



PRE-CONFERENCE NOTE [with post conference annotations]

Inspector – D R McCreery BA MA MRTPI

Appeal Ref: APP/H5960/W/24/3358065

Site address : 41-49 Battersea Park Road (Booker Cash & Carry) and 49-59 Battersea Park Road (the former BMW Car Service Garage), London, SW8 5AL

Proposal : Application for Phased Full Planning Permission for: Demolition of all existing buildings and construction of three new buildings, together comprising Residential (Use Class C3) and Student Accommodation (Sui Generis) along with Commercial, Business and Service (Use Class E) and/or Local Community and Learning (Class F) floorspace. Associated works include hard and soft landscaping, car parking and new vehicular access / servicing, and other ancillary works.

Case management conference (CMC) : 10.00, 4 March 2025, online

1. Introduction

- 1.1 I will lead the CMC, with this note providing the agenda/basis for the discussion. I will ask one spokesperson from each party to be primary representative for that party.

[The CMC went through this note. I have annotated the note with bracketed comments in blue to summarise anything additional from the CMC].

[On the CMC call Ruben Taylor KC spoke on behalf of the Appellant, and Mark O'Brien O'Reilly for the Council. Others from both sides were in attendance but did not contribute to the discussion].

- 1.2 The purpose of the CMC is to assist with the efficient management of the upcoming event in the interests of making the best use of inquiry time.
- 1.3 The merits of any party's case must not be discussed. I will interrupt if I feel the discussion is straying into that.
- 1.4 I will issue a further short note summarising the discussion following the CMC (likely to also repeat some of the material from this note).

- 1.5 The Council should arrange for the CMC notes to appear on their website alongside other appeal material.

2. Inquiry dates and participation

- 2.1 The inquiry start letter is dated 22 January 2025. It states that the inquiry is scheduled to open on Tuesday 29 April 2025 and to sit for 4 days. Tuesday 6 May is held in reserve for sitting should it assist the Inquiry. Unless otherwise agreed/indicated all days will start at 10am.

[Start date and sitting days were agreed, with the flexibility to sit virtually on 6 May if needed (for example, to hear closings). The Council took an action to update and re-send the appeal notification letter to include reference to the 6 May being available for virtual sitting].

- 2.2 I will ask about these timings in light of my expectation that the Council and the Appellant have continued to work proactively together to narrow the areas of disagreement and will now have a clearer idea on timings/witnesses/etc.

- 2.3 I will ask the main parties to provide details of their advocates and witnesses, during the CMC and afterwards in writing. I will use that information, and the discussion more broadly, to form a draft programme for the inquiry (which will be iterated over time with the main parties as necessary).

[Mr Taylor will appear for the Appellant and Isabella Tafur for the council. Mr Taylor may call four expert witnesses on the topics of design, daylight and sunlight, student housing need, and planning. Ms Tafur may call one expert witness on the topic of planning. I will use these pronouns at the inquiry unless notified differently. Others may assist during roundtable sessions].

- 2.4 I will be giving interested parties the opportunity to speak at the inquiry and will set out how that will be arranged at the start of the event. My intention is to schedule a dedicated opportunity for interested parties to speak after main party opening statements on day 1. The inquiry is a public event and anyone is welcome to attend. [Other interested parties wishing to address the inquiry will be given the opportunity to do so on day 1 after opening statements].

- 2.5 At the CMC I will ask the parties to give a general feel for likely levels of participation from other interested parties, to help inform the inquiry programme and timings. [We discussed likely levels of wider interest in the context of timings].

3. Main Issues and preliminary procedural questions

3.1 Based on my review to date of the material currently submitted, and with particular regard to paragraph 1.2 of the Council's statement of case, the main issues appears likely to be:

3.1.1 *The effect on the living conditions of occupiers of properties at New Mansion Square.*

3.1.2 *Whether the proposal is acceptable in land use terms, paying regard to housing need.*

3.2 At the CMC I will ask for clarification on the following matters:

3.2.1 *Whether para 3.1 above represents a fair description of the main issues as they currently stand, in addition to any necessary consideration of the planning balance. [The parties agreed that 3.1 is a fair reflection of the main issues].*

3.2.2 *Progress on agreeing an initial overarching statement of common ground and timing for submission and whether any topic specific statements of common ground will assist the Inquiry.*

[The overarching statement of common ground is in circulation. It is unlikely to be agreed by 7 March. The revised deadline is **Thursday 20 March**.

