



APPEAL REF: APP/A5840/W/25/3366760

Aylesham Centre , Rye Lane, London, SE15 5EW

Demolition of existing buildings and phased redevelopment to provide a replacement supermarket and associated service yard and car parking (Use Class E(a)), flexible retail, leisure (including drinking establishment), and commercial accommodation (Use Class E/Sui Generis), dwellings (Use Class C3), landscaping and associated works

SUMMARY NOTE OF CASE MANAGEMENT CONFERENCE HELD 13 AUGUST 2025 (VIA MS TEAMS)

1. The case management conference was led by Inspector, Matthew Shrigley. The Inquiry is anticipated to be held at Southwark Council Offices 160 Tooley St London SE1 2QH (subject to the Council confirming the precise office location details/venue in writing), opening at **10.00am on Tuesday 28 October 2025**.
2. The Inquiry is scheduled to sit for up to 8 days.
3. Once the parties' positions are finalised in relation to the main issues set out below, and with a better idea of timings for each element of the parties' cases following the submission of proofs of evidence, a more informed timetable can be considered.
4. The advocates were confirmed as Russell Harris (KC) for the Appellant, Richard Turney (KC), for the Local Authority and Hashi Mohamed (of Counsel) for the Rule 6 Party.

Main Statement of Common Ground

1. Only a draft Statement of Common Ground (SoCG) was submitted prior to the meeting with the expectation that a final signed version was in the process of being prepared, as required by the Rules.
2. The Inquiry will focus on those policies that are most important and those that are relevant to the matters in dispute informed by the SoCG.

Main Issues

3. The main issues in this case relate to:
 - Whether the height, scale and mass of the proposed development would result in any harm, and the level of any harm, to the local townscape having regard to the special character and appearance of the Rye Lane Peckham Conservation Area.

- The acceptability of retail floorspace loss in terms of the impact to the vitality and viability of the town centre.
- The adequacy of affordable housing provision relative to any social rented and intermediate home local needs; and
- The overall planning balance having regard to any related planning policy, any harm, or benefits.

Dealing with the Evidence

4. It was agreed that the evidence relating to the above identified main issues will be subject to cross examination using a topic by topic based format.
5. Although the Inspector will lead the round table sessions for planning obligation issues and condition matters, the parties will need to work together in advance to prepare a draft agenda where appropriate, to ensure that all relevant matters are properly aired and interrogated.
6. Any outstanding matters, including matters raised by interested parties, planning policy, any benefits, and the overall planning balance, will also be dealt with through the formal presentation of evidence in chief and cross-examination.

Planning Obligation(s)

7. The Appellant's submissions indicated a s106 can be expected related to:
 - Affordable housing
 - Affordable workspace
 - Business relocation strategy
 - Small shops
 - CCTV
 - Carbon Offset Payment
 - Play space provision
 - Local transport infrastructure
 - Local procurement/ employment and training opportunities
8. Separate to that Community Infrastructure Levy is also referred to.
9. Without prejudice to any decision, the Inspector will need all completed obligations (if any are warranted) before the Inquiry closes. In order to avoid any slippage on timings early final substantive drafts are submitted with proofs. And final signed versions will need to be submitted before the Inquiry closes.

Conditions

10. An agreed final schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted at the same time as the proofs. The Council is to take the lead on preparing that list, in discussion with the Appellant.

11. Careful attention is to be paid to the wording and the conditions will need to be properly justified having regard to the relevant tests, in particular the test of necessity. You are reminded in line with the National Planning Policy Framework (NPPF), planning conditions should be kept to a minimum and that conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.
12. The reasons for any pre-commencement conditions will need to include that justification. Any difference in view on any of the suggested conditions, including their wording, should be highlighted in the schedule with a brief explanation given.

Core Documents/Inquiry Documents

13. You will need to discuss and agree a list of core documents in advance of preparing your proofs so they can be properly referenced. That list is to be co-ordinated by the Appellant and must be submitted with the proofs. A template for that list is attached.
14. The Core Documents should comprise only those documents to which you will be referring and do not need to include a copy of the NPPF or deal with areas where there is no dispute.
15. Any Appeal Decisions and/or legal authorities on which any party intends to rely will need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.
16. Where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied, as opposed to the whole document. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text.
17. The Council will need to ensure the Core Documents are electronically available as a document library via its planning register prior to the opening for the Inquiry, which can be accessed by interested parties. The Council will be provided with an electronic set of the documents, and it will be for it to print out what elements it needs in hard copy.
18. The Inspector will be relying on electronic versions of the documents, except for hard copies of appeal plans and photomontages to be provided for him at the venue itself.
19. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by the Inspector. A minimum of two copies of any new documents produced at the Inquiry will be required - one for the other main party and one for the Inspector. With extra copies to be made available to assist interested parties if necessary.

