

## **Hearing Appeal Statement, PINS ref:-2208764 WBC ref 13/00575/OUT**

This appeal is to seek approval of an Outline Planning Application for a Thames Heritage Boat Museum based at Beale Park; rejected by West Berkshire Council on 21<sup>st</sup> May 2013.

Beale Park Wildlife Park and Gardens was opened to the public in 1955 and is managed by the Beale Park Trust, a registered charity. The Park which is in AONB currently employs 19 local people with support from 12 voluntary workers and attracts about 150,000 visitors each year. The proposed museum is to be an additional feature for the park that will complement the present visitor attractions, and use the visitor facilities already provided at the park.

In planning terms this application is classified as a minor development and is located in the Thames Flood Plain. The development is water compatible so is permitted as defined in the Technical Guidance to the NPPF.

### **Procedural errors which led to the refusal**

#### **1.0 Inconsistency in use of planning procedures by WBC planning officers**

1.1 There are three other planning applications which highlight inconsistency of treatment compared with our application. Application 08/02391/FUL Adventure Dolphin Portacabins at Beale park has been mentioned in the Case for Appeal. Another application was approved for a replacement water sport centre for Adventure Dolphin by the water meadows at Pangbourne ref:- [08/01409/FUL](#); a third planning application currently under consideration is a boathouse for the Goring Gap Boat Club, WBC ref: [13/01876/FUL](#). All have policy and procedural issues relevant to this appeal.

1.2 Two of the applications are of similar size to ours; had significant public interest and required extra time for additional planning details. Because of this these applications were both referred to committee and given extra time (over 6 months, yet ours was only given about 5 weeks). This procedural inconsistency by WBC officers has resulted in a need for a planning appeal. Examples of other mistakes and bias:-

- Officer(s) had decided to reject before consultations were even received.
- This outline application was validated but the Beale Park agent was never informed by the case officer that additional information was required.
- A delayed (very late) notification to the EA, a Statutory Consultee.
- Officers blocked efforts to provide additional information.
- Rejected by delegated decision even though there was significant public interest in support of the museum, and no public objections.

1.3 Delegated powers need to be exercised in an open and transparent manner, and because the case officer (or Head of Planning) had a contrary opinion to all the public representations, this application should have been taken to the planning committee where interested parties, could respond to the case officer's recommendations for rejection.

## **2.0 The refusal does not meet commitments given in the West Berkshire Council's Statement of Community Involvement for planning applications.**

### **2.1 WBC SCI sections 25 – 28; Community Involvement in Planning Applications.**

For example see section 25.1 which states that the council will:-

“make decisions on applications that are justifiable, robust, consistent and reached in a fair manner in line with the councils commitment to open government”.

WBC officer's treatment of this application has failed on all these promises.

### **2.2 See also SCI section 28.2 [footnote 10](#) states that “applications of local significance will be taken to committee”. In an email exchange in December between the WBC case officer, the appeal case officer and ourselves regarding appeal procedures; the WBC officer wrote “It is recognised that there was a high level of interest in this application”, yet the application itself was not taken to committee, why not?**

### **2.3 [NPPF policy para 187](#) on decision taking has also been ignored throughout – LPA's should look for solutions, not problems. WBC officers have only looked for problems and resisted efforts to provide solutions.**

## **3.0 A resubmission of this application with additional details was a possibility.**

### **3.1 The case officer was asked if the WBC would allow a resubmission with additional details provided for biodiversity, trees, and flood risk. This option was refused. Copy of this email thread is provided [Em10](#).**

## **The Planning Policy Considerations – response to WBC case**

## **4.0 The four reasons given for rejection**

### **4.1 The WBC rejection notice gives four reasons for the rejection. Three of these objections we believe could have been resolved during the outline planning application stage if the case officer had been prepared to find solutions. The four objections on the refusal are:-**

1. Detract from the natural beauty of the North Wessex Downs AONB.
2. Unknown impact on the flora and fauna of a designated local wildlife site.
3. Unacceptable threat to the sustainability of existing trees which contribute to local amenity and the landscape character of the area.
4. The Flood Risk Assessment did not comply with sections of the technical guide to the NPPF.

### **4.2 WBC have now advised that they are withdrawing objection 2 and 4, following our submission of a revised FRA and updated information on ecology.**

### **4.3 The third objection about loss of trees could have been resolved but still stands because the WBC tree officer is too busy to look at the additional information we have. [Em11](#)**

## **5.0 Objection number no.3 – Sustainability of trees**

- 5.1 The tree survey report submitted with this appeal shows that trees on the site are only of moderate (B) or low (C) quality value, and none are older than about thirty years.
- 5.2 The Beale Park Trust who have been managing the park gardens for over 50 years are well aware that the biodiversity (including trees) on this site is poor, so a landscaping scheme associated with the museum would be an opportunity to make improvements.
- 5.3 This would include:- a) replacing trees and shrubs that need to be removed for the museum; b) introducing additional trees and shrubs, to maintain screening from all views across the lake. Details of all changes would be submitted for a reserved matter application for Landscaping. We are certain that a landscaping scheme could be used to enhance the green infrastructure and natural beauty of this part of the AONB and also improve it's public amenity value.

