

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department
PO Box 333
222 Upper Street
LONDON N1 1YA

PLANNING SUB-COMMITTEE B		
Date:	5 th February 2015	NON-EXEMPT

Application number	P2014/3112/FUL P2014/3117/LBC
Application type	Full Planning Application and Listed Building Consent Application
Ward	St Mary's
Listed building	Grade II* Listed Building
Conservation area	St Mary Magdalene
Development Plan Context	<ul style="list-style-type: none">- St Mary Magdalene Conservation Area- Article 4.2 Area- Grade II* Listed Building- Local Site of Importance for Nature Conservation- Within 100m of TLRN Road
Licensing Implications	None
Site Address	St Mary Magdalene Church, Former Coroner's Court/Parks Depot, Holloway Road, London, N7 8LT
Proposal	Conversion, extension and alteration of the existing buildings to provide a school (Class D1) and two residential dwelling houses (Class C3).

Case Officer	Emily Benedek
Applicant	St. Mary Magdalene's Academy & St. Mary Magdalene's Church
Agent	Mr Bob Woodman (DP9)

1. This report follows what the committee believed at the time to be its refusal of the item at Planning Sub-B Committee on 18th December 2014.

2. Unknown to the Council at the time, less than an hour before the Committee meeting was due to commence, the applicants electronically lodged an appeal to the Planning

Inspectorate against non-determination of the planning application within the statutory 8 week period.

3. The Planning Inspectorate contacted the Council on 19 December advising them they had received an appeal against non-determination and asking the Council to respond to several questions.
4. The Council informed the Inspectorate on 19th December 2014 that the agent was aware that the application would be determined at the 18th December planning sub-committee meeting and aware that it was recommended for refusal, and furthermore that she was present at the meeting.
5. The Council further informed the Inspectorate on 7th January 2015 that the applications at St Mary Magdalene Church were the first items to be determined on the agenda that night due to the strength of public objection and the numbers of objectors attending the meeting. The Council noted that the agent was in attendance at the meeting but did not speak (even after the Chair specifically requested whether she wanted to) and made no mention to the Council that the appeals had been submitted immediately prior to the meeting. Furthermore, the team leader of the Planning Applications Team, Rebecca Anderson, had requested the agent earlier in the day to copy her into any correspondence the agent might send to PINS and had full access to her emails immediately prior to the meeting, however she was left out of the agent's emails to PINS such that the Planning Sub-Committee was left unaware of its actions and the lodging of the appeal. Ms Anderson had telephoned the agent at 5pm on the night of the committee meeting and had been told by the agent that an appeal "might not make it that day but would be in that week".
6. Officers had advised the Inspectorate that in their view the agent had acted unreasonably and in a highly irregular manner by not informing the Council that the appeal had been submitted prior to the 18 December meeting. Furthermore, whilst clearly no fraud or deceit had been intended by the agent, its actions (or rather, its inactions) could only be seen as an attempt to intentionally undermine the regular operation of the planning process, presumably to gain a more advantageous starting point for its appeal.
7. Despite the above, the Planning Inspectorate responded to the Council via email on 9 January 2015 informing them that the Planning Inspectorate was content that the appellant had submitted valid appeals against the failure of the LPA to determine planning applications within the statutory period.
8. The decision status for planning application P2014/3112/FUL and listed building consent P2014/3117/LBC remains as an appeal against non-determination, and the determination made by the Sub-Committee on 18th December 2014 is therefore technically invalid since jurisdiction had beforehand transferred to the Inspectorate.
9. The application is therefore represented to Members of the Planning Sub-Committee, at the request of the Chair, in order to confirm that the reason (s) for refusal that they gave on 18th December 2014 would have been the reasons for refusal had the committee been in a position to determine the application, and should form the grounds for the council's case at the appeal.