

207193 ewp 01  
03 February 2012



Royal Borough of Kensington and Chelsea  
Planning and Borough Development Department  
c/o Richard Jefferis  
Trevor Lahiff Architects  
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London  
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sent by email only: [richard@tlastudio.co.uk](mailto:richard@tlastudio.co.uk)

Dear Sirs

Phene Arms, London, SW3 5NY

This is to confirm that Mr Martin Shortt and Mr Andrew Downey are both chartered engineers and have the following qualification:

Andrew Downey  
Partner  
BEng(Hons), CEng, MIStructE

Martin Shortt  
Associate  
BE (Hons), CEng, MIStructE

Yours sincerely



Rebecca Bennett  
For Elliott Wood Partnership

consulting structural & civil engineers

elliott wood partnership is a limited liability partnership registered in England & Wales  
No. 02748914. Registered office: 4 John Prince's Street, London W1G 0JL



## Jones, Sarah: PC-Plan

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**From:** Richard Jefferis [richard@tlastudio.co.uk]  
**Sent:** 03 February 2012 17:28  
**To:** Jones, Sarah: PC-Plan  
**Subject:** FW: S106 Obligation  
**Attachments:** image001.jpg; image002.jpg; image285fb8.JPG

Dear Sarah,

Please accept the below email from our client as confirmation of the S106 Obligation.

Many thanks

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**From:** Tadhg Flanagan [mailto:tadhg@bournecapital.com]  
**Sent:** 03 February 2012 17:27  
**To:** Richard Jefferis  
**Subject:** Re: S106 Obligation

Dear Richard ,

Please accept this as my authorisation and send to Sarah Jones this evening please

Best  
Tadhg

**Tadhg Flanagan**  
Group Managing Director

**T: 0207 960 4141**  
**Direct Line: 0203 170 0800**  
**M: 07500 665267**  
**E: [tadhg@bournecapital.com](mailto:tadhg@bournecapital.com)**  
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**BOURNE**  
CAPITAL

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**From:** Richard Jefferis [mailto:richard@tlastudio.co.uk]  
**Sent:** Friday, February 03, 2012 05:24 PM  
**To:** Tadhg Flanagan  
**Subject:** S106 Obligation

Dear Tadhg,

Further to our telephone conversation please review the attached and confirm authorisation to approve the obligation on your behalf

Many thanks

Richard Jefferis

## TREVORLAHIFFARCHITECTS

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<http://www.tlastudio.co.uk/tladisclaimer>



## Jones, Sarah: PC-Plan

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**From:** Jones, Sarah: PC-Plan  
**Sent:** 03 February 2012 16:18  
**To:** 'Richard Jefferis'  
**Subject:** FW: S106.xlsm  
**Attachments:** S106.xlsm

Dear Richard, (please forward this to Simon also – I do not have his email address)  
The planning obligations are applicable for both applications (they are triggered by the creation of a residential unit) and would be the same for both applications.

I can also confirm that the presence of an off street parking space would not negate the requirement for the new unit to be permit free.

Regards,

Sarah

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**From:** Jones, Sarah: PC-Plan  
**Sent:** 03 February 2012 11:57  
**To:** 'Richard Jefferis'  
**Subject:** S106.xlsm

Hi Richard,  
On the basis of the floor areas you just sent me planning obligations of £3998.88 (excluding legal fees) will be required. I attached the planning obligations spreadsheet which shows how these contributions have been calculated (further detail available in the Planning Obligations (106) SPD available on our website).

I will need you to confirm in writing that the applicant is willing to enter into a s106 agreement to secure these funds and to remove the new residential units eligibility for obtaining parking permits.

Thanks,

Sarah

# Planning Obligations Statement



The Planning Obligations Calculator is a tool to give developers a summary of financial contributions relating to the impact of the proposed development. Some obligations will require an individual scheme assessment to determine the mitigation measures for a development impact.

Others are determined by standard formulae and these are automatically calculated on this spreadsheet, after all relevant information is entered.

This Planning Obligations Statement must be printed out and submitted with the application. Note that further site-specific measures may be necessary in order for the development to proceed.

This toolkit is provided without prejudice to any decision the Council may take in the future. The results are not binding on the Council or any of its committees.

