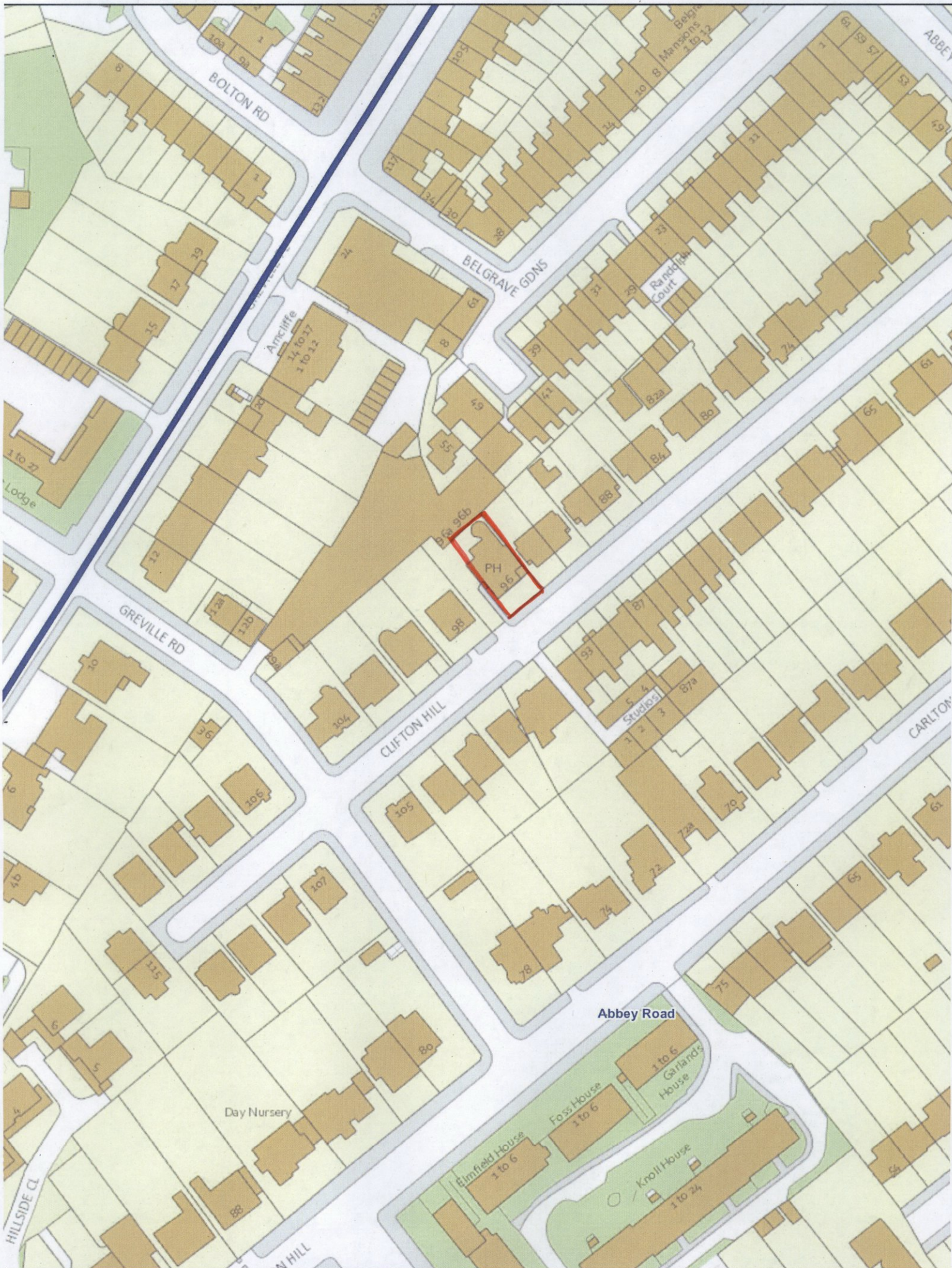


<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 18 August 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Abbey Road	
<b>Subject of Report</b>	<b>96 Clifton Hill, London, NW8 0JT</b>		
<b>Proposal</b>	Use as a single family dwelling and internal and external alterations including lowering of existing basement, demolition of the rear conservatory and toilet block, formation of rear amenity space with glass balustrade and steps, provision of car parking space to front garden with associated alterations to boundary walls and paving.		
<b>Agent</b>	Savills		
<b>On behalf of</b>	Gordon Lewis		
<b>Registered Number</b>	14/12717/FULL	<b>TP / PP No</b>	TP/8551
<b>Date of Application</b>	22.12.2014	<b>Date amended/ completed</b>	15.01.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone  Outside Central Activities Zone		
<b>Stress Area</b>	Outside Stress Area		
<b>Current Licensing Position</b>	Not currently licensed		

## 1. RECOMMENDATION

Refuse permission - loss of public house, design of boundary wall and lightwell and impact on trees.









96 CLIFTON HILL, NW8

## 2. SUMMARY

Permission is sought for conversion of this property from a public house to a five bedroom dwellinghouse. A sunken garden area/lightwell would be excavated to enable creation of a split level rear garden area. The floor level of the existing basement level would be lowered to create habitable space served by two lightwells proposed at the front of the site. External alterations, including installation of rooflights and fenestration alterations are also proposed.

The proposal is the subject of objection by local residents and other commentators to the loss of the public house use. However, the proposal is also the subject of some local support.

The key issues in this case are:

- The effect of the loss of the public house on the surrounding community.
- The effect of the proposal on the character and appearance of this unlisted building of merit and the St. John's Wood Conservation Area.
- The effect of the proposed external alterations, including the front and rear lightwells and front garden parking area.
- The impact of basement excavation.

The proposed change of use would result in the loss of a valued community facility to the detriment of the local community. Furthermore, the loss of the historic public house use would also be detrimental to the character and appearance of this unlisted building of merit and this part of the St John's Wood Conservation Area. The proposed front garden parking area and associated boundary wall alterations as well as the rear lightwell proposed would also harm the character and appearance of the subject site and the St. John's Wood Conservation Area. The applicant has also failed to demonstrate that the proposed development would not harm protected trees. Accordingly, the proposed development is contrary to the relevant UDP and City Plan policies, the St. John's Wood Conservation Area Audit, the NPPF and the London Plan. Therefore, the application is recommended for refusal.

## 3. CONSULTATIONS

### COUNCILLOR LINDSAY HALL

Objects to loss of pub. Notes that several potential pub lessees have approached the developer but have been "given the brush off".

### ST JOHN'S WOOD SOCIETY

Object to loss of the public house and request that this application is decided after the ACV nomination has been decided.

### HIGHWAYS PLANNING MANAGER

No objection, subject to conditions requiring that the parking space proposed is used by residences of the dwellinghouse only, and to secure details of waste and cycle storage.

### BUILDING CONTROL

No objection.

### ENVIRONMENTAL HEALTH

No objection raised, subject to a condition limiting hours of construction.

### ARBORICULTURAL MANAGER

Object. Insufficient information has been submitted to assess the impact of the proposal of the retained trees, but there are indications that incursions may be proposed into the root protection areas of the trees which would result in their loss or damage.

### CAMPAIGN FOR REAL ALE (CAMRA)

Should the Clifton close, there will have been an 80% reduction in public houses in the St John's Wood area in the last 20 years.

The Clifton can very much be described as a community pub. It attracted people who like a drink and who like to speak and interact with other local people. It was popular for its food offering. Its loss would represent a serious diminution in local amenity.

There is anecdotal evidence that an established publican was frustrated in his attempts to lease the Clifton. Internal fittings have also been removed which hardly enhance its marketability as a pub.

National and local policy give strong protection to public houses, even more so where they contribute to conservation areas as the Clifton does. There are several appeal decisions supporting the protection of public houses due to their conservation value. Our records indicate that the Clifton is around 200 years old and was believed to have been used by Edward VII to meet Lilly Langtry, reportedly changing its name to "hotel" as royalty could not visit pubs.

