



Appeal Decisions

Inquiry opened on 9 October 2012

Site visits made on 10 October 2012 and 5 November 2012

by R J Marshall LLB Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2013

Appeal A: APP/K5600/A/12/2172028

9, Phene Street, London, SW3 5NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Flanagan (RAB Pension Trust) against The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/11/03352/Q2, is dated 5 October 2011.
 - The development proposed is Change of Use to single family dwelling and provision for waste storage.
 - The inquiry sat for 6 days on 9/10/11/12/25 October 2012 and 5 November 2012.
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Appeal B: APP/K5600/A/12/2175522

9, Phene Street, London, SW3 5NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Flanagan (RAB Pension Trust) against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/11/02421/C, dated 22 July 2011, was refused by notice dated 7 March 2012.
 - The development proposed is Change of use to single family dwelling, basement extensions and external alterations.
 - The inquiry sat for 6 days on 9/10/11/12/25 October and 5 November 2012.
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Decision

1. The appeals are dismissed.

Background and procedural matters

2. The appeal premises is The Phene Arms public house. The scheme in appeal A is for its change of use with no external alterations. The scheme in appeal B is for a change of use, some minor external alterations and the construction of substantial basement accommodation. The Council's concern on both proposals is solely on the change of use and does not differ in regard to the 2 schemes. I shall therefore deal below with both applications together.
3. Amongst other things the Council was initially concerned that there would be unacceptable pressure on local infrastructure, including education, health and community facilities, and upon on-street parking. These concerns have been overcome by Section 106 Agreements to make relevant contributions and to prevent owners and occupiers of the site obtaining parking permits.

Main Issues

4. The main issues on both appeals are:

first, the effect of the proposed development on the value of the appeal premises as a non-designated heritage asset and more widely upon the character and appearance of the surrounding area which includes the Cheyne Conservation Area; and

second, whether having regard to the development plan, Government policy and emerging local policy there is sufficient justification to resist the proposed development on the grounds of an unacceptable loss of a community facility.

Reasons

The significance of the appeal premises as a heritage asset and the impact of the proposed development on the character and appearance of the surrounding area including the Cheyne Conservation Area

5. The Phene Arms was built in the mid-19th century as part of the Victorian development of this part of Chelsea. It is named after a local eccentric, Dr Phene, who was the developer of some of the surrounding residential area. It is an attractive and well proportioned building with features on the ground floor elevations that clearly distinguish it as a public house.
6. Although The Phene Arms is not listed it is common ground between the parties that it should be regarded as a non-designated heritage asset. *The National Planning Policy Framework (the Framework)* says that the effect of an application on the significance of such assets should be taken into account in determining planning applications.
7. In determining the value of a non-designated heritage asset and the impact of the proposal on it consideration must be given to those matters that give significance to the asset. There is no disagreement between the parties that aesthetic and historical considerations are relevant to the significance of such assets. However, there is a dispute as to whether or not community and social considerations should be taken into account. In my view they should be for although not referred to the *PPS5 Practice Guide* they are referred to in to English Heritage documents, *Conservation Principles Policies and Guidance 2008* and the *Good Practice Guide for Local Heritage Listing (2012)*.
8. The Council considers that The Phene Arms is of sufficient community and social value for this to be of considerable significance to it as a non-designated heritage asset. The loss of the premises to housing would, therefore, says the Council, be of substantial harm to the value of the building as such an asset. The Phene Arms is a public house which local people say they like to go to and hold occasional meetings in. Undoubtedly The Phene Arms is warmly regarded by some and holds pleasant memories and associations. It has occasionally been used to hold meetings of local associations. However, the same could be said of many such premises. From all the evidence before me I do not consider that The Phene Arms has a sufficiently strong community and social value for these factors to be of any substantial significance to it as a non-designated heritage asset.
9. The Phene Arms although an attractive building has no outstanding aesthetic value and neither proposal would result in changes to the fabric of the building

sufficient to harm its appearance architecturally. The appeal property is of only modest historical value in its own right as a long standing public house and being named after Dr Phene. Thus I do not consider that the appeal building has an inherent attribute in aesthetic and historic terms to warrant it having substantial significance as a non-designated heritage asset. Nor would the significance it does have in this regard be unduly harmed by the proposed developments.

