CASE D

COKETOWN DISTRICT COUNCIL – COUNCILLORS YEO, BAILEY AND MALECKA

Summary

The complainants refer to the proposed development of a council-owned allotment site at Coketown, for 217 dwellings and associated infrastructure, considered by the planning committee on 21 September 2006. It is reported that Councillor Yeo, the executive member for land and property, had been involved in discussion with the developers and council decisions over the sale of the site. It is also reported that the proceeds of the site would be used by the council to pay for a new leisure centre elsewhere in the borough. Having declared a personal interest in the matter at the planning committee, it is alleged that he failed to declare a prejudicial interest and withdraw from the meeting.

It is alleged:

- Councillor Bailey, the chairman, did not ensure that the meeting was conducted impartially due to confusion of members' and officers' roles.
- That the planning officer, as an employee of the council, was not able to give the committee the impartial advice they needed.
- Councillor Bailey refused to allow a local member to speak until the very last moment, and then cut him short before hastily moving to the vote.
- That by allowing the planning officer to warn members that refusal of the application could lead to an expensive appeal, Councillor Bailey thereby allowed undue influence to be put on the committee.
- That when Councillor Malecka asked the chairman and the planning officer if the terms of the development brief had been complied with, the member was given an affirmative answer. The complainants dispute this and say there were breaches of the development brief.

The complainants also object to aspects of the proposed development, the granting of planning permission and the way the meeting was minuted.

complaint form

the Standards Board for England

If you have any questions or difficulties filling in this form, for example – if English is not your first language or you have a disability – please contact the Referrals Unit on **0800 107 2001**.

You can also email them at newcomplaints@standardsboard.co.uk

Please note

> we can only accept complaints in writing

> one of our officers may contact you personally to go through the details of your complaint

> we are unlikely to be able to keep your identity confidential if you make a complaint

ABOUT YOU

title Mr ✓ Ms Mrs ✓ Miss Councillor Other (please specify)

first name T... & A ... surname GRANT

address 47A GARDEN ROAD, COKETOWN

postcode

daytime telephone 01851 1656

evening telephone 01955 2235

email

Please consider the complaint I have described below and in the evidence attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter goes through to investigation.

signature Ann Grant date 03/10/06

YOUR COMPLAINT

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s that you consider has broken the Code of Conduct and the name of their authority/ies.

name of the individual/s	name of their authority/ies
Cllr C.D. Bowey	DISTRICT COUNCIL
Cllr L Mallett	" " "
Cllr R. Yeo	" " "
MR P.W ..., PLANNING OFFICER	" " "

Please tick here if you work for the authority/ies shown above

Please tick here if you are a member of the authority/ies shown above

complaint form

the Standards Board for England

WHAT ARE YOU COMPLAINING ABOUT?

Please provide us with as much information as you can about your complaint to help us to decide whether or not it should be investigated. Include the **date** and **details** of the alleged misconduct, and any information that supports the allegation. We can only investigate complaints that a member has broken a local Code of Conduct (see section 3 of the information leaflet *How to make a complaint*). Continue on a separate sheet if there is not enough space on this form.

WE BELIEVE THAT A PLANNING APPLICATION WAS ERRONEOUSLY APPROVED, AND OUR REASONS ARE SET OUT ON THE ENCLOSED SHEET

EVIDENCE (if this applies)

Please attach to this form copies of any correspondence, documents, names and details of witnesses, and any other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please tick this box if you would like us to return the evidence to you.

Please send this form to:

The Standards Board for England
PO Box 36656
London SE1 0WN

The *Race Relations Act 2000* requires us to monitor ethnic or national origin to ensure that we do not inadvertently discriminate against members of a particular group. It would, therefore, be helpful if you would complete the ethnic monitoring section of the form, although this is not compulsory.