A pub is part of the glue that holds a community together. Its loss would disenfranchise the local people who use the pub and would diminish the attractiveness of the area.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Responses: 173 opposed to the development; 14 individual representations and a 42 signature petition in support of the development.

In summary, the objectors raised the following issues:

- The Clifton Hotel is of historic significance, being the meeting place for Edward VII and his mistress Lilly Langtry and its loss would be harmful to London/St. John's Wood heritage.
- The Clifton Hotel is an important community meeting place/focal point for people from many different backgrounds and its loss would rob the community of this.
- The loss of this pub would be detrimental to the character and mix of the local area and contributes to a sense of community.
- The Clifton Hotel is an Asset of Community Value.
- Please Westminster, don't rip the heart out of our city.
- It would be shameful to lose another community pub to construct another mansion/for commercial gain/one person's gain/oligarch's lair.
- We do not need more multi-million pound homes. We do need to keep local amenities for all members of the community to enjoy.
- Once lost the community cannot build another pub and would probably not get a licence in any event.
- The Clifton was the best pub for miles, a friendly and welcoming place where you could share food, drink and experiences that last for a lifetime.
- Continued loss of community facilities will result in the loss of shared public spaces where everyone in the neighbourhood can be together.
- The applicant has not consulted residents before making this application.
- Removal of the interior during 2014 hardly seems like the actions of someone trying to rent out a pub.
- A petition of over 2500 signatures was submitted to the City Council last year in support of it becoming an Asset of Community Value.



- The developer has bought the pub with the intention to convert it to residential. If the developer really intended to continue its operation as a pub, it could be leased at a level allowing a profit to be made.
- The pub was refurbished to a high standard before the sale and was ready to be operated as a pub.
- It would be a travesty to take this monument to public history and to place it in private hands.
- Destroying the conservatory would be a scandal.
- This pub was frequently used for a meal and for drinks or a meeting place when visiting Lord's Cricket Ground.
- Due to this pub's secluded location, it attracted a good local crowd.
- The dwelling resulting from this change of use would not be affordable and would likely be bought as an investment and/or be vacant for much of the year due to foreign ownership.
- This pub was not loss-making. The capital value of the pub simply became more valuable. It is still a viable business.
- The creation of one large mansion does little to address the housing crisis.
- This pub makes Clifton Hill just that bit more unique than its parallel sister roads.
- This pub was a wonderful place that our whole family enjoyed. It would be a tragedy to see it go.
- Countless pubs have been lost in the NW8 area and this is one of the few remaining.
- Most Councils are happy to bow down to the demands of mega-chains and Westminster will not bat an eyelid.
- This pub made a profit constantly, including in its last year, even when the parent company did not.
- No great effort has been made to market this pub and it is understood that one potential landlord has been turned away despite making a reasonable offer.
- The pub has not been marketed and vacant for 18 months, as required by City Council policy.
- The pub was not advertised in specialist property press or by a specialised pub agency/the pub was advertised by specialist residential agencies.
- Onerous conditions were attached to any potential lease of the pub.
- The marketing report submitted contains several factual inaccuracies.
- The only reason this property has not been taken on by a potential pub operator is because the owner/agent is demanding an outrageous rent for it.
- The very essence and character of the neighbourhood is at risk here.
- Without people walking to the pub, Clifton Hill feels like a ghost town and less secure.
- It would be a very sad day for the community to lose the Clifton as a meeting place for the sake of an investor on the other side of the world.
- Westminster City Council does not care for history or the local community.
- If the owner really intended to lease this property as a pub, they could have kept it open and leased it as a going concern.
- People supporting this application only do so out of financial gain.
- The fact that someone buys a house next to a pub and then complains about it is astounding.
- Crime has increased in the street since the pub closed.
- The anti-social issues referred to by the developer in their Statement of Community Involvement were caused by the developer himself.
- The pub was the only child friendly/non-threatening pub in the area.
- 80% of pub's within this postcode have been lost in the last three decades and we cannot afford to lose another one.
- People would go out of their way to visit the Clifton.

- Lowering of the existing basement could indicate a big basement dig-out that is contrary to Westminster's policy on this.
- Objector has fond memory of attending the pub.
- Objector has left messages regarding taking on the lease of the pub but never heard from agent.
- Pubs are a way for those on low incomes to socialise.
- The proposed change of use is contrary to the City Council's policies/proposed policy.
- The pub is isolated and the only one in this area.
- Continual building works in St John's Wood are adversely affecting the structure of buildings in the area.
- The community needs to be given the opportunity to buy the Clifton back.
- To lose pubs that are failing, rowdy, noisy or dull is one thing but the Clifton was none of these.
- Excavation of a basement will disrupt groundwater flows.
- Children would visit the Clifton to wait for parents if locked out of home.
- There are few other pubs within the area.
- There have been no problems of noise or bad behaviour associated with the Clifton.
- The Clifton is the only pub in the neighbourhood with a pleasant and quiet garden.
- The change of use is unacceptable in principle under all three strands of sustainability (i.e. economic, social and environmental).
- The proposed change of use is contrary to the principle of Lifetime Neighbourhoods.

In summary, the supporters raised the following issues:

- Clifton Hill is a quiet residential street and the creation of one dwellinghouse would be consistent with this.
- Pub visitors made lots of noise at night.
- Pub visitors left bottles and other refuse in resident's gardens.
- The pub caused parking issues in Clifton Hill.
- Pub visitors behaved badly.
- The pub was not commercially viable and has been in decline for some time.
- Residents living close to the pub did not use it and/or would prefer it was a dwellinghouse.
- The pub was located in a quiet street and this led to its decline.
- The vacant premise is attracting anti-social behaviour that would be addressed but its residential occupation.
- Potential pub lessees have not been suitable.
- Many of those opposed to this application have not visited the Clifton.
- Supporter questions ACV status and/or demands it is rescinded.
- Clifton Hill has been quiet since pub closed.
- The pub gave rise to odour from the smell of frying food.

#### 4. BACKGROUND INFORMATION

##### 4.1 The Application Site

The application site is located on the north western side of Clifton Hill. It contains a detached, two storey (plus basement and roof level) Victorian building that was last used as a public house (Class A4) ("the Clifton"). This public house closed in late 2013. A later conservatory and toilet block at ground floor level and a staircase from first floor level to a yard are located to the rear of this building.

The character of this area is largely residential, with a prevalence of three/four storey detached, semi-detached and terrace housing from the Victorian era located on Clifton Hill. A warehouse building containing a mix of uses, including offices and a luxury car hire club, is located to the rear of the application site. It is accessed via an alleyway abutting the application site's south western boundary.

The application site is designated as an Asset of Community Value (ACV). It is also located within the St John's Wood Conservation Area and an Area of Wildlife Deficiency. This building is also an unlisted building of merit. A Grade II listed building (92 and 94 Clifton Hill) is located on the site to the north east.

#### 4.2 Relevant Planning History

There is no application history relevant to the consideration of the proposed development.

This site was added to the register of Assets of Community Value on 11 February 2015 (ref: WCC/ACV/01) following an application made by the St John's Wood Society. A recent request to review this decision was dismissed by the City Council in a decision dated 1 July 2015.

### 5. THE PROPOSAL

Permission is sought for conversion of this property from a public house to a five bedroom dwellinghouse (Class C3). The existing conservatory and staircase to the rear would be removed and a sunken garden area excavated to enable creation of a split level rear garden area. The existing single storey side extension on the north eastern side of the building would be altered to create a front entrance to the dwellinghouse. The floor level of the existing basement level would be lowered to create habitable space served by two lightwells proposed at the front of the site. External alterations, including alterations to windows on the rear elevation and installation of rooflights on the flat roof area of the building are also proposed, as is provision of a parking area for one car on the front garden.

