

PP No: 11/02421	Address: 9 Phene Street		Date of obs: 18/08/2011	
Proposal: Conversion of public house to a large single family dwelling				
More info needed	No Objection	No objection STC	Concern Raised	Objection
				✓
Initial Observations		Transportation Officer:		DC Officer:
Full Observations		James Mc Cool		Tobias Finlayson
Further Observations (no.)				
<p>Comments: It is proposed to convert the existing pub to a large house. The building would be extended by significantly enlarging the basement. Although the submission states that only one parking space would be provided the submitted drawings shows a car lift, which would allow two spaces to provided on site.</p> <p>Under Ct1(c), and Section 3.1 of the Transport SPD all new residential development is required to be permit free. The borough experiences very high levels of on-street parking demand such that the occupancy level of spaces is at saturation levels in most of the borough and at most times of the day and night. The whole borough is subject to one Controlled Parking Zone and therefore the parking demand generated by new residential developments will not necessarily be focused in the area surrounding the development. In order to ensure that new developments do not worsen this situation, the Transport SPD states that, "all new additional residential units will be required to be permit free". The proposed additional house will be required to be the subject of a permit free agreement. In the absence of a permit free agreement the proposal is unacceptable and contrary to Council Policies CT1 (b) and (c) and the Transport SPD.</p> <p>It is proposed to provide two parking spaces on site using a car stacker/lift. Under Policy CT1 (d), parking provision must be at or below adopted parking standards. As explained in Section 3.2 of the Transport SPD we seek to restrict off-street parking provision at residential dwellings to a single space. In this case we recognise that there are currently several potential off street spaces within the walled forecourt of the pub. Therefore in the particular circumstances of this site, the provision of two off streets spaces would not be in conflict with CT1(b). Details of the car lift need to be agreed to ensure both spaces are independently accessible as required under the Transport SPD.</p> <p>There will be opportunities to park bicycles within the property. No conflict with Ct1(f)</p> <p>Access to the proposed parking space would be via the existing crossover. The gates need to be modified to ensure they do not open out over the highway.</p>				

The development involves significant excavation works. In order to ensure the impact on the highway and neighbour amenity is minimised. Please apply C104 from Acolaid.

Relevant policies: CT1 (b), (c), (d), (f), (p)

Recommendation: Object in the absence of permit free

Signed:

Royal Borough of Kensington and Chelsea
Directorate of Planning Services – Policy Observations

PP No: PP/11/2421 UDP Policy and Paras	Address: The Phene Arms, 9 Phene Street	Date Received 16/8/11	Date of Obs 23/8/11	
	Development: Change of use from public house to single family dwelling	Objection	No Objection See below	
HMO?		No of Dwelling Units		
D.C Officer TF		Existing 0	Proposed 1	
		Policy Officer CT		

Site:

The application property does not lie within a designated town centre.

Existing use:

Public house (Class A4 Drinking Establishment.).

Proposal:

Use as a five bedroom single family dwelling house.

Comment:

Para 30.3.7 of the Core Strategy states that public houses are considered to be a form of social and community use and that their loss is "regrettable". However, the Core Strategy also notes that there has not been a widespread loss of public houses to residential uses in recent years, and that the Borough still contains a large number of public house and bars. Therefore, in normal circumstances, the Council will not resist the loss of a public house.

However, the Core Strategy does provide the policy framework to resist the change of use of a public house, where there is strong community opposition to its loss.

The primary aim of the Council's vision for the Borough (CV1) is to "build on success". This will be achieved by developing the strong and varied sense of place of the Borough, and "upholding the residential quality of life." Integral to this is "facilitating local living, and maintaining and improving social infrastructure." Public houses should be retained where they are shown to make a significant contribution to this sense of place and to the residential quality of life of the Borough. This will not automatically be the case.

This approach is supported by the Planning Policy Statements.

PPS1 sets out the principal planning policies on the delivery of sustainable development through the planning system. It states that planning has a key role to play in the creation of sustainable communities: communities that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential. One of the functions of a Development Plan is to create socially inclusive communities. It should include planning policies which ensure that the impact of development on the social fabric of communities is taken into account and that safe, healthy and attractive places to live are delivered. A popular public house that is a valued community facility can contribute to the social fabric of the area.

Whilst the public house in question is not situated within a designated local centre it could form a community focus and therefore advice contained in Policy EC13.1 of PPS4 (Planning for Sustainable Urban Growth) could also be relevant. Policy EC13.1 states that when assessing planning applications affecting leisure uses (including public houses,) local planning authorities should take into account the importance of the facility to the local community.