## **6.0 Objection reason no.1 - Impact on the North Wessex Downs AONB**

- 6.1 The NWD AONB covers about 70% of West Berkshire, an area of some 670 square miles. The Eastern boundary of the AONB follows the whole West bank of the Thames from Pangbourne to Wallingford. The Thames Path is in the Chilton AONB on the other (Eastern) side of the river opposite Beale Park.
- 6.2 This objection from the WBC states that a large building in a prominent position will have a detrimental impact on the North Wessex Downs AONB.
- 6.3 When making an assessment it is important to note that this application is materially different to that examined under the boathouse planning appeal of 07/01717/FUL; because we are not seeking to put anything on the lake as is being suggested in the case officer's report. The museum will not be in a prominent position on the lake and all statutory consultees have noted that the impact on the AONB will be either minor or not significant. We believe that the many benefits of the museum are important planning considerations, but these have been undervalued or ignored by the WBC planning officer's assessment.
- 6.4 The proposed museum building is classed as minor development, and will be discretely located within the screened confines of an existing tourist attraction in the NWD AONB. The museum would be close to some park buildings; ie the Pavilion, the Beale Centre, the Visitor Entrance, and the Park Offices. These have been marked up on [photo No 6](#). The museum building will be hidden from open views over the lake and river by large groups of surrounding trees. We have a 1:200 scale model of the museum clearly showing its location at the park, and we would like to display this model at the hearing.
- 6.5 Since WBC Planning Officer(s) are the only party who believe there will be adverse effects on the AONB, the officer(s) need to fully explain why all public representations on this matter are wrong, or not relevant, and why their own opinion, in a professional capacity, should be accepted as correct. [NPPF \(para 14\)](#) requires that LPAs:- For decision taking, this means: .....granting permission unless ... any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole ..... The adverse impact of this development has not been demonstrated by officers.

6.6 One of the other planning applications (mentioned as relevant) is a boathouse for the Goring Gap Boat Club near to Beale Park located on the bank of the River Thames. This site will be in open view from the river and from the Thames Path. The building is in the NWD AONB, next to a listed railway bridge which is named as an outstanding Viewpoint in the Basildon VDS. It is clear that WBC planning officers are applying different assessment standards here, compared with our application regarding the impact on the same North Wessex Downs AONB. The boat club application will be taken to committee and has been given extra time because of significant public interest and the need to consider additional details. See the [Call in notice Doc 17](#) (a decision is still pending January 2014, WBC ref: 13/01876/FUL).

6.7 These examples show a lack of assessment consistency by planning officers at WBC, this is contrary to the NPPF and to WBC's own Statement of Community Involvement.

## **7.0 The public benefits of the museum**

### **7.1 a) Improved security of employment at a long standing rural enterprise**

Beale Park is a rural outdoor park for tourism and leisure by the River Thames and is open to the public for most of the year. The proposed museum will help the future sustainability of the park, who are an employer in this rural area. The park is a much valued amenity by local communities, providing recreational pleasure for people of all ages. During the last 20 years however, visitor numbers have been falling, so the Park need to introduce new visitor features to remain viable. [NPPF policy para 28 bullet 3](#) states that such rural enterprises should be supported and allowed to expand tourism and leisure facilities. This is also consistent with WBC policy [CS10 - Rural Economy](#).

### **7.2 b) Additional Public Amenity in West Berkshire**

The museum will add much to the public leisure value of the park by providing a display of important features of River Thames local Heritage. There is nowhere else in the mid Thames which has all the requisites for this type of museum. Much of the museum site is currently overgrown with nettles and brambles, so a landscaping scheme would improve the public amenity value here as well.

### **7.3 c) Provide Education about River Thames Navigation History**

The museum will be a cultural centre providing unique education and recreation features for people of all ages, ie for schools, clubs, local people, park visitors, and visiting tourists. There will be opportunities for people to learn about the history of the introduction and development of powered boat navigation on the River Thames. Some of the items to be displayed are acknowledged as of unique heritage importance, and this museum is to be an accredited UK Museum. Britain was a major maritime power in the 19<sup>th</sup> century where several Thames boat builders of this period played key roles in achieving this international status.

#### **7.4 d) Conserve nationally important historic maritime artifacts and associated records**

The museum will house some unique historic river craft and will be a base where people will be encouraged to help look after and display surviving examples of these early powered vessels and artifacts. There is a risk that the various exhibits and the historical information carefully gathered over time covering part of this cultural heritage, could be lost or dispersed without a suitable place to keep all together. This collection should be classed as non designated heritage assets; [NPPF para 135](#) indicates that that the scale or harm to these types of assets needs to be a matter to be considered in any application. The Thames itself is a national heritage asset and the museum will be aiming to enhance public appreciation of this asset.

#### **7.5 e) An opportunity to enhance the biodiversity of this site**

The tree and ecology surveys show that the site presently has low value biodiversity. The development we propose has the potential of providing net gains as suggested in the report by WBC ecology officer, which is consistent with the requirements of the NPPF and WBC policies.

#### **8.0 The proposed museum development will meet the NPPF requirements for sustainable development.**

- 8.1 The NPPF identifies three dimensions of sustainable development which are:- the Economic; the Social; and the Environmental roles, and suggests these roles should not be taken in isolation.
- 8.2 We know that this development will help secure a sustainable economic future for Beale Park and will provide social contributions for local people, communities and clubs, and that the development will also be able to make improvements to the ecological environment of this site. This museum will bring benefits to all sections of society and we submit it is sustainable development as defined by national planning policies and the WBC Core Strategy Development Plan policies.

This statement needs to be read in conjunction with the “Grounds of Appeal Statement” submitted with this appeal. The Grounds of Appeal Statement provides responses (including references) to the policies quoted in the WBC reasons for rejection notice, and also gives details of much procedural bias.

We ask that this appeal is upheld.

Brian Smith

On behalf of The Consuta Trust,  
Agents for the Child Beale Trust

29<sup>th</sup> January 2014