### 6. DETAILED CONSIDERATIONS

#### 6.1 Land Use

##### 6.1.1 Loss of Public House

Paragraph 69 of the National Planning Policy Framework ("NPPF") advises that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. Paragraph 70 of the NPPF also advises that planning decisions should "guard against the **unnecessary loss of valued facilities and services**, particularly where this would reduce the community's ability to meet its day-to-day needs" (emphasis added). The NPPF expressly refers to public houses as community facilities.

Policy 4.8 of The London Plan (Consolidated with Alterations – March 2015) ("the London Plan") states, inter alia, that policies should be developed "to prevent the loss of retail and related facilities that provide essential convenience and specialist shopping or valued local community assets, including public houses". This is based on the Mayor of London's "recognition of the important role that London's public houses can play in the social fabric of communities and recent research highlights the rapid rate of closures over the past decade and the factors behind these. To address these concerns, where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to retain, manage and enhance public houses" (paragraph 4.48A).



The Mayor of London's "Town Centres: Supplementary Planning Guidance" (adopted July 2014) advises that policies to protect public houses should include consideration of the viability of the public house, history of vacancy, the prospect for achieving re-use at prevailing market values and whether it has been marketed effectively for re-use.

Policy SS 8 of the Unitary Development Plan (adopted 2007) ("the UDP") seeks to protect services in locations such as this because of the convenience and service they provide to local residents and also to visitors and local businesses. Paragraph 7.98 of the supporting text to Policy SS 8 recognises that traditional public houses are generally considered to add to the character and function of a locality and their loss will only be acceptable if they have been vacant and marketed for at least 18 months without success.

Policy S13 of Westminster's City Plan: Strategic Policies (adopted 2013) ("the City Plan") states that areas such as this (outside of special policy areas) will be primarily for residential use with supporting social and community provision. In its supporting text it makes clear that the provision of social infrastructure is vital to support the residential community in these parts of Westminster.

Although at a very early stage in the consultation process, the City Council is considering potential changes to policy in relation to public houses in (Booklet No. 5 "Food, Drink, Entertainment, Tourism, Arts and Culture"). In relation to growing concern at the accelerating pace of public house loss, proposed Policy CM24.1 specifies that public houses will be protected unless the premise is vacant, has been actively marketed for at least 12 months at a reasonable market price/rent and that reasonable attempts have been made to find an occupier. Whilst the proposed policy is at such an early stage of development that it has effectively no weight, it is indicative of the City Council's direction of travel in relation to public house protection.

Although some immediate neighbours support the change of use, it is evident from the considerably greater number of other representations made that the Clifton was highly valued by local residents as a community hub. It is seen to function as a meeting place, as a facility for members of the community who would not normally come into contact with each other, and as a contribution to the vitality and security of the neighbourhood. It also served as a meeting place for visitors to the area when visiting nearby Lord's Cricket Ground, thereby serving as not just a meeting place for people within the community but also as a venue for the local community to come into contact with visitors from without. The strength of local feeling is further evidenced by its designation as an ACV and continued designation as such after the recent review. Accordingly, the Clifton is a valued community facility.

The applicant contends that the Clifton was marketed for 18 months and that there was no interest by prospective public house operators. They have produced an assessment by Savills to evidence this and this assessment has been reviewed on behalf of the City Council by Fleurets, Leisure Property Specialists. Fleurets review concludes that the marketing undertaken by Savills was inadequate and therefore does not demonstrate that there is no market interest in continued operation of this premise as a public house. In particular, Fleurets note the following:

- This property was acquired in December 2013 for £3.2 million pounds. This greatly exceeds the value of the property as a public house, reflects potential use value, rather than existing use value, and will have out priced potential pub operators.
- The guide rental of £150,000 was too high, particularly for a public house that would have required approximately £300,000 investment to re-open due to internal strip out works that took place around the time of the sale. This will have dissuaded potential pub operators from taking on the premise.

- In the four years prior to its closure, a substantial level of sales and EBITDA were achieved. This demonstrates that the Clifton was a viable public house and there is no evidence to suggest it would not continue to do so were it to reopen.
- The marketing undertaken has been passive with no evidence provided of approaches made directly to potential buyers/occupiers.
- This property was placed on two websites. One is a website aimed more toward development or investment opportunities than toward licensed leisure operators. No details have been provided of downloads or enquiries received as a result of its inclusion on both websites.
- No evidence has been provided from Savills that Christie & Co (who initially marketed the property before it was sold in December 2013) received no offers from potential pub operators in respect of the property.
- Despite having received a competitive and reasonable offer from a potential tenant capable of operating the Clifton, Savills did not progress and eventually withdrew from negotiations.
- Fleurets, despite being one of the leading licensed property surveying practices, did not receive notification from Savills that the property was being remarketed.
- The current owner of the property appears to have made no effort to retain the premises license which would have also made the premise unattractive to potential pub operators.

A similar conclusion was also reached by another surveyor acting on behalf of objectors (Morgan and Clarke Chartered Surveyors).

Given the above, the applicant has not demonstrated that the Clifton has been marketed at a reasonable market rent or on appropriate terms. Accordingly, the loss of this valued community facility would be unnecessary and harmful to the local community. Accordingly, the proposed change of use would be contrary to the NPPF, Policy 4.8 of the London Plan, Policy S13 of the City Plan and Policy SS8 of the UDP.

The applicant has sought to justify the loss of this public house by noting that this premise has little passing trade due to it not being located on a major thoroughfare/in a town centre and that generally public houses are in decline due to factors such as the smoking ban and supermarket alcohol sales. However, this is at odds with the trading data available which indicates that the Clifton was clearly viable when open. Furthermore, each application must be considered on its merits having regard to the nature of the proposal and the specifics of the site. Accordingly, generalisations about the nature of the public house market are not useful when considering a planning application. Furthermore, several objectors to this development notes that part of the Clifton's success was the fact that it was secluded as it attracted local residents.

The applicant and some local residents also note that the Clifton has been the source of anti-social behaviour in the past. However, many public houses operate in residential areas without significant harm to the amenity of local residents. Accordingly, such behaviour could be addressed through appropriate management of the Clifton rather than an issue inherent to locating a public house in this area.

Given the above, the considerations suggested by the applicant do not outweigh the clear conflict with NPPF and development plan policy.

#### 6.1.2 Provision of Residential

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units. The proposed residential unit also greatly exceeds the minimum space standards of Policy 3.5 of the London Plan and the Mayor of London's Housing Supplementary Planning Guidance (SPG) (adopted 2012)

("the Housing SPG"). Notwithstanding this, the provision of a residential unit would not outweigh the harm identified above and is not considered sufficient justification for the loss of this public house.

## 6.2 Impact on Conservation Area.

### 6.2.1 Loss of Public House.

The loss of this public house use to this site also raises significant implications for the character of the St John's Wood Conservation Area.

Policy DES 9 (E) of the UDP states that "Permission will only be granted for development, involving a material change of use, which would serve either to preserve or enhance the character and appearance of the conservation area, bearing in mind the detailed viability of the development." Paragraph 10.119 of the supporting text to this policy states that "In addition to visual quality, the uses that are associated with particular buildings and conservation areas are vitally important to the character of those areas. In some cases the uses are important contributory factors to an area's character; in other cases they actually create that character or have long historic or functional relationships."

Though currently vacant, this public house had been previously trading as the 'Clifton Hotel', a name with which the public house has a long association, as referred to by a number of objectors to this application. The public house is also understood to have an association with Edward VII, as also discussed in many of the objection letters. The original age of the actual building is not entirely clear. The applicant has submitted a Design and Access Statement to accompany their application which includes a map stated as being from 1850, and which shows a solitary built structure on site. However, it is understood that the surrounding buildings date from approximately 1840, and the veracity of the map is not therefore clear. Many of the objection letters have referred to the building being approximately 200 years old. However, stylistically this building shares a number of architectural features and characteristics with other surrounding buildings from the mid-19th century, and therefore the existing building appears to be from that time rather than from 200 years ago. Certainly the pub was clearly indicated as being in existence on an 1870 Ordnance Survey plan. Notwithstanding its specific date of construction however, the building is an attractive and characterful unlisted building of merit, and the use as a public house is also considered of significance to the conservation area.

