

APPEAL REFS: **APP/A5840/W/22/3290473 &
APP/A5840/Y/22/3290477**

**APP/A5840/W/22/3290483 &
APP/A5840/Y/22/3290490**

SITE ADDRESS: **New City Court, 4-26 St Thomas Street, London**

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The Inspector appointed to conduct the Inquiry is Mrs Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC. The Inquiry will open at 10.00am on Tuesday 19 July 2022.
2. The Council may wish to draw the attention of interested parties to this Note. At the very least, it is recommended that a copy be posted on the Council's website. A copy will be placed on the planning portal.
3. This Inquiry relates to 4 linked appeals. Planning and listed building consent for is sought for redevelopment and the erection of a 37-storey building and restoration/rebuilding and refurbishment of nos 4-16 St Thomas Street ("the 2018 scheme") and similarly for redevelopment and the erection of a 26-storey building and restoration/rebuilding and refurbishment of nos 4-16 St Thomas Street ("the 2021 scheme").
4. The appeals have been recovered for determination by the Secretary of State.

Main Issues

5. Following discussion at the case conference, the Inspector considers that the main issues in this case relate to the following:
 - The effect on designated heritage assets.
 - The effect on the character and appearance of the area
6. A further main issue relating to whether there would be adequate provision for community and infrastructure needs is likely to be resolved through ongoing negotiations relating to the planning obligation. This will be kept in review.
7. The matter relating to servicing (2018 scheme) will also be discussed at the Inquiry.
8. There will also be a discussion on planning matters including the planning policy context, public benefits and the planning balance. Sunlight/Daylight issues will be dealt with as part of the planning balance.

Dealing with the Evidence

9. The main issues, and planning matters will be best dealt with through the formal presentation of evidence in chief by each party, which evidence will be the subject of cross-examination.
10. Having reflected on the discussions, the Inspector considers that this will be on a traditional party basis, rather than on a topic basis, given the interrelationship between the main issues and the planning/public benefits balance.
11. The issue of servicing will be dealt with by round table session. As TFL have made representations on this matter, they are invited to participate in this session (further details are set out below).
12. Proofs of evidence will comprise of a single document covering all of the appeals, given the nature of the evidence involved. It should be made clear within the proofs as to which scheme a particular point relates to.
13. Other matters raised by interested parties will be addressed by the appellant and where necessary, the Council, in the proofs of their respective planning witnesses and at the Inquiry itself as necessary.

Statements of Common Ground

14. As discussed, a detailed statement of common ground (SOCG) will be produced, with topic based SOCGs relating to character and appearance, heritage and planning.
15. The Inspector is keen to ensure that these documents include greater details as to the specific areas of disagreement to give a detailed focus to aid proceedings.
16. For example, the heritage SOCG should set out summary assessments of significance, contribution of setting, impact on setting and areas of disagreement. Historic England, as a Rule 6 Party should also be involved in this. Consideration may be given to a separate, focussed SOCG on the Listed Building Appeals, rather than in the overarching heritage SOCG.
17. The use of tables and bullet point lists is strongly encouraged. The SOCG should be worked up alongside the proofs of evidence in order to give focus and avoid repetition.
18. TFL, although not a formal party to the Inquiry, are also encouraged to collaborate in a topic based SOCG in respect of servicing.

Conditions

19. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be submitted at the same time as the proofs. This should be in word format to allow for written comments to be made as tracked changes.

20. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity.

21. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. It is also expected that the R6 party will have input into these.

Planning Obligations

22. A final draft obligation should be submitted 10 days before the Inquiry opens accompanied by the relevant office copy entries and an updated CIL Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought. Time will be allowed after the Inquiry for submission of a signed version.

Core Documents/Inquiry Documents

23. A list of Core Documents should be agreed between parties and updated as necessary, held on a website hosted by the Council. Parties should work together to ensure that the Core Documents are in an accessible format for local residents and members of public.

24. The Inspector requests that a hard copy of the proofs of evidence as well as any other document parties consider would be better viewed in paper form is sent to the Planning Inspectorate.

25. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by the Inspector. Any new documents produced at the Inquiry will need to be sent to the Inspector via the Case Officer and cross-copied to other parties.

Inquiry Format

26. The format of the Inquiry should be a blended one, with physical attendance and virtual (Teams) attendance for those who do not wish to attend in person.

