

**APP/A5840/W/22/3303205**

**Avonmouth House, 6 Avonmouth Street, London SE1 6NX**

**Inspector: Joanna Gilbert MA (Hons) MTP MRTPI**

**Programme Officer and Public Inquiry Manager: Joanna Vincent**

**Case Management Conference held at 1000 on  
Thursday 13 October 2022**

### **INSPECTOR'S POST-CASE MANAGEMENT CONFERENCE NOTE 1**

1. The case management conference (CMC) between the Inspector and representatives of the appellant and the London Borough of Southwark (the Council) took place on 13 October 2022. The CMC discussed procedural matters only to ensure that the forthcoming inquiry is conducted in an efficient and effective manner.
2. This note will be placed on the core documents library website for this inquiry at <https://gateleyhamer-pi.com/en-gb/avonmouth-house/>. The Programme Officer's contact details are available on this website.

### **Likely main issues**

3. Based on the material submitted to date by the main parties, and following discussion at the CMC, the main issues are likely to include:
  - a) the effect of the proposed development on the character and appearance of the area; and
  - b) whether the proposed development would make adequate provision towards local infrastructure requirements.
4. The Council has confirmed that it intends to present a report to the Planning Committee on 2 November 2022 for authority to challenge the appeal and the likely grounds for refusal if the application had been determined. Given the uncertainty arising from this, it will be necessary to consider the likely main issues again at a further CMC in early November after Planning Committee has met.

5. The Council stated at the CMC that it was likely that the Council no longer wished to pursue a main issue in respect of the effect of the proposed development on the Grade II Listed Building at the Inner London Sessions Court. I have received an amended Statement of Case from the Council which reflects this change in the Council's position and addresses factual errors. However, the Council's position will be confirmed following the Planning Committee meeting on 2 November 2022.
6. Furthermore, the appellant noted further issues of potential relevance. With regard to any effect of the proposed development on living conditions and the need for the proposed development, I will reach a decision on whether they form part of the main issues for this appeal after the Planning Committee has met and the second CMC has taken place.
7. It was confirmed at the CMC that a second planning application (Ref: 22/AP/2227) for the same site is likely to be presented at the same meeting of the Planning Committee.
8. Following Planning Committee on 2 November 2022, I require a written update from the Council on **3 November 2022** to confirm what happened at Planning Committee with reference to the leave to challenge the appeal, the putative reasons for refusal for the appeal, and the decision made on the second planning application.
9. In order to make progress on this appeal as efficiently as possible, I will run a further CMC on **4 November 2022**. As I already have other commitments for that day, I would be grateful if the parties could be available for the CMC starting at 0900. If this presents difficulties for the main parties, please provide alternative timings and dates to the Programme Officer.

### **How the likely main issues will be dealt with, including appeal procedure**

10. Given the level of uncertainty about how the appeal will proceed at present and having heard the views of both main parties on appeal procedure, it is my view at this time that the appeal will continue as an inquiry. I will confirm the procedure and how the evidence will be heard after the second CMC in early November.

### **Timetabling and submission of documents**

11. I have received a draft main statement of common ground. I expect to receive the agreed main statement of common ground not later than **20 October 2022**.

12. Any changes to the agreed main statement of common ground as a result of the 2 November Planning Committee can be reported in a supplement to the agreed main statement of common ground no later than **16 November 2022**.
13. Any topic-specific statements of common ground should be submitted no later than two weeks prior to opening the inquiry on **30 November 2022**.
14. During the CMC, the Council agreed to check whether the GLA had been consulted on amended plans and documents submitted by the appellant during the lifetime of the planning application. This should be confirmed by **20 October 2022**. If consultation on the amended plans and documents has not taken place with the GLA or any other relevant organisation, I suggest this is remedied as a matter of some urgency to ensure that they have the opportunity to respond prior to the inquiry. Any consultation response on the amended plans and documents should be provided to the Programme Officer and the appellant.
15. The deadline for submission of proofs of evidence is **16 November 2022**.
16. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and none are encouraged. However, where necessary to save inquiry time, it is important that any submitted supplementary or rebuttal proofs do not introduce new issues. An addendum to the statement of common ground may be preferable to rebuttals. If they are to be provided, the deadline is **30 November 2022**.

### **Inquiry arrangements**

17. The inquiry will open at 1000 on 14 December 2022. At present, 6 sitting days have been identified on 14 – 16 December and 19 – 21 December 2022. Further days have been reserved on 22 and 23 December 2022. Based on the evidence I have had sight of, I consider that not all of the aforementioned sitting days and reserve days would be required. However, given the ongoing uncertainty until Planning Committee has met, I ask that the main parties keep the aforementioned days reserved.
18. During the CMC, it was confirmed that the inquiry would take place at the Council's offices and that the inquiry would be livestreamed and made available as a blended event, allowing for virtual participants. Given the possibility of further uncertainties due to Covid-19, I asked

that provision be made for the inquiry to be run on a fully virtual basis.

19. As the inquiry will take place on a blended basis with the possibility of operating wholly virtually and will be managed by the Council, it will need to be advertised as such. I therefore require the Council to ensure that the notification letters, site and press notices set out details of how to register to participate in the inquiry. The Council should allow sufficient time for notifications to take place. The minimum notification period is two weeks prior to the commencement of the inquiry.
20. Furthermore, I would be grateful if the Council's notification letters could ask interested parties whether there are any particular viewpoints or locations to visit that should be factored into the inquiry site visit. Those viewpoints/locations should be included in the itinerary for the inquiry site visit.
21. The main parties should work together on timing estimates to inform the draft inquiry programme. Final timings for openings and closings, and any evidence in chief and cross-examination should be submitted no later than two weeks before the inquiry. A draft inquiry programme will be issued following receipt of final timings, when I will have a better feel for the overall duration. Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.