Public houses have formed an important part of the St John's Wood townscape from the early days of its development, and the Clifton Hotel public house appears clearly to have been an integral part of the development of this part of St John's Wood rather than a later addition to the townscape. The design of the building follows many of the architectural characteristics of the surrounding houses, reflecting a desire to integrate such a differing use into a high quality residential area without being unduly disruptive to the visual appearance of the street.

Notwithstanding this, it is set apart in appearance from many of its neighbours through its large freestanding pub sign, and a significant part of its distinction and its contribution to the character of the St John's Wood Conservation Area comes from the use of the building as a public house. Paragraph 4.53 of the St John's Wood Conservation Area Audit states that "There are a range of attractive public buildings in the conservation area. These generally provide focal points in the conservation area". It has been a local landmark and destination point in the conservation area for at least 150 years. This public house is therefore historically significant, contributing to the identity and distinctiveness of the St John's Wood Conservation Area. The street layout and general character of this part of St John's Wood largely still



remains intact, and this part of the conservation area remains almost exclusively in residential use, making this public house a particularly notable point in the Clifton Hill street scene.

When originally developed for villa style housing, the buildings fronting onto Clifton Hill had no other non-residential uses, though in the wider St John's Wood area, CAMRA note in their objection that in 1995 they published a guide to pubs in North London which listed 22 St John's Wood pubs as open, and note that now only nine remain open. The loss of the Clifton Hotel public house would reduce that number further, and would diminish the character of the conservation area.

The public house use brings life and vibrancy to this residential area, particularly when lit up at night. Several objectors have noted that the area feels less lively and insecure without the Clifton in operation. The conversion of the building to a residential use would bring an end to a very long history of public house use at the site, and would dilute the vibrancy, vitality and liveliness of this use to this otherwise almost exclusively residential location and would therefore fail to preserve the character of the conservation area. The conversion would lead to a more mono-cultural residential character in this part of the conservation area rather than the more varied and vibrant character at present.

Given the above, 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 St John's Wood Conservation Area contrary to Policies S25 and S28 of the City Plan and Policies DES 1 and DES 9 of the UDP.

#### 6.2.2 Physical Works

The application proposes to create a 9.2m wide opening in the low height brick boundary wall to the west side of the site which faces onto the access road adjacent but which is, notwithstanding the existing and modern unauthorised fence now set along this boundary, readily visible from Clifton Hill. This opening represents the removal of the entire brick boundary wall facing onto the access road between the pier to the front corner of the boundary wall and the entrance porch on the side elevation of the building. The drawings submitted with the application also show the retention of the existing unauthorised timber fence along the side frontage onto the access road, with amendments to it to form a 3.3m wide pair of gates to allow for vehicular access onto the site from the access road in association with the creation of a single car parking space in the front garden of the property.

The existing low height white painted brick boundary wall runs continuously, aside from a small pedestrian entrance into the site from the Clifton Hill frontage, around the front and side elevations of the building enclosing the front garden in a continuous and attractive boundary treatment. From a historic 1900 photograph available of the frontage of the building, it is clear that the low height wall was in place, though at that time it had railings above, with the two existing stucco clad piers at each end of the Clifton Hill frontage also in place at that time. From the evidence available it appears clear that aside from the removal of the railings above, the boundary frontage is largely unchanged from its original condition. Such low height boundary walls with higher piers are highly characteristic of this part of St John's Wood.

The importance of solid boundary treatments is set out within paragraphs 4.118 - 4.123 of the St. John's Wood Conservation Area Audit (2008) ("the Audit"), which makes it clear that such boundary treatments can contribute significantly to the character of the conservation area, providing a strong continuity of frontage around buildings and also providing a sense of separation between the public and private spheres. Furthermore, Policy DES 7 of the UDP seeks to protect the loss of boundary walls and railings where they form an important feature of and make an important contribution to the street scene, as it does in this case.

The proposed partial removal of the existing boundary treatment to the side elevation and creation of a new vehicular opening 9.2m wide diminishes the role of this boundary treatment in providing visual separation between public and private spheres, removes a significant element of an attractive and characteristic feature and it would allow car parking directly in front of this attractive building, which would clutter the frontage of the building, which would also conflict with Policies DES 7 and TRANS 26 of the UDP and the Audit. The retention and adaption of the existing timber fencing to the side elevation would also retain a tall and highly inappropriate and unattractive feature which is readily visible from Clifton Hill.

The works proposed to the boundary frontage would not preserve or enhance the character and appearance of the St John's Wood Conservation Area and would be contrary to Policies S25 and S28 of the City Plan and Policies DES 1, DES 7 and DES 9 of the UDP. Although it is recognised that there are isolated areas of forecourt parking within Clifton Hill, these are not prevalent and also provide useful examples of the harm that the development plan and the Audit seek to prevent.

The applicant also proposes the introduction of a substantial rear lightwell (i.e. the sunken courtyard) that would project rearwards to almost the full depth of, and across approximately a third of the rear garden. This would conflict with guidance set out in the Basement Development in Westminster Supplementary Planning Document (adopted 2014) ("the Basement SPD") which specifies that rear lightwells should be located immediately adjacent to the rear elevation and should relate sensitively to the size of the rear garden. Accordingly, the proposed lightwell would dominate the rear garden, would fail to preserve the St John's Wood Conservation Area and would be contrary to Policies S25 and S28 of the City Plan, Policies DES 1 and DES 9 of the UDP and the Basement SPD.

The other physical works proposed are not considered as reasons for refusal in themselves. The lightwells to the front of the property are relatively small, align with the windows above and are located away from the front boundary. Were the development otherwise acceptable, a condition could control the detailed design of these lightwells to ensure that they are genuinely discreet and unobtrusive.

The new entrance doors proposed within the existing porch area to the east side of the building and other associated improvements to the appearance of that porch are traditionally detailed and considered acceptable in themselves and would introduce a legible entrance to the building. Given the relatively unkempt appearance of this existing porch, the improvement to the appearance of it is considered to outweigh any harm from the slightly blurring of the original layout of the property, particularly given that it is likely there was always an entrance into the pub from this side of the building.

The new doors to the rear ground and lower ground are relatively large openings. However, given the significant improvements to the appearance of the rear from the removal of the ad hoc collection of ducts, conservatory, staircase and other features added over the years, the appearance of the rear would be improved. The new windows proposed to rear and side first floor levels are also appropriately detailed and are therefore not contentious.

### **6.3 Impact on Amenity**

The proposed residential use is not considered to give rise to amenity issues. As noted by several supporters of the application, the proposed change of use may have the potential to remove noise and disturbance typically perceived to occur where public houses are located in residential areas. However, this would not outweigh harm to the community through loss of this use, particularly as such noise and disturbance issues can be mitigated through appropriate management of a public house.

In terms of the physical alterations to the building, the proposals would involve removal of some building volume to the rear through demolition of the conservatory and other structures. This would benefit the occupiers of the adjoining residential neighbour at No. 94 by allowing potentially more light and a reduction in sense of enclosure. The additional height to the porch on the north eastern side of the property would also be located adjacent to an extension of comparable size on No. 94 and would therefore not give rise to unacceptable loss of light or sense of enclosure.

The windows proposed in the rear elevation would overlook the commercial properties to the rear, with only oblique views to the rear garden of No. 94. Notwithstanding this, these windows would have comparable outlook to the existing windows on the rear elevation. As such, the proposed windows would not result in unacceptable loss of privacy. Were the development otherwise acceptable, a condition could be imposed that would require the first floor flank window on the north eastern elevation to be obscure glazed and non-opening. Such a condition would ensure that this window does not harm the privacy of the occupants of No. 94.

