

APPEAL REF: APP/G5180/W/24/3340223

2-4 Ringers Road and 5 Ethelbert Road, Bromley, BR1 1HT

Demolition of existing buildings and construction of a mixed-use development comprising residential units, ancillary residents' facilities (including co-working space) and commercial floor space (Use Class E) across two blocks, along with associated hard and soft landscaping, amenity spaces, cycle and refuse storage (revised scheme incorporating a second stair into Block A and Block B, internal layout and elevational changes, and changes to the on street parking bays and footpath along Ringers Road and Ethelbert Road).

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The case management conference was led by the Inquiry Inspector, Glen Rollings, starting at 10:00 on 17 May 2024.
2. The Inquiry is to be held at the (old) Bromley Civic Centre, Stockwell Close, Bromley BR1 3UH, opening at 10:00 on Tuesday 16 July. It was initially scheduled to sit for six days. Following the conference, eight days have been reserved: from 16 to Friday 19 July, and in the following week from Tuesday 23 to Friday 26 July.
3. The advocates were confirmed as: Christopher Young KC for the appellant, and Anne Williams for the Council of the London Borough of Bromley. No 'Rule 6' parties have yet expressed an interest in participating.
4. The Council is encouraged to draw the attention of interested parties to this Note, including posting a copy on its website.

Confirmation of proposal details

5. The application's description and address (as it appears at the top of this note) were confirmed as being correct.

Probity

6. The Inspector disclosed previous professional employment at the Greater London Authority, ending in 2012. He led a discussion between the parties and invited comments. No submissions were received, and the Inspector considers that no conflict exists.

Main Considerations

7. Main issues have been drawn from the parties' statements of case. Following discussion at the conference, the main considerations for the Inquiry are confirmed as:

- The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the historic environment;
 - Whether the proposed development would provide appropriate living conditions for future occupiers, with particular reference to outlook, daylight, privacy, play space provision, and inclusive design;
 - The effect of the proposed development on the living conditions of surrounding occupiers, with particular reference to outlook, daylight and sunlight, and privacy; and
 - The effect of the proposed development on the local housing supply, with particular reference to the Council's housing land supply position, the provision of affordable housing, and the provision of family accommodation.
8. The Council's reasons for refusal on the non-provision of a planning agreement is likely to fall away prior to commencement of the Inquiry.
 9. The Inquiry will also look at planning matters, to include any benefits to be weighed in the balance, including the heritage balance, together with any implications of not proceeding with the scheme.

How the main issues will be dealt with

10. The evidence will be presented in a mix of round-table interrogative discussions to be led by the Inspector, and formal presentation and cross-examination by the advocates.
11. The design session will follow a round-table discussion format. The parties will collaborate on producing a draft agenda to inform the discussion, which will be submitted to and finalised by the Inspector before the Inquiry opens.
12. The heritage session will be dealt with through the formal presentation of evidence in chief and cross-examination. Matters concerning the heritage balance and its effect on the overall planning balance would be covered in the subsequent planning session.
13. Matters concerning the living conditions of existing (surrounding) occupiers and future occupiers of the development can be heard together, through the formal presentation of evidence in chief and cross-examination.
14. At the conference, the local housing land supply position and affordable housing were discussed, with the parties at varying stages of (dis)agreement on these matters. On reflection, the Inspector considers it appropriate to deal with these (together with evidence on the housing mix) through formal presentation of evidence in chief and cross-examination, in a conjoined 'housing matters' session. It will be for the parties to continue to collaborate to minimise the amount of evidence needing to be tested at

the Inquiry. Due to witness availability, this session will take place in the first week of the Inquiry.

15. Towards the end of the Inquiry, the session concerning planning matters will be dealt with through the formal presentation of evidence in chief and cross-examination. Matters of policy, any benefits and the overall planning balance will be covered. Any outstanding matters, including those raised by interested parties, should also be incorporated within this session.
16. Separate topic-specific statements of common, but more particularly uncommon ground, are required in relation to each of the main issues, together with a statement covering the other planning issues. The appellant is to take the lead in the preparation of those statements, liaising with the Council and Rule 6 parties. These are expected to be finalised and agreed by all parties by exchange of proofs of evidence.
17. As previously advised, proofs of evidence of more than 1,500 words should be accompanied by a summary proof. This can be provided as either a separate document or as a preface to the main proof.

Conditions

18. An agreed 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 should take the lead on preparing the list, in discussion with the appellant and the Rule 6 parties. You will need to pay careful attention 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. You are reminded in this regard that as set out in the National Planning Policy Framework, 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. The reasons for any pre-commencement conditions will need to include that justification.
19. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. These will be addressed in a round-table discussion.

Planning Obligation

20. A final agreed draft of the planning obligation is to be submitted shortly before the Inquiry opens. This will be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. That statement is to set out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate a particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent. For any financial contributions, whilst the pooling restriction has been rescinded, the Statement will still need to set out whether any relevant schemes are the

subject of other financial contributions in order for the Inspector to be able to come to a view as to whether any contribution sought in relation to this application is properly justified. The obligation will be discussed in a round-table session.

21. The Inspector will require a fully signed and dated version of the planning obligation to be submitted to him by the close of the Inquiry or, exceptionally if any changes are to be made, shortly thereafter.

