SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT 1990.

OAKHILL GROUP LIMITED

FORMER HARTWELL'S GARAGE SITE, NEWBRIDGE ROAD, BATH

PUBLIC INQUIRY - 16-26 FEBRUARY 2021

THE OPENING SPEECH ON BEHALF OF THE APPELLANT

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1. Introduction

1.1. There is a national crisis in the provision of housing.

1.2. That crisis can only be addressed one way which is to grant planning permission for additional housing.

1.3. It is patently clear that the best place to meet that need for additional housing is on sites which are chosen in sustainable locations within settlement boundaries on previously developed land which is currently underutilised and not being put to beneficial use.

1.4. This site ticks every single box accordingly and it is the conviction of Oakhill Group Limited ("**the Appellant**") that this matter simply should not be at appeal when one considers the matters of agreement and the matters remaining in dispute.

1.5. The Appellant is committed to developing the site and to retaining and managing it long term as an investment. This is not a developer looking to shift the consent to others but to retain it long term and therefore has a long term interest it getting its development and use right for a significant period.

1.6. As you will hear from Mr Krassowski the Appellant takes the view that on a fair and objective planning balance the proposal should receive planning permission.

1.7. The Appellant seeks outline planning permission for a mixed-use development comprising up to 104 flats, up to 186 student bedrooms, and a commercial retail unit on the former Hartwell's Garage site, on Newbridge Road in Bath.

1.8. Going against the clear advice and recommendation of officers that followed nearly 12 months of thorough consideration of the application, and nearly 3 years of pre-application discussion, the planning committee of Bath and North East Somerset Council ("**the Council**") refused permission on 16 March 2020.

1.9. Two of the six initial reasons for refusal are no longer pursued by the Council as a result of further discussions between the parties.

1.10. Many of the normal issues at play at housing inquiries are not here because:

1.10.1. This is an allocated site for housing so the principle of its development is accepted here and the debate is not if, but how.

1.10.2. This site sits within the agreed settlement boundary of the City so in principle its development is accepted.

1.10.3. It is previously developed land so the starting point is supportive of its development.

1.10.4. It is in a sustainable location.

1.10.5. The status quo is not an option as it is now empty and an eyesore and there must be some development.

1.11. In broad summary, granting permission for this scheme would end the undesirable status quo, secure the much-needed delivery of a key site allocation in the Council's development plan, optimise the effective use of this under-utilised previously developed brownfield site.

1.12. The scheme would provide well-designed residential flats and student accommodation to Bath, with an appropriate housing mix and sufficient open space provision (including an important sustainable transport route).

2. <u>The matters now in agreement between the LPA and the Appellant"</u>

2.1. M of A 1 – The site is properly considered PDL [SoCG 2.1 and 5.4]

2.2. M of A 2 – The site enjoys good access to public transport [SoCG 2.9]

2.3. M of A 3 – The site is allocated in the development plan for a comprehensive redevelopment [SB 15] [SoCG 5.4]

2.4. M of A 4 – There is no flooding issue [SoCG 2.15 and 5.21]

2.5. M of A 5 – The development plan for the purposes of Section 38(6) of the TCPA 1990 comprises the Core Strategy [2014] and the Placemaking Plan [July 2017].

2.6. M of A 6 – The use of the site for residential use is acceptable [SoCG 5.6]

2.7. M of A 7 – The use of the site for a small-scale commercial retail use is acceptable [SoCG 5.6]

2.8. M of A 8 – The proposal will have no impact on the World Heritage Site [SoCG 5.7]

2.9. M of A 9 – The proposal will have no adverse impact on designated or non-designated heritage assets [SoCG 5.12]

2.10. M of A 10 – The proposal provides an acceptable level of affordable housing [13 units] taking into account viability considerations [SoCG 5.13] and therefore RR 6 is no longer contested by the LPA. [Email from Tessa Hampden of 5 February 2021]

2.11. M of A 11 – The proposed access is acceptable [SoCG 5.15]

2.12. M of A 12 – There are no adverse impacts on highway safety or traffic on the highway network as a result of the development [SoCG 5.16]

2.13. M of A 13 – There would be no adverse impact on neighbouring residential amenity [SoCG 5.18]

3. The key matters in dispute between the parties;

3.1. The CMC note sets out the main issues for this inquiry. This list has been re-ordered with the loss of RR 4 and 6 since then.