In both cases the strength of local opposition, and by inference the value that the public house to the local community, is paramount.

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Notwithstanding the appropriateness of the loss of the public house, the principle of the creation of a new single family dwelling is considered to be acceptable. The creation of new residential accommodation is supported by the Policies within the London Plan (Policies 3A.1 and 3A.2) and by the Core Strategy policies CH1 and CH2.

The house is of a size which meets the Council's minimum size standards for lifetime homes as set out in the recently adopted Access Design Guide.

In accordance with the s106 Planning Obligations SPD, the creation of an additional residential unit will require a financial contribution to mitigate its impact on the Borough's existing social infrastructure. The creation of a five bedroom unit would require a contribution of £2,618 for education contributions, £800 for health contributions, £80 for community facilities, and a £500 monitoring fee. The total figure sought would therefore be £3998

I note that the application includes the creation of a basement. As such, in accordance with the requirements of Policy CE1(c) the applicants have provided an Eco Homes pre-assessment. However, I am concerned that the assessment does not appear to have been carried out by a certified assessor. I am also concerned that the "water element" of the assessment may be incorrect. It does not appear to take account of the creation of a new swimming pool. My understanding is that it is not possible to reach 50% of credits where a swimming pool is proposed. The subterranean swimming pool planning note (attached) suggests that a rainwater harvesting system may be appropriate in these circumstances. Such a system does not appear to have been proposed.

JA

23/8.

9 Phene Street	11/2421	T. Finlayson	30/9/2011
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Basement Extension	Objection
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Silver Birch and Sycamore

There are two trees at this site, both of which are protected by Tree Preservation Orders. (TPO's)

The first tree is a young silver birch that we assume was planted to replace a mature tree of heaven. However, there is no record of any application being submitted regarding this protected tree's removal. Therefore, we must assume that it was removed illegally. This will need to be investigated further.

The second tree is a mature sycamore of questionable health. It would be acceptable for this tree to be removed due to its limited safe life expectancy. However, a replacement tree would need to be planted in the same location. The applicant suggests squeezing two new trees close together in one corner of the site, which is not suitable as a planting option.

It is also difficult to be sure from the plans whether the applicant has allowed for a metre of soil to be installed above the completed basement. This should definitely be incorporated into any future basement applications for this site.

In conclusion, I recommend refusal due to the loss of a TPO'd tree that cannot be suitably replaced.

Signed: Stephen Fuller
Arboricultural Officer

Date: 30/9/11

RBKC
Observations

CONSERVATION AND DESIGN

Address: The Phene Arms, 9 Phene Street, London, SW3 5NY	Appl. No: PP/11/02421	D.C. Officer: SAJO	L.B. -	C.A. 19	Area: S
Description: Change of Use to single family dwelling, basement extensions and external alterations.			C & D Officer: MB		Code: X/EA

Comments:

The Phenes Arms was purposely built as a pub in the mid C19 and is situated close to Oakley Street which was developed by Dr Phenes. The public house and beer garden is a significant asset that contributes positively to the character and appearance of the Cheyne Conservation Area.

The change of use of the public house to residential will have a harmful impact on the character and appearance of the conservation area. It is not just the architecture of the building that contributes to the area but also the ambience that the pub creates which in this case has served the local community for over 150 years. Victorian streets were often terminated by purpose built public houses or shops not just in commercial areas but also in residential streets to serve the local community. This is a significant characteristic not only in Chelsea but within the Borough as a whole. It is not considered realistic that the fascia and projecting signage would be retained in any change of use to residential as this would generate confusion between the current and proposed use resulting in pressure for the signage to be removed at a later date. The development will effectively create a 'dead pub' which will look dull and lifeless in this prominent corner location within the street. Once the building has been changed to residential it is very unlikely it will ever revert back to its former use as a public house. For the above reasons the change of use is not supported as its loss will cause significant harm to the character and appearance of the conservation area.

Notwithstanding the above comments there are concerns with the extent of alteration to the public house including the introduction of lightwells, subterranean development and a car lift.

In principle there would be no objection to the construction of a subterranean extension under the beer rear garden, however, the proposals raise a number of concerns:

The subterranean extension should not be discernable from above ground level so that it has no impact on the setting of the public house and wider conservation area. Although lightwells to the garden elevation could be supported in principle they should be no more than 1.2m from the perimeter wall of the pub, be significantly reduced in length, be no more than 1 storey deep and be covered over with a grille so that their visual impact is minimised. The lightwell and railings fronting onto Phenes Street to the south are not considered acceptable as this will impact on the setting of the public house on its most prominent street elevation. There is currently hardstanding in this location with a trap door to the

cellar below. This is a traditional arrangement of public houses and serves as a barrel drop. This configuration should be retained as this contributes to the character and setting of the public house. The proposed lightwell and railings are more characteristic of the terrace houses and would, therefore, be an incongruous addition to the front of the public house.

