

**REF: APP/L5810/W/24/3339060 (Appeal A)**  
**APP/L5810/W/24/3339062 (Appeal B)**

**THE FORMER STAG BREWERY**  
**LOWER RICHMOND ROAD, LONDON SW14 7ET**

Appeal A: A hybrid application to include:

1. Demolition of existing buildings (except the Maltings and the façade of the Bottling Plant and former Hotel), walls, associated structures, site clearance and groundworks, to allow for the comprehensive phased redevelopment of the site;
2. Detailed application for the works to the east side of Ship Lane which comprise: a) alterations and extensions to existing buildings and erection of buildings varying in height from 3 to 9 storeys plus a basement of one to two storeys below ground to allow for residential apartments; flexible use floorspace for retail, financial and professional services, café/restaurant and drinking establishment uses, offices, non-residential institutions and community use and boathouse; hotel/public house with accommodation; cinema and offices; b) new pedestrian, vehicle and cycle accesses and internal routes, and associated highway works; c) provision of on-site cycle, vehicle and servicing parking at surface and basement level; d) provision of public open space, amenity and play space and landscaping; e) flood defence and towpath works; f) installation of plant and energy equipment;
3. Outline application, with all matters reserved for works to the west of Ship Lane which comprise: a) The erection of a single storey basement and buildings varying in height between 2 to 8 storeys; b) Residential development; c) Provision of on-site cycle, vehicle and servicing parking; d) Provision of public open space, amenity and play space and landscaping; e) New pedestrian, vehicle and cycle access and internal routes, and associated highways works.

Appeal B: Erection of a three-storey building to provide a new secondary school with sixth form; sports pitch with floodlighting, external MUGA and play space; and associated external works including landscaping, car and cycle parking, new access routes and other associated works.

**CASE MANAGEMENT CONFERENCE (via Microsoft Teams)**  
**TO BE HELD AT 10.00 ON THURSDAY 18 APRIL 2024**

**CASE MANAGEMENT CONFERENCE SUMMARY NOTE**

1. The case management conference was led by the Inquiry Inspector, Glen Rollings, starting at 10:00 on 18 April 2024.
2. The Inquiry is to be held at a venue yet to be determined, opening at 10:00 on Wednesday 29 May. It was originally scheduled to sit for eight days. Following the conference, it is now proposed to sit for at least ten days: for three consecutive days until Friday 31 May, then from Tuesday 4 June to Friday 7 June, and then on Tuesday 11 June, Wednesday 12 June and Friday 14 June. Monday 17 June is currently being held in reserve.

3. The advocates were confirmed as: Russell Harris KC for the appellant, and Matthew Reed KC for the Council of the London Borough of Richmond upon Thames. Three 'Rule 6' parties are confirmed, with advocates: Douglas Edwards KC for the Greater London Authority, Kim Ziya for the Mortlake Brewery Community Group, and Philip Whyte for the West London River Group and Towpath Group.
4. Joanna Vincent will act as the programme officer for the Inquiry. She will be a point of contact for the parties and public and assist with administration. As an independent officer of the Inquiry, her role is to assist me in ensuring that the Inquiry runs efficiently.
5. The Council is encouraged to draw the attention of interested parties to this Note, including posting a copy on its website.

### **Confirmation of proposal details**

6. The application's description and address (as it appears at the top of this note) were confirmed as being correct, with one minor change noted.

### **Probity**

7. The Inspector disclosed previous professional employment at the Greater London Authority, ending in 2012. The Inspector led a discussion between the parties and invited comments from the parties. No submissions were received, and the Inspector considers that no conflict exists.

### **Main Considerations**

8. Main issues have been drawn from the parties' statements of case. Following discussion at the conference, the main considerations for the Inquiry are confirmed as:
  - The effect of the proposed development on the character and appearance of the area;
  - The effect of the proposed development on the historic environment;
  - The effect of the proposed development on transport, with particular regard to sustainable travel, effects on the movement network and parking provision and highway safety;
  - The effect of the proposed development on the environment, with particular regard to any impacts on the River Thames and its towpath, air quality, water and drainage, spoil and waste from the site, and impact on climate change;
  - The effect of the proposed development on education provision; and
  - The effect of the proposed development on the supply of affordable housing.

