

## **PRE-INQUIRY NOTE**

### **CASE REF. NOS.**

**APP/H5960/V/09/2099671, 2099695, 2099698 & 2099672.**

**LAND AT RAM BREWERY, WANDSWORTH HIGH STREET;  
CAPITAL STUDIOS, WANDSWORTH PLAIN AND DUVAL WORKS,  
ARMOURY WAY; COCKPEN HOUSE, 20-30 BUCKHOLD ROAD**

## **INTRODUCTION**

1. The lead Inspector for the Inquiry will be Mr Colin Ball DArch(Dist) DArch(Cons) RIBA IHBC FRSA. He will be assisted by Mr Stephen Roscoe BEng MSc CEng MICE. Mr Ball has been appointed by the Secretary of State for Communities and Local Government to prepare a report and recommendations on the above matters following the Inquiry.
2. The purpose of this note is to help the parties prepare for the Inquiry and to enable the proceedings to be conducted smoothly and as efficiently as possible.

## **PROPOSAL**

3. The applications to be considered at the Inquiry have been given the following Ref. Nos. by the London Borough of Wandsworth: 2008/0955; 2008/0964; 2008/0969 & 2008/0960. Details of the proposal are set out in the applications.
4. Any changes to the proposal since the applications were called in should be brought to the attention of the Case Officer<sup>1</sup> at The Planning Inspectorate as soon as possible.
5. The Government Office for London has considered the adequacy of the submitted EIAs and is satisfied that the likely environmental effects of the proposed development have been properly assessed.

## **MAIN ISSUES**

### **Matters to be Addressed**

6. The matters on which the Secretary of State particularly wishes to be informed, as identified in the call in letter dated 18 February 2009, are:
  - a. the extent to which the proposed development is consistent with Government policies in PPS1: *Delivering Sustainable Development* and accompanying guidance *The Planning System: General Principles*. In particular, whether the design principles

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<sup>1</sup> Sian Evans, Case Officer – The Planning Inspectorate, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

in relation to the site and its wider context, including the building heights, layout, scale, open space, visual appearance and landscaping, are appropriate in their context;

- b. the extent to which the proposed development accords with national planning policy guidance in PPS3: *Housing*, in particular with regard to:
    - i. policies on affordable housing (paras 27-29);
    - ii. meeting the needs of the whole community, widening housing opportunity and creating mixed communities (paras 20-24); and
    - iii. promoting good design in new housing developments (paras 12-18);
  - c. the extent to which the proposed re-development is consistent with the advice in PPG13: *Transport*, particularly on:
    - i. the adequacy of the Transport Assessment submitted in accordance with paras 23-27 of PPG13; and
    - ii. the ability of the public transport system to cope with the extra demand;
  - d. the extent to which the proposed development accords with national policy guidance in PPG15: *Planning and the Historic Environment*, in particular with regard to the likely impact of the proposal on the character or appearance of the Wandsworth Town Conservation Areas, the setting of listed buildings and on the immediate surroundings;
  - e. whether the proposed development is in accordance with national policy on hazardous installations as set out in DETR Circular 04/2000: *Planning Controls for Hazardous Substances*;
  - f. whether the proposed development accords with the relevant provisions of the London Plan – Spatial Strategy for Greater London Consolidated with Alterations since 2004 (February 2008);
  - g. whether any permission should be subject to conditions and, if so, the form they should take; and
  - h. any other relevant material planning considerations.
7. In addition to the above matters, evidence should be provided to show whether the proposal is consistent with key planning objectives related to climate change (PPS1 Supplement), including decentralised or renewable energy provision (PPS22: *Renewable Energy*) and the overall sustainability performance of the proposed dwellings (The Code for Sustainable Homes).

