

Planning and Borough Development

Kensington Town Hall, Hornton Street, LONDON, W8 7NX



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Executive Director Planning and Borough Development

Jonathan Bore

Ms K Walton
Trevor Lahiff Architects
99 Knatchbull Rd
LONDON
SE5 9QU

Web:
www.rbkc.gov.uk/planning
Date: 07/03/2012

Direct Line: 020 7361 2734
My Ref DPS/DCPP/11/02421 /Q13/S20
UPRN No(s). 217067636/
Please ask for: South Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010

REFUSAL OF PERMISSION TO DEVELOP
(DP2)

The Royal Borough of Kensington and Chelsea hereby REFUSES PERMISSION for the development set out in the schedule below.

Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT: Change of use to single family dwelling, basement extensions and external alterations.

SITE ADDRESS: **The Phene Arms, 9 Phene Street, LONDON, SW3 5NY**

RBK&C Drawing Nos: PP/11/02421/C

Applicant's Drawing Nos: (00) 001, (02) 001, (02) 002, (02) 003, (02) 005, (02) 006, (02) 007, (02) 009, (02) 011, (02) 012 all version P5, (02) 013 and (05) 001 both version P6, (20) 001, (20) 002, (20) 003, (20) 004, (20) 005 all version P7, (20) 006, (20) 007, (21) 002, (21) 004, (21) 005, (21) 006 all version P6, (21) 003, (21) 007 version P7 all received 03/02/2012 and sketch (plan and section) of relationship between tree and car parking area received via email 03/02/2012

Application Dated: 25/07/2011

Application 29/07/2011

Completed:

Application Revised: 03/02/2012

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF

REASON(S) FOR REFUSAL:

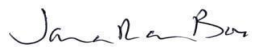
- 1. The loss of this historic public house to residential use would be damaging to the value and significance of this heritage asset, and would cause harm to the character, identity and distinctiveness of the conservation area. Therefore, the proposal would fail to meet the requirements of Planning Policy Statement 5, Core Strategy policies C05, CK1, CL1 and CL3 and 'Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment' published by English Heritage (2008).**
- 2. In the absence of a satisfactory s106 agreement to secure ineligibility from obtaining car parking permits, the proposed development would put undue pressure on on-street parking and would therefore be contrary to policy CT1 (b) and (c) of the Core Strategy and the Transport Supplementary Planning Document.**
- 3. In the absence of a satisfactory s106 agreement to secure necessary planning obligations, the proposal would result in unacceptable pressure on local infrastructure (including education, health and community facilities) and would therefore be contrary to policy C1 of the Core Strategy and the Planning Obligations Supplementary Planning Document.**

INFORMATIVE(S)

- 1** You are advised that this application was determined by the Local Planning authority with regard to Development Plan policies including relevant policies contained within the London Plan Spatial Development Strategy for Greater London adopted July 2011; the Core Strategy adopted 8 December 2010 and the 'Saved' policies of the Unitary Development Plan adopted 25 May 2002. The relevant policies of the Core Strategy were C1, CK1, CT1, CL1, CL2, CL3, CL4, CL5, CE1, CE2, CE3, CH1, CH2. The relevant policies of the UDP were CD63. Weight was also given to relevant local Supplementary Planning Guidance/Documents and Statements, including: Cheyne adopted 2 June 1983, Transport adopted 10 December 2008, Subterranean Development adopted 26 May 2009, Planning Obligations adopted 17 August 2010, Access Design Guide adopted 17 December 2010, Noise adopted 21 May 2009. These documents were prepared in line with Government guidance and adopted following public consultation.

- 2** The applicant is advised that completion of a satisfactory s106 agreement would overcome the second and third reasons for refusal listed above.

Yours faithfully,



Jonathan Bore
Executive Director, Planning and Borough Development

INFORMATION SHEET

When a permission or consent is given it does not convey any approval, consent, permission or licence under any Acts, Byelaws, Orders or Regulations other than those referred to in the permission or consent. Nothing in the permission or consent shall be regarded as dispensing with compliance with such other Acts or Byelaws etc.

In respect of planning permission, your particular attention is drawn to the provisions of the Building Act 1984, and the Byelaws in force thereunder and to the Building Regulations 2000 (as amended) which must be complied with to the satisfaction of the Council's building control officers, at the Town Hall, Hornton Street, W8 7NX.

Also, the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any persons entitled to the benefits thereof.

Your attention is drawn to applicant's rights arising from the refusal of planning permission or Listed Building Consent, and from the grant of permission/consent subject to Conditions, as follows:

- 1) If the applicant is aggrieved by the decision of the local planning authority to refuse planning permission, Listed Building Consent, or approval for the proposed development; or to grant permission or approval/consent subject to conditions, he may appeal to the Secretary of State, under the Town and Country Planning Act 1990, within **six months** of the date of this notice. Appeals must be made using a form available from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 2) If permission to develop land or Listed Building Consent is refused or granted subject to Conditions whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the relevant authority where the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990, or Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances, a claim may be made against the local planning authority for compensation. The circumstances in which such compensation is payable are set out in Sections 114 of the Town and Country Planning Act 1990, or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.