9. The Inquiry will also look at planning matters, to include any benefits to be weighed in the balance, including the heritage balance, together with any implications of not proceeding with the scheme.

### **How the main issues will be dealt with**

10. The evidence will be presented in a mix of round-table interrogative discussions to be led by the Inspector, and formal presentation and cross-examination by the advocates. The appellant, Council and Rule 6 parties will collaborate on producing a draft agenda for the former, which will be submitted to and finalised by the Inspector before the Inquiry opens.
11. The design session will commence with a factual presentation by the scheme designers and will be followed by a round-table discussion.
12. The heritage session will be dealt with through the formal presentation of evidence in chief and cross-examination. Matters concerning the heritage balance (in terms of the statutory and policy tests) would be covered in the subsequent planning session.
13. The session concerning environmental matters will also follow a round-table discussion format.
14. Sessions concerning transport and educational matters will be heard through the formal presentation of evidence in chief and cross-examination.
15. The session concerning planning matters will be dealt with through the formal presentation of evidence in chief and cross-examination. Matters of policy, any benefits and the overall planning balance will best be covered. Additionally, any outstanding matters, including those raised by interested parties, should also be incorporated within this session.
16. Separate topic-specific statements of common, but more particularly uncommon ground, are required in relation to each of the main issues, together with a statement covering the other planning issues. The appellant is to take the lead in the preparation of those statements, liaising with the Council and Rule 6 parties. These are expected to be finalised and agreed by all parties by exchange of proofs of evidence.
17. As previously advised, proofs of evidence of more than 1,500 words should be accompanied by a summary proof. This can be provided as either a separate document or as a preface to the main proof.

### **Conditions**

18. An agreed schedule of suggested planning conditions and the reasons for them, including references to any policy support, is to be submitted at the same time as the proofs. The Council should take the lead on preparing the list, in discussion with the appellant and the Rule 6 parties. You will need to pay careful attention 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. You are reminded in this regard that as set out in the National Planning Policy Framework, planning conditions should be kept to a minimum and that conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. The reasons for any pre-commencement conditions will need to include that justification.

19. Any difference in view on any of the suggested conditions, including suggested wording, should be highlighted in the schedule with a brief explanation given. These will be addressed in a round-table discussion. Sport England will participate in the discussion as an interested party.

### **Planning Obligation**

20. A final agreed draft of the planning obligation (or obligations) is to be submitted shortly before the Inquiry opens. This will be accompanied by the relevant office copy entries and a CIL Compliance Statement prepared by the Council. That statement is to set out a fully detailed justification for each obligation sought, detailing how it complies with the CIL Regulations, in particular the test of necessity in terms of how it would mitigate a particular harm arising out of the development proposed. It should include reference to any policy support and, in relation to any financial contribution, exactly how it has been calculated and on precisely what it would be spent. For any financial contributions, whilst the pooling restriction has been rescinded, the Statement will still need to set out whether any relevant schemes are the subject of other financial contributions in order for the Inspector to be able to come to a view as to whether any contribution sought in relation to this application is properly justified. The obligation(s) will be discussed in a round-table session.
21. The Inspector will require a fully signed and dated version of the planning obligation to be submitted to him by the close of the Inquiry, or exceptionally if any changes are to be made, shortly thereafter.

### **Core Documents**

22. The parties will discuss and agree a list of core documents in advance of preparing their proofs so they can be properly referenced in the proofs. That list is to be co-ordinated by the appellant and must be submitted to the programme officer with the proofs. A suggested template for that list is attached.
23. The Core Documents should comprise only those documents to which you will be referring and do not need to include a copy of the National Planning Policy Framework or deal with areas where there is no dispute. Any appeal decisions and/or legal authorities on which any party intends to rely will need to be prefaced with a note explaining the relevance of the document to the issues arising in the Inquiry case, together with the propositions on which you are seeking to rely, with the relevant paragraphs flagged up.

