



CASE MANAGEMENT CONFERENCE SUMMARY NOTE

Appeal Ref: APP/D5120/W/22/3293225 2,4,6,8 Danson Road, Bexleyheath DA6 8HB

Demolition of the houses at 2 to 8 Danson Road and erection of a part 1, part 2, part 3 storey 70 bedroom nursing home, with associated access alterations, car and cycle parking, landscaping and amenity space.

Introduction

1. The case management conference was held on 25 October 2022 and led by Guy Davies BSc (Hons) DipTP MRTPI as the Inspector appointed for the appeal. The purpose of the conference was to agree procedural aspects of the Inquiry; the merits of the scheme were not discussed.

Participation in the appeal

2. The advocates and witnesses were confirmed as:
3. Appellant: Jonathan Clay, of Counsel, who will call:
Nigel Newton Taylor (need)
Nicola Coveney (operation)
Ian Wharton (highways and parking)
Jon Etchells (character and appearance)
Ruth French and Hannah Bryan (character and appearance/design)
Steve Handforth (heritage)
Mark Batchelor (planning, living conditions)
4. Council: Alexander Greaves, of Counsel, who will call:
Joe Collinson (need)
Martin Rayner (highways and parking)
Tom Fox (character and appearance)
Nichola Trower (planning)
(may call a heritage witness depending on statement of common ground – see paragraph 13)
5. Danson Neighbours Residents' Group: provisionally Matthew Henderson, of Counsel, who will call:
Joanna Dwyer (need)
Highway witness – to be agreed
Robert Knight and provisionally Sarah Witney (character and appearance, heritage)
Amy Hubbard (living conditions/general)
Leslie Osborne (living conditions/general)
6. I will be giving other interested parties the opportunity to speak and will set out how that will be arranged in my opening remarks at the start of the

Inquiry. That will include an opportunity to make a short statement on the first day of the Inquiry, or if appropriate at a later stage in the Inquiry in relation to a specific issue. Anyone is welcome to attend the Inquiry to observe the proceedings.

Main issues

7. The main issues in this appeal were agreed to be:
 - 1) whether there was a need for a nursing home;
 - 2) effect on highway safety and congestion;
 - 3) whether there would be pressure for on-street parking and if so the effects thereof;
 - 4) effect on the character and appearance of the area;
 - 5) effect on the setting of the grade II registered Danson Park;
 - 6) loss of housing stock;
 - 7) effect on the living conditions of neighbouring occupants.
8. The Inquiry will also look at the benefits of the scheme to be weighed in the planning balance.
9. The seventh issue will not be contested by the Council, which has withdrawn its objection to the scheme on this ground. The Danson Neighbours Residents' Group will contest the issue, and has agreed to clarify in its full statement of case whether it applies only to 1 Danson Mead or whether it extends to other neighbouring dwellings; and also clarify on what basis alleged harm would be caused. The full statement of case is due no later than **2 November 2022**.

The procedure for the appeal

10. The Inquiry will take place as a face-to-face event, hosted by the Council, at the Civic Offices, 2 Watling Street, Bexleyheath DA6 7AT. The Council confirmed a retiring room, parking space and monitor would be available for the use of the Inspector during the Inquiry.
11. Evidence will be presented on a topic/combined topic basis using a hybrid format as noted below and in the following running order:
 - a. Need for a nursing home – cross examination
 - b. Highway safety, congestion and parking – cross examination
 - c. Character and appearance – round-table discussion
 - d. Setting of Danson Park – to be agreed (see below)
 - e. Loss of housing stock – round-table discussion
 - f. Effect on living conditions – round-table discussion

- g. Benefits and planning balance – cross-examination
 - h. Legal undertaking/conditions – round-table discussion
12. For each topic to be tested by cross examination, the Council will present first, followed by the Danson Neighbours Residents’ Group, and lastly the appellant. For each topic to be heard by round-table session, the Inspector will lead the discussion.
 13. The format for assessing the setting of Danson Park will be agreed once the statement/statements of common ground has/have been finalised. If the main parties disagree on the harm that would be caused, the evidence will be tested using cross-examination. If there is general agreement over the level of harm between main parties, including by representatives of Danson Neighbours Residents’ Group, then a discussion on the significance of that to be weighed against any public benefits will be conducted by round-table session, led by the Inspector.

Timetable

14. The Inquiry will open at 10:00am on Tuesday, 13 December 2022. Subsequent days will start at 9:30am.
15. The Inquiry is scheduled to sit for up to 5 days between 13-16 and 20 December 2022.
16. Advocates are requested to provide estimates of timings for opening and closing statements, evidence in chief and cross examination of witnesses following exchange of proofs of evidence. It would be helpful to have those estimates by **29 November 2022**. Following the receipt of time estimates, I will prepare a timetable for the Inquiry. I will rely on advocates to keep to their time estimates unless circumstances beyond their control dictate otherwise.

Documents

17. An agreed Statement or Statements of Common Ground between the appellant and Council should be submitted no later than **4 November 2022**. As a minimum this should include:
 - A list of the plans on which the Council made its decision
 - A list of core documents with a common numbering system which can be referred to in proofs of evidence. The Council should take the lead on drafting this list with input as required from the other main parties.
 - A list of planning conditions. Any pre-commencement conditions should be agreed in writing by the appellant. If there are any conditions that cannot be agreed, these should be included in a separate schedule, with an explanation as to the disagreement.

- A list of heads of terms of any legal undertaking
18. Proofs of evidence should be submitted by **15 November 2022**. The annex attached to the pre-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.
 19. Rebuttal statements, only if necessary, should be submitted no later than **29 November 2022**.
 20. A final draft copy of the legal undertaking should be provided by the appellant no later than **29 November 2022**. I will ask the Council to confirm that it is satisfied with the wording and title at the appropriate round-table session.
 21. A statement explaining the need for the matters covered by the legal undertaking and how they meet the requirements of the Community Infrastructure Regulations and paragraph 57 of the Framework should be provided by the Council by the same date, **29 November 2022**.
 22. All documents should be available online, hosted by the Council. A copy of this case conference summary note should also be included. The Council is requested to send a link to the other main parties and PINS case officer once the appropriate webpage has been set up.
 23. Main parties should provide one hard copy of each proof of evidence (and rebuttal statements where 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 plans on which the Council reached its decision.

Site visit

24. I will undertake a site visit during the course of or immediately after the Inquiry. If any interested party wishes me to view the site from a particular viewpoint, or any other relevant sites, please let me know during the Inquiry.

Costs

25. I am not inviting applications for costs, but the main parties are reminded that if an application for costs is to be made it is good practice to do so in writing before the Inquiry opens.

Guy Davies
INSPECTOR

25 October 2022