27. The Inspector is content that witnesses etc can attend either in person or remotely. The Council will host the event and thought should be given to the necessary technology, room layout, camera locations and screens.

28. The event will also be livestreamed so that interested parties are able to view proceedings without having to attend the venue as appropriate.

29. The Council should provide an update on IT arrangements when formalised. Consideration will be given to the need for a 'test event' held before the Inquiry in order to trial the technology at that time.

30. It would be helpful for interested parties to advise the Council if they wish to participate and whether this would be on a physical or virtual basis.

Running Order/Programme

31. In terms of running order, following her opening comments on the first day of the Inquiry, the Inspector will invite opening statements from the main parties.
32. She will then hear from any interested parties who wish to speak, although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one.
33. There will then be a round table session relating to servicing. TFL are invited to attend this session on the 19 July 2022.
34. There will then be a presentation by the scheme architect, by way of introduction to the scheme. This should be on a factual basis only and a 'book of slides' plus topic headings should be sent to parties ahead of the Inquiry.
35. Matters relating to character and appearance, heritage, as well as planning public benefits and balance would then be dealt with through evidence in chief and cross examination and any necessary re-examination. This will begin with the Council, then the Rule 6 Party and then the appellant.
36. On conclusion of that, the Inspector will lead round table discussions on conditions and the planning obligations. This will be followed by closing submissions which should be no longer than 90 minutes. They should set out each parties' respective cases as they stand at the end of the Inquiry, with a written version emailed to the Case Officer. Time will be given in the timetable to allow the advocates to finalise their closing submissions ahead of this session.
37. The Inspector will carry out an informal site visit before the Inquiry, to familiarise herself with the area and visit any key viewpoints ahead of hearing the evidence. This is likely to be on Monday 18 July. An agreed itinerary for this advance visit should be provided.
38. An accompanied site visit will also take place to the appeal site at a time to be agreed with parties during the Inquiry itself. A further unaccompanied visit will also take place, as necessary. Again, suitable itinerary should be agreed between parties for these visits.

Timings

39. Please can parties advise in writing the details of anticipated witnesses as soon as possible. Proofs are to be submitted no later than **21 June** along with the agreed suggested planning conditions. Having considered the points raised at the CMC, the Inspector considers that the SOCGs should ideally be submitted by **21 June**.
40. A final draft of the planning obligation should be provided no later than **5 July** to be accompanied by the updated CIL Compliance Statement and the relevant office copy entries.

41. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **5 July**. 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 SOCG.
42. The advocates are to work collaboratively on the time estimates for each stage of their respective cases and consideration of the suitability of any topics for round table discussion by **28 June**. A draft Inquiry timetable will be produced after this date by the Inspector.
43. 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.
44. The Inquiry is currently scheduled to sit for up to 14 days. It is anticipated that the Inquiry will start at 10am on the first day, with a 9:30am start each day thereafter, and finish around 17:00 each day.
45. Copies of notification letters to interested parties of the Inquiry arrangements should be provided to the Inspector by **5 July**.

Costs

46. No application for costs is currently anticipated by any party at this stage, although parties reserved their right to do so. If an application is to be made, they will be dealt with via a written process, with a timetable set by the Inspector.

C Searson
INSPECTOR

22 April 2022

Annex 1: Summary Timetable:

ASAP	<ul style="list-style-type: none">• Details of proposed witnesses• Council to advise on IT/Blended technology and venue (this is anticipated to be an ongoing matter for consideration as plans progress)• Core Documents list to be agreed between parties and placed on dedicated website• Advise on availability for a potential test event during w/c 11 July. N.B. the Inspector is not available to attend in person on Weds 13 July
21 June 2022	Deadline for submission of: <ul style="list-style-type: none">• proofs of evidence• planning conditions• SOCG (topic based and overarching)
28 June 2022	Deadline for submission of: <ul style="list-style-type: none">• draft timings
w/c 11 July 2022	TBC - Potential event to test technology.
5 July 2022	Deadline for submission of: <ul style="list-style-type: none">• any necessary rebuttal proofs/ further SOCG• final draft planning obligation and relevant office copy entries• CIL Compliance Statement (Council)• a copy of the letter from the Council to interested parties notifying them of the Inquiry arrangements• informal site visit itinerary for Inspector to follow on 18 July
Tuesday 19 July March 2022	Inquiry opens 10.00 am