



## CASE MANAGEMENT CONFERENCE SUMMARY 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.

### Introduction

1. The case management conference was held on 21 September 2023 and led by Inspector Guy Davies BSc (Hons) DipTP MRTPI. The purpose of the conference was to agree the procedural aspects of the inquiry; the merits of the proposed development were not discussed.
2. The Inspector appointed by the Secretary of State to determine the appeal is David Rose BA (Hons) MRTPI.

### Participation in the Appeal

3. Participants for the main parties were confirmed as:

Appellant:

John Barrett of counsel

David Beardmore – heritage

Kenneth Earle – design and landscape

James Mackay – affordable housing viability

Christopher Butt – living conditions, planning

Council:

Ruth Stockley of counsel

Elizabeth Lewis – heritage and design

Cormac McGowan – landscape, living conditions, planning

Murray Lloyd – affordable housing viability

4. At the discretion of the Inspector, other interested parties will be given the opportunity to speak either on the first day of the inquiry or if appropriate at a later stage in relation to a specific issue. Anyone wishing to speak should therefore attend the first day of the inquiry or advise the PINS case officer if unable to do so. Anyone is welcome to attend the inquiry to listen to the proceedings.

## **Preliminary Matters**

5. It was agreed to use the description of development given on the Council's decision notice (as set out above).
6. 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 confirmed that the revisions do not materially alter their respective cases.

## **Main Issues**

7. It was agreed that the main issues in this appeal are 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
8. 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.
9. The potential harm to a protected species, namely bats, raised in the Council's seventh reason for refusal has now been satisfactorily addressed through further site assessment. The Council no longer intends to contest the appeal on this ground, subject to a condition. Confirmation of that position will be included in the statement of common ground.
10. The Council acknowledges that it cannot demonstrate a five year housing land supply. It was agreed that the most up-to-date housing land supply position falls in the range of 3.47-3.75 years (including a 20% buffer), which is based on recent appeal decisions. Copies of those decisions should be included in the statement of common ground. The appellant was requested to confirm acceptance of that position.

## **Procedural Matters**

### *Procedure and venue*

11. The appeal will take place as a face-to-face inquiry, hosted by Trafford Council at Trafford Town Hall, Talbot Road, Stretford M32 0TH.
12. The Council confirmed availability of a retiring room and parking space for the Inspector.

13. The inquiry will be held in the Council Chamber other than for the afternoon of Wednesday 22 November 2023, when it will take place in a committee room. The Council has been asked to arrange for the committee room to be made available throughout Wednesday, to avoid unnecessary decanting.

#### *Format and running order*

14. Due to the differing range of topics covered by the main parties' witnesses, it was agreed that a hybrid approach to format should be adopted which is partly topic based, partly by round table session, and partly by main party. The appellant expressed a preference to hear planning arguments toward the end of inquiry. The Council suggested that discussion on conditions should also be heard at the end of the inquiry.
15. Based on the discussion at the case management conference, the provisional format and running order of the main issues will be as follows:
  - i. Affordable housing viability – topic based, cross examination
  - ii. Living conditions of future occupants – round table session
  - iii. Living conditions of neighbouring occupants – round table session
  - iv. Heritage, design, landscape, planning – by main party, cross examination
  - v. Conditions – round table session
16. The format and running order will be reviewed by Inspector Rose following receipt of proofs of evidence and the draft inquiry programme.

#### **Timetable**

17. The inquiry is scheduled to sit for 4 days between 21-24 November 2023. Other than for the first day when the inquiry will start at 10:00am, sitting days will start at 9:30am.
18. The appellant agreed to prepare a draft inquiry programme based on the above format and running order and the time estimates of the Council. 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**

19. The Council confirmed that it will host a core document library in electronic form. A list of core documents should be included in the statement of common ground. A recommended format is set out in Annex A of the case management conference note.

20. A copy of case management conference note, this summary note, and the inquiry programme (once agreed) should be included in the core document library.
21. Proofs of evidence should be submitted no later than **24 October 2022**. Annex B attached to the case management conference note 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.
22. Only if absolutely necessary should rebuttal evidence be submitted, and then no later than 10 working days before the inquiry (**7 November 2023**).
23. 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 also agreed to provide one hard copy of the application drawings, at a size suitable to use on the site visit (A3/A4).

### **Statement of Common Ground**

24. A completed statement of common ground should be submitted no later than **24 October 2023** (ie, with proofs of evidence). It should as a minimum contain a list of the plans on which the Council made its decision, confirmation of the housing land supply position, and confirmation that the ecological issue has been resolved.
25. If further agreement or narrowing of matters in dispute can be reached in any of the other issues, including assumptions underlying viability, these should be included in the statement of common ground or a separate topic specific statement of common ground.

### **Planning conditions**

26. Without prejudice to the cases of either party, the appellant will be asked to confirm in writing agreement to the conditions appended to the Council's statement of case (a note in the statement of common ground would be acceptable).
27. 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.
28. 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 (this could also be included in the statement of common ground).

### **Legal undertaking**

29. No legal undertaking is intended to be submitted.

## Site visit

30. 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, it would be helpful to provide details of those viewpoints prior to the inquiry.

## Costs

31. 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.



INSPECTOR

21 September 2023

## Summary of deadlines

<b>Statement(s) of Common Ground</b>	<b>24 October 2023</b>
<b>Proofs of evidence</b>	<b>24 October 2023</b>
<b>Draft programme</b>	<b>7 November 2023</b>
<b>Inquiry opening</b>	<b>21 November 2023</b>