Given the above, the proposal would be acceptable in amenity terms and would be consistent with Policy S29 of the City Plan and Policy ENV13 of the UDP.

#### **6.4 Transportation**

The applicant proposes off-street parking for one vehicle at the front of the property. This would accord with the requirements of Policy TRANS23 of the UDP, insofar as it requires one or two parking spaces. However, this space would be accessed from the driveway serving the site to the rear, located on the south western side of the application site. The applicant has not provided any evidence that they have a right of access over this driveway or that a vehicle could manoeuvre into this space. Accordingly, this space appears unusable. Notwithstanding this, the Highways Planning Manager advises that sufficient on-street parking would be available for the proposed dwellinghouse. Accordingly, the proposal would be consistent with Policy TRANS23 of the UDP and an objection to the development on this basis could not be sustained.

The applicant has indicated that cycle storage and waste storage would be provided in the rear garden. Were the development otherwise acceptable, conditions could be imposed that would require approval of the details of this storage and its continued provision.

#### **6.5 Economic Considerations**

As noted by several objectors, the loss of the public house would result in the loss of employment and commercial activity. In the absence of a policy on this specific point however, this is not considered a sustainable reason for refusing this application.

#### **6.6 Equalities and Diversities (including disabled access)**

None relevant.

#### **6.7 London Plan**

Where relevant, referred to above.

#### **6.8 National Planning Policy Framework (NPPF)**

Where relevant, referred to above.



## 6.9 Planning Obligations

The development is of insufficient scale to require planning obligations.

## 6.10 Environmental Assessment including Sustainability and Biodiversity Issues

### 6.10.1 Sustainability

It is regrettable that the applicant has not sought to improve the sustainability of the building through this proposed conversion. However, in the absence of policy in respect of a development of this scale, this is not a matter on which to withhold permission.

### 6.10.2 Biodiversity including Trees

The Arboricultural Manager notes that the Arboricultural Impact Assessment (AIA) submitted contains several inaccuracies and/or insufficient information with regards to trees on or adjacent to the site.

The AIA refers to alterations to the main front entrance to the property (Para. 1.4), but these are not shown on the proposed plan. The Design and Access Statement refers to creation of a level access. It is unclear what, if any, impact this would have on the retained Bay tree (G1). Accordingly, insufficient detail has been submitted to assess the impact on this tree.

The AIA also states that the proposal to lower the ground floor and the lightwell are all within/below existing lower ground floor walls. The plans indicate two proposed lightwells at the front. The depth of the roof of the existing basement below ground level is not provided, so it is not clear if the trees are rooting in soil above the existing basement. In addition, the proposed plans show the retaining walls around the lightwells, but it is not clear if these are existing, or new – if the latter then there are additional construction impacts in the root protection areas of retained trees. Again, insufficient details have been submitted.

It appears that the proposed car parking space will also require a lowering of ground levels within the rooting areas of three trees, but no sections have been provided. The car parking space is shown directly adjacent to the Birch (4), but as above, there is some doubt over the accuracy of the tree locations and it is doubtful that retention of this tree is realistic.

Given the above, the applicant has failed to demonstrate that the proposed development would not harm trees on or adjacent to the site. In the absence of this information, the proposal would be contrary to Policy ENV 16 of the UDP and Policy S38 of the City Plan.

## 6.11 Other UDP/Westminster Policy Considerations

None relevant.

## 6.12 Other Matters

### 6.12.1 Basement Excavation

In terms of the progression of our policy towards basements, the City Council recently adopted its Supplementary Planning Document (SPD) 'Basement Development in Westminster' on 24 October 2014. The SPD provides detailed advice and clarification on how current policy is implemented in relation to basement development. It does not introduce any additional restrictions on basement development above and beyond the precautionary approach that the City Council had already adopted in response to such development.

The Draft Basements Policy remains the subject of consultation and has not yet been adopted. It is this document which will provide a specific basement policy and it will form part of the local plan (replacing the UDP) in due course. It has some, but only very limited, legal weight (known as material weight or a material consideration). It will not gain more legal weight until after consultation and amendment and will need to be tested at an independent examination before formal legal adoption.

The new basements policy may introduce restrictions on basement excavations provided there is a valid planning reason for doing so, but, as explained above, it has to go through a formal process including an examination in public by an independent Inspector and then legal adoption and it is not, therefore, likely to be formally adopted until early 2016.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework (NPPF) March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures, is a challenging engineering endeavor and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the NPPF March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures, particularly where the buildings in question are heritage assets, as is the case with this site. To seek to address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. The

Building Control officer has reviewed the Structural Methodology Statement and considers it acceptable at this stage of the proposed development.

Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations, as cited above. To go further would be to act beyond the bounds of planning control.

#### 6.12.2 Construction Management

A basic Construction Management Plan (CMP) has been submitted by the applicant. Had the application been considered favourably a condition would have been imposed requiring the submission of a more detailed CMP that mitigates so far as is possible the impact of the proposed development on the amenity of neighbours and the operation of the local highway network. Hours of construction works would also have been restricted by condition to protect the amenity of neighbours.

#### 6.12.3 Other Matter

Some objectors to this development note that it should be considered against Policy S34 of the City Plan, which protects 'social and community facilities'. However, and as set out in the glossary to the City Plan, the types of social and community facilities protected by Policy S34 are those falling within Use Classes C2, D1, D2 and Sui Generis, and not those falling within Use Class A4. Accordingly, it is not relevant to consideration of this application.

Notwithstanding this, ample protection for this public house remains within the development plan and the NPPF and proposed Policy CM24.1 clearly indicates a further strengthening of this policy to accord with the NPPF.

## 7. CONCLUSION

The proposed change of use would result in the loss of a valued community facility to the detriment of the local community. Furthermore, the loss of the historic public house use would also be detrimental to the character and appearance of this unlisted building of merit and this part of the St John's Wood Conservation Area. The proposed front garden parking area and associated boundary wall alterations, as well as the rear lightwell proposed, would also harm the character and appearance of the subject site and the St. John's Wood Conservation Area. The applicant has also failed to demonstrate that the proposed development would not harm protected trees.

Accordingly, the proposed development is contrary to the relevant UDP and City Plan policies, the St. John's Wood Conservation Area Audit, the NPPF and the London Plan. Therefore, the application is recommended for refusal.

## BACKGROUND PAPERS

1. Application form
2. Emails from Councillor Lindsay Hall dated 25 February and 12 May 2015.
3. Email from St John's Wood Society dated 9 February 2015.