10. However, that is not to say that the current use of the premises cannot still perform an important role in the character and appearance of the area in which it is located. I go on to consider this below.
11. The appeal site lies in that part of Chelsea covered by the Cheyne Conservation Area. The Conservation Area Policy Statement, in that part copied for the inquiry, details street by street the architecture of the area but does little to convey a broader impression of the area. For this I have relied upon all the evidence before me and what I saw. The Conservation Area extends from the Kings Road to the north and Cheyne Walk and the Chelsea Embankment to the south. Both these roads are major thoroughfares. Kings Road is a bustling shopping area and the Chelsea Embankment contains substantial residential buildings.
12. The area between these two roads comprises, in the northern part, terraces and squares developed during the early to mid 19th century. The appeal site lies on the eastern edge of this area. Much of the remainder of the Conservation Area to the south, often known as Old Chelsea, forms part of what was the mediaeval village of Chelsea. This area contains narrower roads and a slightly more intimate feel than the residential areas to the north. However, despite these differences, that part of the Conservation Area lying between the two main thoroughfares is strongly characterised by predominantly residential properties with a scattering of commercial uses including shops, offices and public houses.
13. Four public houses remain in the Conservation Area. One of these premises comprises one of the pubs along the Kings Road. The others are The Phene, the Cross Keys (albeit currently closed) and the Pigs Ear. They are the historical remnant of what had been a much larger number of public houses in this part of Chelsea prior to the construction of the Chelsea embankment in the 1870s.
14. One of the delights of walking through this area off the main thoroughfares is that it is not solely residential in character. The public houses in particular, with their vitality and vibrancy, create a pleasant contrast with the more subdued residential streets. This is all the more so because they do not stand out assertively but are seen from relatively limited viewpoints so that their presence comes as rather a surprise when moving through the area.
15. There, are moreover, in the adjoining Conservation Area south of the Kings Road and not far removed from the appeal site, 2 other public houses. They are the Coopers Arms and the rather aptly named The Surprise. Although in a different Conservation Area these public houses similarly create a pleasant contrast to their residential surroundings. The areas bordering these 2 Conservation Areas are sufficiently similar that you appear to move seamlessly between them. Thus all 5 public houses south of the Kings Road assist in

providing a pleasant contrast to the predominantly residential character of this part of Chelsea.

16. The public houses referred to above are scattered quite widely through the residential area. The loss of The Phene Arms would not only result in a fairly substantial loss of public houses in this area in percentage terms but would also leave in its vicinity a significant area of largely unrelieved residential development. This would seriously detract from the character of the Conservation Area.
17. In arriving at this view I appreciate that the fabric of the appeal building would not change at all in one proposal and would be changed to only a small degree in the other. However, it is the use of the appeal building as a public house with the attendant comings and goings, the activity associated with it, the view in through the windows of the bar and those within and the internal and external lighting that makes the presence of the pub most noticed. Remove that by the proposed changes of use and, even with the fabric of the building retained, its contribution to the character and appearance of the area would be greatly reduced.
18. The appellant says that the proposed developments provide an opportunity to reinstate railings around the side garden of the Phene and remove the large umbrellas currently in the garden and which partly screen the ground floor side elevation. However, the degree of improvement would be modest and would not outweigh the harm that would arise from losing the use of the premises as a public house.
19. It is also contended by the appellant that as the Phene Arms is now a gastro-pub with a greater emphasis of food, and has an external garden, it has a different character and appearance to that which it had before and to that which other pubs in the area have. Some even allege it is now more a restaurant than a public house. However, the character and appearance of pubs change over time and can differ according to the operator. In any event all that I saw indicated that seen from the outside The Phene Arms strongly retains the character and appearance of a public house.
20. Some local residents strongly assert that the character of The Phene Arms has also changed in that it now predominantly draws in people from outside. It is said that given this, and the use of the garden and the clientele attracted by it, the level of noise and disturbance now created is greater than in the past to the detriment of the character of the Conservation Area. Others dispute this including some who live locally. The public house has stringent licence controls devised to prevent undue harm to local residents from the on-site use of the premises. Moreover, given the extent of on-street parking controls traffic to and from the premises is likely to be less than some suggest. With the licence appropriately enforced I consider The Phene Arms should not create a level of noise and disturbance that would be out of keeping in the Conservation Area given the current scattering of non-residential uses amongst the housing areas. A balance has to be drawn and whilst some residents would clearly prefer that the appeal premises was no longer a public house its loss to housing would be seriously detrimental to the character of the Cheyne Conservation Area for the reasons given.
21. In a recent appeal decision on a site elsewhere in the Borough, APP/K5660/A/11/215276, it was held that the change of a public house to