The answers will be removed and kept entirely separate from your complaint and will be completely confidential. They will be used for statistical purposes only, in which individuals will not be identified.

your ethnic origin

Asian or Asian British	Chinese	White
Black or Black British	Mixed	Other

REGARDING THE PLANNING COMMITTEE MEETING HELD AT COKETOWN DISTRICT COUNCIL OFFICES, ON 21ST SEPTEMBER 2006

APPLICATION FOR FULL PLANNING CONSENT BY BOVIS HOMES FOR 217 DWELLINGS ON GARDEN ROAD ALLOTMENTS,

APPLICATION NUMBER V/2006/0564

1 We believe the conduct of the Planning Committee Chairman and Planning Officer was unacceptable, following their inability to focus clearly on their role, since they have an incestual relationship in that the Planning Officers are employed by the owners of the land (District Council) and the Meeting was not conducted in an impartial manner due to their confusion on these roles and the heavy demands placed upon them by the Council to sell the land for profit. Therefore, we believe that an independent Planning Officer should have been appointed to research all aspects of this application and to answer the questions of the Planning Committee Members impartially.

2 That the Chairman, Cllr B , refused to allow the Councillor for Central (Cllr C) to speak, until the very last moment and was cut short when the Chairman hastily moved for a vote.

3 The Committee Members were clearly instructed by the Council's officer, immediately prior to the vote for approval, that if they voted for a Refusal, this would cost the Council a great deal of money in fighting an Appeal, and it is felt by all those present that **undue influence** was placed upon the Committee to approve the application. We understand that it is more likely that a Developer will amend plans if necessary rather than have the additional expense of going to Appeal. We put forward that this instruction to the Committee Members was unjustified and improper. We therefore believe that Approval was granted illegally.

4 Councillor M) asked the question of the Chairman and the Planning Officer if the terms of the Development Brief had been complied with, and he was given an affirmative reply. We argue that **this is not the case**, and some breaches of the terms of the Development Brief are as follows :

- The need to protect the privacy of existing residents (*See illustrations A & B enclosed with regard to the future view from our living rooms*)
- Strengthen the need to protect the amenity of existing residents bordering the site (*our rear boundary will also be the end boundary of the cul-de-sac and will expose our property to crime, anti-social behaviour and vandalism, it being insufficiently high or strong enough to prevent intruders*)
- The need for **private** space should not be ignored
- Building orientation, boundary treatments and the avoidance of overlooking are key (*See illustrations. Our living room windows will be subject to unwelcome surveillance from upper floor windows of the new properties and to children climbing our fence and the trees on the other side of our rear fence*)

- Raising housing densities should not lead to a lowering of qualitative **private space** standards *(housing density has increased from 34 to 40 units per hectare an increase of approximately 12%)*
- To take into account local climatic conditions including natural daylight, sunlight and prevailing winds in consideration of future occupiers and the amenity of existing residents bordering the site *(Our property will suffer from long shadows cast by the houses in the proposed cul-de-sac abutting our rear boundary, in the winter months)*
- It is important that the development is designed to limit the potential for crime *(The Police Architectural Liaison Officer has been excluded from all levels of planning since the 2003 Development Brief, resulting in the Council being Cautioned by this Officer)*
- Close boarded fences will not be acceptable where they would be visible in the street scene. The Council will require well designed brick walls *(our rear boundary fence is close boarded fencing and will form the end boundary of the cul-de-sac)*
- Due to surface water issues the developer will be required to undertake a hydrological survey. This survey was only undertaken in August, after heavy pressure from ourselves because of possible adverse effects to our residence by the artificial drying out of the high level water table. *(This survey was only undertaken in August, after continued pressure from ourselves. There appears to have been reluctance on the part of the Developer and the Council's Planning Officers to obtain this survey report)*
- The former railway cutting was adopted as the preferred access route. This has now been changed to A Avenue and H Avenue.