Supplementary Planning Document Ref			Sq Metres	£
Annex A			0	0
Annex B	<b>Education Contributions</b>			2618.88
Annex C1	<b>Health Contributions</b>			800.00
Annex C2				0.00
Annex C3				0.00
Annex C6	<b>Community Facs Revenue Contribution</b>			80.00
Annex D1				0.00
Annex D1				0.00
Annex D3				0.00
Annex D5				0.00
Annex F4				0.00
Annex G2				0.00
Annex G1				0.00
Other?				
Other?				
	<b>Monitoring Fee*</b>			500.00
	<b>Legal fees</b>		<i>Currently £160 per hour</i>	
<b>Total</b>			<b>Total</b>	<b>3998.88</b>

\*excl legal

\* £500 fixed for non-financial obligations, or up to £15,000, and 2.5% of total, over £15,000

For RBKC Use only:

1. Copy forwarded to Legal
2. Insert relevant Development Management Team: NORTH / SOUTH

# Planning Obligations Statement



<b>Section 1 Site Details</b>	
Site Address Line 1	See Development Inputs
Site Address Line 2	See Development Inputs
Site Post Code	See Development Inputs
Names and addresses of all those with an interest in the land to be bound by the planning obligations.	See Development Inputs
	See Development Inputs
Proposed Development	See Development Inputs
Solicitor Contact Details (if known)	See Development Inputs

I/We confirm that all of those with an interest in the land to be bound by the planning obligations confirm that they will enter into the S106 agreement or undertaking:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Once you have completed the Development Inputs screen, save and print the form and submit it with your planning application ensuring that you have signed and dated the form.

Should you need further assistance, please contact the Royal Borough of Kensington & Chelsea.



## Planning Obligations Statement - Summary of Inputs

### SUMMARY OF DEVELOPMENT INPUTS

<b>(i) Floorspace (GEA)</b>	<b>771.00</b>
<b>Housing Type</b>	
<b>Market Units (Owner Occupied)</b>	
1 bed units	0
2 bed units	0
3 bed units	0
4+ bed units	1
<b>Affordable Housing</b>	
<b>Intermediate</b>	
1 bed units	0
2 bed units	0
3 bed units	0
4+ bed units	0
<b>Social Rented Housing</b>	
1 bed units	0
2 bed units	0
3 bed units	0
4+ bed units	0
<b>Total Residential Development</b>	<b>1</b>
<b>Total Commercial Floorspace Gained</b>	<b>0</b>
<b>Total Commercial Floorspace Lost:</b>	<b>0</b>
<b>Total Employees:</b>	<b>0</b>
<b>Gross Development Costs</b>	<b>0</b>

**Planning Obligations Supplementary Planning Document**  
**Calculator and Planning Obligations Statement : Guidance Notes**

**1 Introduction Page**

The calculator is updated periodically, and so you will need to ensure you are using the most up-to-date calculator, which will always be made available on the Council's website.

**2. Development Inputs**

**Development Inputs : Section 1 Site Details**

Enter the basic development information (address, post code, names and addresses of those with an interest in land, a brief description of the development and solicitor contact details) in section 1 of the calculator. The solicitor contact details is required to obtain an undertaking to meet the Council's legal costs, and so inserting as much information (name, address, email, telephone number) will speed up the whole process.

**Development Inputs : Section 2: Residential Floorspace (GEA) and unit composition**

Where the development involves a net residential gain in units, the details of the scheme must be entered, as far as is known. This requires: The Gross external Area of the development in square metres, and the mix of units by tenure and size (bedroom numbers). If these details are not known, for example if the development is in outline stage, then you may provide the best estimates, and revise the details through the process.

The GEA is required in order to determine the development costs and the liability for provision of affordable housing. The definition for GE measurements is provided by the Royal Institution of Chartered Surveyors (RICS)

**Development Inputs : Section 3: Other Development (Commercial)**

Where a development is determined to be a major development, the commercial element will also need to be provided. To complete the relevant section (section 3) you will need to provide details on the gain or loss of commercial floorspace, as best aligned to the category of use. This section provides an estimate of the intensity of use by number of jobs provided, using estimates of floorspace to employee density ratios from the Homes & Community Agency.

**Development Inputs : Section 4: Development Costs**

Finally, certain planning obligations relate to development costs (e.g. public art or construction training). This information needs to be provided at section 4, as realistic as possible. The calculator will provide an estimate of development costs for both residential and commercial components of the scheme, and combine these where both are provided. This total can be input into the blue box. If accurate development costs are known, and vary from the estimates, you may use these.

**3 Planning Obligations Statement**

The Planning Obligations Statement, together with the summary information, is required to be submitted with a planning application. The statement advises on the formulae based approach contributions, and their relevant heads of terms.

