

Report of	Meeting	Date
Chief Executive	Council	8 January 2013

## LUCAS LANE, WHITTLE-LE-WOODS – RESIDENT ACTION GROUP PETITION

### PURPOSE OF REPORT

- To inform Council of the treatment of a petition received from residents of Whittle-le-Woods relating to proposed action against a permitted development in land at Lucas Lane.

### RECOMMENDATION(S)

- That Council note the report.

### EXECUTIVE SUMMARY OF REPORT

- From mid November the Council received letters in a standard form from residents of the Whittle-le-Woods area.
- The letter sought to require the Council to apply for a Judicial Review of the Inspectors decision authorising a development at the land to the North and West of Lucas Lane Whittle-le-Woods.
- In accordance with the Council's policy on the treatment of petitions the matter was referred to the Executive Member (LDF and Planning) for action and a letter in response was sent. This confirmed the Council will not be pursuing a Judicial Review and provided reasons for this.

<b>Confidential report</b> Please bold as appropriate	Yes	No
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### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

### BACKGROUND

- The Council have received in excess of 200 standard form letters from residents in the Whittle-le-Woods area. They are opposed to the development of residential properties on land adjacent to Lucas Lane, Whittle-le-Woods.
- The application was refused by this authority but granted by the Inspector on appeal.

9. Following that decision the Council took advice from Counsel and were told there were no grounds which would lead to a successful appeal. As there was an appeal route available to the Council, it is not appropriate to pursue Judicial Review.
10. In mid November the Council started to receive letters from residents requesting the Council commence Judicial Review of the Inspectors decision.
11. The number of letters received triggered the Council's petition policy. This requires the Chief Executive to refer the petition on to the relevant Executive Member for action. In this instance the issue fell within planning. It was not felt appropriate to refer the petition to Development Control Committee as it did not relate to an application on which the Committee could make a decision.
12. After discussion with the Head of Governance and the Head of Planning, the Executive Member (LDF and Planning) responded to the lead petitioner, who in this instance was taken to be the chair of the Residents Action Group. The Executive Member advised that the Council would not be Judicially Reviewing the decision as they had an administrative appeal process which was not used and in any event, such a Review would not be successful. A copy of the text of the petition letter and the response from the Executive Member are attached to this report.
13. In accordance with the requirements of the Constitution, the Chief Executive is reporting the receipt of the petition and the action taken in response.

#### **IMPLICATIONS OF REPORT**

14. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

#### **COMMENTS OF THE STATUTORY FINANCE OFFICER**

15. None

#### **COMMENTS OF THE MONITORING OFFICER**

16. None

**GARY HALL  
CHIEF EXECUTIVE**

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Chris Moister	5160	20 December 2012	
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