The Inspector indicated that a topic specific statement of common/uncommon ground on living conditons would assist the inquiry and commissioned the parties to work proactively to agree one. The statement should make the extent of dispute between the main parties clear, with identification of specific spaces/windows and clarity around the basis of concern. Supporting reference to visual material may also assist. The deadline for submission is **Thursday 20 March**].

3.2.3 *Whether areas of dispute are likely to be narrowed further ahead of the inquiry. [Nothing indicated]*

3.2.4 *Whether there are other issues that merit specific consideration at the inquiry. [Nothing indicated]*

3.2.5 *Clarification on the site address (the planning application form says '41-49 Battersea Park Road (Booker Cash & Carry) and 49-59 Battersea Park Road (the former BMW Car Service Garage), London, SW8 5AL'. The appeal form says 'Booker Cash & Carry 41 Battersea Park Road London SW8 5AL'. [The site address was confirmed as '41-49 Battersea Park Road (Booker Cash &*

Carry) and 49-59 Battersea Park Road (the former BMW Car Service Garage), London, SW8 5AL'.]

- 3.2.6 *As the case is an appeal against non-determination, I will ask the Council to provide their assessment against the development plan of all matters that are not in dispute. [The Council indicated that this matter would be addressed in their planning proof of evidence].*
- 3.2.7 *Progress towards finalising the draft planning obligation. [A draft is in circulation].*
- 3.3 I will ask that all parties continue to communicate with one another on an ongoing basis in the run up to the event to seek to narrow the issues for discussion further and refine a running order.

4. Dealing with main issue and related matters

- 4.1 At the CMC we will discuss the most appropriate format for the main issues and related matters. My starting assumption is that the main issues identified at para 3.1 will be dealt with via presentation of evidence and cross examination. We will talk about the handling of other sessions in more detail at the CMC.

[The following format for hearing the evidence was discussed at the CMC:

- Design, daylight and sunlight, student housing need, and planning - presentation of evidence
- Other matters – roundtable
- Conditions and obligations – roundtable

Presentation of evidence will be on a witness by witness basis.

I will review the evidence further and notify the parties should I have further thoughts about how the evidence should be presented. The parties should do likewise as their cases evolve.

Based on the above, and the discussion on timings at the CMC, I have set out an indicative inquiry programme at **Annex 2** of this note. The programme is a starting point for further discussion about timings, it is subject to change and final consideration of timings by the parties].

- 4.2 I will rely on written evidence submitted as part of the application documents, statements of case and statement of common ground to address matters not discussed at the inquiry. Main parties should be prepared to answer questions on other matters where appropriate, particularly in light of it being a non-determination appeal. [This would be dealt with principally in the other matters

roundtable and in response to contributions from other interested parties on day 1].

4.3 Regardless of the matters in dispute, points raised at the event by local residents and other interested parties will also need to be responded to. As mentioned above, my intention is to schedule an opportunity for interested parties to speak after opening statements. There may be other opportunities for involvement during the event, which I would signal.

4.4 At the CMC I will ask the parties about their views on timings for closings.

[The possibility of virtual closings was discussed, with 6 May being a logical time. Where virtual closings are accommodated the Council remains responsible for hosting the meeting and ensuring that other interested parties can access it. Written copies of closings should be submitting to the Case Officer at the Inspectorate at least 15 minutes prior to the start of the meeting].

