



INSPECTOR'S PRE-CONFERENCE NOTE

Appeal Ref: APP/Q4245/W/23/3325034

35 Oakfield, Sale, Cheshire M33 6NB

Demolition of existing buildings and erection of a part 3 storey part 4 storey building comprising 25 no. retirement flats, closure of both existing vehicular accesses and formation of new vehicular access onto Oakfield with associated landscaping and car parking.

**Case management conference:
10.00am on Thursday, 21 September 2023.**

Introduction

1. The Inspector leading the case management conference will be Guy Davies BSc (Hons) DipTP MRTPI. The Inspector appointed by the Secretary of State to determine the appeal is David Rose BA (Hons) MRTPI.

Purpose

2. The purpose of the conference is to consider the management of the case so that the appeal is dealt with in an efficient and effective manner. There will be no discussion of the merits of the case at the conference.
3. The headings of this note will be used as the agenda for the conference.

Participation in the Appeal

4. The main parties will be requested to provide details of their advocates and expert witnesses at the start of the case conference.
5. Other interested parties will be given the opportunity to speak either on the first morning of the inquiry or during discussion on the main issues at the discretion of the Inspector. Anyone wishing to speak should therefore attend the first day of the inquiry or advise the PINS case officer if unable to do so.

Preliminary Matters

6. The description of development used by the Council and on the appeal form differs from that given on the application form. The appellant will be asked to confirm which description is preferable.
7. A revised version of the National Planning Policy Framework (the Framework) was published on 5 September 2023. The revisions relate to

onshore wind development. Both main parties will be asked to confirm that the revisions do not materially alter their respective cases.

Main Issues

8. Based on the reasons for refusal and the statements of case, the main issues in this appeal are likely to be the effect of the development on:
 - 1) The heritage value of 35 Oakfield and the effect of its demolition
 - 2) The character and appearance of the area, including the scale and design of the proposed building and its effect on trees and landscaping
 - 3) The living conditions of future occupants with regard to external amenity space
 - 4) The living conditions of neighbouring occupants at 41 Ashlands with regard to privacy and visual dominance
 - 5) The viability of providing affordable housing
 - 6) The ecological value of the site for bats
9. The inquiry will also need to look at other material considerations including the need for retirement accommodation, the benefits of the scheme, and how all relevant matters should be weighed in the planning balance.
10. The Council acknowledges that it cannot demonstrate a five year housing land supply. Clarification will be sought on whether the extent of the housing land supply shortfall is agreed between the main parties.
11. The main parties will be requested to provide an update on their discussions on the main issues and whether any are likely to be resolved prior to the inquiry.
12. For all other matters, reliance will be placed on the written evidence submitted as part of the application documents, statements of case and statement of common ground. Main parties should be prepared to answer questions raised by interested parties on other matters where appropriate, but no further evidence or witnesses are expected to be necessary.

Procedural Matters

Procedure

13. The appeal will be considered at an inquiry. Under the procedural guidance for appeals¹, the local planning authority is expected to host the event. Given the technical nature of some of the issues, and local interest, it would be appropriate to conduct the inquiry as a face-to-face event. The Council will be asked to confirm that it is able to do so in this case.

¹ Procedural Guide: Planning appeals – England, updated 21 December 2022

Venue

14. Assuming a face-to-face event is the agreed procedure, the Council will be requested to confirm details of the location of the venue (understood to be Trafford Town Hall, Talbot Road, Stretford M32 0TH), the size of the inquiry room, confirmation that there is robust wi-fi, and the availability of a retiring room and parking space for the Inspector.
15. The limited availability of the intended inquiry room on Wednesday, 22 November 2023 is noted. Suitable alternative arrangements will need to be made for that day. The Council will be asked to clarify those arrangements at the case management conference.

Format

16. At the conference the most appropriate format for the main issues and related matters will be discussed, these being either by cross-examination, round-table session, or by written representations.
17. The views of the main parties will be sought on the preferred approach. Subject to those views, formal cross examination would appear to be the most appropriate approach for the heritage, character and appearance, viability, and ecological issues. Cross examination would also be appropriate for benefits and planning balance matters. Round table sessions may be the most appropriate approach to discuss the effect of the development on the living conditions of future and neighbouring occupants.
18. A round-table discussion would be the most appropriate format for considering any legal agreement and proposed conditions.
19. In all cases, the format will need to be reviewed by the determining Inspector following receipt of proofs of evidence.

Running Order

20. The options for hearing the issues are either using a topic-based approach, or by main party.
21. In this case, a topic-based approach would seem the most appropriate way to hear the evidence, subject to the number of witnesses on both sides and whether witnesses will be giving evidence on more than one topic. Main parties will be asked for their preferred running order in which the topics are heard. In the absence of any agreed preference, the running order will follow that set out above under main issues, with other material considerations following as a separate topic (benefits/planning balance).

