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R.B.K. & C.,
The Directorate of Planning and Borough Development,
The Town Hall,
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5th October 2011

Our Ref: 6289/SA

Dear Sir, **DESIGN AND ACCESS STATEMENT, PPS5 HERITAGE IMPACT AND PLANNING POLICY ASSESSMENT REPORT**

Re: Phene Arms, 9 Phene Street, London SW3 5NY

Proposed Change of Use to Single Dwelling and Provision for Waste Storage.

THE EXISTING USE:

The Phene Arms currently operates as a "gastro-pub".

Despite careful regulation by the Environmental Health Department and by the Licensing Authority, local residents have informed the owners of ongoing adverse impacts upon residential amenity, traffic movement and car parking.

THE PROPOSAL:

This application addresses those issues through the proposed change of use to a dwellinghouse.

On-site parking for one vehicle will be retained.

Provision is made for waste storage at ground level.

THE DESIGN AND ACCESS STATEMENT(D&AS):

Applying the normal D&AS criteria:

- 1) Amount: One dwelling is proposed, with the existing parking space retained on site.
- 2) Layout: The external layout is changed only to accommodate waste storage at ground level in the enclosed garden area.
- 3) Scale: The size of the main property is unchanged.
- 4) Landscaping: The landscaping is unchanged.
- 5) Appearance: The appearance of the building is preserved, as is its setting.
- 6) Use: The use changes from a gastro-pub to a single dwelling.
- 7) Access: Pedestrian and vehicular access is unchanged.

THE PPS5 HERITAGE IMPACT ASSESSMENT:

The external appearance of the main building is preserved. The waste storage container is set-back within the enclosed garden area and will not have an impact on the character and appearance of either the building or the wider conservation area, so small is it.

The **Cheyne Conservation Area Proposals Statement** on **page 10** describes the connection of the Phene Arms to Dr. Phene, who developed Oakley Street and Phene Street in 1850-51. The connection with Dr. Phene is retained.

That historic reference provides the necessary information for assessing the implications of these proposals on the heritage asset, in accordance with **PPS5 Policy HE6**. The proposals take that advice on board with regard to the front elevation.

The street is a quiet residential hinterland, reinforced by Phene Street being a vehicular cul-de-sac. There are other public houses in the locality which are better located to preserve the social contribution of that use to the character of the Conservation Area. The proposed change of use to residential is in this case in keeping with the quiet residential character of this part of the conservation area. The loss of the public house use would not have any significant adverse impact on the character of the Conservation Area – on the contrary it would enhance it in this location.

The main building is retained with no alteration to its appearance, preserving thereby its contribution to the visual qualities of the Conservation Area. **Policy HE7** is thereby fully satisfied.

THE DEVELOPMENT PLAN POLICIES ASSESSMENT:

The July 2011 **London Plan Policy 3.3** seeks to increase housing supply, in recognition of the pressing need in London for more homes. This proposal contributes to that objective.

The **Core Strategy** has no area-specific policies relating to this particular site. It is within the Cheyne Conservation Area. It is outside the Archaeological Priority Zone associated with the River Thames embankment. It is adjacent to, but outside the Flood Risk Zones 2 and 3.

Policy CK1 concerns protection of social and community uses. **Paragraph 30.3.6** makes clear that the Royal Borough is very well served by public houses, with all areas within 10 minutes walk of at least one. Policy CK1 therefore does not seek to protect the retention of public houses. In this particular case, there are alternative Class A4 venues within walking distance and the application site location is less appropriate than for those situated along the main thoroughfares.

Policy CK3 encourages “walkable neighbourhoods”. That is achieved in this location by the proximity of the other pubs.

Policy CH2 encourages refining the mix of housing across the borough, with need for 80% of market housing being for larger family units, as explained in paragraph **35.3.10**. This proposal contributes beneficially to satisfying that identified need. The existing public house use ensures that accessibility standards are already achieved. The outdoor amenity space is already well screened from the public realm and from neighbours.

Policy CL1 is satisfied with the appearance of the area being preserved and its context, character and functioning improved by the removal of the disturbing use from this otherwise quiet residential enclave.

Policy CL3 is satisfied, with the heritage asset of the conservation area preserved.

Policy CL5 is satisfied, with the existing enclosed pub garden providing appropriate amenity, with no greater impact on neighbouring privacy. Noise levels are likely to be significantly improved.

Policy CL6 requires small-scale additions not to harm the existing character and appearance of the building and its context. The waste storage facility is discreet and well screened from view. It has no adverse impact on the building or its context.

The proposals thereby comply with the development plan and benefit from the positive presumption of **Section 38(6)**.

THE OTHER MATERIAL CONSIDERATIONS:

The 1st September 2011 the Appeal Decision letter on the Prince of Wales public house at 14 Princedale Road and Portland Road, reference APP/K5600/A/11/2152776, confirms in paragraph 6 that the loss of one pub in an area served by others would not have any significant impact on the character of the Conservation Area and would be in compliance with Policies CL1 and CL3.

The appeal decision goes on in paragraph 7 to confirm that notwithstanding strong local support for the retention of the pub use, there are no policies in the London Plan, the saved Unitary Development Plan or the Core Strategy which seek to protect pubs. It continues: *"Moreover, this policy position has been accepted by the Council in two recent applications relating to the Cowshed on Ladbroke Grove and 57 Ossington Street. The proposal would not, therefore, conflict with CS Policies CK1 and CK3 that seek to 'keep life local'".*

All those above findings by Inspector Barton apply to this application.

In addition, the Council have also recently approved on 8th March 2011 the change of use of the Kensington Arms public house, 41 Abingdon Road to a Class C3 dwelling.

Those above other material considerations thereby add support to the positive presumption of Section 38(6).

There are no other material considerations which outweigh these positive planning considerations and, in our respectful assessment, planning permission should thereby be granted.

Yours faithfully,

BELL CORNWELL LLP


SIMON AVERY – Partner.