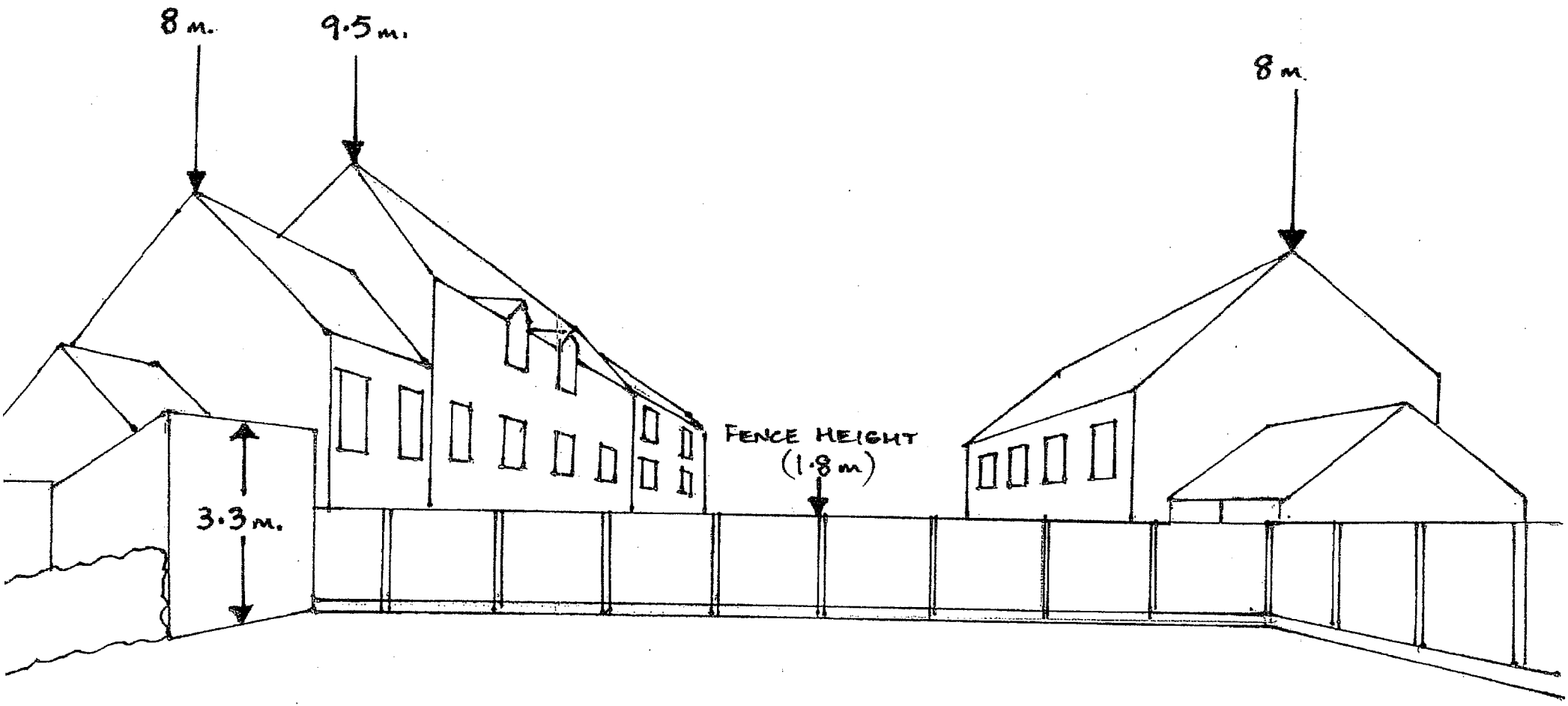
5 The elderly and disabled have been positively discriminated against, by not providing single storey houses with outside space to enhance their quality of life. This is a specific requirement of the "PPG3:Housing". Single storey housing for over 55's and the disabled have not been included.

6 The recommendations of the Police with regard to designing out the potential for crime has been ignored. The Police decided that their exclusion was such a serious offence that the Council were Cautioned under Section 17 of the Crime & Disorder Act 1968.

7 The Planning Meeting on 21st September was not fully minuted, and none of the issues discussed by the Planning Councillors have been properly recorded. The meeting was at least 1.5 hours long, and the Minutes barely cover 1 A4 page.

