

Email 24th April from Emma Fuller

Dear Mr Smith

Thank you for copying me into the e-mail below. Whilst this has not been directed to myself I would like to take this opportunity to respond to the points raised with regards to your concern for the procedures which have been followed in assessing this scheme. Reference is made to the provisions of the GDPO with regard to outline applications. This gives a Local Planning Authority the right to request that additional matters are considered in addition to those requested by the applicant. The concerns that have been raised, as set out in correspondence dated 17th April do not relate to these provisions, they aim however to provide yourselves with an update on the progress of the scheme. This was prepared once a large proportion of the consultation responses had been received to enable an informed view to be made, hence the timescales that have been followed. You will note that at the time of writing I was not in receipt of all comments however given the fundamental concerns with the scheme it was appropriate in this instance to keep you updated with the progress of the submission.

I can confirm that this application will not be determined prior to the expiry of the consultation period. Some applicants do not like to have a refusal associated with their site and for this reason I have highlighted the option to withdraw the scheme, this is one option which is available to you. I trust the above demonstrates that the procedure followed in determining this scheme is in accordance with good practice and the advice to date was intended to keep you up to date on the progress of your scheme. With regards to moving forward with this scheme I refer to my earlier correspondence and consider that pre-application discussions would be most suitable in this instance.

kind regards

Emma

From: Brian W Smith [mailto:brian.smith@consuta.org.uk]
Sent: 23 April 2013 20:26
To: Alan Law; Edward Lines
Cc: Nick Bailey; Colin Gillah; Emma Fuller
Subject: Re: Thames Heritage Boat Museum - Beale Park

Alan,

Thank you for looking into this issue. We are aware of the case officer's comments and responses had already been sent and are displayed on the planning portal website; we also know that this location is in an AONB, however our application is for outline permission only with reserved matters.

I am concerned that the Case officer is apparently not observing West Berkshire Council rules on how Outline Planning applications are managed according to the DCLG circular 01/2006 (Guidance on changes to the development control system); paragraph 55:-

55 states. Similarly, under article 3(2) of the GDPO, where a local planning authority that is to determine an application for outline planning permission are of the opinion that, in the

circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, **they can within one month, beginning with the receipt of the application**, notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

See also West Berkshire Council Planning Control Advice Note 1 ... which is attached - see last paragraph which is similar.

Looking at the facts. The West Berkshire Website shows that our application was received on the 14th March 2013. Yet the Case Officer's email requesting further information or face rejection wasn't written until the 17th April so is outside the one month time limit set by the Department for Communities and Local Government. So the case officer had a full month until the 14th April to request further details but during that time only asked for changes to the location plan, which was duly provided.

Therefore it is clear a rejection by the LPA prior to the determination date, would be breaking Government planning rules.

We consider that the correct course is to let the public consultation run the full term, and allow the planning committee themselves to determine this outline planning application. We are prepared to meet the Case Officer (Emma Fuller) at any time to discuss this if it is of help, and yes we do understand that the Case Officer can make a recommendation to the planning committee for refusal.

We would agree as you say "it is in everyone's best interests that the proper processes are followed"; unfortunately the council planning officers are not observing the WBC's own rules in this case.

Kind Regards,
Brian