

Report to the Council

Committee: Cabinet

Date: 23 October 2008

Portfolio Holder: Councillor C Whitbread

Item: 11

1. SUPPLEMENTARY ESTIMATE - AWARD OF COSTS IN PLANNING APPEALS - 1 CONNAUGHT AVENUE, LOUGHTON

Recommending:

(1) That a supplementary DDF estimate in the sum of £50,000 be approved to cover the costs awarded against the Council following planning appeals in relation to proposed development at 1 Connaught Avenue, Loughton; and

(2) That the agreement of the Chairman of the Council that the decision regarding the temporary virement of £50,000 from the Local Development Framework Budget was urgent and should not be subject to call-in be noted.

1. In October 2007, planning permission was refused, contrary to officer recommendation, for two development schemes at 1 Connaught Avenue, Loughton (planning application numbers EPF/1625/07 and EPF/1783/07). A revised planning application was submitted (EFP/2598/07) and was again refused planning permission, contrary to officer recommendation. The subsequent three appeals, dealt with by way of a three day public inquiry were allowed with planning permission being granted for side and rear extensions to extend the offices on the site.
2. An application was made by the appellant for a full award of costs against the Council. This application was allowed, the Inspector concluding that the Council had acted unreasonably in the circumstances in refusing permission for the first two planning applications and in one of the two reasons in the third application.
3. A claim was made for £56,551.93 (inclusive of VAT) which was considered reasonable for three appeals over a three day public inquiry. However, officers were able to negotiate a lesser sum of £50,000 (inclusive of VAT) which was accepted by the appellant subject to this sum being paid by 8 October 2008.
4. There is no budget provision for costs awarded in these circumstances and a DDF supplementary estimate is required to cover the costs.
5. In order for the lesser sum to be paid within the timescale specified by the appellant, we approved a temporary virement of £50,000 from the Local Development Framework Budget. We also requested the Chairman of the Council to approve the waiving of the call-in procedure in relation to this decision in accordance with Rule 21 - Special Urgency - of the Overview and Scrutiny Rules. The Chairman of the Council agreed both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency with the call-in procedure being waived.

6. Payment has been made to the appellant and approval is now sought for a DDF supplementary estimate in the sum of £50,000 so that the temporary virement of that sum can be returned to the Local Development Framework Budget.