4. Comments from Building Control dated 21 January 2015.
5. Memorandum from Environmental Health dated 4 February 2015.
6. Memorandum from Highways Planning Manager dated 31 July 2015.
7. Memorandum from Arboricultural Manager dated 30 July 2015.
8. Review of applicant's marketing report by Fleurets dated 29 May 2015.
9. Representation from CAMRA dated 12 February 2015.
10. Representation from owner/occupier of 14 Hoopers Yard dated 7 February 2015.
11. Representation from owner/occupier of Flat 36, Dinerman Court dated 7 February 2015.
12. Representation from owner/occupier of 233 Dibdin House dated 7 February 2015.
13. Representation from owner/occupier of 21b Warwick Avenue dated 7 February 2015.
14. Representation from owner/occupier of 22C Fairhazel Gardens dated 8 February 2015.
15. Representation from owner/occupier of 85 Clifton Hill dated 8 February 2015.
16. Representation from owner/occupier of 69 Clifton Hill dated 8 February 2015.
17. Representation from owner/occupier of 4 Frith House dated 9 February 2015.
18. Representation from owner/occupier of Flat 2, 67 Clifton Hill dated 7 February 2015.
19. Representation from owner/occupier of 22A Hillsborough Court, Mortimer Crescent dated 9 February 2015.
20. Representation from owner/occupier of Basement Flat, 111 Upper Brockley Road dated 9 February 2015.
21. Representation from owner/occupier of Cleeve Court Road dated 8 February 2015.
22. Representation from owner/occupier of 2 Marlborough Hill dated 7 February 2015.
23. Representation from owner/occupier of 62 Fairhazel Gardens dated 7 February 2015.
24. Representation from owner/occupier of 46 Scott Ellis Gardens dated 7 February 2015.
25. Representation from owner/occupier of 58 Apsley House dated 7 February 2015.
26. Representation from owner/occupier of 45 Clifton Hill dated 7 February 2015.
27. Representation from owner/occupier of 173 Brondebury Park dated 7 February 2015.
28. Representation from owner/occupier of Flat 8, 18 Acol Road dated 7 February 2015.
29. Representation from owner/occupier of 25 Avondale Road dated 8 February 2015.
30. Representation from owner/occupier of 38 Mansfield Road dated 8 February 2015.
31. Representation from owner/occupier of 48 Lambourne House dated 8 February 2015.
32. Representation from owner/occupier of 122a Hamilton Terrace dated 8 February 2015.
33. Representation from owner/occupier of Basement Flat, 9 Belgrave Gardens dated 7 February 2015
34. Representation from owner/occupier of Abbey Road dated 7 February 2015.
35. Representation from owner/occupier of Grove End Gardens dated 7 February 2015.
36. Representation from owner/occupier of 177C Randolph Avenue dated 7 February 2015.
37. Representation from owner/occupier of Flat 101, 29 Abercorn Place dated 7 February 2015.
38. Representation from owner/occupier of 81a Dartmouth Park Hill dated 7 February 2015.
39. Representation from owner/occupier of Flat 1, 129 Goldhurst Terrace dated 7 February 2015.
40. Representation from owner/occupier of 22 Alma Square Street dated 7 February 2015.
41. Representation from owner/occupier of 13 Ordnance Hill dated 7 February 2015.
42. Representation from owner/occupier of 17d Abbey Road dated 7 February 2015.
43. Representation from owner/occupier of 6 Court Close dated 7 February 2015.
44. Representation from owner/occupier of 85 Clifton Hill dated 7 February 2015.
45. Representation from owner/occupier of 163b Holland Road dated 7 February 2015.
46. Representation from owner/occupier of 4 Grove End Gardens dated 7 February 2015.
47. Representation from owner/occupier of 27 The Burroughs dated 7 February 2015.
48. Representation from owner/occupier of 67 Clifton Hill dated 7 February 2015.
49. Representation from owner/occupier of Brucefield House, Agar Road, Truro dated 7 February 2015.
50. Representation from owner/occupier of Flat 1, 26 Belgrave Gardens dated 9 February 2015.
51. Representation from owner/occupier of 16 Dinerman Court, 38-42 Boundary Road dated 9 February 2015.

52. Representation from owner/occupier of 74 Clifton Hill dated 9 February 2015.
53. Representation from owner/occupier of 52C Brondesbury Road dated 9 February 2015.
54. Representation from owner/occupier of 73 Clifton Hill dated 9 February 2015.
55. Representation from owner/occupier of 13 Frith House dated 9 February 2015.
56. Representation from owner/occupier of 74 Clifton Hill dated 10 February 2015.
57. Representation from owner/occupier of Basement Flat, 111 Upper Brockley Road dated 9 February 2015.
58. Representation from owner/occupier of 27C The Burroughs dated 9 February 2015.
59. Representation from owner/occupier of 4 Knoll House dated 10 February 2015.
60. Representation from owner/occupier of 19 Greenaway House dated 10 February 2015.
61. Representation from owner/occupier of 88 Clifton Hill dated 7 February 2015.
62. Representation from Clifton Hill Resident dated 7 February 2015.
63. Representation from owner/occupier of 54 Warlock Road dated 4 February 2015.
64. Representation from owner/occupier of 27 Alma Square dated 6 February 2015.
65. Representation from owner/occupier of 20A Belgrave Gardens dated 4 February 2015.
66. Representation from owner/occupier of 81 Clifton Street dated 3 February 2015.
67. Representation from owner/occupier of Flat G, 69 Abbey Road, St John's Wood dated 3 February 2015.
68. Representation from owner/occupier of 96 Clifton Hill dated 6 February 2015.
69. Representation from owner/occupier of 145 Colney Hatch Lane dated 11 February 2015.
70. Representation from owner/occupier of 10 Sneyd Road dated 12 February 2015.
71. Representation from owner/occupier of 94 Elgin Mansions dated 11 February 2015.
72. Representation from owner/occupier of Flat 3, 38 Priory Road dated 9 February 2015.
73. Representation from owner/occupier of 21 Abinger Mews dated 9 February 2015.
74. Representation from owner/occupier of Flat 8 The Spectrum Building dated 11 February 2015.
75. Representation from owner/occupier of 109 Aldenham Road dated 10 February 2015.
76. Representation from owner/occupier of 134 Elgin Avenue dated 10 February 2015.
77. Representation from owner/occupier of 105 Clifton Hill dated 12 February 2015.
78. Representation from owner/occupier of 97 Clifton Hill dated 26 January 2015.
79. Representation from owner/occupier of 60 Carlton Hill dated 4 February 2015.
80. Representation from owner/occupier of 47 Carlton Hill dated 29 January 2015.
81. Representation from owner/occupier of 52 Blenheim Terrace dated 30 January 2015.
82. Representation from owner/occupier of 6 Vincent Road dated 2 February 2015.
83. Representation from owner/occupier of 67 Clifton Hill dated 29 January 2015.
84. Representation from owner/occupier of Flat 65, Elgin Mansions dated 12 February 2015.
85. Representation from owner/occupier of 22 Widford Castle Road dated 12 February 2015.
86. Representation from owner/occupier of Flat 88, 29 Abercorn Place dated 12 February 2015.
87. Representation from owner/occupier of 53 Carlton Hill dated 12 February 2015.
88. Representation from owner/occupier of 106a Kingsgate Road dated 12 February 2015.
89. Representation from owner/occupier of 30B Portnall Road dated 12 February 2015.
90. Representation from owner/occupier of 34 Chandos Road dated 12 February 2015.
91. Representation from owner/occupier of 136 Sutherland Avenue, Flat 9 dated 12 February 2015.
92. Representation from owner/occupier of 41 Marlborough Hill dated 12 February 2015.
93. Representation from owner/occupier of 34 Chandos Road dated 12 February 2015.
94. Representation from owner/occupier of 35A Brondesbury Road dated 13 February 2015.
95. Representation from owner/occupier of Flat 3, 75 Carlton Hill dated 14 February 2015.
96. Representation from owner/occupier of Solent Road dated 14 February 2015.
97. Representation from owner/occupier of 23 Abbey Road dated 13 February 2015.
98. Representation from owner/occupier of St Mark's Vicarage 114 Hamilton Terrace dated 13 February 2015.
99. Representation from owner/occupier of 114 Hamilton Terrace dated 13 February 2015.
100. Representation from owner/occupier of 28 Fordwych Court dated 13 February 2015.
101. Representation from owner/occupier of 7 Gurdon Road dated 13 February 2015.