5. Timetable for further submissions

5.1 The deadlines and dates in the inquiry timetable are as follows.

Date	To be submitted/carried out
30 January	<ul style="list-style-type: none"> - Appeal notification letter to other interested parties <i>[Note – I have a copy of the Council’s notification letter dated 30 January.</i> <p><i>It does not specify the potential for siting virtually on 6 May if needed. I will ask for the letter to be updated and sent to parties to correct this. [See note at 2.1 above. The Council took an action to rectify this].</i></p>
26 February	<ul style="list-style-type: none"> - Council’s statement of case
7 March 20 March	<ul style="list-style-type: none"> - Overarching statement of common ground
1 April	<ul style="list-style-type: none"> - Proofs from both parties.
11 April	<ul style="list-style-type: none"> - A final draft of any s106 agreement (paying regard to bank holidays that fall before the Inquiry)
29 April	<ul style="list-style-type: none"> - Inquiry opens

5.2 At the CMC I will ask about these timings as well as timings for the following :

5.2.1 *Any topic specific statements of common ground that might be needed.*
[Deadline – 20 March]

5.2.2 *Estimated timings from the advocates.* [\[Deadline - 22 April\]](#)

5.2.3 *Rebuttals (I am not inviting rebuttal evidence but will ask about that at the CMC if the parties agree to rebuttals being submitted in this instance).* [\[Deadline - 15 April for both parties\]](#)

5.2.4 *Initial core document list to be submitted by the Appellant and then agreed by the Council and published on an inquiry webpage along with other inquiry material (including this note).* [\[Deadline - 12 March\]](#)

5.3 I will confirm the final inquiry programme in the week prior to the inquiry. This will be based on a draft programme that will be attached to my post CMC note following our discussion. Any pre-inquiry note from me may be issued alongside the final programme.

5.4 The efficient running of the inquiry of course relies on advocates keeping to their time estimates and notifying me early of any issues they see. As ever, I am very grateful for this assistance.

6. Documentation and core documents

6.1 The attached **Annex** sets out the preferred format and content of proofs and other material. I will ask the parties if they have any questions about this.

6.2 In addition, it is of assistance to me if the parties agree a common scale that will be used in proofs to address the issue of weight in any planning balance. I can be flexible, but will suggest the following is used:

[None/Limited/Moderate/Significant/Substantial](#)

6.3 I will ask about this at the CMC. [\[Agreed\]](#)

6.4 Any matters raised by interested parties will, initially, need to be addressed in a written proof on behalf of the Appellant who may need to field a witness/witnesses at the inquiry to take questions from local residents and/or me. That proof is to be submitted in line with the deadline for other proofs. [\[The Appellant indicated that this would be included in their planning proof\].](#)

6.5 All documents should be available digitally, hosted on the Council's website. The main parties should liaise to ensure there is a common numbering system for inquiry documents, which can be referenced in proofs of evidence, and is consistent with a core documents web page. The Council should provide me with a link to the web page as soon as possible after the CMC. I would emphasise the importance of an agreed core document library. I will ask about timings for putting a library together at the CMC, for the Appellant

to lead on that and for a deadline for an initial list to be sent to the Council to be agreed at the CMC.

[The Appellant will lead on putting together a Core Documents list, the Council will agree and publish it. The deadline for the initial list from the Appellant is **12 March**. The Council should provide me with a link to the inquiry web page as soon as possible after 12 March. Once published, additional documents may only be added with my agreement].

- 6.6 A copy of this note should be included on the relevant webpage, and any subsequent note or notes from me.
- 6.7 In terms of hard copies, I would ask that main parties provide one hard copy of all proofs to be available at the inquiry itself. The appellant is also requested to provide one hard copy of the application plans in the same manner. [Hard copies of proofs should be available at the event for interested parties. The facility to view core documents should also be provided, which may be electronically].
- 6.8 Hard copies of the proofs should also be provided for me as soon as they are available to the relevant deadline.

7. Venue

- 7.1 At the CMC I will ask the Council to confirm details of the venue. I will also ask some general questions about the venue – e.g the size and suitability for the likely number of attendees, adaptability to accommodate different event formats and needs of attendees, provision for people to dial in, Wifi availability, flexibility in the event that we need to sit later than expected. [The Council indicated that the main chamber should be available on the Monday, Tuesday, and Friday. A smaller (but adequate) room will be available on the Thursday].
- 7.2 I will ask the Council to confirm feasibility should arrangements for sitting virtually be necessary/desirable (for example to accommodate closings). In this instance, the Council would remain responsible for organisation, including setting up virtual meetings and distributing links to all parties. The Council should be mindful of the Planning Inspectorate’s Guidance for hosting virtual events¹.