24. Where any documents on which it is intended to rely are lengthy, only relevant extracts need to be supplied, as opposed to the whole document. Such extracts should, however, be prefaced with the front cover of the relevant document and include any accompanying relevant contextual text.
25. The Inspector will require one hard copy of each of the proofs, which should be sent to the Inspectorate at the same time as the electronic version. The appellant agreed to supply a hard copy set of the Core Documents on Inquiry opening to form an Inquiry library, which can be accessed by the or interested parties at the event, together with an A3 copy of any appropriate townscape-related documents.
26. Any necessary documents submitted once the Inquiry has opened will be recorded as Inquiry Documents on a separate list, administered by the programme officer.
27. A minimum of five hard copies of any new documents produced at the Inquiry will be required - one for each of the other main parties and a copy for the Inspector, with extra copies to be made available to assist interested parties if necessary.
28. An Inquiry website will be administered by the programme officer, on which core documents will be made publicly available, and this will be updated during the course of the Inquiry. The Council is requested to provide an easily accessible link to this on its main planning website.

### **Inquiry Running Order and Programme**

29. After the first day of the Inquiry, proceedings will resume at either 09:30 or 10:00 (depending on progress) and will adjourn each day no later than 17:00.
30. In terms of running order, following the Inspector's opening comments on the first day of the Inquiry, he will invite short opening statements from the appellant first, followed by the Council, followed by the Rule 6 parties, which will establish the matters to be discussed during the proceedings. He will then hear from any interested parties who wish to speak, which often suits those who have taken time out from work, or who may have other commitments. Should any interested party wish to address the Inquiry on any other day, the Inspector will seek the co-operation of the advocates to accommodate such requests.
31. It would be useful if the site visit were to take place early in the inquiry, before the design and heritage evidence. This will be an accompanied site visit for the Inspector to see the site and its surroundings, and any other sites of interest. He will not hear any representations/discussion/arguments during the visit, but parties can point out physical features. It is important that you give some thought as to where you wish him to see the site from, with a route map/schedule to be agreed between the parties, led by the appellant, and provided as an Inquiry document.

32. Main issues will then be dealt with on a topic-by-topic basis, in the order set out as listed above. Lastly in terms of evidence, matters relating to planning policy, any benefits to be weighed in the planning balance, including any implications of not proceeding with the scheme, and the overall planning balance will also be dealt with through evidence-in-chief and cross-examination. At this stage it is expected that evidence will be heard in the following order, although this is dependent on the final confirmation of witnesses and confirmation by the advocates:
- Council witness examination-in-chief
    - Cross-examination by Rule 6 parties.
    - Cross-examination by appellant (if required)
    - Council re-examination (if required)
  - First Rule 6 party witness examination-in-chief
    - Cross-examination by appellant
    - Cross-examination by Council (if required)
    - Rule 6 party re-examination (if required)
    - (repeat this process with additional Rule 6 parties, if required)
  - Appellant witness examination-in-chief
    - Cross examination by Rule 6 Parties
    - Appellant re-examination (if required)
33. The appellant's evidence should also address any other matters raised by interested parties during the Council's various consultations and those raised at the Inquiry.
34. On conclusion of that, the Inspector will lead a 'round-table' discussion on conditions and provisions of the planning obligation. That will be followed by closing submissions (Rule 6 Party, then the Council, finishing with the appellant) which should set out your respective cases as they stand at the end of the Inquiry. A written copy should be handed to the programme officer at the time and recorded as an Inquiry Document, appropriately cross-referenced where evidence is relied on, for the avoidance of doubt.
35. The Rule 6 parties are encouraged to collaborate on the delivery of their evidence, to avoid duplication and to make the most efficient use of Inquiry time.
36. The Council should confirm at the earliest opportunity that the Inquiry venue is equipped with accessibility features and that retiring rooms would be available for the Inspector and main parties.

