

NS/GF/PD9450

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2nd May 2014

The Planning Inspectorate
Registry/Scanning
Room 3/01 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Dear Sirs

**Town and Country Planning Act 1990, s. 78 (1) (a)
Planning (Listed Buildings and Conservation Areas) Act 1990, s. 20(1) (a)
Appeals by Karawana Limited Against the Refusals by Camden Council of Planning Permission
and conservation Area Consent for Redevelopment at 29 New End, Hampstead, London NW3
1JD (Camden refs. . 2012/3089/P and 2012/3092/C)
Choice of Procedure (2) Rule 6 parties (3) Need for a Bespoke Programme (4) are the appellants
claiming costs? (5) Submission of documents**

We refer to these appeals. On behalf of our clients we have chosen the Inquiry procedure. In this letter we deal with the case for an Inquiry and with several other related preliminary topics as noted in the heading.

Request for Inquiry Procedure

This letter explains our reasons for requesting this procedure, taking account of the criteria set out in Annex K of The Planning Inspectorate Procedural Guide "Planning Appeals- England" of October 2013, as follows:

1. It will be evident from the Full Statement of Case that, in the event that the Council decide to defend issues raised in reasons 1 to 6 (against the recommendation of the Planning Officers and in some cases against the evidence of their own consultants) the principal matters in dispute with the Council would relate to one or more of the following issues:
 - (i) the lack of affordable housing within the proposed development- this if sustained by Camden will essentially engage detailed evidence from both parties on viability issues relating to the development
 - (ii) bulk, mass and design, needing discussion of these issues
 - (iii) outlook from some of the flats
 - (iv) trees
 - (v) the impact of the basement works on amenity of neighbours
 - (vi) parking and traffic
2. It is evident that some of these issues would require the thorough testing in cross-examination of expert evidence to be given on behalf of the inquiry parties.
3. This will require the appellant certainly and probably the local authority to be represented by counsel.
4. It is also predictable that legal submissions may need to be made.
5. The applications have generated significant local interest (see further below)

From the above, it will be evident that the criteria for the inquiry procedure set out in PINS 01/2009 Annex C are met and we look forward to hearing that this is accepted.

Rule 6 parties

At this early stage it is unclear which of the objectors to the proposals will wish to appear at the inquiry. But we would mention that several groups of objectors were represented by Queen's Counsel at the Committee meeting which determined the applications, and it would seem likely that several parties would wish to appear at the Inquiry. In that event on behalf of the appellants we submit it would be appropriate for those parties to be required to become Rule 6 parties.

Need for a Bespoke Programme

In the appeal forms we have suggested that the inquiry might last 5 or 6 days. Much depends on progress on agreeing the Statement of Common Ground ("SCG") and the involvement of third parties. We would suggest that a draft bespoke programme should be agreed between the principal parties shortly after submission of the Council's Full Statement and the agreed SCG.

Are the appellants claiming costs?

This question is asked in the appeal form, which we would suggest is somewhat premature; as a holding response we have stated "no", but which wish to confirm that the appellants are reserving their position; much will turn on whether the Council persists in seeking to pursue stances on certain issues against the clear thrust of the technical evidence, not least from their own advisers.

Submission of documents

As requested under the new front-loaded procedure, we are submitting a substantial list of documents with the appeal. However, it is evident that if the Inspector is to be properly informed in order to make a fair and reasonable decision it will be necessary to submit up-to-date evidence superseding some of the evidence submitted at this time, for example in relation to the viability of the development. Accordingly on behalf of the appellants we reserve the right to submit further evidence in due course where it will assist the Inspector to reach a sound decision. We do not regard this as being confined to so-called "exceptional circumstances"

Yours faithfully



MONTAGU EVANS LLP