

Appeal Ref: APP/C1760/W/23/3342514

SUMMARY NOTE AND DIRECTIONS ARISING FROM:

Case Management Conference (CMC) held on 10 June 2024 at 10:00am

Edwina Mountbatten House, Broadwater Road, Romsey, Hampshire, SO51 8GH

The appeal relates to an appeal against the decision of the Council to refuse planning permission described as:

Redevelopment for retirement living accommodation for older people comprising 47 retirement apartments including communal facilities, access, car parking and landscaping.

The appeal is made by: Churchill Retirement Living Ltd

The Council's application reference is 23/01700/FULLS

Spokesperson for the Council: Sioned Davies

Spokesperson for the Appellant: Christopher Boyle KC

Procedural Matters

1. The inquiry is scheduled to open at 10:00 am on 13 August 2024. The inquiry is scheduled for 5 sitting days and all parties at the CMC agreed that this would be adequate time for the inquiry overall. The Council confirmed that notification is in hand and copies of documents will be sent to the Planning Inspectorate (PINS) as required.
2. The Council confirmed that the venue would be The Annexe, Crossfield Hall, Broadwater Road, Romsey SO51 8GL which is located next to the appeal site. There is plenty of parking available for attendees at the adjacent pay and display car park. The Council confirmed that the venue would be accessible to all and necessary equipment would be available, such as microphones, hearing loop and internet connection.
3. The inquiry will open at 10.00 on day 1 and 09.30 on subsequent days. In general, I will aim to finish each day at around 17.00, apart from day 4 (Friday 16 August 2024), where we shall look at finishing earlier. The inquiry will take place in person across for four of the five days based on

the draft running order with the site inspection likely to be undertaken at the end. Although, given the proximity of the site to the venue, this may be subject to change, depending on the progress of the event. The fifth sitting day on Tuesday 20 August will be in the form of virtual closings and any overrun, such as planning conditions and/or planning obligation. Nonetheless, the Council have advised the venue is available to accommodate the inquiry across the scheduled days.

4. The Council confirmed that the venue does not have provision for recording or livestreaming and as such this was not planned for the inquiry. The Council confirmed that it would make provision for members of the public to access core documents either in hard copy or via a laptop in the room. Proofs of evidence and the statement of common ground will be made available in the room by both teams.
5. No signed statement of common ground was submitted with the Council's statement of case as required by the Rules. It was agreed that this would be submitted by **16 July 2024**. The core document list shall also be agreed by this date and the Council and Appellant teams will work together to ensure the inquiry website is in place and core documents are placed on it. The link will be sent to the PINS case officer no later than **16 July 2024**. The Appellant confirmed that they would take responsibility for the inquiry document (ID) list and work with the Council to ensure the website is kept up to date during the inquiry.
6. As agreed at the CMC, the appointed Inspector would like hard copies of the proofs of evidence, key core documents, statements of common ground and plans. The appellant team confirmed they would provide a bundle of appeal documents in this regard.

Main issues and evidence

7. The procedure at the inquiry will generally follow the 2000 Inquiry Procedure Rules. Based on the content of the evidence to date² and the views expressed at the CMC it was agreed that the evidence would be best heard on a topic-by-topic basis.
8. The main issues as set out in the Inspector's pre CMC note were broadly agreed. The additions to this being:
 - The amendment to the first suggested main issue to align it more closely to the reason for refusal by omitting reference to character and appearance.
 - It was agreed that the 'heritage assets' in addition to the Romsey conservation area referenced in the first refusal reason (RfR 1) on the Council's decision notice would be identified by the Council and

this information provided to the Appellant team without delay.

- As discussed at the CMC, dependant on the ongoing discussions between the parties reason for refusal no's 3 to 7 may fall away if the content of the planning obligations can be agreed.
- If there is still dispute on the substance of the planning obligation, the appellant may seek to introduce evidence from their viability witness.
- The Appellant intends to address any other matters either within their planning evidence or with specific notes from specialists appended to it.