The addition of rooflights to the garden to light the subterranean rooms should be used sparingly and be hidden away in a hard and soft landscaping scheme so that they are not visible from above ground. The proposed rooflights and lightwells are considered excessive and intrusive additions that will harm the setting of the pub and the character and appearance of the conservation area. The scheme should also consider any light spillage at night.

The car lift is also not considered appropriate as this will be an intrusive addition at odds with the traditional Victorian streetscape. Car lifts normally rise significantly above ground level in order to allow car access and can be left in the raised position indefinitely harming the character of the conservation area. The car lift would also require some form of safety barrier to stop people falling down the opening when the lift is in operation which would also be an intrusive addition.


The lift extension to the north elevation of the pub is considered intrusive and should remain one storey below the top floor so that it is subordinate to the parent building. As an alternative the lift could terminate at first floor and then the stairs be used to access the second floor or the lift could be introduced internally so that there are no external manifestations.

Concerns are also raised with the extent of rooflights to the flat roof single storey element to the north which are intrusive and harmful to the conservation area.

The elevational drawings are lacking in retention notes particularly with the pub frontage. The proposed boundary treatments are also not shown on the drawings.

The detailing and proportions of the new doors and windows to the north and west elevations will need to respect the character and age of the parent building.

The proposals in their current form neither preserve nor enhance the character and appearance of the conservation area and are not supported by the Conservation and Design team.


Mark Butler
Conservation and Design Officer

10/11/2011

Jones, Sarah: PC-Plan

From: Stephenson, Ian: HHASC-EnvHlth
Sent: 15 November 2011 09:16
To: Jones, Sarah: PC-Plan
Subject: RE: The Phene (ref. 11/3352 and 11/2421) and the Cross Keys (11/1912)

Hi Sarah – please see memo below.
 Regards

Ian

EH RESPONSE TO CONSULTATION REFERRAL FROM PLANNING: DEVELOPMENT CONTROL

Planning Reference: PP/ 11/3352 and 11/2421		Planning Officer:		Sarah Jones	
Environment Officer: Telephone: Email:		Ian Stephenson 020 7341 5632 ian.stephenson@rbkc.gov.uk		EH Acolaid Number: SRENN/11/104531	
Application site address: 9 Phene Street, LONDON, SW3 5NY					
Pre-Application <input type="checkbox"/>	Full Application <input checked="" type="checkbox"/>	Informal Advice <input type="checkbox"/>	Appeal Notification <input type="checkbox"/>	Planning brief <input type="checkbox"/>	Policy <input type="checkbox"/>

Date received	09/08/11	Date returned to planning officer :	
Consultation deadline from planning website:		Date(s) of discussion(s) with Planning officers	

Environmental issue covered in this response :					
Air Quality	Noise	X	Contaminated land	Other	
Other (describe) such as Licensed premises issues					
Notification has also been forwarded to (EH officer name)		Date	For comments on: (subject area)		
Notification has also been forwarded to (EH officer name)		Date	For comments on: (subject area)		

Summary of application proposal
Change of use to single family dwelling, basement extensions and external alterations.

Detailed comments
The noise report submitted with the application determines the lowest background noise levels and derives a noise emission limit for the building services plant.
The plant is:

- 1no. Mitsubishi PUHY-P250 (air conditioning unit)
- 1no. Certikin Calorex Delta 4 (swimming pool intake/extract)

The air conditioning unit will be in the sub basement lightwell. Within the sub basement a room will be created for mechanical plant. The plant room will be adjacent to the lightwell to provide a point of discharge for plant requiring ventilation.

A fixed horizontal Acoustic louvre will be across the lightwell to minimise noise breakout.

Conclusions

I would suggest the following conditions:

Requested condition(s)

1. Noise emitted by building services mechanical plant shall be 10dBA below the existing lowest LA90(15min) background noise level measured or predicted at 1.0m from the nearest residential window or at 1.2m above any adjacent residential garden, terrace, patio or balcony at any time when the unit is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained.
2. The plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
3. The recommendations and specifications for noise control measures in the Noise Assessment Report prepared by Acoustic Plus; ref 101974.ph.06.11.Issue1, dated July 2011 shall be adopted and implemented in full.
4. Odour expelled from any flue serving the hygiene plant or providing ventilation to the swimming pool area shall not cause annoyance to any adjacent occupied premises. The use shall not commence until a fully detailed scheme indicating the measures to be used to control and minimize odour has been submitted to and approved in writing by the Executive Director Planning and Borough Development in consultation with the Director of Environmental Health. The report shall show how this condition will be met.