102. Representation from owner/occupier of The Croft, Wall Street dated 13 February 2015.
103. Representation from owner/occupier of 19 Hanover Road dated 13 February 2015.
104. Representation from owner/occupier of 15 Alma Square dated 13 February 2015.
105. Representation from owner/occupier of 8 Millbrook Park dated 13 February 2015.
106. Representation from owner/occupier of 1 Belgrave Gardens dated 13 February 2015.
107. Representation from owner/occupier of 3 Warrington Crescent dated 13 February 2015.
108. Representation from owner/occupier of Flat 7 Culworth House dated 13 February 2015.
109. Representation from owner/occupier of 18 Acol Road dated 12 February 2015.
110. Representation from owner/occupier of 178A Lauderdale Road dated 15 February 2015.
111. Representation from owner/occupier of 64A Marlborough Place dated 15 February 2015.
112. Representation from owner/occupier of Top Floor Flat, 9 Rosemont Road dated 15 February 2015.
113. Representation from owner/occupier of 44 Ashworth Mansions, Elgin Avenue dated 15 February 2015.
114. Representation from owner/occupier of Flat 1, 1-2 Alma Square dated 15 February 2015.
115. Representation from owner/occupier of 8 Abercorn Mansions, 17 Abercorn Place dated 15 February 2015.
116. Representation from owner/occupier of 88 Clifton Hill dated 12 February 2015.
117. Representation from owner/occupier of 4C Petherton Road dated 16 February 2015.
118. Representation from owner/occupier of 4C Petherton Road dated 16 February 2015.
119. Representation from owner/occupier of 8C Carlton Hill dated 19 February 2015.
120. Representation from owner/occupier of The Croft, Wall Street dated 16 February 2015.
121. Representation from owner/occupier of Flat 7, 83 Abbey Road dated 19 February 2015.
122. Representation from owner/occupier of 1345 Elgin Avenue dated 19 February 2015.
123. Representation from owner/occupier of 4A Lowfield Road dated 19 February 2015.
124. Representation from owner/occupier of 13 Mount Pleasant Road dated 19 February 2015.
125. Representation from owner/occupier of 3a Warrington Crescent dated 19 February 2015.
126. Representation from owner/occupier of 58 Azalea Walk dated 19 February 2015.
127. Representation from owner/occupier of 47 Chalbert Court dated 19 February 2015.
128. Representation from owner/occupier of 30 Carlton Hill dated 19 February 2015.
129. Representation from owner/occupier of 233 Dibdin House dated 19 February 2015.
130. Representation from owner/occupier of 35A Brondesbury Road dated 18 February 2015.
131. Representation from owner/occupier of 19 Ednah Street Como dated 19 February 2015.
132. Representation from Grazyna Green dated 18 February 2015.
133. Representation from Grazyna Green dated 19 February 2015.
134. Representation from owner/occupier of 97 Clifton Hill dated 16 February 2015.
135. Representation from owner/occupier of 25 Leith Mansions dated 20 February 2015.
136. Representation from owner/occupier of 53 Manor Way dated 20 February 2015.
137. Representation from owner/occupier of St Edmonds, 65 Western Road dated 20 February 2015.
138. Representation from owner/occupier of 137 Kenley Road dated 19 February 2015.
139. Representation from owner/occupier of 33 Blenheim Terrace dated 19 February 2015.
140. Representation from owner/occupier of 103 Clifton Hill dated 19 February 2015.
141. Representation from owner/occupier of 103 Clifton Hill dated 19 February 2015.
142. Representation from owner/occupier of 240 Kilburn High Road dated 19 February 2015.
143. Representation from owner/occupier of Garden Flat, 99 Hamilton Terrace dated 19 February 2015.
144. Representation from C Tarpey dated 19 February 2015.
145. Representation from owner/occupier of 7 Donnington Road dated 19 February 2015.
146. Representation from owner/occupier of Flat 8, Warner House dated 19 February 2015.
147. Representation from owner/occupier of 18 Ainger Road dated 19 February 2015.
148. Representation from owner/occupier of 33 Marlborough Place dated 19 February 2015.
149. Representation from owner/occupier of 531 Harrow Road dated 19 February 2015.
150. Representation from owner/occupier of 33 Blenheim Terrace dated 19 February 2015.

151. Representation from owner/occupier of 54 Chemin de Valerie dated 19 February 2015.
152. Representation from owner/occupier of Hurst Lodge, The Street dated 19 February 2015.
153. Representation from owner/occupier of Flat 6, Ainsworth House dated 20 February 2015.
154. Representation from owner/occupier of 13 Lymington Road dated 19 February 2015.
155. Representation from owner/occupier of 61 Blenheim Terrace dated 20 February 2015.
156. Representation from owner/occupier of 11 Colne Road dated 20 February 2015.
157. Representation from owner/occupier of 2 Alexandra Terrace dated 20 February 2015.
158. Representation from owner/occupier of 120 Hamilton Terrace dated 20 February 2015.
159. Representation from owner/occupier of 67 Carlton Hill dated 21 February 2015.
160. Representation from owner/occupier of 4 Maida Avenue dated 20 February 2015.
161. Representation from owner/occupier of 96 Maysoule Road dated 20 February 2015.
162. Representation from owner/occupier of Flat 95, Elgin Mansions dated 20 February 2015.
163. Representation from owner/occupier of 34 Lauderdale Mansions dated 21 February 2015.
164. Representation from owner/occupier of 111 Ruskin Gardens dated 23 February 2015.
165. Representation from owner/occupier of 36a Frant Road dated 20 February 2015.
166. Representation from owner/occupier of Flat 2, 67 Clifton Hill dated 23 February 2015.
167. Representation from owner/occupier of 14 Maida Avenue dated 19 February 2015.
168. Representation from owner/occupier of 71 Clifton Hill dated 19 February 2015.
169. Representation from owner/occupier of 8 Abercorn Mansions dated 25 February 2015.
170. Representation from owner/occupier of 23 Fairhazel Gardens dated 20 February 2015.
171. Representation from owner/occupier of 79 Clifton Hill dated 20 February 2015.
172. Representation from owner/occupier of 122A Hamilton Terrace dated 20 February 2015.
173. Representation from owner/occupier of Flat 21, Besant House dated 10 April 2015.
174. Representation from Firstplan Limited on behalf of The Save The Clifton Group dated 28 April 2015.
175. Representation from owner/occupier of 3 Tobin Close dated 30 April 2015.
176. Representation from owner/occupier of 1a Abbots Place dated 29 April 2015.
177. Representation from owner/occupier of Littlewood Lower Sandy Down dated 30 April 2015.
178. Representation from owner/occupier of 23 Carlton Hill dated 20 May 2015.
179. Representation from owner/occupier of 4 Ainsworth House dated 28 June 2015.
180. Representation from owner/occupier of 122a Hamilton Terrace dated 5 June 2015.
181. Representation from owner/occupier of 24 Belgrave Gardens dated 2 July 2015.
182. Representation from owner/occupier of 93 Clifton Hill dated 29 January 2015.
183. Representation from owner/occupier of 94 Clifton Hill dated 2 February 2015.
184. Representation from owner/occupier of 68 Clifton Hill dated 9 February 2015.
185. Representation from owner/occupier of 70 Clifton Hill dated 9 February 2015.
186. Representation from owner/occupier of 80 Clifton Hill dated 16 February 2015.
187. Representation from owner/occupier of 21 St Johns Wood Terrace dated 20 February 2015.
188. Representation from owner/occupier of 71a Clifton Hill dated 9 February 2015.
189. Representation from owner/occupier of 71a Clifton Hill dated 14 February 2015.
190. Representation from owner/occupier of 98b Clifton Hill dated 1 March 2015.
191. Representation from owner/occupier of 97 Clifton Hill dated 8 March 2015.
192. Representation from owner/occupier of 97 Clifton Hill dated 8 March 2015.
193. Representation from owner/occupier of 80 Clifton Hill dated 17 February 2015.
194. Representation from owner/occupier of 95 Clifton Hill dated 25 February 2015.
195. Representation from owner/occupier of 94 Clifton Hill dated 19 March 2015.
196. Petition dated 11 March 2015 containing 42 signatures in support of the application.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR BY E-MAIL – [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** 96 Clifton Hill, London, NW8 0JT

**Proposal:** Use as a single family dwelling and internal and external alterations including lowering of existing basement, demolition of the rear conservatory and toilet block, formation of rear amenity space with glass balustrade and steps, provision of car parking space to front garden with associated alterations to boundary walls and paving.