Note that there may be other necessary obligations that are related to the development, and these will be identified through the planning application process. The total is therefore, subject to some alteration through the process, and you should note that it excludes the Council's legal fees which cannot be calculated in advance. For this reason, a solicitor's undertaking to cover reasonable fees is required, and hence the need for the information on the development input screen, and are re-provided within the Planning Obligations Statement (see below).

The document must be signed and dated and submitted for planning application validation purposes – see the Council's Local List Validation requirements. Hard copies of the SPD can be obtained by contacting the Planning Policy team on 020 7361 2732 or by email [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk)

Should you need to discuss any of these points further, please contact Jon Medlin, the Council's Development Contributions Officer on 020 7361 2732.



## Jones, Sarah: PC-Plan

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**From:** Richard Jefferis [richard@tlastudio.co.uk]  
**Sent:** 03 February 2012 15:15  
**To:** Jones, Sarah: PC-Plan; David Cashman  
**Cc:** Andy Sherlock; Karen Walton  
**Subject:** 822 Phene Arms - Tree Sketch  
**Attachments:** image001.jpg; image002.jpg; 822 3.2 Tree Sketch.jpg

Dear All,

Please find attached a quick sketch showing how the soil will run continuously under the car park. Sarah please forward to Mr Fuller. Dave informs me that he will speak with Mr Fuller for a final time to agree that the proposal is ok, at which point I will issue the drawings as final.

Should RBKC require anything in writing please arrange with Barrell to that extent.

Please let me know should we require any further changes.

Many thanks

Richard Jefferis

## TREVORLAHIFFARCHITECTS

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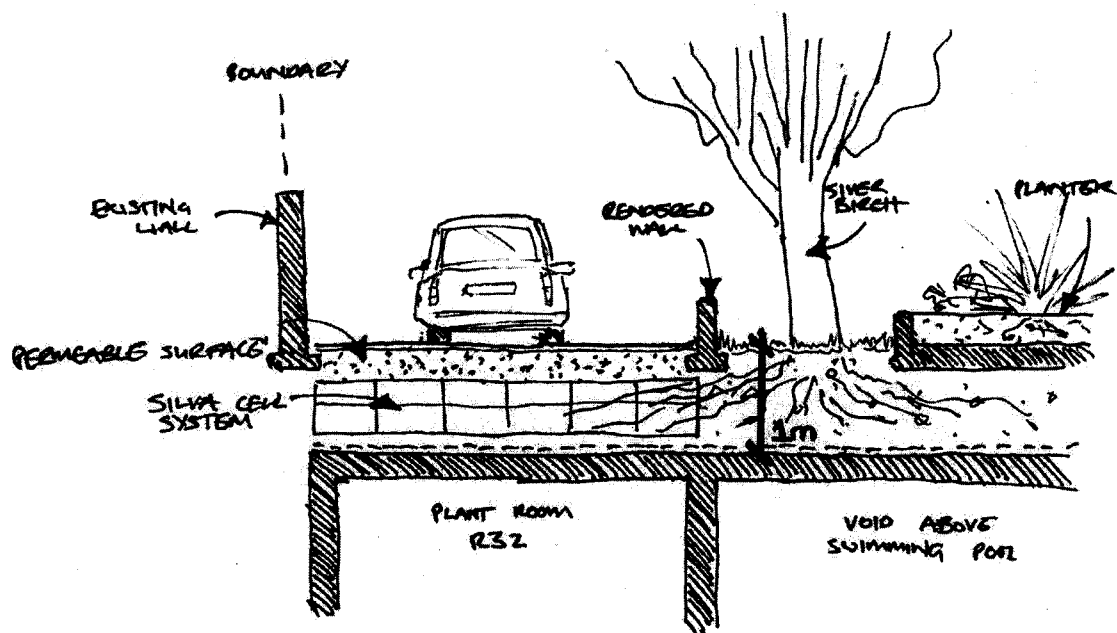
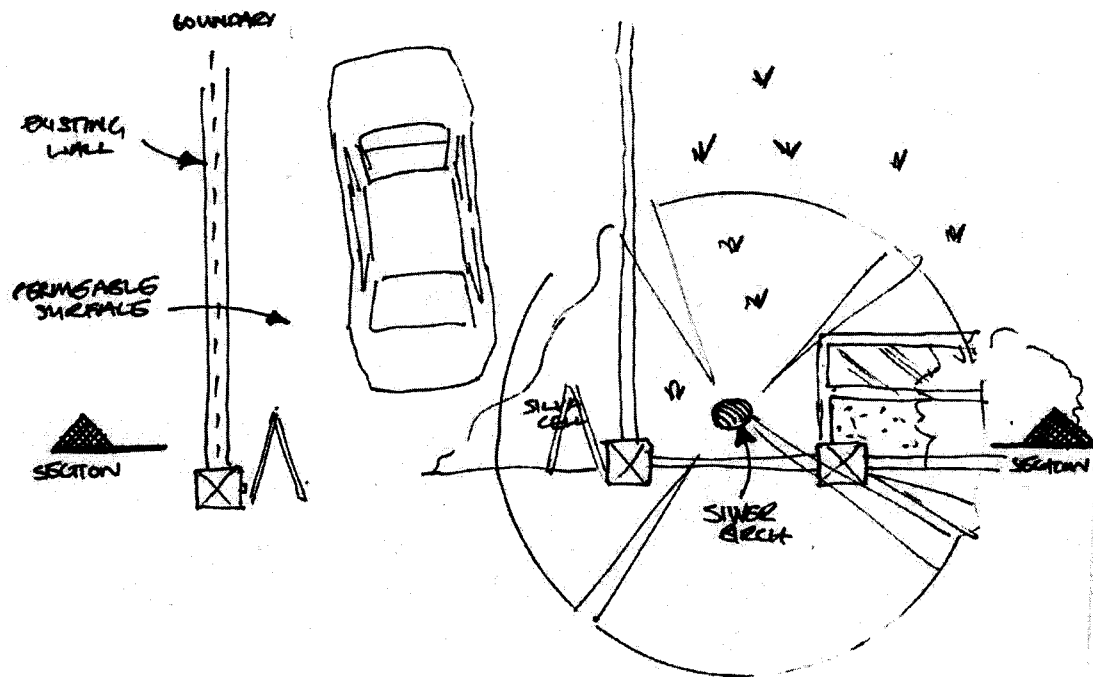
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<http://www.tlastudio.co.uk/tladisclaimer>





