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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

1st 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 6th 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

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