

APPEAL REF: APP/C5690/W/23/3321935
21-57 Willow Way, Upper Sydenham, Forest Hill, London SE26 4QP

Demolition of existing buildings and redevelopment of the site comprising a block rising to 5/6 storeys accommodating 1,401sqm of employment floorspace (Use Classes E(g)(i)(ii)(iii) at ground and mezzanine floors and 60 residential units (Use Class C3) above, with associated landscaping, amenity areas, cycle, car parking and refuse/recycling stores at 21-57 Willow Way, London, SE26.

**INSPECTOR'S SUMMARY NOTE OF THE CASE MANAGEMENT
CONFERENCE HELD AT 10.00 ON TUESDAY 29 AUGUST 2023 VIA
MICROSOFT TEAMS**

1. The case management conference was led by the Inquiry Inspector, Louise Gibbons.
2. The main parties were represented by:
 - Stephen Morgan for the appellant
 - Charles Merrett for the Council
3. It was confirmed that Stephen Morgan will be the advocate for the appellant during the Inquiry and Charles Merrett will be the advocate for the Council.

Main Issues

4. It was agreed that the main issues are:
 1. Whether there is conflict with the employment policies of the development plan having regard to:
 - The loss of industrial capacity on the site
 - The co-location of residential uses
 - The acceptability of the proposed design for future occupiers
 2. Whether the proposal would cause harm to local heritage assets.
 3. The extent to which the proposal would be of a high-quality design.
 4. Whether the proposal would provide an appropriate affordable housing mix.
 5. Whether the proposal would provide adequate arrangements for access and servicing.

6. Whether the proposal is acceptable in terms of the emerging masterplan area and the wider site allocation.
7. Other considerations that might amount to benefits of the proposal.
8. The extent to which the proposal is consistent with the development plan, and the weight to be attributed to the policies in the emerging development plan; and
9. Whether any harm and/or development plan conflict arising would be outweighed by other considerations.

Format of the Inquiry

5. It was agreed that the Inquiry will be held as a face-to-face event. The Council would be able to facilitate participants being able to present their evidence or participate on a virtual, online basis should this be necessary.

How the main issues will be dealt with

6. Matters 2,3,4 and 5 will be dealt with by way of round table sessions. Matter 4 will be kept under review should viability necessitate the presentation of formal evidence. Matters 1,6,7,8,9 will be dealt with through the formal presentation of evidence and cross-examination. In relation to any planning obligation and conditions it was agreed that these would also be dealt with by round table discussions.
7. The running order of Inquiry will be based on the availability of witnesses and the main parties will need to provide estimated timings for the round table sessions and those dealt with by way of formal presentation of evidence.
8. Subsequent to the CMC, the parties confirmed that their witnesses will be as follows:

Appellant

- Planning: Paula Carney Bsc. (Hons) MRICS, Director, CarneySweeney
- Highways: Mark Kirby BTEC, MSc, Director, Velocity Transport Planning
- Design and Masterplanning: Jason Flanagan, Bsc. (Hons), MA RCA, Partner, Flanagan Lawrence
- Heritage: Andy Shelley, MA, BA, IEMA, Director, PCA Heritage Ltd
- Employment: Richard Kalmar, Managing Director, KALMARs Residential

Council

- Planning/Employment – Antigoni Gkiza (Planning Officer)

- Design – Beth Stevens (Senior Urban Design Officer)
 - Heritage/Townscape – Joanna Ecclestone (Senior Conservation and Design Officer)
 - Highways – Melissa Vento (Principal Transport Planner)
9. As discussed at the conference, the evidence of the appellant will also need to address the other matters raised by consultees and interested parties.

Inquiry Running Order

10. It was agreed that the allocated 6 days would be sufficient to complete the Inquiry.
11. On its first day the Inquiry will open at 10:00. It shall resume at 09.30 on subsequent days. The start time will be kept under review and may switch to 09.00 depending on progress and whether the proceedings are affected by the availability of the room. The final day will take place in a different venue, but this is unlikely to affect the running of the Inquiry.
12. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, she will invite opening statements from the main parties. The Inspector will then hear from any interested parties who wish to speak, with arrangements made if parties are unable to speak at that point in time.
13. The round table sessions on heritage, design, affordable housing and access/servicing (Issues 2,3,4 and 5) will then take place. Formal presentation of evidence on the employment aspects and the planning matters will follow (Issues 1,6,7, 8 and 9).
14. After the main evidence has been heard there will be the roundtable sessions on conditions and planning obligations. Closing submissions should be no longer than an hour and should set out the parties' respective cases as they stand at the end of the Inquiry. The Inspector prefers closings to be submitted in writing.

