

## Inspector's Notes on Inquiry Procedure

Appeal Ref : APP/N5660/V/08/

Site Address: Elizabeth House, 39 York Road, London SE1 7NQ

### 1. Purpose of the Note

- 1.1 This note is intended to provide guidance to those participating in the forthcoming inquiry. It does not depart from the Inquiry Procedure Rules but adds to information and advice given in DETR Circular 05/2000. Adherence to the requests below will assist the Inspector and others in preparing for the inquiry.
- 1.2 The term "main party" applies to the applicant, the London Borough of Lambeth Council and the two Rule 6 parties: English Heritage and the City of Westminster Council.

### 2. Inquiry date and sitting times.

- 2.1 The inquiry will open at **10:00 am on Wednesday, 15 April 2009**. It is programmed to last for 8 days on 15-17 April, 21-24 April and 28 April. The Inspector intends to sit until 17:00 each day of the inquiry, with short mid-morning and mid-afternoon breaks and a lunch adjournment for about an hour each day. On the second and subsequent days, the inquiry will resume at 09:30, unless that presents difficulties.

### 3. Programming

- 3.1 The main parties should discuss and agree a likely Inquiry programme, and send it electronically to the case officer (Nadia Hussain) no later than **Wednesday, 8 April**. The programme should indicate the witnesses to be called, the order in which they will be called, together with the time required for evidence in chief and cross-examination of each witness. The likely order of appearance will be: applicant, Lambeth Council, Rule 6 parties, followed by other interested persons or parties. Advocates for the main parties should plan for an opening statement of no more than 10-15 minutes.
- 3.2 Using the information provided, and having regard to the contents of proofs of evidence and Statement of Common Ground, the Inspector will prepare and circulate a programme a day or so before the inquiry opens. The programme may be revised as the inquiry proceeds.
- 3.3 It would be helpful for programming purposes if the main parties could advise the Inspector of any interested persons or parties who are likely to attend the inquiry and wish to speak. Alternatively, other parties or persons likely to do so should inform the case officer as soon as possible.
- 3.4 With the material she has seen to date, the Inspector considers there is scope for joint presentation of cases. The parties are therefore urged to consider opportunities for co-ordinating their cases as far as is practicable, to avoid duplication and expedite the proceedings.

#### **4. Dates for submission and format of proofs and plans**

- 4.1 The proofs of evidence and accompanying documents should be submitted to the case officer no later than **Wednesday, 18 March 2009**. Copies should be provided for the Inspector, the other main and Rule 6 parties and two spare copies for circulation at the inquiry. In other words, a minimum of 6 copies. Proofs should be made available for inspection at the Council offices and copies made available for reference at the inquiry.
- 4.2 Any supplementary or rebuttal proofs are to be sent in no later than **Wednesday, 1 April 2009**. As with the main proofs, 6 copies are required.
- 4.3 Documents submitted electronically should accord with the Planning Inspectorate's guidelines for appeal statements and proofs of evidence. Non-electronic proofs of evidence are best spiral bound or bound so as to be easily opened and read. Appendices should be separate documents. They should be indexed and paginated. Covers to proofs and appendices should be titled and include the name of the witness. For ease of reference, plans should be no larger than A3 in size, reduced if necessary and preferably bound. Similarly, photographs are best in A4 or A3 format.
- 4.4 Where a proof is longer than 1500 words, summaries should be issued at the same time as proofs. Only summaries will be read out at the inquiry. Depending on circumstances, it may not even be necessary for summaries to be read out.
- 4.5 The contents of proofs and supporting documents should not duplicate the pre-inquiry information submitted to support the application and those included in the Council's questionnaire. As before, the Inspector urges the parties to consider preparing joint cases and avoid unnecessary duplication of the arguments.
- 4.6 Proofs of evidence should focus on the issues and matter identified in Section 8 below. Lengthy extracts from national guidance or policy are unnecessary, when brief reference to the relevant sections will suffice. Advocates' opening statements and closing submissions should be provided in hard and electronic copy.

#### **5. Core and inquiry documents**

- 5.1 Sets of core documents should be made available. Core documents agreed between the main parties would obviate the need for individual witnesses to attach such documents to their appendices. A core document list should be prepared and updated as the inquiry proceeds.
- 5.2 Material submitted during the course of the inquiry should be added to the core document list or an inquiry document list, depending on its source. The inspector requests that both lists be updated and submitted in hard and electronic format at the end of the inquiry.

#### **6. Statement of Common Ground**

- 6.1 The Statement of Common Ground needs to be as comprehensive as possible and to identify matters where there is agreement and where

there is not. It must be prepared and submitted in advance of the inquiry - at the same time as proofs of evidence (18 March) at the latest. There may be benefit in preparing the Statement in advance of the proofs, as what it contains must influence the scope of the evidence to be presented.

6.2 The main parties are expected to contribute to preparation of the Statement and should have agreed its contents before submission.

6.3 The Statement should include as a minimum:

- Description of the site and surroundings
- Agreed list of application plans
- Summary of relevant planning history
- Development plan, national and emerging policies.
- Statutory List Descriptions
- List of planning conditions (to be made available electronically)
- The terms of planning agreements. All S106 obligations must be completed before the end of the inquiry.
- Areas where agreement has not been reached.

6.4 There may be scope to include other elements of the application scheme that raise no disagreements, thus allowing the inquiry to focus on matters at issue between the parties.

## **7. Site Visits**

7.1 The Inspector will have viewed the appeal site, unaccompanied, before the inquiry opens and will be familiar with its surroundings. During the inquiry, arrangements will be made for a formal visit, during which the Inspector will be accompanied by representatives of the main and other parties. An agreed itinerary for the accompanied site visit will help to establish the amount of time required for the visit.

## **8. Matters to be addressed at the Inquiry**

8.1 Without inhibiting the case of the main parties, on the basis of material seen to date and the main matters for consideration listed in the call-in letter, the Inspector considers the inquiry should focus on the following:

- a) Appropriateness of tall buildings in this location.
- b) The inherent quality of the proposed development, in particular:
  - Relationship to context
  - Relationship to transport infrastructure
  - Architectural quality of the buildings
  - Sustainable design and construction
  - Contribution to public space and facilities
  - Effect on the local environment (in particular daylight, sunlight, wind)
  - Contribution made to the permeability of the site.
- c) Effects of the development on:

- The settings and views of the Westminster World Heritage Site, the Royal Festival Hall, the National Theatre, County Hall and other statutorily listed buildings in the vicinity of the development site.
  - Views described in the London View Management Framework
  - Settings, views, character and appearance of nearby conservation areas.
- d) Compliance with national policy, relevant provisions of the Lambeth Council's Unitary Development Plan and the London Plan Consolidated with Alterations since 2004.
- e) Conditions and planning agreements.
- e) Other relevant material planning considerations, including:
- Provision of open space and outdoor play areas
  - Level of affordable housing
  - Quality of residential environment for future occupiers of the development.
  - Pressure on local facilities – library, open space, pedestrian environment at Leake Street.

*Ava Wood*  
Inspector  
22 January 2009