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Nicola Baker
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Cromer
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Your reference Nicola Baker
Our reference 27419.001
Please ask for Chris Burgess
E-mail chrisburgess@hansells.co.uk
Date 17 October, 2016

By E-Mail and By Post
nicola.baker@northnorfolk.gov.uk

Dear Ms Baker

Planning Application PF/16/1251 Childrens Playground North Lodge Park, Overstrand Road, Cromer

1. We act for the Friends of North Lodge Park ("our Client"). We are aware that our Client has already submitted valid planning objections to the above application and we do not intend to reproduce those objections here. We are also aware that the applicant for the purposes of the planning application is the Council itself.
2. We would however like to point out for your attention and consideration that it is a generally recognised legal principle that where a local planning authority intends to carry out development itself on its' own land a high standard of probity is required in both the planning application procedure and the decision making process itself.
3. There is clearly a danger of a conflict of interest especially if the local planning authority has pre-determined that the development should proceed and is in danger of applying a more generous application of the planning regulations than it would to a private developer. The Council has a duty to ensure that it complies with all of its' own planning requirements in connection with the Application. We draw your attention to the following statement from "Probity in Planning For Councillors and Officers 2013 published by PAS and the LGA. "Proposals for a council's own development should be treated with the same transparency and impartiality as those of private developers".
4. This sets a high standard for local planning authorities dealing with their own planning applications. Therefore if the local planning authority would as part of an application require a private applicant to submit further information then it must also provide such information as part of any application submitted by itself. We understand that our Client has already pointed out a number of omissions from the information which accompanied the planning application. There is a wealth of case law which sets down the principle that if a local planning authority fails to follow the

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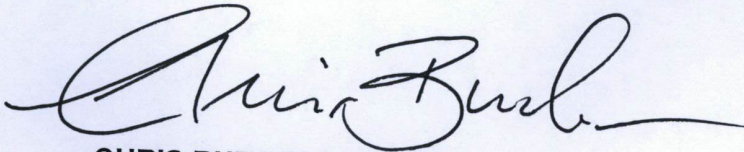


correct procedure when dealing with its' own planning application the courts will quash the planning decision.

5. The Council therefore has a common law and a statutory duty to ensure that it deals with its' own planning application without bias or pre-determination. This duty is especially important in the context of the requirements of the common law rules of natural justice
6. We also understand that our Clients have requested that the present application is withdrawn to allow a more comprehensive consultation process to take place in the context of the wider use of the Park. Given that the present application is incomplete in a number of ways (in that it omits to include information which a private developer would have been asked to submit) we strongly urge you to withdraw the present application. Clearly if the Council proceeds to determine the planning application without complying with its own procedures or without taking into account a material planning consideration then this leaves the planning decision open to legal challenge.

We await hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read "Chris Burgess Lartpi". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

CHRIS BURGESS LARTPI
Associate