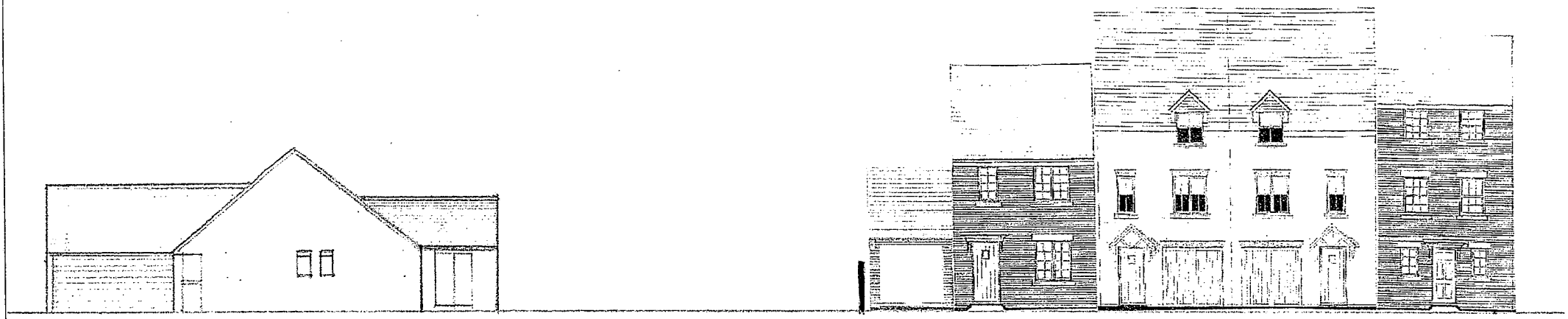
8 That we believe Cllr Y had declared an interest in the Outline Application stage for this development and was therefore precluded from voting. Cllr Y , voted on 21 September 2006 for Approval of the application, but did not declare his previous interest, and we put forward that was contrary to planning regulations. We therefore put forward that the Approval granted by District Council was not lawful and should be cancelled.

9 That by their site layout design, in close proximity to our residence and rear boundary, the Developers will expose ourselves and our property to burglary, vandalism, anti-social behaviour and unwelcome surveillance from upper storey windows and in doing so our rights under Article 8 of the European Convention on Human Rights will be violated and the Council's Chairman and Planning Officer have permitted this to take place.

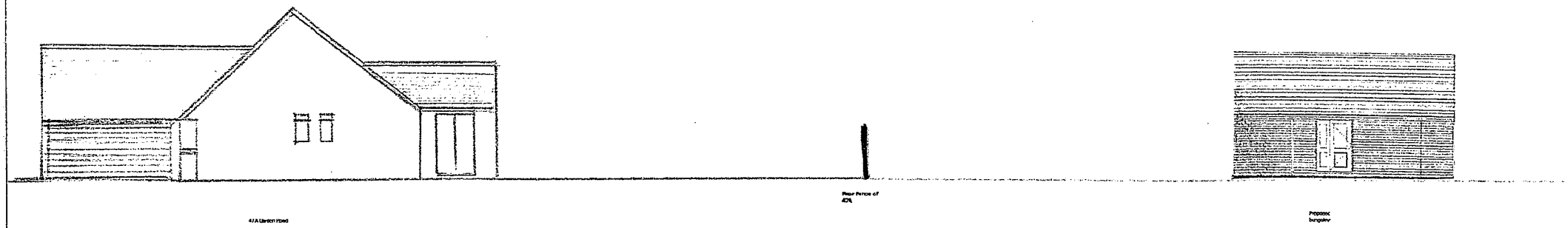


OUR FUTURE VIEW FROM OUR 3 LIVING ROOMS WHICH FACE THIS DEVELOPMENT. **THE DISTANCE BETWEEN OUR WINDOWS AND THE REAR FENCE IS A MERE 11 METRES !**

Side elevation of proposed cul-de-sac



Side elevation of suggested row of bungalows



47A Garden Road, Cokefown, CK3 1BW

3 October 2006

RECEIVED
05 OCT 2006

The Standards Board for England
PO Box 36656
LONDON
SE1 0WN

Dear Sir

We wish to lodge a complaint against members of [redacted] District Council and also their Planning Officer, Mr P W[redacted]

We enclose our Complaint Form and a statement of events, and we should be grateful if you would consider the implications of the events.

As there are very serious concerns regarding the matter in question, we look forward to hearing from you when you have had the opportunity of investigating the matter.

Yours faithfully

MR [redacted] & MRS [redacted]