



Appeal Reference: APP/A5840/W/22/3303205

Avonmouth House, 6 Avonmouth Street, London SE1 6NX

CASE MANAGEMENT CONFERENCE

1000 ON THURSDAY 13 OCTOBER 2022

INSPECTOR'S PRE-CASE MANAGEMENT CONFERENCE NOTE

1. The case management conference will be led by the appointed Inspector, Ms Joanna Gilbert MA (Hons) MTP MRTPI. A separate document provides the agenda for the meeting.
2. The inquiry is scheduled to open at 1000 on Wednesday 14 December 2022.
3. There will be no discussion as part of the conference as to the merits of respective cases and I will not hear any evidence. The purpose of the conference is to give a clear indication on the ongoing management of this case and to ensure that the main parties understand how the appeal will proceed.

Likely main issues

4. Based on the material submitted to date by the main parties, I consider that the likely main issues are:
 - a) the effect of the proposed development on the character and appearance of the area;
 - b) the effect of the proposed development on the Grade II Listed building at the Inner London Sessions Court and its setting; and
 - c) whether the proposed development would make adequate provision towards local infrastructure requirements.
5. Although not informing the Council's putative reasons for refusal, there are matters raised by interested parties that will also need addressing by the appellant in respect of the appeal. These include concerns regarding principle of student accommodation; cycle provision; parking; highway safety; public transport provision; servicing; refuse collection; fire safety; living conditions of neighbouring occupiers with reference to light, privacy, noise and disturbance; ecology; pollution; property values; and flooding. This

list is not exhaustive. As to whether any of these matters are dealt with as main issues in the eventual decision will depend on the evidence heard in due course.

6. It is essential that the main parties communicate effectively with each other to seek to narrow the issues for consideration. This should be an ongoing conversation. You are therefore requested to give consideration in advance of the case management conference as to whether the matters identified above, including the likely main issues, encapsulate those most pertinent to the outcome of the appeal.

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

7. The case management conference will explore how best to hear the evidence in order to ensure that the event is conducted as efficiently as possible. Given that the Council's putative reasons for refusal are not as extensive as the likely reasons for refusal put forward by the appellant at submission of the appeal, I ask the main parties to consider whether a hearing or an inquiry would be the appropriate means by which to hear evidence for this appeal.
8. Based on the material currently before me, I consider that it would be possible for all the likely main issues to be dealt with by round table discussion. You are requested to give the above careful consideration in advance of the case management conference. Any request for evidence to be heard other than as currently envisaged will need to be fully justified.
9. Should the event remain an inquiry, the attached Annex sets out the preferred format and content of proofs and other material, which should be observed. If the event was run as a hearing, there would be an opportunity for the appellant to update its statement of case by **16 November 2022**.

Timetabling and submission of documents

10. The event 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, even if it remained an inquiry. The main parties' availability will be discussed at the case management conference.
11. I note that the Council's statement of case refers to presenting a report to the Council's planning committee on 2 November 2022 with

regard to obtaining authority to challenge the appeal and the likely grounds for refusal. I will address the effect of the Council's approach on the appeal timescales during the case management conference.

12. I have received a draft statement of common ground. I will discuss the timescales for provision of a completed statement of common ground and the need for any further topic-specific statements of common ground during the case management conference.
13. If proceeding as an inquiry, any topic-specific statements of common ground should be submitted no later than two weeks prior to the proofs of evidence. Unless discussion at the case management conference alters overall timings, I expect to receive the agreed main statement of common ground not later than **20 October 2022**. Any changes as a result of the 2 November planning committee can be reported in a supplement to the main statement of common ground no later than **16 November 2022**.
14. I understand from the draft statement of common ground that another application (Ref: 22/AP/2227) has been submitted for the appeal site. I will ask about the progress of this application at the case management conference.
15. I also understand from the draft statement of common ground that some plans and documents were submitted after the initial application submission. I will ask about any necessary consultation on these plans and documents during the case management conference.
16. The deadline for submission of proofs of evidence is **16 November 2022**.

Event arrangements

17. There will be discussion at the case management conference as to where a face to face event might be held and what arrangements are in place for the event to be run as a blended or virtual event.
18. I will wish to consider the involvement of interested parties and the number of local people who are likely to wish to speak at the event. It is clearly important that interested persons can participate if they wish to do so. How this can be achieved will be discussed at the case management conference.
19. In order to ensure that appeal documents are available to all participants, it will be necessary for one of the main parties to confirm that they will be able to administer and publish core documents on a website. This will include documents submitted during the event. I

expect the core documents to be clearly organised on the website to enable all participants, including interested parties, to find documents quickly and easily. Headings for groupings of documents are helpful.

20. At the case management conference, I will briefly cover my expectations regarding conditions and planning obligations. I will also make brief reference to applications for costs.
21. During the case management conference, I will seek the views of the parties as to how and when the site visit will take place and whether it will be necessary to visit other sites during the site visit.

Joanna Gilbert
INSPECTOR

10 October 2022

Annex

Content and Format of Proofs and Appendices

Content

Proofs of evidence **should**:

- focus on the main issues identified, in particular on areas of disagreement;
- be proportionate to the number and complexity of issues and matters that the witness is addressing;
- be concise, precise, relevant and contain facts and expert opinion deriving from witnesses' own professional expertise and experience, and/or local knowledge;
- be prepared with a clear structure that identifies and addresses the main issues within the witness's field of knowledge and avoids repetition;
- focus on what is really necessary to make the case and avoid including unnecessary material, or duplicating material in other documents or another witness's evidence;

Proofs **should not**:

- duplicate information already included in other Inquiry material, such as site description, planning history and the relevant planning policy;
- recite the text of policies referred to elsewhere: the proofs need only identify the relevant policy numbers, with extracts being provided as core documents. Only policies which are needed to understand the argument being put forward and are fundamental to an appraisal of the proposal's merits need be referred to.

Format of the proofs and appendices:

- Proofs to be no longer than 3000 words if possible. Where proofs are longer than 1500 words, summaries are to be submitted.
- Paper copies of proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Front covers to proofs and appendices are to be clearly titled, with the name of the witness on the cover.

- Pages and paragraphs should be numbered with clear and consistent numbering which is formatted in a manner to ensure paragraphs can be found quickly.
- Appendices are to be bound separately and provided in a separate PDF from the proof of evidence.
- Appendices are to be indexed using projecting tabs, labelled and paginated.