3.2. Therefore there are 5 issues remaining at this appeal namely:

3.2.1. Issue 1 – Whether SB 15 allows as a matter of principle student accommodation on the site. [RR 1 and SoCG 6.2]

3.2.2. Issue 2 – Whether the proposal is acceptable in terms of its layout and quantum of development [RR 2 and SoCG 6.4]

3.2.3. Issue 3 – Whether the proposal provides an appropriate mix of housing [RR 3 and SoCG 6.6]

3.2.4. Issue 4 – Whether the proposal provides adequate recreational open space for the development either on site or off site [RR 5 and SoCG 6.8]

3.2.5. Issue 5 – Whether planning permission should be refused because of the effects on the operation of the neighbouring Industrial Estate owned by Standard Life? [See CD 60]

4. The development plan

4.1. The Appellant's case is that the proposed development complies fully with the development plan, which is up-to-date.

4.2. In accordance with paragraph 11(c) of the National Planning Policy Framework ("**NPPF**"), it should be approved without delay.

4.3. In these opening remarks, we will address only those policies where conflict is alleged however of course to reach a determination under section 38(6) of the Planning and Compulsory Purchase Act 2004 it is necessary in law to:

4.3.1. Consider the relevant policies in the development plan [SoCG 3.2]

4.3.2. Determine whether the policies are complied with or breached.

4.3.3. Attribute weighting to those policies.

4.3.4. Conclude whether the proposal complies or does not with the provisions of the development plan.

4.4. It is important to note that both main parties accept the development plan is up to date and consistent with the provisions of the NPPF so there is no contention that the tilted balance is in operation in this appeal.

5. Policy SB15 – the principle of development (Main Issue 1)

5.1. Of central importance to the determination of this appeal, the site is the subject of site allocation Policy SB15 in the Core Strategy and Placemaking Plan ("**the Plan**"), which provides the following:

"*Residential development of around 80-100 dwellings, which could include a variety of specialist older persons housing types but not student accommodation, where this would prejudice the achievement of Policy DW.1 and B1 in respect of boosting the supply of standard market and affordable housing*."

5.2. There are two approaches to this policy: one that accepts it allows student accommodation if the threshold of 80-100 residential dwellings is passed ["wider interpretation approach"]; and the members' interpretation which is that the policy, irrespective of the contents of any application bans the provision of student accommodation on the site ["restrictive interpretation approach"].

5.3. It is the fundamental contention of the Appellant that the wider interpretation of the policy is the correct one for the following reasons:

5.3.1. Reason 1 - Reason for refusal 1 ("**RfR1**") is premised on a clear and obvious misinterpretation of this policy.

5.3.1.1. RfR1 states (emphasis added):

"This policy, and its supporting text, is clear that the site … is allocated for 80-100 dwellings and that this cannot include student accommodation".

5.3.1.2. This omits the crucial words that follow the second comma: "*where this would prejudice …*".

5.3.1.3. It assumes and is completely dependent on a proposition that the policy imposes a blanket ban on student accommodation.

5.3.1.4. That is not what the policy does.

5.3.1.5. Instead, it seeks to ensure that the provision of student accommodation is resisted where it would prejudice the supply of market and affordable housing.

5.3.1.6. In other words, if student accommodation is being sought at the expense of the required 80-100 residential homes, then the accommodation is prejudicing the supply of housing.

5.3.1.7. However once that threshold of residential accommodation is passed then the policy provides no restriction or embargo on the provision of student accommodation on this site.

