

Parklands Residents' Association

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29 January 2007

Dear Sirs

Stage 2 Complaint – Planning Application N/2006/1052 Parklands Middle School

We are writing in response to Christine Stevenson's letter of 22 January 2007. Having taken professional advice, we are not satisfied with the council's response to our complaint regarding planning application N/2006/1052. We therefore wish to escalate our complaint to stage 2 of the complaints process.

We reiterate that the role of council officers is to support the decision making process, and not to mislead the elected representatives or the general public. We have been advised that the council's decision not to uphold our complaint, and to continue to withhold information from the planning committee, is a clear case of maladministration for the following reasons;

- Failure to follow published council procedures
- Failure to provide relevant information to a council committee
- Making misleading or inaccurate statements to a council committee

Contrary to Mrs Stevenson's statement, planning application N/2006/1052 is NOT a WNDP application, it is a NBC planning application and must therefore be treated as such. The NBC planning committee are meeting to consider a report submitted by an officer of NBC regarding a planning application made to NBC.

Mrs Stevenson may have confused application N/2006/1052 made to NBC with the corresponding WNDP planning application WNDP/2006/0154. Regardless of this, whenever NBC planning committee meet to hear N/2006/1052, the published policies must be followed.

NBC have received at least 344 separate written objections to application N/2006/1052, the vast majority of which make specific reference to loss of the playing fields. We therefore reiterate our request that, based on Local Development Regulations, at the very minimum we would expect the officer's report to the committee to contain;

- a) a statement of the number of representations made;
- b) copies of all the representations; and

c) a summary of the main issues raised in those representations, or a statement that no such representations have been made.

We have been advised that if these requirements are not complied with, the author of each objection not passed to the committee will be considered by the Local Government Ombudsman to have suffered an injustice as a consequence of a local authority's poor or defective decision-making exercise.

No explanation has been offered as to why some responses to N/2006/1052 were included whilst others were omitted from the officer's report to the planning committee. All responses were provided by 21 September 2006, and as such were available when the report was compiled.

We note your point regarding an addendum, however having inspected the papers handed out to the committee and members of the public at the beginning of the meeting we have been unable to find this. We therefore request a copy of the addendum referred to in your letter of 22 January.

We are unclear as to the source of the 'bigger strategic picture' referred to in your letter of 22 January. The council's published strategic document regarding planning is the Local Development Framework, which draws on national Government planning guidelines. Both of these documents contain policies regarding the disposal of playing fields, the default position being opposed to the disposal of playing fields.

Furthermore, development of the playing fields at Parklands Middle School would be in direct contravention of Northampton Local Plan policy L2 (derived from government planning policy guidance PPG 17), which states "planning permission will not be granted for the change of use, or development for non-educational purposes, of all or part of the school and college sites ... unless it can be demonstrated that the land or facilities likely to be lost are not needed in the long term".

The NBC Playing Pitch Strategy identifies Area Partnership 7, and neighbouring Area Partnership 3, as both having significant shortfall of playing pitch provision. This is of particular significance when it is considered that Area Partnership 7 contains Northampton Racecourse. This is clear, unequivocal evidence that there is both a current and future need for the playing fields at Parklands Middle School.

Even if shared community access of new school facilities is secured, it cannot address all of the concerns associated with permanent disposal of playing fields that underpin planning policy L2. There are a number of fundamental differences between the use of school facilities by local communities, and open access to community facilities. Firstly, priority over use of school facilities is always given to schools, limiting community access. Secondly, local community facilities are typically funded centrally by local government, whereas previous experience of similar community access schemes shows that community users of school facilities are charged for, particularly where those facilities are owned / operated under a PFI / PPP arrangement. Thirdly, community facilities may be used on an ad-hoc basis whereas school facilities must always be arranged in advance.

The fact that no objections are raised on the condition that contracts are put in place is completely irrelevant. The committee has only one opportunity to object to this application, and is powerless to enforce any conditions after their decision has been taken as they are only consultees to the final decision by WNDL.

Until satisfactory legally binding contracts governing community access are drawn up, we cannot see how NBC can justify going against the local development framework and government guidelines by supporting the wholesale disposal of playing fields and green open space.

WNDC do not have, and do not claim to have, an in depth knowledge of the unique circumstances and issues within the town – that is the whole reason why they are consulting with NBC. We drew your attention to NBC's obligations in our original complaint, however in spite of this no explanation has been offered as to why the report makes no comment whatever regarding the key borough matters listed in our complaint of 16 January. It is obvious that with only a handful of staff, WNDC could not begin to consider the impact of these matters on Northampton. In not supporting WNDC in their decision, NBC are failing in their duty.

We are alarmed that your letter of 22 January implies that the viability of council planning meetings is dependant on the whim of WNDC. We are unable to understand why the meeting of 15 January was cancelled solely due to a 'loss of urgency' as suggested. This claim seems at odds with the statement read out by Cllr Yates on the evening of 15 January, when he announced that to proceed with the meeting may have left the Council open to legal challenge. Nevertheless, if 'loss of urgency' was the only reason, then it is a completely unacceptable waste of councillors' time and taxpayers' money to arrange yet another meeting.

In view of the rescheduled meeting of the planning committee on 6 February we would appreciate a prompt response.

Yours faithfully

Simon Hegarty

Simon Hegarty
Vice Chair Parklands Residents' Association
For Parklands' residents