Planning Obligation

15. Draft Heads of Terms are being agreed. The appellant will need to provide proof of title pursuant to any final planning obligation.
16. The Council shall produce a CIL Compliance Statement containing detailed justification for each obligation sought, setting out how it complies with the CIL Regulations. It shall also include reference to any policy support and, in relation to the payments that would be secured, exactly how they have been calculated and on precisely what the money would be spent.
17. Should there prove to be any need to adjust the planning obligation, a short time will be allowed after the Inquiry closes for that purpose. If

so, details and a timetable will be confirmed during the associated Inquiry roundtable session.

Statements of Common Ground

18. A draft Statement of Common Ground has been provided (dated 18 August 2023). This is likely to be updated to include areas of uncommon ground. It was agreed that it would be helpful to the Inquiry to also produce topic-based Statements of Common Ground focusing particularly on what the outstanding areas of disagreement are and why.

Conditions

19. A list of suggested conditions has been drafted by the Council and is being considered by the appellant. This is a normal part of the Inquiry process. It will be helpful for the round table session on conditions for the parties to indicate where they are agreed and where a condition is disputed. The applicant is to submit express written confirmation of their acceptance of any pre-commencement conditions including if the wording of these change during the Inquiry (this will be included on the final agreed list of conditions).

Core Documents

20. A list of core documents will be agreed. The purpose of the Core Documents (CD) is to avoid the need for witnesses to append documents to their evidence where these are likely to be referred to by more than one witness. They should comprise only those documents to which the parties will be referring. Any Appeal Decisions and/or legal authorities on which the parties rely will each need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry, together with the propositions on which they are seeking to rely, with the relevant paragraphs identified.
21. The Inspector will use a digital version of the proofs in preparation for the Inquiry. The Council will provide a website for the Inquiry which will include proofs and the Core Documents. It would be helpful if the link to this was available at the same time as the deadline for the proofs. That would also allow interested parties to access the material online should they wish. The Inspector requires only an electronic version of Core Documents (i.e., not a hard copy set). Paper copies should be available at the Inquiry venue.
22. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Planning Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided in accordance with the timetable set out below. It is important that any rebuttal proofs do not introduce new issues. The parties should consider whether any matters arising from proofs could be dealt with in a Statement of Uncommon Ground relating to that topic.

Costs

23. At present there are no applications for costs and the Planning Practice Guidance makes it clear that, as a matter of good practice, they should be made in writing to the Inspector before the inquiry. If the parties were intending to apply for costs, they should notify the Inspector before the Inquiry begins. For efficiency at the Inquiry if any subsequent applications for costs are made, these should be in writing.

Site Visit

24. Arrangements will also be made for the Inspector's site visit. At this stage the Inspector intends to conduct the visit on an accompanied basis. This is likely to take place following the round table sessions on heritage and design and the parties will agree an itinerary. Any additional visit that is required by the Inspector may take place unaccompanied.

Timetable

25. A broad outline of the Inquiry programme will be required by the Inspector. This will be informed by the matters outlined in the preceding sections and by the availability of witnesses. The Inspector will finalise a more detail programme before the start of the Inquiry. A timetable for the submission of documents before the Inquiry is as follows:

Date	Submission / Action
3 October 2023 4 weeks before the Inquiry opens	<ul style="list-style-type: none">• All proofs• Core Documents (electronic versions)• Initial draft s106 Agreement
13 October 2023	<ul style="list-style-type: none">• Council to submit a copy of the Inquiry notification letter and list of those notified and site notice
17 October 2023 2 weeks before the Inquiry opens	<ul style="list-style-type: none">• Estimated timings / draft programme• Rebuttals / SoCG (including topic related SoCG)• Key drawings pack (i.e., those likely to be referred to during EiC and XX) (paper and electronic versions)• Final draft S106 agreement• Proof of title (appellant)• CIL Compliance statement (Council)• Draft Site Visit itinerary (parties to agree)
31 October 2023	<ul style="list-style-type: none">• Inquiry opens at 10.00 am

Louise Gibbons

INSPECTOR

1 September 2023