8. The Rule 6 Statements submitted by the Council and the applicant are considered to have insufficient detail and precision. The provision of adequate evidence to the Inquiry should be addressed in the preparation of the proofs of the intended witnesses.
9. It is considered likely that much of the evidence can be agreed between the main parties. The Mayor of London has suggested a three party SoCG<sup>2</sup>, and this may be beneficial to the smooth running of the Inquiry. It should not however dilute the need to fully address the matters raised in the call in letter and this note.
10. Where technical witnesses are covering the same areas of expertise, it may be useful for them to meet to agree appropriate sections of the SoCG. This may be particularly relevant in respect of the HSE<sup>3</sup> evidence.

### **Conditions**

11. The main parties should jointly consider any conditions they may feel are appropriate prior to the Inquiry, and to submit a schedule of draft conditions together with their status at an early a stage as possible during the Inquiry. The schedule should also be submitted electronically in an MS Word format. The submission of such a list however will not bind the parties to any particular position on conditions.

### **Section 106 Undertakings/ Agreements**

12. Any Section 106 agreements or undertakings will need to be completed before the close of the Inquiry in order for them to be taken into account in the Inspector's report.

### **VENUE AND ACCOMMODATION**

13. The venue for the Inquiry will be in Wandsworth town centre, London. The parties will be advised of venue details in due course. In the Inquiry room, witness tables should be provided on either side of the Inspectors' table, and the Council should consider whether pa facilities will be necessary. The Council should also arrange for retiring rooms to be available for the Inspectors and the main parties during the Inquiry, together with convenient and secure overnight and weekend document storage facilities. The parties should liaise with the Council to determine suitable arrangements. Convenient copying facilities should also be available.

### **SITTING TIMES AND PROGRAMME**

14. The Inquiry will open at 10 a.m. on Tuesday 3 November 2009. On subsequent days, normal sitting times will be 10 a.m. until 1 p.m. and 2 p.m. until 5 p.m. with short breaks during the morning and

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<sup>2</sup> Statement Of Common Ground

<sup>3</sup> Health and Safety Executive

afternoon sessions. Friday afternoon adjournments may be a little earlier, with the possibility of 9.30 a.m. starts to make up any lost time.

15. The Inquiry is currently programmed to last for 20 days, sitting from: Tuesday 3 November to Friday 6 November; Tuesday 10 November to Friday 13 November; Tuesday 17 November to Friday 20 November; Tuesday 24 November to Friday 27 November; and Tuesday 1 December to Friday 4 December 2009.
16. The cases will be heard in the following order:
  - a. brief opening statements by the main parties: the applicant, the Council, the Mayor of London, the HSE and the Wandsworth PCT<sup>4</sup>;
  - b. the case for the applicant;
  - c. the case for the Council;
  - d. the case for the Mayor of London;
  - e. the case for the HSE;
  - f. the case for the PCT;
  - g. representations by any interested persons;
  - h. sessions on conditions and S106 Agreements;
  - i. closing submissions; the PCT, the HSE, the Mayor of London, the Council and the applicant.
17. The applicant intends to call four witnesses dealing with planning, architecture, conservation/heritage and highways/transport. The applicant believes that the same witness may jointly represent itself and the Council on health and safety matters. Presentation of the applicant's case would take about four days.
18. The Council intends to call four witnesses dealing with planning, policy, design and health and safety.
19. The Mayor of London intends to call three witnesses dealing with highways, transportation and land use/design/housing/regeneration. Presentation of the case in chief would take about two hours.
20. The HSE intends to call two witnesses, and presentation of the case in chief would take about half a day with cross examination of other safety experts taking up to two days.

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<sup>4</sup> Primary Care Trust

21. The PCT intends to call three witnesses, and presentation of the case in chief would take approximately three or four days. One of the witnesses for the PCT is unavailable from 25 to 27 November inclusive.
22. From the above it would appear that the Inquiry is likely to take less than the 20 days currently programmed.
23. Witness details, including qualifications, should be submitted in writing at the opening of the Inquiry.