5.3.1.8. Because of the provision of 104 residential units within this scheme there is no such prejudice.

5.3.1.9. The design enables the student accommodation to co-exist with the provision of 104 residential flats, thereby boosting the supply of housing and delivering the allocated provision for the site.

5.3.1.10. The proposal therefore fully complies with the site allocation Policy SB15, which confirms support for the principle of the development.

5.3.2. Reason 2 – The wider interpretation has been endorsed on many occasions by the Officers of the LPA:

5.3.2.1. Occasion 1 – Meeting of 16 December 2016. [MAK 2]

5.3.2.2. Occasion 2 – Meeting of 15 June 2017 [MAK 3]

5.3.2.3. Occasion 3 – Chris Gomm email of 3 July 2017 [MAK 4 and CD 3]

5.3.2.4. Occasion 4 – Pre-application response of 29 October 2018 [CD4]

5.3.2.5. Occasion 5 - The Council's officer report to committee (CD34), which stated:

"*The provision of 104 dwellings is clearly compliant with Policy SB15 as this meets the requirement that 'around' 80-100 dwellings be provided. The provision of 186 student bedrooms is also in accordance with Policy SB15 because this element of the scheme will not displace the 80-100 units required by the policy; the 186 student bedrooms are in addition to the 104 dwellings. Policy SB15 requires the provision of around 80-100 non-student units but it does not preclude additional forms of residential development, including student accommodation, above and beyond that figure once that requirement has been met*."

5.3.2.6. Therefore from December 2016-March 2020 the Officers repeatedly and consistently applied and interpreted the policy with the wider interpretation.

5.4. It is revealing that the Council has elected to call the Chair of the planning committee to explain their interpretation of Policy SB15, in addition to the Council's own planning witness addressing this issue.

5.5. Mr Mark Krassowski, the Appellant's planning witness, will give evidence on RfR1.

6. Policies CP6, D1 and D2 – Design (Main Issue 2)

6.1. Design is the subject of RfR2.

6.2. It will be addressed by the evidence of Mr Kenny Brown on behalf of the Appellant. It is characterised in Main Issue 2 as the "*likely effect of the proposed development on the character and appearance of the area*".

6.3. Mr Brown divides RfR2 into two separate issues:

6.3.1. The impact on the character and quality of Newbridge and whether the appeal scheme is "uncharacteristic and alien" in relation to its context.

6.3.2. The response to the relevant local and national design policies and whether/how any policies are breached.

6.4. Using the Building for Life 12 methodology, Mr Brown has demonstrated the overall high quality of design in relation to the scheme. The scheme met with the approval of the Council's design officer and planning officer.

6.5. Mr Brown will explain how the design issue is essentially whether the appeal scheme would fit in with the surroundings, and how the Council's planning committee (and third parties) have confused "difference with harm": see Mr Brown's Proof, para. 5.9.

6.6. He will systematically de-construct RfR2, and explain why the criticisms are unfounded (including by reliance upon detailed analysis in the Council's own committee report – see e.g. para. 5.47-5.48 of the Proof).

6.7. His overall conclusions (see section 6 of his Proof) will demonstrate that:

6.7.1. The scheme relates positively to the local character and context by being sympathetic yet distinctive, addressing the unique constraints of the site with a much-improved sense of place;

6.7.2. The indicative scale, as well as the layout and depth of plan form is appropriate to the site and proposed building types;

6.7.3. The surrounding space is more than adequate for the nature of the development;

6.7.4. The quantum of development is not excessive, and instead optimises a currently under-utilised brownfield site.

7. Policy CP10 – Housing Mix (Main Issue 3)

7.1. This is the subject of RfR3 in which the Council state that the development "*fails to provide an appropriate mix of housing*".

7.2. Mr Krassowski will give evidence relating to this reason for refusal.

7.3. It is common ground that policy CP10 is not prescriptive about what the mix should be. That is of fundamental importance.

7.4. It simply states that new development "*must provide for a variety of housing types and size to accommodate a range of different households …*". In addition, "*the mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location*".