## Jones, Sarah: PC-Plan

---

**From:** Richard Jefferis [richard@tlastudio.co.uk]  
**Sent:** 03 February 2012 11:15  
**To:** Jones, Sarah: PC-Plan  
**Subject:** RE: Structural engineers quals

Hi Sarah,

This is the information we have for the proposed. As we state below this is for guidance only. As the subbasement is below head height (only for plant) we do not include it.

LEVEL	SQ/M	SQft
SUB - BASEMENT	52.1	561
BASEMENT	241.5	2599
LOWER GROUND FLOOR	197.3	2124
GROUND FL	162.1	1745
FIRST FL	85	915
(TERRACE)	18.1	195
SECOND FL	85	915
<b>TOTAL</b>	<b>770.9</b>	<b>8298</b>
(+ 18.1 sq/m TERRACE	18.1	195
+ 52.1 sq/m SUB-BASEMENT)	52.1	561

Assume 1 square metre = 10.7639104 square foot

Area calculations

include all walls

exclude light wells, void, terrace and sub-basement

Area is based on survey information and is for guidance only and should not be relied upon for the purposes of entering into contract

Many thanks

---

**From:** Sarah.Jones@rbkc.gov.uk [mailto:Sarah.Jones@rbkc.gov.uk]  
**Sent:** 03 February 2012 11:05  
**To:** Richard Jefferis  
**Subject:** RE: Structural engineers quals

Hi Richard

Sorry yes, proposed gross external area of building including basement extensions.

Thanks,

Sarah

---

**From:** Richard Jefferis [mailto:richard@tlastudio.co.uk]  
**Sent:** 03 February 2012 11:03  
**To:** Jones, Sarah: PC-Plan  
**Subject:** RE: Structural engineers quals

Hi Sarah,

Do you mean General Arrangement drawings? You surely have all the latest revisions of these already. Apologies if you mean something else

Thanks

---

**From:** Sarah.Jones@rbkc.gov.uk [mailto:Sarah.Jones@rbkc.gov.uk]  
**Sent:** 03 February 2012 10:58  
**To:** Richard Jefferis  
**Subject:** RE: Structural engineers quals

Hi Richard,  
Yes, emails from the authors will suffice.

Could you please also send me the proposed GEA for the new building? I need it to calculate the planning obligations.

Thanks,

Sarah

---

**From:** Richard Jefferis [mailto:richard@tlastudio.co.uk]  
**Sent:** 03 February 2012 10:33  
**To:** Jones, Sarah: PC-Plan  
**Subject:** RE: Structural engineers quals

I have emailed EWP, I assume an email confirmation will suffice? Drawings will be with you shortly

Thanks

---

**From:** Sarah.Jones@rbkc.gov.uk [mailto:Sarah.Jones@rbkc.gov.uk]  
**Sent:** 03 February 2012 10:23  
**To:** Richard Jefferis  
**Subject:** Structural engineers quals

Hi Richard,  
Could you please confirm that Martin Shortt and Andy Downey of Elliottwood who prepared the Structural Engineering Report are Chartered Civil Engineers (MICE) or Structural Engineers (MI Struct. E)? I can find no reference to their qualifications in the report and this is a requirement of our SPD.