### **Document Final Submission Dates**

37. As set out in the start letter, all proofs are to be submitted no later than **1 May 2024**. Details of the preferred format and content of proofs and other material were annexed to the pre-conference note. Agreed statements of common ground for each of the main issue topics should also

be submitted at this time, together with the list of core documents, and an agreed schedule of conditions.

38. A draft timetable should also be submitted no later than this date. The Inspector will approve the timetable with any necessary suggestions for amendment. Other than in exceptional circumstances, you are expected to keep to the timetable and other timings set out in this note, which will require the cooperation of both advocates and witnesses.
39. The Council is to ensure that a copy of the Inquiry notification letter and a list of those notified is sent to the Planning Inspectorate no later than **8 May 2024**. The Inspector will also require the topic-specific statements of common ground to be provided at the same time.
40. There is no reference in the Rules or the Procedural Guide to supplementary or rebuttal proofs and the Inspectorate does not encourage the provision of such. However, where they are necessary to save Inquiry time, copies should be provided no later than **15 May 2024**. 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 statement of common ground.
41. A final draft planning obligation and all relevant office copy entries should also be provided by this date, together with draft agendas for the round-table main issue sessions.

*(continued overleaf)*

No later than 1 May 2024	Deadline for submission of: <ul style="list-style-type: none"> <li>• all proofs of evidence, appendices and summaries;</li> <li>• statements of common ground;</li> <li>• an agreed list of suggested planning conditions in Word format;</li> <li>• a core documents list, submitted in Word format; and</li> <li>• a draft timetable.</li> </ul>
No later than 8 May 2024	Deadline for submission of: <ul style="list-style-type: none"> <li>• the Council's Inquiry notification letter.</li> </ul>
No later than 15 May 2024	Deadline for submission of: <ul style="list-style-type: none"> <li>• any addendum/revised statements of common ground or necessary rebuttal proofs;</li> <li>• a final draft legal agreement or Unilateral Undertaking, including office copy entries and accompanying documents;</li> <li>• draft agendas for the main consideration round-table sessions (design, and environmental matters).</li> </ul>
Wednesday 29 May 2024	Inquiry opens 10.00 am.

### **Costs**

42. No application for costs is anticipated by any party at this stage. If any application is to be made, the Planning Practice Guidance makes it clear that it should be made in writing before the Inquiry. Costs can be awarded in relation to unreasonable behaviour which may include not complying with the prescribed timetables. You are also reminded in this regard, that to support an effective and timely planning system in which all parties are required to behave reasonably, the Inspector has the ability to initiate an award of costs.

### **Close**

43. Thank you for your co-operation.

*Glen Rollings* 18 April 2024

*(annex follows)*

## **ANNEX – TEMPLATE FOR CORE DOCUMENTS LIST**

(Headings / subheadings may be adapted to suit)

### **1 Application documents and plans**

CD1.1  
CD1.2  
etc

### **2 Additional/amended reports and/or plans submitted after validation**

CD2.1  
CD2.2

### **3 Committee report and decision notice**

CD3.1 Offer's report and minute of committee meeting  
CD3.2 Decision notice  
CD3.3

### **4 The Development Plan**

CD4.1 Local Plan policies  
CD4.2 London Plan policies  
CD4.3 Supplementary planning documents  
CD4.4

### **5 Relevant appeal decisions\***

CD5.1  
CD5.2

### **6 Relevant judgements\***

CD6.1  
CD6.2

### **7 Appeal documents**

CD7.1 Statements of common ground  
CD7.2 Proofs of evidence

### **8 Pre-Inquiry documents**

CD8.1 Inspector's pre-conference note  
CD8.2 Inspector's case management conference agenda  
CD8.3 Inspector's case management conference summary

### **8 Other**

CD8.1  
CD8.2

\*Any appeal decisions or judgements/citations on which a party intends to rely must each be prefaced with a note explaining its relevance to the issues arising in the current case, together with the propositions relied on, with the relevant paragraphs marked up.