S.106 opportunities

Officer(s) initials	IS	Times spent (to nearest half hour)
		60 min

From: Jones, Sarah: PC-Plan
Sent: 15 November 2011 09:14
To: Stephenson, Ian: HHASC-EnvHlth
Subject: RE: The Phene (ref. 11/3352 and 11/2421) and the Cross Keys (11/1912)

Hi Ian,
Thanks for getting back to me. Would definitely be useful to have your comments by 11am so I can relay them to managers as part of the discussion.

Would it also be possible for you to compile a list of complaints received over the last few years in relation to the property?

Thanks,

Sarah

From: Stephenson, Ian: HHASC-EnvHlth
Sent: 14 November 2011 18:52
To: Jones, Sarah: PC-Plan
Cc: ianstephensonuk@hotmail.com
Subject: RE: The Phene (ref. 11/3352 and 11/2421) and the Cross Keys (11/1912)

Hi Sarah,

Sorry for the delay in my response. I've had a look and its fairly straightforward conditions. I'll try and send you a response from home tonight. If not I'll get on to you early tomorrow, as I've got to dash.

Ian.

From: Jones, Sarah: PC-Plan
Sent: 11 November 2011 16:42
To: Stephenson, Ian: HHASC-EnvHlth
Subject: RE: The Phene (ref. 11/3352 and 11/2421) and the Cross Keys (11/1912)

Hi Ian,
Further to my previous email, just to let you know that my meeting with managers etc in relation to these applications is scheduled for Tuesday next week (15th) for 11am so if possible, would appreciate your comments before then.

Thanks again,

Sarah

From: Jones, Sarah: PC-Plan
Sent: 09 November 2011 12:51
To: Stephenson, Ian: HHASC-EnvHlth
Subject: The Phene (ref. 11/3352 and 11/2421) and the Cross Keys (11/1912)

Hi Ian,
I am one of the new planners in the planning department and have taken over the consideration of the above applications. I know we consulted EHOs on first application for the Phene (ref. 11/2421) though not the later application or the application at the Cross Keys. I do not believe I have had a response from you as yet.

I am shortly to have a meeting with other colleagues to decide how we are going to proceed with these applications and it would be useful to have some information from you. In particular, would it be possible for you to compile a list of all complaints received over say the last ten years in relation to the properties (if this isn't too onerous) and the nature

of the complaints? A number of residents who are supporting the change of use (particularly at the Phene) are doing so on the basis of the unacceptable impacts on amenity associated with the existing public house use.

Any information would be much appreciated. Happy to discuss further if necessary.

Thanks very much,

Sarah

Jones, Sarah: PC-Plan

From: Cuervo, Patricia: PC-Plan
Sent: 26 January 2012 18:30
To: Jones, Sarah: PC-Plan
Subject: The Phene Arms obs
Attachments: The Phene Arms Jan 2012.doc

Hi Sarah,

Here are my draft obs. I have reviewed the FRA and I am generally happy with it although it does not have much about protection to the basement, mitigation and adaptation to flooding. However, those are things that I have highlighted in my obs and have not led me to raise an objection.

I have a couple of issues/questions for you before I give you the final obs:

- are we considering this as a new development or not? If it is a new development Code for Sustainable Homes applies but if it is an extension to an existing dwelling it will be an Ecohomes. I know this is nothing to do with flooding a priori but if it is Ecohomes we can require a rainwater harvesting system to fill in the swimming pool reducing the amount of water consumed by the property (and also reducing the surface water run-off).
- The plans do not show if a meter of soil under the garden will be provided. Also what is the percentage of coverage of the basement under the garden? Is it under 85% (so it will comply with the subterranean development SPD)? I am sure you have checked that but I wanted to confirm it.

Lets have a chat when you have a minute.

Patri

Patricia Cuervo Uría
Senior Planning Officer
Policy Team
Planning and Borough Development
The Royal Borough of Kensington and Chelsea
The Town Hall
020 7361 2605

Dealt with in revision
confirm

**Royal Borough of Kensington and Chelsea
Directorate of Planning Services - Policy Observations**

TP No: PP/11/03352	Address: The Phene Gardens SW3 5NY	Date Received 25/01/12	Date of Obs. 26/01/12
UDP Prop Alts Paras/Policies CE2	Development: Change of use to single family dwelling, basement extensions and external alterations.	Obj. No	No obj.
		HMO? no	No. of Dwelling Units Existing 0 Proposed 0
		D.C. Officer SJ	Policy Officer PC

The proposal is for the change of use to single family dwelling, basement extensions and external alterations.