- residential would not be detrimental to the character and appearance of a Conservation Area. However, all applications stand to be considered on their own merits and it is the specific location of the current appeal site and the characteristics of the Cheyne Conservation Area that are paramount in my decision.
22. It is concluded on the first issue that whilst the appeal building has insufficient inherent attributes in aesthetic and historic terms to warrant it having substantial significance as a non-designated heritage asset the proposed development would detract from the character of the surrounding area and fail to preserve or enhance the character or appearance of the Cheyne Conservation Area.
 23. I consider this harm be a highly material consideration in the determination of this appeal notwithstanding the appellant's observations on Policies CO 5, CL 1 and CL 3 of the *Core Strategy for the Royal Borough of Kensington and Chelsea (2009)* on which the Council has relied upon on this issue.
 24. The Council has conceded that Policy C O5 relates to built fabric rather than changes of use. However, Policy CL 1 says that " The Council will require all development to respect the existing context, character, and appearance, taking the opportunities available to improve the quality and character of buildings and the area and the way it functions, including being inclusive to all". Policy CL 3 says that "The Council will require development to preserve and to take opportunities to enhance the character or appearance of conservation areas, historic places, spaces and townscapes, and their settings."
 25. Contrary to the views of the appellant I consider that references in these Policies to character, and the way areas function, means that the impact of changes of use cannot be ignored even though change of use is not referred in the explanatory text or in the delivery mechanisms later referred to in the Policies. I consider therefore that the proposed development would conflict with CS Policies CL 1 and CL 3.
 26. I am of this view even though the Council is seeking to revise Policy CL 1 to make specific reference to the consideration of change of use in the delivery mechanism. It seems to me that this can be considered as a strengthening or clarification of Policy rather than a change of direction.
 27. In any event even if I am wrong in the above I am still required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It seems to me self evident that in applying this test regard should be had where appropriate to the impact a change of use, as opposed to solely physical changes, would have on Conservation Areas. This stance is supported by *Archer and Thomson v Secretary of State 1991*. Moreover, *the Framework* says that proposed development that would lead to substantial harm to designated heritage assets should, subject to caveats, be refused. There is no indication whatsoever that matters to be taken into account should disregard change of use.
 28. I consider that the statutory protection of Conservation Areas, and the protection afforded in the Framework to designated heritage assets, is sufficient in itself for the harm I have identified on the proposed developments to be highly material in the determination of these appeals.

Loss of a community facility

29. Policy CK 1 of the *Core Strategy* seeks to ensure that social and community uses are protected. Such facilities are identified as those enabling the community to function and which stimulate a sense of community. The Council regards public houses as such facilities. However, the explanatory text to Policy CK 1 notes that the loss of public houses to residential use in the past decade has been very limited and that within the Borough a significant number of pubs exist in easy walking distance of most people. It says that there is little evidence to resist their loss at the present time, though the position will be kept under review.
30. However, the Council now contends that Policy CK 1 has become outdated on two grounds. First, as a result of the introduction of *the Framework*. This says that planning policies and decisions should plan positively for the provision and use of community facilities such as public houses to enhance the sustainability of communities and residential environments. It also seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
31. The Council is concerned that there have recently been an increased number of applications for change of use from public house to residential. This has caused it to look again at the value of public houses to local communities and in the Council's view this highlights the fact that the spatial distribution/numerical approach set out in the *Core Strategy* did not adequately recognize this inherent value. The Council considers public houses to be an essential ingredient for promoting healthy communities and maintaining strong, secure and accessible neighbourhoods.
32. As a result the Council is seeking to revise the *Core Strategy* by introducing Policy CK 2. This emerging Policy says that the Council will resist the loss of public houses and other drinking establishments throughout the Borough.
33. The Council has consulted on the above Policy and intended to submit it for examination towards the end of 2012. However, whilst there is significant support for the Policy, including from the Rule 6 Party, there are also some substantial unresolved objections based on matters such as the adequacy of the existing provision, the evidence base and the flexibility of its wording. Given the objections raised, and the need for them to be examined, I currently give the emerging Policy limited weight.
34. In arriving at this view I have noted the Council's contention that the existing Policy is not in conformity with *the Framework* because it does not seek to retain public houses. However, I do not read *the Framework* as meaning that in all cases it is necessary to retain public houses and the explanatory text to Policy CK 1 makes it clear that the Council has had regard to the value of such facilities as social and community uses but found at that time there was no evidence to resist their loss. I appreciate that in the Cross Keys decision the Inspector took a different view on the conformity of Policy CK 1 with the *Framework*. However, my conclusion is based upon the substantial evidence provided to this Inquiry.
35. It is concluded on the second issue that having regard to the development plan, Government policy and emerging local policy, there is insufficient

justification to resist the proposed development on the grounds of an unacceptable loss of a community facility.