### **Site Visit**

22. I will undertake an unaccompanied familiarisation site visit to the area prior to the inquiry. I will also visit the appeal site during or after the close of the inquiry to view the site in the knowledge of the presented evidence. I will confirm with the parties during the inquiry who wishes to participate in the inquiry site visit.
23. In advance of my familiarisation site visit, I would like the main parties to work together to produce an itinerary and annotated plan for the site visit with all necessary viewpoints. This will need to be provided alongside the proofs of evidence to allow me to undertake the familiarisation visit in good time prior to the inquiry.
24. As interested parties may wish to promote viewpoints during the inquiry, the itinerary and annotated plan with viewpoints should be considered to be a living document, capable of being updated prior to and during the inquiry. This should ensure that the inquiry site visit

includes a full range of viewpoints requested by the main and interested parties.

### **Management of core documents and other documents**

25. From this point forward in the inquiry process, all emails and documents should be submitted to the Programme Officer and copied to the Planning Inspectorate's case officer. This is important for consistency and to ensure that I have all the information I need to prepare for and carry out the inquiry.
26. The webpage for the inquiry's core documents and associated proofs of evidence is already available and the link is set out at the beginning of this note. Proofs of evidence and core documents should be clearly numbered, including within the PDF tab when a document is open.
27. The main parties will need to agree a list of core documents in advance of preparing proofs so they can be properly referenced. With the agreement of the other main party, a document that will be referred to by more than one party can be added to the core documents list. Where documents are lengthy, relevant extracts should be supplied and prefaced with the front cover of the document.
28. Core documents should be submitted to the Programme Officer electronically with an index by no later than the date of submission of proofs of evidence.
29. Any documents submitted once the inquiry has opened will be recorded as inquiry documents, overseen by me. As well as any paper copies handed to me, any inquiry documents, including openings and closings, should be submitted electronically to the Programme Officer and the other main party when agreed by me. These documents will be placed on the core documents library webpage once they have been accepted as an inquiry document and numbered accordingly.
30. Any lists of documents to be referred to during proceedings should be submitted to the Programme Officer preferably on the day prior to the relevant matter being heard, but at least before the relevant session. This allows me to ensure that I have all the relevant documents open and ready to refer to during the inquiry.

### **Conditions**

31. I note that the draft main statement of common ground has the latest iteration of conditions. Once I have received the agreed main statement of common ground, I will provide comments on the conditions in advance of the inquiry. A final draft schedule of

conditions to respond to my comments should be provided by **16 November 2022**.

32. If there is disagreement about any conditions in the agreed statement of common ground, I require a tabulated schedule of conditions with an explanation of the reasoning behind any difference between the main parties and the preferred wording of the main parties. The plans condition must include a full list of relevant plans.

33. Conditions will need to be properly justified having regard to the tests for conditions, particularly the test of necessity. Conditions should also be provided in order in line with the Planning Practice Guidance.

### **Planning Obligations**

34. I have received a draft legal agreement. I will need to see the final draft legal agreement no later than two weeks prior to the inquiry opening.

35. Any final draft legal agreement must be accompanied by the relevant office copy entries and a Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought. Should it be necessary, a reasonable period of time will be allowed after the inquiry for submission of a signed and executed legal agreement.

### **Costs**

36. No application for costs has been made by the main parties at this stage. If applications for costs are to be made, the Planning Practice Guidance makes it clear that they should be made in writing to me before the inquiry. You should give the other party timely notice to enable them to compose a response. You are also reminded that in order to support an effective and timely planning system in which all parties are required to behave reasonably, I have the power to initiate an award of costs in line with the Planning Practice Guidance.

### **Summary of Key Dates and Deadlines**

20 October 2022	Deadline for the submission of: <ul style="list-style-type: none"><li>• Agreed and finalised main statement of common ground</li><li>• Confirmation from the Council as to whether the GLA and any other relevant organisations were consulted on amended plans and documents during the lifetime of the planning application</li></ul>
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2 November 2022	London Borough of Southwark Planning Committee
3 November 2022	Deadline for update from Council on outcome of Planning Committee
4 November 2022	Further CMC (start time to be confirmed)
16 November 2022	Deadline for the submission of: <ul style="list-style-type: none"> <li>• All proofs of evidence and appendices;</li> <li>• Final draft agreed schedule of planning conditions;</li> <li>• Core documents, including an index for the core documents;</li> <li>• Itinerary for site visit and annotated plan with viewpoints</li> <li>• Any updates to the agreed main statement of common ground as a result of the findings of the Planning Committee</li> </ul>
30 November 2022	Deadline for the submission of: <ul style="list-style-type: none"> <li>• Evidence that the notification letters have been issued, and press and site notices have been published/displayed</li> <li>• Final draft legal agreement, office copy entries and compliance statement</li> <li>• Final timing estimates</li> <li>• Any necessary rebuttals/addendum to statement of common ground/topic-specific statements of common ground</li> </ul>
14 December 2022	Inquiry opens at 1000

*Joanna Gilbert*

INSPECTOR

14 October 2022