Core Documents

22. The parties will discuss and agree a list of core documents in advance of preparing their proofs so they can be properly referenced therein. That list is to be co-ordinated by the appellant and must be submitted to the Inspector with the proofs. A suggested template for that list is attached.
23. The Core Documents should comprise only those documents to which you will be referring and do not need to include a copy of the National Planning Policy Framework or deal with areas where there is no dispute. 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.
24. 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.
25. The Inspector will require one hard copy of each of the proofs, together with an A3 copy of any appropriate plans and townscape-related documents, which should be sent to the Inspectorate at the same time as the electronic version. The appellant agreed to supply a hard copy set of the Core Documents on Inquiry opening to form an Inquiry library, which can be accessed by the or interested parties at the event.
26. Any necessary documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, which the Inspector will administer. A minimum of two hard copies of any new documents will be required: a copy each for the other main party and for the Inspector, with extra copies to be made available to assist interested parties if necessary.
27. An Inquiry website will be administered by the Council, on which core documents will be made publicly available, and this will be updated during the Inquiry. The Council is requested to provide an easily accessible link to this on its main planning website.

Inquiry Running Order and Programme

28. After the first day of the Inquiry, proceedings will resume at either 09:30 or 10:00 (depending on progress) and will adjourn each day no later than 17:00.
29. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, he will invite short opening statements from the appellant first, followed by the Council, which will establish the matters to be discussed during the proceedings. 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. Should any interested party wish to address the Inquiry on any other day, the Inspector will seek the co-operation of the advocates to accommodate such requests.
30. It would be useful for site visit to take place prior to the the design and heritage sessions. This will be an accompanied site visit for the Inspector to see the site and its surroundings, and any other sites of interest. He will not hear any representations/discussion/arguments during the visit, but parties can point out physical features. It is important that you give some thought as to where you wish him to see the site from, with a route map/schedule to be agreed between the parties, led by the Council, and provided as a core or Inquiry document.
31. Main issues will be dealt with on a topic-by-topic basis, with the formal sessions commencing with the examination-in-chief, cross-examination and re-examination of the Council's witness on that issue, followed by the same method for the appellant's witnesses.
32. Lastly in terms of evidence, matters relating to planning policy, any benefits to be weighed in the planning balance, including any implications of not proceeding with the scheme, and the overall planning balance will also be dealt with through evidence-in-chief and cross-examination. The appellant's evidence should also address any other matters raised by interested parties during the Council's various consultations and those raised at the Inquiry.
33. On conclusion of that, the Inspector will lead a 'round-table' discussion on conditions and provisions of the planning obligation. That will be followed by closing submissions (Rule 6 Party, then the Council, finishing with the appellant) which should set out your respective cases as they stand at the end of the Inquiry. A written copy should be handed to the programme officer at the time and recorded as an Inquiry Document, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
34. The Rule 6 parties are encouraged to collaborate on the delivery of their evidence, to avoid duplication and to make the most efficient use of Inquiry time.
35. The Council confirmed that the Council chamber is equipped with accessibility features and that retiring rooms would be available for the Inspector and main parties.

Document Final Submission Dates

36. As discussed in the Conference, the Inspector will seek the parties' collaboration on the production of a draft timetable with witness timings to be submitted by no later than **4 June 2024**. This will confirm the number of days over which the Inquiry will run. The Inspector will approve the timetable with any necessary suggestions for amendment. Other than in exceptional circumstances, you are expected to keep to the timetable and other timings set out in this note, which will require the cooperation of both advocates and witnesses.
37. As set out in the start letter, all proofs are to be submitted no later than **18 June 2024**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note. Agreed statements of common ground for each of the main issue topics should also be submitted at this time, together with the list of core documents, and an agreed schedule of conditions.
38. The Council is to ensure that a copy of the Inquiry notification letter and a list of those notified is sent to the Planning Inspectorate no later than **25 June 2024**.
39. 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 **2 July 2024**. 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.
40. A final draft planning obligation and all relevant office copy entries should also be provided by this date, together with a draft agenda for the round-table character and appearance session.

(continued overleaf)

No later than 4 June 2024	Deadline for submission of: <ul style="list-style-type: none"> • a draft timetable.
No later than 18 June 2024	Deadline for submission of: <ul style="list-style-type: none"> • all proofs of evidence, appendices and summaries; • statements of common ground; • an agreed list of suggested planning conditions in Word format; and • a core documents list, submitted in Word format.
No later than 25 June 2024	Deadline for submission of: <ul style="list-style-type: none"> • the Council's Inquiry notification letter and list of recipients.
No later than 2 July 2024	Deadline for submission of: <ul style="list-style-type: none"> • any addendum/revised statements of common ground or necessary rebuttal proofs; • a final draft legal agreement or Unilateral Undertaking, including office copy entries and accompanying documents; and • a draft agenda for the character and appearance round-table session.
Tuesday 16 July 2024	Inquiry opens 10.00 am.

Costs

41. No application for costs is anticipated by any party at this stage. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. 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 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.

Close

42. Thank you for your co-operation.

Glen Rollings 17 May 2024

ANNEX – TEMPLATE FOR CORE DOCUMENTS LIST

(Headings / subheadings may be adapted to suit)

1 Application documents and plans

CD1.1
CD1.2
etc

2 Additional/amended reports and/or plans submitted after validation

CD2.1
CD2.2

3 Committee report and decision notice

CD3.1 Offer's report and minute of committee meeting
CD3.2 Decision notice
CD3.3

4 The Development Plan

CD4.1 Local Plan policies
CD4.2 London Plan policies
CD4.3 Supplementary planning documents
CD4.4

5 Relevant appeal decisions*

CD5.1
CD5.2

6 Relevant judgements*

CD6.1
CD6.2

7 Appeal documents

CD7.1 Statements of common ground
CD7.2 Proofs of evidence

8 Pre-Inquiry documents

CD8.1 Inspector's pre-conference note
CD8.2 Inspector's case management conference agenda
CD8.3 Inspector's case management conference summary

8 Other

CD8.1
CD8.2

*Any appeal decisions or judgements/citations on which a party intends to rely must each be prefaced with a note explaining its relevance to the issues arising in the current case, together with the propositions relied on, with the relevant paragraphs marked up.