Inquiry Running Order

20. In general, the Inquiry is expected to finish each day no later than around 17.00 hours. The first day starting at 10am, and the Inquiry resuming at 10am on the subsequent days. Sittings are to run for around 1 and a half hours at a time to enable sufficient breaks.
21. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, he will invite opening statements from the main parties (Appellant first, followed by the Council and Rule 6) which will set the scene. He will then hear from any interested parties who wish to speak, which often suits those who have taken time out from work, or who may have other commitments.
22. A short Appellant led presentation of the appeal scheme was agreed to be heard at an appropriate time within the Inquiry before commencement of any cross examination. The presentation would not be subject to formal questions and is to entail a factual basis only.
23. The presentation of evidence during the sitting sessions is then expected to commence followed by cross examination of the main issues.
24. In terms of the presentation of evidence in chief and cross-examination. A topic-based format was agreed.
25. The Council and Rule 6 will present their evidence first, which will be cross-examined and re-examined, if necessary, followed by the corresponding evidence of the Appellant on the same basis.
26. The Appellant's evidence should also address any other matters raised by interested parties at application and appeal stage.
27. On conclusion of that, the Inspector will lead the remaining usual round table discussion on planning obligation matters and then planning condition issues.
28. That discussion will be followed by closing submissions (Council, R6, then Appellant) which should set out your respective cases as they stand at the end of the Inquiry, with a written copy handed up at the time (along with electronic copies forwarded to the Planning Inspectorate's Major Casework Team), appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
29. It should be noted that the Inspector will carry out an accompanied site visit either after the Inquiry has closed, or before if an appropriate opportunity presents itself in the programme. Whenever it takes place, its purpose is simply for him to see the site and its surroundings.
30. The Inspector cannot listen to any representations/ discussion/ arguments during the visit, but parties can point out physical features, so it is important that you give some thought as to where you wish him to see the site from.

Document Submission Dates

31. All proofs (and drafted planning obligations) are to be submitted no later than **30 September 2025**. Details of the preferred format and content of proofs and other material were an Annex to the pre-conference note.
32. The Council is to ensure that a copy of the Inquiry notification letter and a list of those notified is sent into the Planning Inspectorate no later than **Tuesday 14 October**.
33. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **Tuesday 14 October 2025**.
34. It is important that any rebuttal proofs do not introduce new issues. As an alternative to a rebuttal, it may be that the matter could more succinctly be addressed through an addendum statement of common ground.
35. The advocates are to work collaboratively on the time estimates for each stage of their respective cases, with final timings for openings and closings, evidence in chief and cross-examination to be submitted no later than **Monday 20 October 2025**.
36. A draft programme will be issued following receipt of your final timings in due course, when the Inspector will have a better feel for the overall duration. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

Costs

37. An application for costs was not anticipated by the parties at the time of the CMC, although positions are reserved.
38. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. You are also reminded in this regard, that in order to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the ability to initiate an award of costs, although hopefully this will not prove necessary.

M Shrigley

INSPECTOR

14 AUGUST 2025

Annex A

TEMPLATE FOR CORE DOCUMENTS LIST (adapt headings to suit)

* Any Appeal Decisions on which a party intends to rely must each be prefaced with a note explaining the relevance of the Decision to the issues arising in the current Inquiry case, together with the propositions relied on, with the relevant paragraphs flagged up. A similar approach is to be taken in relation to any legal citations relied upon.

CD1 Application Documents and Plans

1.1

1.2 etc

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1

2.2

CD3 Committee Report and Decision Notice

3.1 Officer's Report and minute of committee meeting

3.2 Decision Notice

CD4 The Development Plan

4.1

4.2

CD5 Emerging Development Plan

5.1

5.2

CD6 Relevant Appeal Decisions*

6.1

6.2

CD7 Relevant Judgements*

7.1

7.2

CD8 Other

8.1

8.2

Annex B – INDICATIVE PROGRAMME

1. Inspector's opening remarks

2. Appellant's opening statement

3. Council's opening statement

4. Interested parties views

5. Council's / Rule 6's formal evidence

First witness

		Time estimate
1	Council's evidence in chief	
2	Cross examination (by the Appellant's advocate)	
3	Re-examination (by Council's advocate)	
		Total

Second witness

		Time estimate
1	Council's evidence in chief	
2	Cross examination (by Appellant's advocate)	
3	Re-examination (by Council's advocate)	
		Total

6. Appellant's formal evidenceFirst witness

		Time estimate
1	Council's evidence in chief	
2	Cross examination (by the Council's advocate)	
3	Re-examination (by Appellant's advocate)	
		Total

Second witness

		Time estimate
1	Council's evidence in chief	
2	Cross examination (by Council's advocate)	
3	Re-examination (by Appellant's advocate)	

		Total
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*Third witness if needed as per the above

7. Round-table session

	Time estimate
1. Planning Obligation Matters	
2. Conditions.	
3. Any other matter deemed applicable by the Inspector	

8. Any other residual matters.

9. Closing submissions.

10. Costs (if any).

11. Site Visit arrangements (if not already dealt with prior).

12. Close of Inquiry.