

Emma Gillespie

From: Ronald Moss <RMoss@swindon.gov.uk>
Sent: 16 May 2023 15:22
To: Emily Porter
Cc: Mark Sommerville
Subject: RE: Lotmead - Section 73

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Dear Emily ,

Thank you for your email .

Just to introduce myself, I am Ron Moss, the case officer dealing with this application. I can also confirm that I am more than happy to have an introductory chat with yourself and Mark.

As I now have responsibility for the application it is probably sensible for me to update you with the conclusion of the legal opinion. The conclusion is basically that there is nothing in planning law preventing the authority from varying or amending a reserved matters or condition discharge application as proposed, however the approach could be subject to legal challenge on the basis that SBC has acted unreasonably in changing the basis of the application.

Whilst the reputational and financial risk would be borne by the authority it is probably also worth me further pointing out that any legal challenge to the process would cause both timing delays and general uncertainty for your client.

In light of the above legal advice I would advise the following approach : -

Conditions

My suggestion is that you retain the current conditions as they are and as much as possible load the condition information linked to the section 73 application directly on to the new application , including any previously approved condition details. The benefit of this approach would be to get a likely cleaner planning permission with less conditions (should the application get approved) and an immediate approval of these details with the s73 application. Furthermore should issues arise with the s73 application and it not be successful , the approach would allow you to fall back on to the extant planning permission and continue to progress it, in as far as staying in the remit of this earlier permission. I don't see the parallel processing of the condition information here as being particularly onerous to the Local Planning Authority as it should be relatively similar in detail.

Reserved matters

Notwithstanding the legal opinion I have to say that it is hard for me to understand how we could notify some 80 plus neighbouring occupiers on a 'reserved matters' application that doesn't really come in to existence until an outline application is in place. Obviously normally there would be the requirement for the submission of a new reserved matters application , however to help I can confirm that on any approval of the s73 application we would then be happy to load the new reserved matters details on to the existing application and to process accordingly.

Finally whilst I am aware that you are seeking matters to be moved swiftly , it would also be helpful all round in the meeting if you could outline your development timetables along with any key milestone dates.

Looking forward to working with you.

Regards,

Ron Moss

Senior Planning Officer



From: Emily Porter <emily.porter@savills.com>
Sent: 16 May 2023 10:01
To: Janet Busby <JBusby@swindon.gov.uk>
Cc: Validation <Validation@swindon.gov.uk>; Mark Sommerville <MSommerville@savills.com>; Ronald Moss <RMoss@swindon.gov.uk>
Subject: Lotmead - Section 73

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Hello Janet,

Further to my email below, thank you for amending the description of development.

In addition to amending the red line boundary and target determination date (explained below), please could it be made clear on the website what documents/plans have been superseded. I set this out in my email attached (i.e. those labelled 'updated' supersede the previous version provided). We're keen to make sure it's clear to consultees what documents they should review.

We look forward to hearing from you regarding the introductory call with Ron, and the legal officer opinion regarding the amending of reference numbers on live applications.

Kind regards,

Emily

Emily Porter BA (Hons) MA MRTPI
Senior Planner
Planning

Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB



Tel : +44 (0) 117 910 0345

Mobile : +44 (0) 7870 999 289

Email : emily.porter@savills.com

Website : www.savills.co.uk



From: Emily Porter
Sent: 12 May 2023 09:42
To: jbusby@swindon.gov.uk
Cc: validation@swindon.gov.uk; Mark Sommerville <MSommerville@savills.com>
Subject: Lotmead - Section 73

Hello Janet,

We are pleased to have received confirmation of registration for the S73 application - thank you for your help with this.

Having reviewed the details enclosed within the letter (attached) and on the website, there are a few things that we'd be grateful if you would amend/correct, as follows:

1. **Red line boundary:** Looks to be incorrect on the website map function, showing numerous lines within the site itself. I suspect this is probably an IT error – hopefully this is an easy fix for your validation team?
2. **Target determination date:** Please can this be changed to 31st August, making it a 16-week determination period (as it is EIA development)?
3. **Description of development:** As currently worded it doesn't incorporate all changes sought, referencing variation of Condition 46 only. Please could this be changed to the below so consultees/public viewing the application are clear of the application's scope:

"Variation of Conditions 9, 10, 41, 42, 43, 46, and 47 of Outline Planning Permission S/OUT/19/0582"

We see that the application has been allocated to Ronald Moss. We haven't come across Ronald before and assume he is the new case officer who started in your team last week? We'd be grateful for an introduction - are you both available for a 30-minute catch up call with Mark next week? I've included his availability below. It'd be helpful if the arrangement of workshops could be a topic of discussion within this.

- Tuesday 16th: All day
- Wednesday 17th: AM
- Thursday 18th: All day

Assuming Ronald has no previous knowledge of the site, we would be more than happy to do a walkaround with him. Please let us know if this is something you'd like us to arrange.

Whilst writing, have you heard back from your legal officer following your correspondence with Mark regarding the amending of reference numbers on live applications? (Correspondence attached for ease of reference).

Kind regards,

Emily

Emily Porter BA (Hons) MA MRTPI
Senior Planner
Planning

Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB

Tel : +44 (0) 117 910 0345

Mobile : +44 (0) 7870 999 289

Email : emily.porter@savills.com

Website : www.savills.co.uk



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