9. Whilst based on the discussions at the CMC, the views expressed, and given the change to the wording of the first main issue, the inquiry will proceed as follows:

- Introduction
- Opening statements (Appellant, Council)
- Interested parties
- Council's witness Heritage
- Appellant's witness Heritage
- Council's witness Living conditions
- Appellant's witness Living conditions
- Council's witness Designated sites (if necessary)
- Appellant's witness Designated sites (if necessary)
- Council's witness Planning
- Appellant's witness Planning
- Conditions and Planning Obligation – round table session
- Closing Statements (Council, Appellant)

10. The advocates confirmed that their teams would provide updates on matters that no longer remain in dispute. These will be sent to the PINS case officer for the attention of the Inspector at the earliest opportunity.

11. The advocates are to work collaboratively on their time estimates for each stage of their respective cases. Other than in exceptional circumstances, you are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses. As discussed at the CMC the advocates should give the order of witnesses consideration, discuss broad times, if possible, with a final version of the timetable to be completed following the exchange of proofs and sent to the PINS case officer by **2 August 2024**. It is expected that advocates take ownership of the timetable and stick to it.

12. The main statement of common ground will be provided by **16 July 2024**. Any topic based statements of common ground will also be produced and provided no later than **16 July 2024** with the proofs of evidence.
13. A draft planning obligation was not submitted before the CMC took place. A copy of the final obligation/draft, agreed by all parties to it, must be submitted no later than **2 August 2024** before the inquiry opens, along with a CIL compliance statement. Mr Boyle indicated that any obligations may include 'blue pencil clauses' that can be included or struck out by the Inspector depending on the conclusions drawn as to their necessity.
14. The site inspection itinerary will be started by the Appellant team, shared with the Council and then sent on to the Inspector no later than **30 July 2024**. This will identify those elements that need to be accompanied/with access given within the site itself and those that can be done unaccompanied by the Inspector.
15. The Appellant confirmed at the time of the CMC they intend to reserve their right to make an application for costs and such a submission will be dependent upon discussions leading up to the event. If an application is to be submitted, an application should be made in writing in advance of the inquiry. If this is not possible due to the ongoing discussions between the parties, notification of an intention to submit a costs application should be made at the earliest opportunity along with the application in writing. It was agreed at the CMC that in such circumstances, all applications and replies should be submitted by the last day of the event on **20 August 2024**. Although, there was agreement between the parties that should any party require additional time in this regard, it could be dealt with via a written process following the close of the Inquiry.
16. However, in addition to the above, in order to support an effective and timely planning system in which all parties are required to behave reasonably, you are reminded that the Inspector has the power to initiate an award in line with the Planning Practice Guidance. Unreasonable behaviour may include not complying with the prescribed timetables.
17. The Inspector thanked everyone for their participation and assistance. The CMC ended at 11:15am. Please could the Council ensure that a copy of this note is made available on its website.

W Johnson

INSPECTOR

Annex A

Timetable for document submission

1 July 2024	Deadline for submission of: <ul style="list-style-type: none">• If not already provided, the details of heritage assets as outlined in RfR 1, including the identified level of harm.
16 July 2024	Deadline for submission of: <ul style="list-style-type: none">• All proofs;• Final statement of common ground;• Topic based statements of common ground;• Suggested conditions with comments from Appellant if areas of disagreement exist; and,• Final agreed core documents list and website link.
30 July 2024	Deadline for submission of: <ul style="list-style-type: none">• Any necessary rebuttal proofs;• Site inspection information; and,• Template for inquiry timetable issued by PINS for parties to fill in.
2 August 2024	Deadline for submission of: <ul style="list-style-type: none">• Final planning obligation;• CIL compliance statement; and,• Final timings and any comments on timetable for consideration by the Inspector.
13 August 2024	Inquiry opens at 10:00am