

25th July 2019

Dear Simon,

Demolition of existing buildings/structures and redevelopment to provide purpose-built student accommodation; hotel; commercial space (Use Classes A1, A3, A4, B1(c) and D2); artist studios; and associated vehicular access and public realm improvements (Ref: 182120)

I note that there is no alleged breach of the development plan in this reason for refusal and that it is the NPPF that the scheme is said to be in conflict with. As you know, the NPPF is not a development plan document but does constitute a material consideration when making planning decisions.

I find no conflict with paragraph 128 of the NPPF. The NPPF provides a clear recommendation for preapplication engagement but it is not a mandatory requirement and it certainly does not prescribe how such engagement should be carried out. Notwithstanding this, it is clear that preapplication discussions were held. The effectiveness of such discussions in terms of the final scheme is an entirely different point. The proposal may not be what the committee wanted to see at this site but I suggest that that point is better dealt with by the second reason for refusal.

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recommend that the Council reconsiders the first reason for refusal in light of my advice above and I would advise withdrawing it from this case. Should the Council disagree with my advice and decide to pursue this matter I will be forced to concede that it is unreasonable when cross-examined on the issue by the appellant's barrister.

As you are aware, we need to settle the Statement of Case and the Statement of Common Ground by 13/8 and therefore your prompt response on this point would be greatly appreciated.

Yours sincerely

Nicky Parsons
Executive Director

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