

APPEAL Ref: APP/H1515/W/24/3353271

Land at Officers' Meadow, Land North of Shenfield, Alexander Lane, Shenfield

CASE MANAGEMENT CONFERENCE HELD AT 10.00 ON Tuesday 17 December 2024

1) Introduction by Inspector

1. My name is Mark Brooker. I am a chartered town planner and I have been appointed by the Secretary of State to hold an Inquiry and to determine this appeal by Croudace Homes Ltd against Brentwood Borough Council's Failure to determine the application within the appropriate period relating to Officers' Meadow, Land North of Shenfield, Alexander Lane, Shenfield, Essex.
2. The proposed development is described as "344 units including 35% affordable housing, safeguarded land for a 2FE (2 form entry) primary school and early years facility, public open space and associated landscaping, drainage and highways infrastructure."
3. The application was made in hybrid form with outline details of the primary school and early years facility only.

2) Purpose of the case management conference

4. There was no discussion of the merits of the appeal. The purpose of the meeting was to discuss the ongoing management of this case and the presentation of evidence, so that the forthcoming Inquiry is conducted in a fair, efficient and effective manner.
5. The Inquiry itself is currently scheduled to open at 10.00 on Tuesday 11 February 2025 with sitting days on 11 to 13 and 18 February. The current time allocation is 4 days.

3) The arrangements for the Inquiry

6. The Council has secured the venue at the Town Hall, Brentwood.
7. The room needs to be publicly accessible, and it should be able to accommodate all of the people who may wish to attend this Public Inquiry. I am particularly thinking about the ability to move around the room to access the witness table and for members of the public to be able to access the room.
8. There should be facilities in the room for members of the public to access the Core Document library and it can be useful if there are facilities to display documents electronically.

4) Likely main issues

9. The following is provisional and may change once I have considered the respective cases. My preliminary view is that the main issues are likely to include:
- a) character and appearance of the area, with particular regards to the height of the proposed buildings at the Western and Southern Gateways.
 - b) Whether or not there has been sufficient engagement with the community with particular regards the provisions of Policy B14.
 - c) Whether or not the appeal scheme makes appropriate provision for affordable housing with particular regards to type, mix and size and the provisions of policy HP05.

5) How the evidence is to be examined

10. The evidence will be heard by the usual evidence in chief and cross-examination. The matters of Conditions and obligations, if largely resolved between the parties, lend themselves to round table discussions.

6) Statements of Common Ground

11. I have a draft Statement of Common Ground and I encourage the parties to make progress wherever possible to make best and effective use of Inquiry time.

7) Conditions

12. As discussed, wherever possible I prefer to deal with conditions in writing, to make best use of inquiry time.
13. I have therefore requested that there is a separate editable Word document with a schedule of conditions, including a list of plans that would become approved plans if the appeal is allowed.
14. This may be an agreed schedule – however, if there are points of disagreement - can they be recorded within the same version of the schedule, either with margin notes or alternative drafting.
15. The reasons for any pre-commencement conditions will need to include that justification and the appellant will have to indicate their acceptance of such conditions, or indeed their objection. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given.

8) Planning obligations

16. I understand there is to be a planning obligation to secure various provisions including affordable housing. The obligation should be signed by the end of the Inquiry, otherwise I may allow a short time after the inquiry for a signed copy to be submitted. Furthermore, I understand that there are not expected to be any issues having the obligation signed.

17.No doubt the Council will wish to be satisfied that the obligations will be effective, in terms of evidence of title and the correct land being bound by the obligations. I would normally seek the Council's confirmation on that point at the planning obligations session at the Inquiry but if that can be confirmed beforehand, that is all the better.

9) Management of documents and how they can be accessed digitally (including the need for an Inquiry document library to be hosted by the Council or the appellant)

18.I understand that the appellant is to take the lead in providing the document library. This should be accessible and ordered. Furthermore, I need to be able to access the CDs when preparing for the Inquiry.

19.Also, we all need to be able to access documents during the Inquiry, preferably without recourse to WiFi which can be problematic. At some recent inquiries documents that are referred to during the evidential stages of the inquiry have been displayed on screens. This has been effective in terms of reducing the amount of printed material and minimising time spent locating references during the evidence. However, I appreciate not all venues have the capability to do this.

10) Pre-inquiry timetable for submission of documents

20.As set out in the start letter, all proofs are to be submitted no later than 21 January 2025.

21.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 31 January 2025.

11) Inquiry duration, running order and programme

22.Rather than a topic based running order, this appeal lends itself to a more traditional approach starting with the Council's evidence. I understand that there are a number of interested parties who may attend the Inquiry and wish to have their views heard. I will make accommodation for these parties early in the programme.

23.The parties are asked to provide a draft programme, including timing estimates for the four Inquiry. I expect to be able to conclude the Inquiry within the 4 days currently planned and it may be that the final day can be reserved for closing statements delivered online.

12) Site visit

24.I will familiarise myself with the area before the Inquiry.

25. There will be a formal site visit during or after the Inquiry. The parties have agreed to prepare a draft site visit itinerary in advance of the Inquiry.

13) Any other procedural matters

26. The Council has instructed Lambert Smith Hampton in respect of the Inquiry. As discussed, I previously worked for Lambert Smith Hampton for a short period of time when they acquired a company I worked for before I joined the Planning Inspectorate. I do not recognise those named as preparing the Statement of Case and I understand that they were not employed by Lambert Smith Hampton at the same time I was. I am satisfied that this does not represent a conflict of interest and does not inhibit my ability to hold an Inquiry and to determine this appeal.

27. If the parties have any comments in this regard, they should be made to the Case Officer as soon as possible.

28. Finally, Proofs of Evidence should be exchanged directly, with the Case Officer copied into the email.

Mark Brooker

INSPECTOR

20 December 2024