

APPEAL REFS: APP/C3105/W/22/3296229 &
APP/C3105/Y/22/3298661

SITE ADDRESS: Former Buzz Bingo Site, Bolton Road, Banbury,
OX16 0TH

CASE MANAGEMENT CONFERENCE SUMMARY NOTE

1. The Inspector appointed to conduct the Inquiry is G Baird BA (Hons) MRTPI. The Inquiry will open at 10.00am on Tuesday 9 August 2022.
2. The Council may wish to draw the attention of interested parties to this Note. At the very least, it is recommended that a copy be posted on the Council's website. A copy will be placed on the planning portal.
3. This Inquiry relates to 2 linked appeals. Planning and listed building consent for is sought for the demolition of the existing Buzz Bingo buildings and redevelopment of the cleared site with 78 (reduced from 80) elderly persons apartments and associated facilities, plus remedial works to the grade II listed Trelawn House.

Main Issues

4. Following discussion at the case conference, the Inspector considers that the main issues in this case relate to the following:
 - The effect on the significance of designated heritage assets (including their setting).
 - The effect on the character and appearance of the area.
 - Whether the proposal would result in any harm to the comprehensive redevelopment of the area.
5. The main issue relating to Policy Banbury 8 has been amended to better reflect the broader nature of the issues. Previously identified main issues relating to flood risk and whether there would be adequate provision for community and infrastructure needs are also likely to be resolved. This will be kept in review, subject to confirmation.
6. There will also be a discussion on planning matters including the planning policy context, public benefits and the planning balance.

Dealing with the Evidence

7. The main issues, and planning matters will be best dealt with through the formal presentation of evidence in chief by each party, which evidence will be the subject of cross-examination. This will be on a traditional party basis, rather than on a topic basis.

8. Other matters raised by interested parties will be addressed by the appellant.

Statements of Common Ground

9. As discussed, a detailed statement of common ground (SOCG) will be produced. Due to witness availability, the heritage SOCG will be a separate document.

10. These documents should include greater details as to the specific areas of disagreement to give a detailed focus to aid proceedings. The use of tables and bullet point lists is strongly encouraged. The SOCG should be worked up alongside the proofs of evidence in order to give focus and avoid repetition.

Conditions

11. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, should be included in the SOCG.

12. Careful attention must be paid to the wording, and the conditions will need to be properly justified having regard to the tests for conditions, in particular the test of necessity.

13. Any differences in views on the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

Planning Obligations

14. As discussed, obligations in respect of affordable housing is not being sought. The Council should advise the appellant whether any other obligations are necessary as soon as possible. If so, a final draft obligation should be submitted accompanied by the relevant office copy entries and an updated CIL Compliance Statement prepared by the Council. The statement must contain a fully detailed justification for each obligation sought. Time will be allowed after the Inquiry for submission of a signed version.

Core Documents/Inquiry Documents

15. A list of Core Documents should be worked up by the appellant and agreed between parties, held on a website hosted by the Council. Parties should work together to ensure that the Core Documents are in an accessible format for local residents and members of public.

16. The Inspector requests that a hard copy of the proofs of evidence as well as any other document parties consider would be better viewed in paper form is sent to the Planning Inspectorate. Proofs can be single spaced, but these should not be printed back to back.

17. Any documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, overseen by the Inspector. Any new documents produced at the Inquiry will need to be sent to the Inspector via the Case Officer and cross-copied to other parties.

Inquiry Format

18. The format of the Inquiry should be a blended one, with physical attendance and virtual attendance for those who do not wish to attend in person.
19. The Council will host the event and will clarify on the technology in due course. Thought should be given to the necessary technology, room layout, camera locations and screens. Details of the virtual platform (Teams or Zoom) and whether the event will be livestreamed should also be provided.
20. It would be helpful for interested parties to advise the Council if they wish to participate and whether this would be on a physical or virtual basis.

Running Order/Programme

21. In terms of running order, following his opening comments on the first day of the Inquiry, the Inspector will invite opening statements from the main parties.
22. He will then hear from any interested parties who wish to speak, although there is scope for some flexibility if someone has difficulties that prevent them from attending and speaking on day one.
23. Matters relating to character and appearance and heritage, as well as planning public benefits and balance would then be dealt with through evidence in chief and cross examination and any necessary re-examination. This will begin with the Council, and then the appellant.
24. On conclusion of that, the Inspector will lead round table discussions on conditions and the planning obligations. This will be followed by closing submissions which should be no longer than 60 minutes. They should set out each parties' respective cases as they stand at the end of the Inquiry, with a written version emailed to the Case Officer. Time will be given in the timetable to allow the advocates to finalise their closing submissions ahead of this session.
25. An accompanied site visit will take place to the appeal site at a time to be agreed with parties during the Inquiry itself. No specific health and safety issues are noted at the current time.

Timings

26. Please can parties advise in writing the details of anticipated witnesses as soon as possible. The Council should advise parties and the Inspector when they have appointed their heritage witness.
27. Proofs are to be submitted no later than **22 July** along with the SOCG and planning conditions. Due to witness availability, the heritage proofs are to be submitted as soon as possible, but no later than **26 July**.

- 28.If required, a final draft of the planning obligation should be provided no later than **2 Aug** to be accompanied by a CIL Compliance Statement and the relevant office copy entries.
- 29.There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and PINS does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **2 Aug**. It is important that any rebuttal proofs do not introduce new issues. As an alternative to a rebuttal, it may be that the matter could more succinctly be addressed through an addendum SOCG.
- 30.The advocates are to work collaboratively on the time estimates for each stage of their respective cases by **29 July**.
- 31.Other than in exceptional circumstances, participants are expected to take no longer than the timings indicated, which will require the cooperation of both advocates and witnesses.
- 32.The Inquiry is currently scheduled to sit for up to 6 days. It is anticipated that the Inquiry will start at 10am on the first day, with a 9:30am start each day thereafter, and finish around 17:00 each day.
- 33.Copies of notification letters to interested parties of the Inquiry arrangements should be provided to the Inspector by **2 Aug**.

Costs

- 34.No application for costs is currently anticipated by any party at this stage, although parties reserved their right to do so.

C Searson

INSPECTOR

7 July 2022

Annex 1: Summary Timetable:

ASAP	<ul style="list-style-type: none">• Details of proposed witnesses• Council to advise on IT/Blended technology and venue (this is anticipated to be an ongoing matter for consideration as plans progress)• Core Documents list to be agreed between parties and placed on dedicated website
22 July 2022	Deadline for submission of: <ul style="list-style-type: none">• proofs of evidence• planning conditions• SOCG
26 July 2022	Deadline for submission of: <ul style="list-style-type: none">• heritage proofs of evidence• heritage topic SOCG
29 July 2022	Deadline for submission of: <ul style="list-style-type: none">• advocate timings
2 Aug 2022	Deadline for submission of: <ul style="list-style-type: none">• any necessary rebuttal proofs/ further SOCG• final draft planning obligation and relevant office copy entries• CIL Compliance Statement (Council)• a copy of the letter from the Council to interested parties notifying them of the Inquiry arrangements
Tuesday 9 August 2022	Inquiry opens 10.00 am