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Susan Keresztes
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Planning & Borough Development
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Your Ref: PP/11/03352
Our Ref: APP/K5600/A/12/2172028/NWF
**Further appeal references at
foot of letter**
Date: 24 May 2012

Dear Ms Keresztes

**Town and Country Planning Act 1990
Appeals by RAB Pension Trust and Mr Tadhg Flanagan (RAB Pension Trust)
Site at 9 Phene Street, London, SW3 5NY**

I have received appeal forms and documents for this site. I am the case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeals are valid. If I later find out that this is not the case, I will write to you again.

The procedure and starting date

The appellants have requested the inquiry procedure. We have applied the criteria and considered all representations received, including the appellants' preferred choice. We consider that the inquiry procedure is suitable and we intend to determine these appeals by this procedure.

We believe that a sound basis has been provided to conclude that cross examination and legal submissions will be required to assist the Inspector in determining the appeals, and therefore an inquiry is necessary.

The date of this letter is the **starting date** for the appeals.

Sending documents to us and looking at the appeals

If you post your documents, please:

- send one copy of the questionnaire and its supporting documents;
- send two copies of other documents as specified below;
- put the full appeal reference numbers on each copy.



If you email them to the email address above please quote the full appeal reference numbers. Guidance on communicating with us electronically can be found in GPA Note 06, which is available from:

www.planningportal.gov.uk/planning/appeals/planningappeals.

You can look at this case using the Planning Casework Service

www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp

by typing in the appeal reference numbers and clicking on "Search for Cases".

Keeping to the timetable

You must keep to the timetable set out below and make sure that you send us the relevant documents within these deadlines. This will mean that we can deal with the appeals promptly and fairly. If you do not send us the relevant documents in time, the Inspector will not normally look at them and we will return them to you unless there are exceptional reasons for accepting them. You must note the details of the following timetable because we will not send any reminders.

The following documents must be sent within this timetable.

By 7 June 2012

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeals have been made. You should tell them:-

- i) that any comments they made at application stage will be sent to me and if they want to make any additional comments, they must submit 3 copies within 6 weeks of the starting date, **by 5 July 2012**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;
- ii) when and where the appeal documents will be available for inspection;
- iii) that the Planning Inspectorate will not acknowledge representations. We will, however, ensure that letters received by the deadline are passed on to the Inspector dealing with the appeals;
- iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by an inquiry' either free of charge from you or on your website, or on the Planning Portal (www.planningportal.gov.uk); and
- v) that the decision will be published on the Planning Portal.

You must send a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies, a copy of your notification letter and a list of those notified to the appellants and me. You have the opportunity to state your preferred choice of procedure by answering Question 1 of the appeal questionnaire.

By 5 July 2012

Please send me 2 copies of your statement giving full details of the case you will put forward at the inquiry including a list of any documents, maps or plans you intend to refer to or use in evidence. The appellants may require you to send them any such document (or relevant part of such a document). Please also include a list of any conditions or limitations you would agree to, if the appeals were to be allowed. I will send a copy of your statement to the appellants and send you a copy of their statement. You and the appellants must send a copy of your statements to any statutory parties. I will send you and the appellants a copy of any comments submitted by interested persons or organisations.

The appellants must also send a copy of the agreed statement of common ground, listing all matters agreed between you and them. This should include basic facts such as the site description, area, planning history, relevant planning policies, and all other matters of agreement relating to the appeals. The Inspector may question the information in the statement. Further guidance on producing statements of common ground (and a model form) can be found in GPA Note 08, which is available from www.planningportal.gov.uk/pcs.

You must allow anyone who wants to inspect the appeal documents a reasonable opportunity to do so. Your statement must say when and where this can be done.

No later than 4 weeks before the inquiry

You and the appellants must send me 2 copies of your proofs of evidence (and a summary if the proof is over 1500 words in length). A proof of evidence is a written statement that you, the appellants or a witness wants the Inspector to take into account at the inquiry. Any summary should reflect the contents of the proof and should not include new evidence. When a summary is provided, only that will be read at the inquiry.

If you propose to give, or call another person(s) to give evidence at the inquiry, you must also send us in writing an estimate of the time required to present all their evidence and confirmation of the number of witnesses you intend to call.

Planning obligations - section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land' or a legally binding undertaking signed unilaterally by a person 'interested in the land'. If you intend to submit a planning obligation you must read the guidance provided in GPA Note 16, which is available from www.planningportal.gov.uk/pcs. A final draft, agreed by all parties to it, must be submitted to me no later than 10 days before the inquiry opens.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the applications or appeals. You must give details of any statutory parties at application stage on the questionnaire. I will tell you about any statutory parties who write to us at appeal stage, before your statement of case is due. You must send any statutory party(ies) a copy of your statement and proofs of evidence at the same time as you send them to me and the appellants.

Withdrawing the appeals

If you hear that the appeals are to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellants, I will write to you.

Costs

The appellants have been directed to our advice pamphlet '*Costs awards in planning appeals*'. You should also be aware that costs may be awarded to either party.

Further information

Further information about the appeals process can be found in our Good Practice Advice Notes. These notes can be accessed at: www.planningportal.gov.uk/pca or you can contact me if you want a hard copy of any of the notes. Advice on producing statements and proofs of evidence is in GPA Note 07. I recommend that you read the relevant guidance.

Yours sincerely

Helen Skinner

pp Catherine Evans

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Further appeal references:- APP/K5600/A/12/2175522