#### **NATURE AND FORMAT OF THE EVIDENCE**

24. Opening and closing statements should be produced in writing, and the duration of opening statements should not exceed 15 mins. Closing statements should also be submitted electronically in a MS Word format. Closing statements should summarise each party's case in relation to the matters to be addressed as it stands at the end of the Inquiry. They will form the basis of each party's case in the Inspector's report and will become Inquiry documents.
25. On current information, the same witness may jointly represent the Council and the applicant on health and safety matters. The HSE has suggested that it would be beneficial to agree a technical SoCG prior to the submission of corresponding technical evidence. The Council has agreed to this approach and has not objected to the suggested timing of the technical SoCG. In view of these points, **a technical SoCG between the applicant, the Council and the HSE should be submitted by the Council to the Case Officer five weeks before the start of the Inquiry, that is by Tuesday 29 September.**
26. **The general SoCG between the applicant and the Council, together with the Mayor of London if appropriate, must be submitted by the applicant to the Case Officer four weeks before the start of the Inquiry, that is by Tuesday 6 October.**
27. **All proofs of evidence, including summaries, appendices and any supporting documentation, must be submitted to the Case Officer four weeks before the start of the Inquiry, that is by Tuesday 6 October.**
28. There is no provision within the 2000 Rules for rebuttal proofs or supplementary proofs. However, if the Case Officer is notified in advance, and where these may save Inquiry time, arrangements will be made for their acceptance and circulation. **Any such supplementary or rebuttal proofs should be submitted to the Case Officer and marked for the Inspector's attention two weeks before the start of the Inquiry, that is by Tuesday 20 October.**
29. These deadlines apply to all five main parties. Proofs submitted out of time will be returned. Summaries are required where proofs are

more than 1500 words long, and only the summary will be read from at the Inquiry. Electronic copies of the summaries will be required, in MS Word format, in addition to the hard copies.

30. All documents should have page and paragraph numbers, and units of measurement should be in metric. Documents should be A4 or folded to A4 in size, with A3 permissible in specific circumstances such as landscape view documents. Proofs and appendices should be bound separately, with appendices clearly referenced at relevant points in the text of the evidence. Documents should not have unnecessary presentation folders. Appendices should be tabulated and separated by dividers with numbered thumb tags. Where an appendix is an extract from another document, only the identifying page i.e. the cover page and date of publication, the extract being referred to and sufficient of the document to provide the context of the extract should be included.
31. The Inspectors will each require one copy of all documents.
32. All proofs of evidence should be concise, with no unnecessary repetition of factual matters or text of policy guidance. Proofs, summaries and appendices, together with any documents submitted during the Inquiry, should be numbered and prefixed with an appropriate reference code identifiable to an individual and party such as A1.1, 1.2 & 2.1, 2.2 etc. Each party should keep a record of documents and submit a list at the end of the Inquiry. Each document should have a cover page setting out the title of the document and, where appropriate, the date of publication and an acknowledgement of the source. Copies of documents submitted during the Inquiry will also be required for each of the parties and Inspectors, together with a copy for reference by members of the public.
33. The Council should coordinate the preparation of a Core Documents List and also a set of Core Documents to avoid repetition in proof appendices. Core Documents should cover planning policy extracts, committee reports and the like, but there is no need to include national policy documents. One set of Core Documents should be compiled for each party, and one set held with the Council as an Inquiry library for reference by members of the public both before and during the Inquiry. **Two sets of the Core Documents should be submitted to the Case Officer four weeks before the start of the Inquiry, that is by Tuesday 6 October 2009.**
34. All Inquiry documents should be made available for inspection at the Council's offices.

## **SITE VISITS**

35. The application sites and their surroundings will be informally inspected from public viewpoints before the Inquiry. Formal and accompanied inspections will be carried out during or after the

Inquiry. No other sites that the Inspectors should visit before the Inquiry have been identified. **Should the viewing of any other sites be thought to be beneficial by any party, a list together with appropriate plans should be submitted to the Case Officer at least one week before the opening of the Inquiry, that is by Tuesday 27 October.**

*Stephen Roscoe*

ASSISTING INSPECTOR

9 September 2009