

Mr George Candler
Interim Chief Executive
North Northants Council

Emailed to: George.candler@northnorthants.gov.uk

17th July 2023

Dear Mr Candler

Re: Complaint Reference CUS5042

I wrote to you on 19th June 2023 to raise a complaint under Stage 1 of your complaints procedure and provided further details in respect of this in a letter dated 27 June 2023.

Thank you for the response we received from Mr Troy Healy dated 28 June 2023 in respect of our complaint and for his attendance at a meeting with Members of Kettering Mind which took place virtually on 3 July 2023. It was helpful to be able to discuss our situation with him and for him to hear our concerns.

Unfortunately, neither this letter nor his attendance at the meeting has addressed our concerns about the inequitable way that Kettering Mind has been and is continuing to be treated by North Northants Council, the delays in dealing with our planning application and the unfavourable way that our planning application is being assessed. On the contrary, it has raised further issues which on reflection have raised further significant concerns about our treatment by the Council. We therefore wish to escalate our complaint to Stage 2 of the council's complaints procedure.

Our concerns can be summarised as follows:

1. Mr Healy did not address the points we raised about the outline planning permission granted to the adjacent site on Beatrice Road/Hallwood Road in December 2022 (NK/2033/0347). As stated in our previous letter, in the officer's report that went to the planning committee for this case, reference to Kettering Mind's existing planning approval dating back to July 2020 was omitted and therefore any 'weight' that the neighbouring application should consequently pay to the terms of Mind's full approval from that date wasn't considered. The report however did refer to Kettering Mind's previous approval from 2013 and discussed the weight that this previous approval should be awarded in the decision-making. This was clearly an error.

In our meeting, Mr Healy advised that there was nothing the council could do about the approval that had already been granted to the neighbouring site (unless there was 'malfeasance' in the decision-making process) and he could not compound this by making a similar decision on Kettering Mind's current

application and fail to take into account the outline permission granted to next door.

2. Mr Healy's letter also did not answer our question about what consultation took place with neighbours in respect of this same outline planning application, as Kettering Mind were unaware of its existence prior to its approval and therefore had no opportunity to flag their own planning approval or their objections to the application.
3. Mr Healy advised in his letter of 28 June 2023 that he was seeking further information on application NK/2022/0347 but this was not addressed in our meeting, although he acknowledged that, in retrospect, it would have been very helpful if both applications could have been dealt with together, an opportunity, it is worth pointing out, that was missed by the council between July 2022 when Mind submitted their application and December 2022 when the adjacent site application was approved.

An understanding of what happened next door is fundamental to our complaint because of the continued impact that their outline planning approval is having on the negotiations and decision making regarding our own. Persistent deferral to this decision in discussions with the council is necessitating significant changes to our design and has led to a renewed focus on behalf of the council on parking requirements, which as you will recall was the whole purpose of Mind submitting a new planning application in the first place and had been fully addressed in the new application. We have been advised that any changes to the design will also necessitate further consultation with neighbours, (the third such consultation,) which always brings with it an inherent risk of a negative response, particularly in cases of multiple consultation requests and with a new outline planning approval on the adjacent site. This will also add further delay to the process.

4. Astonishingly, the solution that Mr Healy proposed to us in our meeting was to agree an alternative but 'less' restrictive planning condition in relation to use, arguing that such an action would remove the limitations that the council now recognised were inherent in the previous personal condition (namely rendering any development worthless), even suggesting that if this could be agreed, it might be possible to go back to the existing design and current planning approval for 6 dwellings. It should be noted that when Mind approached the council back in 2020/2021 to discuss the possibility of an alternative condition this suggestion was refused.

We consider that the imposition of a further restrictive condition on Mind's planning application is excessive and unnecessary. You may 'imply' that this is less restrictive than the previous condition but it would still represent an unmerited and unacceptable restriction on what we might choose to do with our properties

in the future, and is quite out-of-keeping with other basic applications for residential development approvals. Ours is not a complex case, as was suggested by Mr Healy in his letter and at our meeting. It is an application for 5 one-bedroom apartments with five parking spaces on a site that we currently own and with existing planning permission. Any complexity has been caused by the unreasonable planning condition attached to our existing planning approval and the impact that the flawed decision making on the adjacent site is having on our own. We have reconsidered Mr Healy's request in the meeting for us to forward a form of wording that might support an acceptable restrictive clause and do not feel this would be appropriate at this point as we would prefer to seek an alternative solution with you to the current situation.

5. Mr Healy advised us when we met that he would go away and give some further attention to our situation by considering the two sites together and how it might be possible to meet our objectives of 5 dwellings in conjunction with the siting of the dwellings next door. We added into the discussions the further issue of the value of a parking survey which we recently had carried out on our behalf on the advice and in negotiation with the council's planning officer and he agreed that it 'might' help support a development if it had to be redesigned with less than the expected 5 parking spaces. Unfortunately, almost two weeks later we have had no further response nor any update from Mr Healy and therefore discussions on these matters and how to progress to a solution without a restrictive planning condition have not progressed.

We are very disappointed that the council has not been able to fully address the concerns we have raised in our complaint to date and has showed no appetite to propose an acceptable and equitable resolution to the barriers it has created to our developing new units of much needed affordable housing in Kettering nor deal with the delays we are continuing to experience twelve months after we submitted our planning application.

We would be grateful if you could consider our stage 2 complaint as a matter of urgency and remain happy to provide any further information that the council might require. This letter has been copied to the Chair of Planning and elected members for the relevant wards.

Yours sincerely

Jo Pettitt
Chief Executive

A handwritten signature in black ink that reads "Martin Moloney". The signature is written in a cursive style with a small dot at the end.

Signed in her absence by Mr Martin Moloney Chair of Trustees