



**Development Control
Committee**

**Thursday, 19
October 2017**

Matter for Decision

Title: **Application For Certificate of Lawfulness of Existing Use or
Development at Beaumont Hall and Stoughton Hall, Stoughton
Drive South, Oadby**

Author(s): **Dave Gill (Deputy Monitoring Officer)**

1. Introduction

Members are required to determine the appropriate route for the determination of these applications.

2. Recommendation(s)

2.1. Members resolve that the applications are considered by the Development Control Committee.

or

2.2. Members determine that the applications are determined by Officers under delegated powers.

3. Information

3.1. Members will recall that on 23 July 2014 members resolved to issue Certificates of Lawful Use and Development (CLUED) in respect of the above applications with the decision notices being issued on 19 August 2014. Members will also be aware that those Certificates were subject to a judicial review by The Oadby Hill Top and Meadowcroft Conservation Area Association. Those proceedings were compromised by way of a Consent Order approved the Court on 12 February 2015.

3.2. The terms of that Consent Order required, amongst other things that:

'It has been agreed the Defendant's planning committee will reconsider afresh the issue of certificates of lawful use having regard to the matters relied on in the Statement of Facts and Grounds in these proceedings'

3.3. Whilst the wording of the Consent Order reflected the scheme of delegation that was current at the time that the order was negotiated, Members will also be aware that at its meeting on 25 August 2016 Committee amended the scheme of delegation so that in future applications for such certificates would be dealt with by officers under delegated powers.

3.4. As a result of that decision, there is now an inconsistency between the wording of the Consent Order and the current Scheme of Delegation, and having regard to the need to examine a considerable amount of information in the form of raw data on meetings and conferences, and the difficulty that members would experience in undertaking that exercise themselves and then forming a view on how it ought to be interpreted in the context of relevant legislation and case law, the Committee may consider that this is a case which best lends itself to determination by officers under delegated powers.

- 3.5. Therefore Members are asked to resolve whether reconsideration of these applications should be reserved back to Committee or dealt with by officers under their delegated power.

Background Documents:

Report dated 25 August 2016 to the Development Control Committee

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Implications | Application For Certificate of Lawfulness of Existing Use or Development at Beaumont Hall and Stoughton Hall, Stoughton Drive South, Oadby

Finance	No financial implications directly arising from this report.
Chris Raymakers (Head of Finance, Revenues and Benefits)	
Legal	As contained in the report.
Dave Gill (Deputy Monitoring Officer)	
Corporate Risk(s) (CR)	<input checked="" type="checkbox"/> Regulatory Governance (CR6)
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	
Corporate Priorities (CP)	<input checked="" type="checkbox"/> Effective Service Provision (CP2)
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	
Vision & Values (V)	<input checked="" type="checkbox"/> Accountability (V1)
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	
Equalities & Equality Assessment(s) (EA)	No equalities implications directly arising from this report.
Samuel Ball (Senior Democratic Services Officer / Legal Officer)	<input checked="" type="checkbox"/> Not Applicable (EA)