Core Strategy Policies

Policy CE2 in the adopted Core Strategy explains that the Council will require a site-specific Flood Risk Assessment (FRA) for all development in Flood Risk Zone 2 and 3.

Subterranean Development SPD

Sections 4 and 9 of the SPD require the use of SuDs or 1m of permeable soil above the top cover of the basement and no more than 85% coverage of the garden space (between the boundary walls and existing building), with the remainder of the space used for drainage, planting and 'tree pits';

Officer Assessment

The site is located in Flood Risk Zone 2. A Flood Risk Assessment was submitted with the application.

The proposal includes bedroom accommodation is proposed in the new basement levels. I would like to point out that if a basement bedroom is proposed, access and egress needs to be made safe from the risk of flooding as this is paramount to ensure safety.

The drawings show that the development will have internal access to the floors above. The Flood Risk Assessment identifies the risks of flooding to the property which is mainly tidal in this case, but it does not specify flood mitigation and resilience measures such as wall materials, membrane cavity damp proofing, the use of pumps, location of boilers and services.

I consider that non-return valves and pumps should be provided to prevent the sewer from backing up into the basement accommodation allowing certain independence to the property. Such measures, called FLIPs are already being installed by Thames Water in properties suffering from sewer water flooding. Confirmation that these measures will be included is needed to ensure that the development will be safe.

I am satisfied that the Flood Risk Assessment is satisfactory and I will therefore not raise an objection to the proposal. However, an informative could be applied to the planning permission: "No bedroom accommodation should be provided in the basement without suitable access and egress arrangements being in place in the event of flooding and a FLIP should be installed to prevent sewer water flooding".

**Royal Borough of Kensington and Chelsea
Directorate of Planning Services - Policy Observations**

Signed: P Cuervo

9 Phene Street	11/2421	S. Jones	1/2/12
Basement Extension		Objection	
Silver Birch and Sycamore			

There are two trees at this site, both of which are protected by Tree Preservation Orders. (TPO's)

The first tree is a young silver birch that we assume was planted to replace a mature tree of heaven. However, there is no record of any application being submitted regarding this protected tree's removal. Therefore, we must assume that it was removed illegally. This will need to be investigated further.

The second tree is a mature sycamore of questionable health. It would be acceptable for this tree to be removed due to its limited safe life expectancy. However, a replacement tree would need to be planted in the same location. The applicant suggests squeezing two new trees close together in one corner of the site, which is not suitable as a planting option as the two trees are proposed only 3 metres apart.

I am not aware of any Council policy that encourages the construction of basement extensions at the expense of trees subject to a Tree Preservation Order. Therefore, I am still of the opinion that the sycamore should be replaced in the original location to allow it to successfully establish, whilst maintaining the amenity value provided by the original trees.

After studying the plans and the Drainage Strategy I cannot be sure that the applicant has considered the requirements within section 9.2.1 of the Councils Subterranean Development SPD, which states:

"No more than 85% coverage of the garden space (between the boundary walls and existing building), with the remainder of the space used for drainage, planting and 'tree pits'; and The provision of drainage technology to facilitate the movement of water over and around the basement, to ensure it does not collect on the top of the basement and facilitate sustainable urban drainage systems."

The drawings suggest that the area where the existing sycamore is located will become a planter above the new basement, which will offer no drainage for a replacement tree. If this is the case then I maintain my objection to the scheme.

Signed: Stephen Fuller

Date: 1/2/12

Arboricultural Officer

REKLARINĖS VEIKLOS PATVIRTIMAS

Adresas	Patvirtinimo No.	Plotas	Patvirtinimo data
9 Phene Street	11/2421	S. Jones	7/2/12
Pasiūlymas		Pasiūlymo aprašymas	
Basement Extension		No objection subject to conditions	
Pasiūlymo aprašymas		Pasiūlymo aprašymas	
Silver Birch and Sycamore			

Since my comments dated 1st February 2012 the applicant has submitted a new sketch that provides further detail relating to a suitable system to provide drainage to the replacement trees at the property. On the assumption that this sketch can be approved as part of the application this addresses my concerns regarding drainage above the basement.

I now have no further objections subject to the following conditions being attached:

- C16 (a) and (c)
- C18

C21 (Amended as follows *"Full particulars of the method by which the maidenhair tree on the pavement directly outside the application site and opposite No.4 Phene Street shall be protected during building and other operations....."*)

Signed: Stephen Fuller

Date: 7/2/12

Arboricultural Officer