8. Planning conditions

- 8.1 Without prejudice to the outcome of the appeal we will need to consider conditions. I note the Council’s reference to agreeing conditons in their

¹ <https://www.gov.uk/government/publications/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate/guidance-for-local-planning-authorities-hosting-virtual-events-for-the-planning-inspectorate#introduction>

Statement of Case and will ask about that. [Anticipated to follow as part of the overarching statement of common ground].

9. Site visit

- 9.1 I will undertake a site visit. I would welcome views at the CMC as to the best approach to undertaking the visit (including whether accompanied or not, and as to any suggested itinerary). [To be kept under review, but an accompanied site visit is likely, with the parties agreeing an itinerary in advance].

10. Costs

- 10.1 The parties will be asked whether they intend to make an application for costs. All costs applications must be made before the inquiry is closed, but as a matter of good practice costs applications should be made in writing before the start of the inquiry. [The Appellant indicated a potential application for costs. This should, wherever possible, be submitted in writing].

11. Any other procedural matters

- 11.1 I will happily address any other administrative matters at the CMC not set out above. All that remains is to thank you in advance for your participation in the CMC.

D.R. McCreery

INSPECTOR

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;
- where case law is cited in the proof, include the full Court report/ transcript reference and cross refer to a copy of the report/ transcript which should be included as a core document.

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 proposals' 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.
- Proofs are to be spiral bound or bound in such a way as to be easily opened and read.
- Appendices are to be bound separately.

- Appendices are to be indexed using **projecting tabs**, labelled and **paginated**.

Annex 2

Early suggested draft of inquiry programme

- **Suggested based on CMC discussion. Subject to further consideration and discussion between the parties on timings and areas in dispute.**
- **The inquiry programme will be iterated and updated as we move closer to the event. This draft programme is for discussion purposes only.**

Tuesday 29 April 2025 – 10:00 start (face to face)

<i>Subject</i>	<i>Item</i>	<i>Speakers/ participants/ witness</i>
Introduction	Inspector	Mr McCreery
Opening submissions	Appellant	Mr Taylor
	Council	Ms Tafur
Statements	Interested parties	Various
Short clarification on: (i) extent of dispute (ii) evidence and documentation	Roundtable format	Various
Council witness 1	Evidence in chief	Witness 1
	Cross examination	Witness 1
	Re examination	Witness 1

Wednesday 30 April 2025 – 10:00 start (face to face)

<i>Subject</i>	<i>Item</i>	<i>Speakers/ participants/ witness</i>
Introduction	Inspector	Mr McCreery
Appellant witness 1	Evidence in chief	Witness 1
	Cross examination	Witness 1
	Re examination	Witness 1

Appellant witness 2	Evidence in chief	Witness 2
	Cross examination	Witness 2
	Re examination	Witness 2

Thursday 1 May 2025 – 10:00 start (face to face)

<i>Subject</i>	<i>Item</i>	<i>Speakers/ participants/ witness</i>
Introduction	Inspector	Mr McCreery
Appellant witness 3	Evidence in chief	Witness 3
	Cross examination	Witness 3
	Re examination	Witness 3
Appellant witness 4	Evidence in chief	Witness 4
	Cross examination	Witness 4
	Re examination	Witness 4

Friday 2 May 2025 – 10:00 start (face to face)

<i>Subject</i>	<i>Item</i>	<i>Speakers/ participants/ witness</i>
Introduction	Inspector	Mr McCreery
Other matters	Roundtable format	Various
Conditions	Roundtable format	Various
Costs (if any)	Roundtable format	Various
Site visit (if accompanied)	On site	Various

Tuesday 6 May 2025 – 10:00pm (virtual)

<i>Subject</i>	<i>Item</i>	<i>Speakers/ participants/ witness</i>
Introduction	Inspector	Mr McCreery

Closing submissions	Council	Ms Tafur
	Appellant	Mr Taylor
Inquiry close	Inspector	Mr McCreery