7.5. The appeal scheme comprises two types of student bedspace and four types of residential flats including affordable rented accommodation: this is unquestionably a "*variety of housing types and size*".

7.6. There is no obligation under policy CP10 to provide every type and size of housing.

7.7. CP10 has been found in a very recent appeal decision to be complied with by the provision of just two accommodation types (student studios and cluster flats): see the Locksbrook Road appeal decision (CD61).

7.8. A flexible approach, having regard to the locality and character of the area, is manifest in the Council's approach to other cases: see Mr Krassowski's Proof, para. 6.9.

7.9. The Officer's report for this scheme agreed with the Appellant's mix:

"*there is a significant quantum of conventional housing in the locality and it not considered necessary nor reasonable to insist that conventional housing be provided as part of the mix*"

7.10. Mr Krassowski's evidence will show that the site is well suited to higher-density development with smaller units, due to physical constraints and the sustainability credentials of the site, and will contribute to the need for "starter homes" in the city: Mr Krassowski's Prof, para. 6.14.

7.11. The Appellant also relies on the clear evidence of Bath agents Carter Jonas that the unit mix will be met with high demand in Bath: Appendix 8 to Mr Krassowski's Proof.

7.12. Additionally the Appellant is at a loss to understand what actual harm would be caused if the mix of housing in this development is approved. There is simply no identification of the harm that would accrue if planning permission is granted in this regard.

8. <u>Policy LCR6 – Open Space (Main Issue 4)</u>

8.1. Policy LCR6 provides that "*where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development*".

8.2. The standards against which provision is to be assessed are set out in the Council's Green Space Strategy and the Planning Obligations SPD.

8.3. The Officer's Report (CD34) stated as follows:

"it is impractical for this development to provide sufficient quantities of these greenspace typologies on-site. Importantly it is recognised that the development can provide wider green infrastructure benefits through the delivery of the sustainable transport route. The route will provide improved access to existing green space typologies on the river corridor and beyond and has the potential to be a recreational facility that can contribute to meeting the requirements of policy LCR6."

8.4. In addition to the provision of the sustainable transport route ("**STR**") linking to existing open space and providing a recreational facility in its own right, the Appellant will contribute £25,000 towards allotments (pursuant to the Council's request).

8.5. The STR will have the important effect of providing the missing link between Bath Spa's Locksbrook campus and their main campus – a significant sustainable travel enhancement for students and local residents.

8.6. The linkage with the Bristol to Bath cycle path is also a significant material benefit. In terms of "*existing provision*" under policy LCR6, the Appellant also draws attention to Brassmill Lane Park, approximately 150 metres from the site.

8.7. As the evidence of Mr Krassowski will show, and consistent with the approach taken with other planning applications in Bath, the open space issue needs to be considered in the context of this scheme maximising the opportunity to optimise the efficient use of a previously developed site with excellent sustainability credentials.

8.8. Again it is very difficult to understand what the allegation of harm here is for this element of the proposal.

9. <u>The benefits of the proposal</u>

9.1. The proposal will bring the <u>13 important benefits</u> listed in section 4 of Mr Krassowski's Proof.

9.2. These include:

9.2.1. Benefit 1 - The re-use of previously developed brownfield land of which the NPPF says substantial weight should be given. [NPPF 118c]

9.2.2. Benefit 2 - The ending of the under-utilised and unattractive status quo following years of discussions with the Council which the NPPF says should be promoted and supported [NPPF 118d]

9.2.3. Benefit 3 – The redevelopment of under-utilised land and buildings [NPPF 118d]

9.2.4. Benefit 4 - The development of a site in a sustainable location [NPPF chapter 9]

9.2.5. Benefit 5 – The maximisation and efficient use of land [NPPF 123]

9.2.6. Benefit 6 - The provision of market housing [NPPF 59]

9.2.7. Benefit 7 – The provision of affordable housing (the latter provision of 12.5% being the agreed maximum which can viably be provided) [NPPF 61]

