0225	Wendy Burt	Council Offices