Other matters

Viability

36. The Phene Arms is currently occupied on a 15 year lease dating from January 2010. The property was let out on shell basis and the lessee paid for all the fittings and works. The appellant claims that the use of the premises as a public house, even in its present guise, is currently unviable and would remain so under a different occupier.
37. Two sets of accounts have been disclosed for The Phene Arms. The only full-year account is for the year ending December 2011. This shows the Phene Arms having a turnover of £1,404,500. However, with the costs of sales, overheads, depreciation and other charges taken into account the premises is made a loss of £221,741.
38. The appellant has provided a second set of figures, based on the above accounts, to show how a different operator could potentially run the premises. This makes some reduction in costs with a particularly significant reduction in the figure charged to depreciation. This second set of figures show that there would be a loss of £26,698. Moreover, on cross-examination the appellant said that interest charges of approximately £10,000 should be added to this loss.
39. The Council disagrees with the appellant's second set of figures on 2 counts. First, that depreciation and interest should not be taken into account at all. Second, that some of the costs referred to are substantially too high. The Council contends that taking this into account a profit of £217,755 could potentially be made.
40. The Council says that depreciation and interest should not be taken into account given guidance in RICS Practice Standards on the valuation of such properties. One of the key aspects of assessing valuation is to establish the Fair Maintainable Operating Profit (FMOP). The RICS guidance says that this is the level of profit stated prior to depreciation and financial costs relating to the asset itself. The merit of such an approach is that it removes charges that may be unique to a particular operator. In this case removing depreciation and interest charges would make the premises viable even on the appellant's other costings. However, the appellant contends that whilst the RICS approach is the correct one for assessing valuation it is not a good guide on viability as it fails to take into account all the potential costs.
41. In the absence of a clearer indication from the Council in support of its approach I see some merit in the appellant's stance. However, it remains necessary to consider the differences in potential costs between the 2 parties. First, the Council claims that even if depreciation should be taken into account in principle the £66,000 proposed by the appellant is excessive. This figure is to cover expenditure of £1 million that it is said a new occupier would incur on fixtures and fittings depreciated over a 15 year period. However, given that the premises have only recently been extensively refitted I consider that there are reasonable grounds to suppose, as does the Council, that a new occupier may incur either no such costs or a substantially reduced cost.

42. Other key differences in costs between the parties relate to rent, wages and associated social security payments, repair and maintenance and computer expenses. The appellant has adopted a rental figure of £120,000 and in part justifies this by reference to comparable rental figures of premises locally. However, this figure is higher than the current rental of the appeal premises of £90,000 and the reason for this has not been fully explained. Moreover, it seems to me that the rental figure must be based in large part upon what an operator would be willing to pay. Given the appellant's views on profitability it seems inconsistent to suggest a rental figure over and above that currently paid.
43. Turning to wages and associated social security costs there is a difference of approximately £54,000 between the 2 parties, even before taking into account the additional staff costs on security and cleaning. Taking all staff costs into account the figures provided by the appellant shows staff costs at 36% of turnover. The Council says that its figure based on 28% of turnover is more realistic based on guidance from the Association of Licensed Multiple Retailers (ALMA) that the average payroll cost of running a public house is 25% of turnover. The appellant contends that the higher figure, based on current costs, is reasonable having regard to the characteristics of the building, the need to police the garden and the fact that the premises is a gastro pub. However, the premises could operate with food sales without being a gastro pub and I see some merit in the Council's argument that bar staff could control the use of the premises including the garden area.
44. Regarding the other costs of repairs and maintenance and computer costs it is difficult to judge between the parties on their differences. However, the appellant did concede that his figure for computer costs was probably too high.
45. Given the above I do not consider that the appellant's estimate of potential losses conclusively shows that the appeal premises are not viable as a public house.
46. The appellant has in addition referred to the loss of public houses to other uses nationwide and the problems for pub operators caused by the smoking ban and the supermarket sale of alcohol. Reference has also been made to the competition of other public houses locally, the location of the site off a main thoroughfare and allegedly where people would not pass on foot and the stringency of the licensing conditions. However, the appellant concedes that the premises has made a good turnover at £1.4 million which suggests that the national and local circumstances referred to should not be detrimental to its viability. Suggestions that the premises might have been overtrading were not supported by substantial evidence.
47. The appellant also supplied figures on the likely profit of operating The Phene Arms without the garden. However, there is no substantial evidence that the use of the garden would be lost and I thus attach little weight to these figures.
48. Given the parties disagreement on viability a way in which the matter could have been tested was through marketing the property. This was not done. Whilst I appreciate the caveats to such exercises they do give a useful indication on viability in cases such as this. The fact that no such exercise has been undertaken is a further indication that the appellant has not made out his case on viability.