9.2.8. Benefit 8 - The provision of purpose-built student accommodation [NPPF 61]

9.2.9. Benefit 9 - The provision of economic benefits [NPPF 80]

9.2.10. Benefit 10 - The social benefits [NPPF 8]

9.2.11. Benefit 11 – The provision of the STR.

9.2.12. Benefit 12 - The landscape and biodiversity enhancement (a net gain of over 16%), [NPPF 175]

9.2.13. Benefit 13 - Accessibility by alternative means of transport. [NPPF 103]

9.3. These benefits are individually and cumulatively substantial.

9.4. They collectively indicate that, applying section 38(6) of the Planning and Compulsory Purchase Act 2004, there are no material considerations which would justify a

departure from the development plan in this case. They instead reinforce the justification for granting planning permission.

10. The Rule 6 Party's objection (Main Issue 5)

10.1. The Rule 6 Party, Standard Life Assurance Limited ("**SLAL**"), own the Maltings Industrial Estate ("**the Maltings**"), which immediately adjoins the appeal site to the south.

10.2. The Appellant benefits from a wide ranging and important easement which allows the right of passage through the Maltings.

10.3. There is no dispute that such a right exists and it is wide ranging in its ambit and consequence.

10.4. The basis of concern is difficult to understand frankly, considering such a right has existed for many years and has been used consistently and with significant usage by the historic garage use. Many cars, vehicle recovery trucks and transporters were brought through the industrial estate for many years.

10.5. Until this application was submitted there has been no record of any difficulty or concern from the existence of the easement and not once has SLAL sought to extinguish or modify the rights that exist under the easement by agreement or negotiation.

10.6. For some reason SLAL are now troubled by the potential future use of the easement.

10.7. It is important to note that SLAL's concerns about future reliance on that easement by the occupiers and users of this development through the Maltings is not one shared in any way by the LPA.

10.8. There is no objection based on planning grounds from the LPA.

10.9. This is solely an SLAL commercial concern.

10.10. In terms of the proposed development, access will primarily be from Newbridge Road.

10.11. However, there is another access proposed from Brassmill Lane, through the Maltings.

10.12. This route will be limited to providing access to 9 parking spaces which will be restricted to use only by permit holders, and service access for MGVs and HGVs and emergency vehicles.

10.13. The use will be minor and intermittent and nothing like the extent previously seen when the garage was fully operational.

10.14. Notwithstanding a complete lack of historic issues or objections from their occupiers to this use (certainly none has been made available or shown to Oakhill) SLAL are concerned about the impact of the use of this access route on occupants of the Maltings.

10.15. The Appellant proposes a "management plan" ("**the Management Plan**") to provide comfort to SLAL in respect of the use of the access. This is appended to the Rebuttal Statement of Mr Ian Monachino-Ayres.

10.16. The Proofs of Evidence of Mr Monachino-Ayres and Mr Krassowski (paras. 8.1-8.12) cover SLAL's objection, and Mr Monachino-Ayres' Rebuttal Proof provides commentary on how the Management Plan addresses the various points made in Ms Bending's Proof of Evidence for SLAL. These can be explored in the round-table session.

10.17. The Appellant makes the following points in opening about SLAL's objection:

10.17.1. SLAL are entitled to have concerns about the use of the access route through the Maltings, and the Appellant is keen to ensure good relations between neighbours.

10.17.2. The Appellant does not consider those concerns can properly found a reason for refusing planning permission and that is corroborated by the LPA's stance.

10.17.3. This is because, even if planning permission is granted, SLAL will be able to ensure reasonable use of the access by relying on their private law rights. The grant of planning permission cannot cut down or prejudice those private law rights: see para. 7 of the Eversheds Sutherland Legal Note at Appendix 2 to Mr Monachino-Ayres' Rebuttal Proof ("**the Eversheds Note**").