Timetable

22. The inquiry is scheduled to sit for 4 days between 21-24 November 2023.
23. Other than for the first day when the inquiry will start at 10:00am, sitting days will run between 9:30am and approximately 5:00pm with a break for

lunch and short mid-morning and mid-afternoon breaks as necessary. To avoid breaking cross or re-examination of witnesses, sessions will be lengthened or shortened wherever possible.

24. The main parties are requested to prepare a draft inquiry programme based on the format and running order agreed at the case management conference, and subject to any subsequent amendment by the determining Inspector. It would be helpful to have that draft programme no later than 10 working days before the start of the inquiry (**7 November 2023**). Advocates will be expected to keep to their time estimates unless circumstances beyond their control dictate otherwise.

Documentation

25. All documents should be available digitally on a dedicated core document web page. The expectation is that the web page will be hosted by the Council although if it can be achieved more efficiently by the appellant, then there would be no objection to that approach as an alternative. Clarification will be sought at the case management conference.
26. A recommended format for the core document list is attached at **Annex A**. The core documents should be set up and made publicly available as soon as possible after the case management conference so that both main parties can reference them consistently when preparing proofs of evidence.
27. A copy of this case management conference note, subsequent post-conference summary note, and inquiry programme (once agreed) should be included in the core documents list.
28. Proofs of evidence should be submitted no later than **24 October 2022**. The attached **Annex B** sets out the preferred format and content of proofs of evidence/statements and other material. Appendices, particularly where they contain large documents, should be broken down into manageable file sizes.
29. Only if absolutely necessary should rebuttal evidence be submitted, and then no later than 10 working days before the inquiry (**7 November 2023**).
30. Main parties should provide one hard copy of each proof of evidence (and rebuttal statements were appropriate) via the PINs case officer for the use of the Inspector. The appellant is also requested to provide one hard copy of the application drawings, at a size suitable to use on the site visit.

Statement of Common Ground

31. A draft statement of common ground has been submitted by the appellant. A completed statement of common ground should be provided, signed by the Council and appellant, indicating which matters have been agreed and which have not. The statement should be submitted no later than **24 October 2023** (ie, with proofs of evidence). It should contain a list of the plans on which the Council made its decision.

Planning conditions

32. A list of suggested conditions is appended to the Council's statement of case. Without prejudice to the cases of either party, the appellant will be asked to confirm in writing agreement to those conditions (a note in the statement of common ground would be acceptable).
33. If there are any conditions that the appellant and Council cannot agree upon these should be listed in a separate schedule with an explanation of why agreement could not be reached on them.
34. If there are any pre-commencement conditions agreed, the appellant should confirm in writing that they are accepted in accordance with Section 100ZA of the Town and Country Planning Act 1990.

Legal undertaking

35. Clarification will be sought as to whether a legal undertaking is intended to be submitted.

Site visit

36. A site visit will take place during the course of or immediately after the inquiry. If any interested party wishes the Inspector to view the site from a particular viewpoint, or any other relevant sites, they should bring that to his attention during the inquiry.

Costs

37. Costs applications are not being invited, but main parties are reminded that any costs application must be made before the inquiry is closed. As a matter of good practice costs applications should be made in writing before the start of the inquiry.

Guy Davies

INSPECTOR

15 September 2023

Summary of deadlines

Case Management Conference	Thursday, 21 September 2023
Statement of Common Ground	24 October 2023
Proofs of evidence	24 October 2023
Draft programme	7 November 2023
Inquiry opening	21 November 2023

Annex A - template for core documents list

(adapt headings to suit)

CD1 Application documents and plans

1.1

1.2 etc

CD2 Additional or amended documents or plans on which the Council reached its decision

2.1

2.2 etc

CD3 Case officer's report and decision notice

3.1 Officer's report and minute of meeting

3.2 Decision notice

CD4 The Development Plan

4.1

4.2 etc

CD5 Appellant's appeal documents

5.1 Statement of case

5.2 Proof of evidence of ...

CD6 Council's appeal documents

6.1 Statement of case

6.2 Proof of evidence of ...

CD7 Inspector's appeal documents

7.1 Pre-case management conference note

7.2 post-conference summary

7.3 Inquiry programme

CD8 Other appeal documents

8.1 Statement of common ground

8.2 etc

Annex B - content and format of proofs/statements and appendices

Content

Proofs of evidence and statements 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 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 core 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
- where data is referred to, include that data, and outline any relevant assessment methodology and the assumptions used to support the arguments (unless this material has been previously agreed and is included as part of the statement of common ground).

Format of proofs/statements and appendices:

- All documents should be submitted digitally.
- Front covers to proofs/ statements and appendices should be clearly titled, with the name and qualifications of the witness on the cover.
- Pages and paragraphs should be numbered.
- All appendices should be compiled separately from proofs/ statements. Digital versions of appendices should be submitted as separate documents
- Appendices should be indexed and paginated.

All proofs/statements, appendices and other documents should be available for members of the public to view on the Local Planning Authority's website.