Thanks,

Sarah Jones

Senior Planning Officer

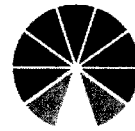
Royal Borough of Kensington and Chelsea

☎ 0207 361 2734  
✉ [sarah.jones@rbkc.gov.uk](mailto:sarah.jones@rbkc.gov.uk)

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Please reply to: Amersham

Our ref: 6289/SA

The Chairman of the Planning Applications  
Committee,  
Royal Borough of Kensington & Chelsea,  
Department of Planning & Borough  
Development,  
The Town Hall,  
Hornton Street,  
London W8 7NX

1<sup>st</sup> March 2012

Your Refs: PP/11/03352 & 02421

FAO: Sarah Cox

Dear Sir,

**Re: The Phene Arms P.H. Applications**

I act on behalf of the Applicant and respectfully seek permission to address the Planning Committee on Tuesday 6<sup>th</sup> March 2012, to respond to the Officer's Reports on the following matters:

- 1) The two "Section 106" Reasons for Refusal. I confirm that the Applicant's Agents have already agreed in writing to these two matters, should your Committee be minded to approve these applications.
- 2) The first Reason for Refusal relates to the loss of the pub use in terms of
  - (i) social and community uses and
  - (ii) the context and character of the conservation area.

**(i) Social and community uses:**

Core Strategic paragraph 30.3.7 sets the test for provision of pubs as being within a 10 minute walk. There are at least another 12 pubs within 10 minutes walk of the Phene Arms. None of these have the impact on residential amenity that is caused by the very large front garden at the Phene Arms.

The paragraph notes that 6 pubs have been lost in the Royal Borough since 2000, up to December 2010. Since then permission has been granted by RBK&C for the loss of two pubs, namely at 355 Ladbroke Grove and 41 Abingdon Road. One other pub has been granted permission for change of use to residential, by the allowed appeal at 9 Princedale Road. There remain 110 other pubs still serving the Royal Borough.

The loss of the Phene Arms will not harm social and community uses and it is not in conflict with Policies C05 and CK1.

**(ii) Context and conservation character:**

Cheyne Conservation Area is predominantly residential in character. Phene Street and the adjacent Margareta Terrace are almost entirely residential. They are a quiet enclave away from the noise of the more commercial roads where nearly all of the other pubs mentioned above are located. Other pubs remain in the conservation area, again better located in terms of residential amenity.

Whilst a pub has been on site since the 1850's, its character and purpose were entirely different to today's gastro-pub, as follows:

- 1) The pub originally served the immediate local residents – people did not drive to it.
- 2) The drinkers were required to remain inside the building behind closed doors and smoked-glass windows – they were not out in the large front garden.
- 3) The days and hours of drinking were strictly limited – there was not all-week/all-day licensing.
- 4) Smokers stayed inside – they were not required by law to go outside.

For all those reasons the pub had an entirely different character and contribution to make to the conservation area. That role in the last few years has completely changed and its historic contribution functionally to the character of the conservation area has already been lost. To refuse permission will not recreate or preserve any heritage asset significance therefore.

The use for residential is not as a result against Policy CL1. In this particular location it supports it. Furthermore the size and location of the pub garden is directly adjacent to a terrace of listed buildings and its use neither preserves nor enhances their setting – it detracts from it.

The specific distinctive feature of the Phene Arms is its extensive front garden right in the middle of a quiet residential cul-de-sac. The unavoidable consequential impact on residential amenity is here far greater than for any of the other twelve pubs mentioned or for any of the three others for which permission has been granted since the Core Strategy was adopted.

This is not a "lively" part of the community – it is one which has become very disturbed because of the recent changes concerning smoking in public buildings and liberalizing licensing hours, all well within the memory of the local residents who now suffer as a result.

This is a unique set of circumstances which ensures that a change of use to residential is not in conflict with current policy and nor does it undermine any future review of policy.

On its own merits we respectfully ask the Committee to grant approval for these applications.

Yours sincerely/faithfully  
**Bell Cornwell LLP**

**Simon Avery**  
**Partner**

DD: 01494 618 414

[savery@bell-cornwell-london.co.uk](mailto:savery@bell-cornwell-london.co.uk)