Noise and Disturbance

49. I have touched on this matter in the first issue. The appellant says that the evidence of submitted by witnesses on a continuing adverse impact of The Phene Arms on residential amenity of neighbours is a matter of substantial weight and supports the proposed change of use to residential.
50. It is clear that at times those living locally have found the use of The Phene Arms to be detrimental to their residential amenity. It is also evident that this Council and others have occasionally found the loss of a public house to have a significant positive impact on residential amenity. However, this needs to be considered in the broad context that many public houses fit acceptably within residential areas.
51. The Council's complaints register shows relatively few complaints leading up to the period of The Phene Arms re-opening. There was a significant increase in complaints thereafter in 2010 and the early part of 2011. However, from August 2011 there is a substantial drop in complaints. I consider it unlikely that this can solely be attributed to the concerns of some residents about the means of contacting the Council on complaints, especially as there have been no requests for a review of the licence and its conditions.
52. Stringent licensing conditions have been imposed on The Phene Arms, covering, for example, the playing of music, the use of the garden, times when deliveries may take place and the control of those leaving the premises. The Licensing Committee was satisfied that sufficient controls were provided. It noted that The Phene Arms has been in existence for 158 years and that many of the interested parties were not against the existence of the public house but considered that the new licence should ensure that limitations and controls were in place to protect residents. Unlike the appellant I do not consider the licensing conditions to be excessive and indicative that the appeal premises is wrongly located for a public house.
53. The Council confirmed that most of the objections registered with it have related to a failure to comply with the conditions imposed on the licence. It has recently prosecuted for breaches of the licence and since that time there has been a dramatic fall in complaints as noted above.
54. The residential environment in the vicinity of a public house, especially for those closest to it, is never going to be as quiet and tranquil as in a solely residential area. Moreover, a licence cannot control all matters, for example, some people may well go outside beyond the premises to smoke or make mobile telephone calls. However, this would be a characteristic of most public houses.
55. Given the above, I do not consider that the concerns expressed by some locally on the existing use of the premises offer substantial support for the proposed developments.

Additional housing

56. The proposed developments would provide a large family dwelling. In so doing they would make a contribution towards the provision of new housing and comply with the objectives of Policies in the *Core Strategy* and *London Plan* with this aim. However, the Council is not reliant on windfall sites to meet its housing targets. It is well on course to deliver the target number of residential

units through the lifetime of the *Core Strategy*. Given the foregoing little weight should be given to the contribution of the proposed development towards housing needs.

Other matters generally

57. There are permitted development rights for changes of use within Class A of the Use Classes Order so that changes of the appeal premises to A1 (retail), A2 (financial and professional services) and A3 (restaurant and café use) could occur without the need for planning permission. However, there is no substantial evidence that such changes are likely. In any event even if it occurred it would at least help maintain the existing character of the Conservation Area as one where the area between the 2 main thoroughfares is not solely residential.
58. There are concerns by some locally that the proposed developments would lead to the loss of employment. However, there is no development plan Policy support to protect employment in this area. Concern on the impact of the proposed construction works could have been overcome by condition had I been minded to allow the appeal. Local concerns on these matters should not, therefore, stand against the proposals.
59. The appellant is concerned that some third parties make allegations on the motives of the developer and those supporting the scheme that are not material on planning grounds. I have discounted such 3rd party objections in arriving at my decision, but do not consider that this should reflect adversely on the legitimate concerns raised.
60. As I am minded to dismiss the appeal Regulation 122 of the Community Infrastructure Regulations (CIL), on the limitation on the use of planning obligations does not apply. It is thus unnecessary in the determination of this appeal to assess the submitted obligation against its tests.

Conclusion

61. I have found no harm would arise in relation to The Phene Arms as a non-designated heritage asset. Nor, having regard to the development plan, Government policy and emerging local policy is there sufficient justification to resist the proposed development on the grounds of an unacceptable loss of a community facility. However, the harm to the character of the surrounding area which includes the Cheyne Conservation Area is sufficient in itself to warrant dismissing the appeals.
62. For the reasons given above it is concluded that the appeals should be dismissed.