10.17.4. SLAL's private law rights arise from the Deed of Grant dated 11 May 1994 ("**the Deed**"). The Deed gives the Appellant a very wide right of access through the Maltings both relating to vehicles and pedestrians. The right is for use "at all times", with no express limit on the number of vehicles, and an express provision for "vehicles" to include "all classes of HGV". As a matter of law, the frequency or quantity of users is not limited to the frequency or quantity at the time of the grant. It is instead limited by the physical state of the way at the time of the grant. Here, it is an express requirement of the Deed that the way is "of sufficient width and classification" to accommodate all classes of HGV: see Appendix 10 to Mr Krassowski's Proof.

10.17.5. However wide the right may be, the law of easements provides that any right of way cannot be exercised unreasonably or excessively so as to cause an undue interference for the occupants of the servient tenement (here, the Maltings): see ***Moncrieff v Jamieson*** [2007] 1 WLR 2620 at [45]. Were that to happen, SLAL's remedy would be to seek an injunction to restrain the excessive use. All of this applies regardless of the grant of planning permission.

10.17.6. By the same token, any restriction by SLAL on the Appellant's access rights, for example by gates, has to be reasonable. Otherwise, it is capable of constituting a disturbance of the easement, which the Appellant would be entitled to restrain by way of injunction in court.

10.17.7. The Appellant is under no legal obligation to enter into the Management Plan. The Deed gives the Appellant the access rights it requires, and gives SLAL the means to enforce against unreasonable use of those rights.

10.17.8. However, in order to ensure a positive working relationship between neighbours, the Appellant is willing to enter into the Management Plan to supplement the Deed by providing further detail on access arrangements. In many ways, the Management Plan provides betterment for SLAL. For example, the use by pedestrians will end with the proposed development, compared to the existing.

10.17.9. As to how Management Plan should be entered into, the Appellant rejects SLAL's suggestion of it being incorporated into the s.106 agreement, for the reasons given in the Eversheds Note. The Appellant considers that the Management Plan should be entered into as a private deed between the Appellant and SLAL. This can be considered further in the roundtable session.

10.18. However it must be emphasised that SLAL have simply not identified any credible reason why planning permission should be refused.

10.19. Any re-use, redevelopment or planning permission granted on the appeal site will benefit from the rights under the easement, and SLAL can already ensure reasonable use of the easement without the Management Plan. It is as simple as that.

11. Other Third Party objections

11.1. Other objections and concerns raised by Third Parties, regarding highway safety, traffic impact, parking and management of students, are dealt with in the Proofs of Mr Krassowski (paras. 8.13-8.23) and Mr Monachino-Ayres.

11.2. It is the contention in opening that whilst concerns about a new development are always understandable because of the effect of change, the Appellant is of the view that none of the concerns raised beyond the LPA's case are justifiable grounds for refusing consent for this application because they are not endorsed by the consultation responses and all have been dealt with in great detail by the application documents which show the concerns are not made out.

12. Conclusion

12.1. Overall, this is a proposal which achieves compliance with all relevant development plan policies, and should be approved without delay under NPPF para. 11(c).

12.2. There are no material considerations to justify a departure from the development plan.

12.3. Instead, the material considerations including many benefits, including the optimised and efficient use of under-utilised previously developed land, reinforce the grant of planning permission.

12.4. As the evidence will show, the Inspector is invited to allow this appeal.

16 February 2021.

SASHA WHITE Q.C. and MATTHEW FRASER
LANDMARK CHAMBERS.