RJ Marshall

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Cannon	Of Counsel (instructed Borough Director of Law)
He called	
Mr D McDonald BSc	Heritage Consultant
DipTP DipCons(AA) IHBC	
Mr D Morgan FRICS	Of Morgan and Clarke Chartered Surveyors
MEWI MRPAS	
S Jones	Senor Planning Officer

FOR THE APPELLANT:

Mr T Comyn	Of Counsel (instructed by appellant)
He called	
Mr T Watson BSc MBA	Of Davis Coffey Lyons
FRICS	
Mr N Bridges Chartered	Of Ettwein Bridges Architects
Architect RIBA	
Mr S Avery BA (Hons)	Of Bell Cornwell LLP
B.Phil Dip.UrbanDesign	
MRTPI	

FOR THE RULE 6 PARTY:

Mr T Bendixon	Hon Sec Planning (The Chelsea Society)
He called	
Mr T Bendixon	
Dr Susan-Horsewood-	Local resident
Lea	
Mr J Cooper	Local resident
Mr J Redmayne	
H Smith	King's Road Traders Association
D Ingram MA FRSA	Of ConservationWorks
Mr M Johnson	Manager of the Duke of Wellington
Mr M Bach	Chelsea Society

INTERESTED PERSONS:

Mr Peter Brooks	Local resident
K Buckle	Local resident
Mr E Bekheit	Local resident
Cllr. I Donaldson	Borough Councillor
Cllr E Will	Borough Councillor
Cllr E Campbell	Borough Councillor
H Kebell	Local Resident
Cllr T Ahern	Borough Councillor
Mr T Nodder	Local resident
Mr R Burgess	
Mr G Quarme	Local resident
Mr B White	

DOCUMENTS

- 1 Letter of notification of inquiry and those notified.
- 2 LPA opening statement.
- 3 Council appearances.
- 4 Appellant's opening statement.
- 5 Rule 6 Party – opening statement.
- 6 Order of appearances of Rule 6 parties and 3rd parties.
- 7 Signed and dated Unilateral Undertakings.
- 8 Application Stage 3rd party responses submitted by appellant.
- 9 Appeals Stage 3rd party responses submitted by appellant.
- 10 Agreed list of application plans – appeal B.
- 11 Agreed list of application plans – appeal A.
- 12 Copy of appellant's statement of case – appeal B.
- 13 Copy of appellant's statement of case – appeal A.
- 14 Statement of Mr J Cooper.
- 15 Statement of Mr R Burgess.
- 16 Cllr I Donaldson.
- 17 Extract from draft NPPF July 2011.
- 18 Summary of Magistrate Court decisions.
- 19 Extract from partial review of Core Strategy.
- 20 Suggested revised plans.
- 21 Statement of Mr G Quarme.
- 22 Statement of D Ingram.
- 23 Appeal decision APP/C5690/A/12/2171328.
- 24 Petition submitted by Rule 6 party.
- 25 Supplementary material submitted by Mr Bach.
- 26 Old Metropolitan Borough Boundary of Chelsea.
- 27 Appeal decision APP/K5600/A/12/2172342.
- 28 Statement of Mr J Redmayne.
- 29 agreed conditions appeal B.
- 30 First set of agreed conditions appeal A.
- 31 The Phene Arms management accounts and surveyors adjustments.
- 32 RICS Practice Standards on capital and rental valuations.
- 33 English Heritage Good Practice Guide For Local Heritage Listing.
- 34 Rule 6 party evidence.
- 35 Extract from chapter 35 of the Core Strategy.
- 36 Applications resulting in the loss of public houses since adoption of Core Strategy.
- 37 Applications resulting in the loss of public houses since adoption of Core Strategy -update.
- 38 Extract from Core Strategy.
- 39 Core Strategy Policy CL4.
- 40 Breakdown of responses on partial review of Core Strategy.
- 41 List of objections to partial review of Core Strategy.
- 42 Copy of all representations received on partial review of Core Strategy.
- 43 Extract from The London Plan.
- 44 E mail from Mr Myers to the Council.
- 45 Statement of third party.
- 46 Council supporting information on Planning Obligations.
- 47 Council's final suggested conditions on application PP/12/03352.

- 48 Council's final suggested conditions on application PP/12/02421.
- 49 Council's justifications for suggested conditions.
- 50 Closing submissions of Rule 6 party.
- 51 Closing submissions of Council.
- 52 Closing submissions of Appellant.