APPENDIX 1 – CHRONOLOGY

- 19th century – Site used as a quarry. [SoCG 2.19]
- 1950s – Garage use commences on the site. [SoCG 2.19]
- Late 1960s – Concrete batching plant commences use. [SoCG 2.19]
- 8 October 2010 – Certificate for Appropriate Alternative Development issued for residential redevelopment of the site. [10/03384/CAAD]
- March 2012 – NPPF 1 published.
- 2013 – Mark Krassowski of WP instructed to provide planning advice to the Appellant with regard to this site. [MK paragraph 1.3]
- May 2014 – Screening request submitted to the LPA. [14/02229/SCREEN]
- 10 July 2014 – Core Strategy adopted. [CD37A]
- September 2014 – Planning application submitted by WP for 194 student units in three blocks on the site [14/03977/OUT].
- November 2014 – The planning application was withdrawn.
- April 2015 – BANES Planning obligation SPD adopted. [CD40]
- December 2015 – The LPA publish its submission draft Placemaking Plan.
- May 2016 – Pre-application submission made to the LPA for 100% residential scheme. [SoCG 2.22]
- June 2016 – EIP into the placemaking plan.
- 16 December 2016 – Pre-Application meeting with the LPA when principle of student accommodation accepted by officers. [MAK 2].
- 16 June 2017 – Meeting between WP and LPA [Chris Gomm]
- 28 June 2017 – Inspectors report published into placemaking plan [CD38]
- 3 July 2017 – LPA confirm the use of the site for student development is acceptable provided that the redevelopment contains at least 80 residential units [CD 3]
- 13 July 2017 – Part 2 Placemaking plan adopted. [CD37B and C]
- 15 July 2017 – Second Pre-Application meeting with the LPA when the principle of student accommodation accepted by officers [MAK 3]
- 21 July 2017 – Screening request made to the LPA by WP regarding EIA proposing development of 99 units and 170 student units. [CD 1] [17/03535/SCREEN]

- 4 August 2017 – LPA [Chris Gomm] confirm no requirement for an EIA. [CD 2]
- July 2018 – NPPF 2 published.
- 2 October 2018 – Another formal pre-application enquiry submitted.
- 16 October 2018 – Pre-application meeting between WP and LPA.
- 29 October 2018 – Formal pre-application advice provided by the LPA [Chris Gomm] [CD4] which confirms the acceptability of student accommodation.
- 29 January 2019 – Public exhibition held to show the proposals.
- 30 January 2019 – Further pre-application meeting with the LPA.
- February 2019 – NPPF 3 published.
- April 2019 – Submission of the outline planning application by the Appellant for 186 student bedrooms and 104 residential units and a retail unit of 148 square metres. [Application Ref: 19/01854/OUT] All matters reserved save for access and layout.
- 1 May 2019 – Planning application validated and the case officer is Chris Gomm.
- May 2019 – The operational use as a garage closes on site.
- February 2020 – Cushman and Wakefield provide viability assessment on behalf of the LPA confirming the Appellant's viability assessment.
- 11 March 2020 – Planning application presented to the LPA planning committee with Officer recommendation for approval [CD 34]. 274 letters of objection to the proposal. Members unanimously determine to refuse the application [10-0]. [CD35]
- 16 March 2020 – Decision Notice issued. [CD 36]
- May 2020 – LPA produce a Local Plan Partial Update ["LPPU"] with initial consultation.
- 21 August 2020 – Appeal submitted to PINS [CD56] with Statement of Case.
- 9 September 2020 – Start Letter sent by PINS.
- October 2020 – LPA statement of Case produced [CD 59]
- 16 December 2020 – CMC held.
- 22 December 2020 – LPA confirm that they are not going to defend RR 4.
- 23 December 2020 – Inspector provides CMC note.

- 30 December 2020 – Locksbrook Road Appeal decision issued granting planning permission for student scheme [CD61]

- 13 January 2021 – SoCG signed between the LPA and the Appellant.

- 19 January 2021 – Exchange of evidence by the parties.

- 20 January 2021 – PINS confirm development is not EIA development and no EIA is required.

- 5 February 2021 – Reason of Refusal 6 is formally withdrawn by the LPA.

- 8 February 2021 – Virtual Test event held.

- 16-26 February 2021 – Public inquiry by way of Section 78 of the TCPA 1990.

- Autumn 2021 – Anticipated date of submission of LPPU to the Secretary of State.