**Plan Nos:** Drawing numbers 800, 810, 811, 812, 813, 814, 815, 910, 911, 912, 913, 914, 915; Design and Access Statement by Arc Design Partnership (December 2014); Heritage Assessment by DLG Architects (December 2014); Planning Statement by Savills (December 2014); Marketing Report by Savills (December 2014); Arboricultural Impact Assessment by Landmark Trees (January 2015); Construction Management Plan (December 2014); Basement Impact Assessment by Ross and Partners (2 December 2014) (For Information Only)

**Case Officer:** Nathan Barrett

**Direct Tel. No.** 020 7641 5943

**Recommended Condition(s) and Reason(s):**

- 1 The proposed change of use would result in the unnecessary loss of a valued community public house, to the detriment of the local community and contrary to the National Planning Policy Framework, policy 4.8 of The London Plan (Consolidated with Alterations - March 2015), policy S13 of the City Plan: Strategic Policies (adopted November 2013) and policy SS8 of our Unitary Development Plan (adopted January 2007).
- 2 Because of the loss of the historic public house use, the proposal would be detrimental to the character of this unlisted building of merit and the St John's Wood Conservation Area. This would be contrary to Policies DES1 and DES9 of the Unitary Development Plan that we adopted in January 2007 and Policies S25 and S28 of the City Plan: Strategic Policies that we adopted in November 2013. The proposal would also be contrary to the St John's Wood Conservation Area Audit, and the advice in our Supplementary Planning Guidance: Development and Demolition in Conservation Areas (1996).
- 3 Because of the removal of the boundary wall and the provision of front garden parking the proposed development would fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 7, DES 9, TRANS 26 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. The proposal would also be contrary to the St John's Wood Conservation Area Audit.
- 4 Because of the significant size and scale of the rear lightwell (sunken courtyard), the proposed development would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the St John's Wood Conservation Area.

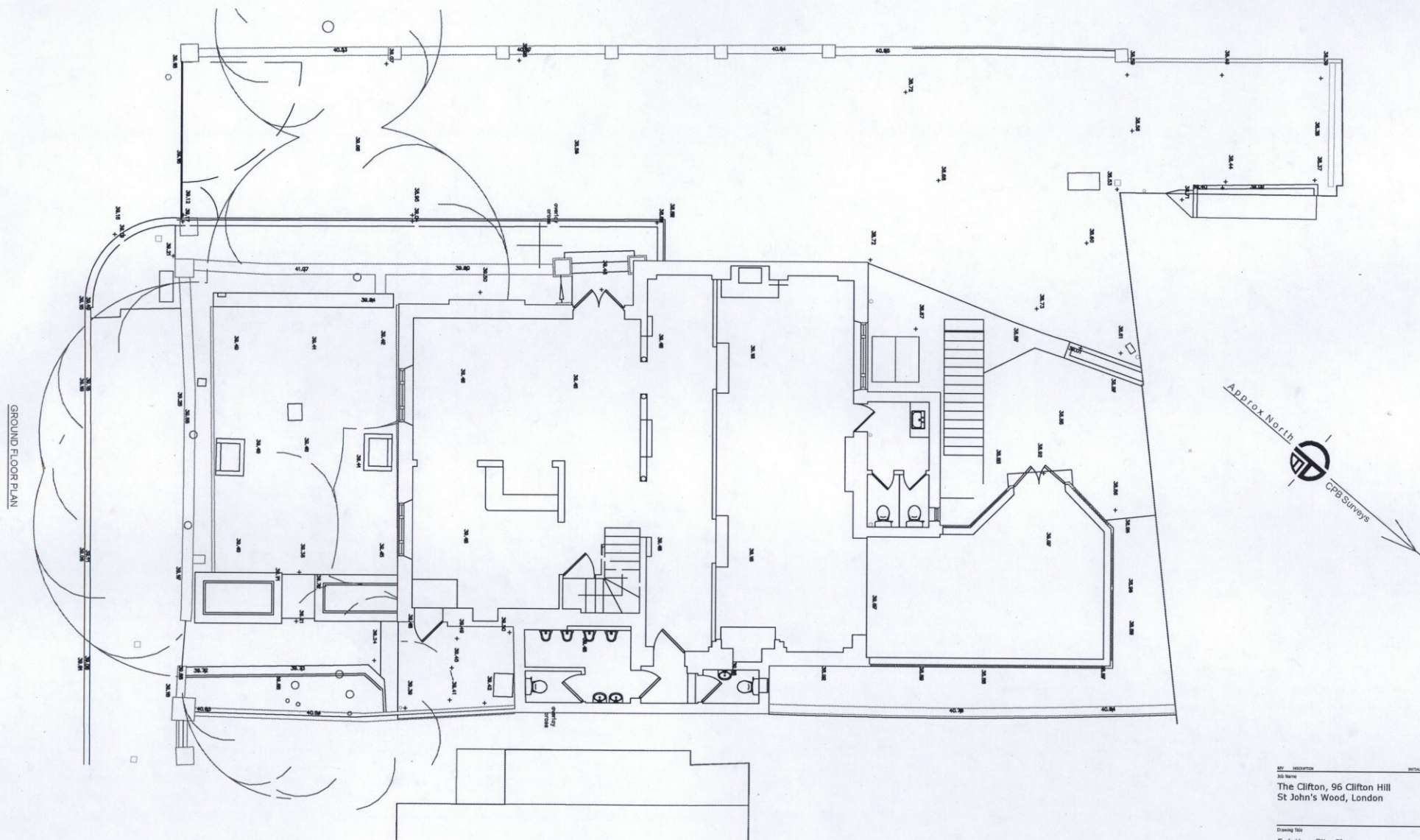


This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 of our Unitary Development Plan that we adopted in January 2007. The proposal would also be contrary to the Basement Development in Westminster Supplementary Planning Document that we adopted in October 2014.

- 5 Your Arboricultural Impact Assessment and drawings do not include sufficient information for us to assess how your plans would affect protected trees. In the absence of this information, the proposal could harm protected trees. This would not meet S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

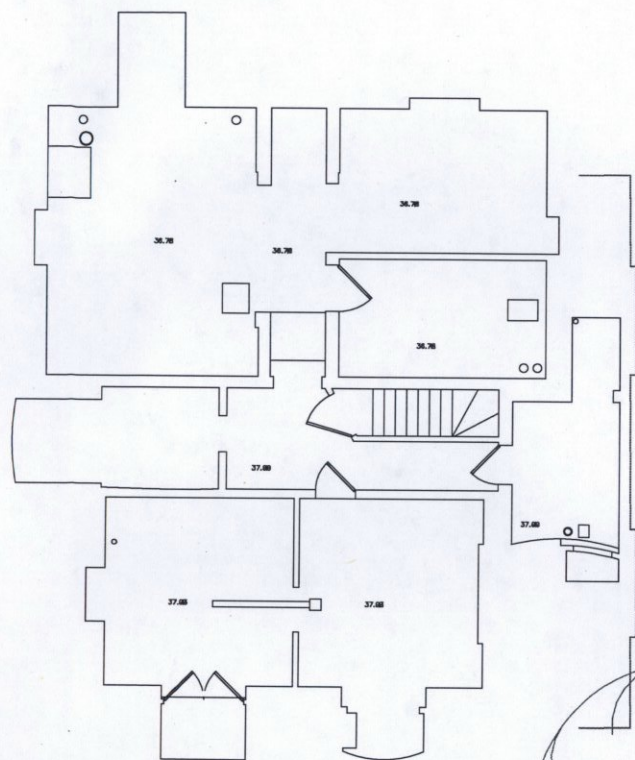


GROUND FLOOR PLAN

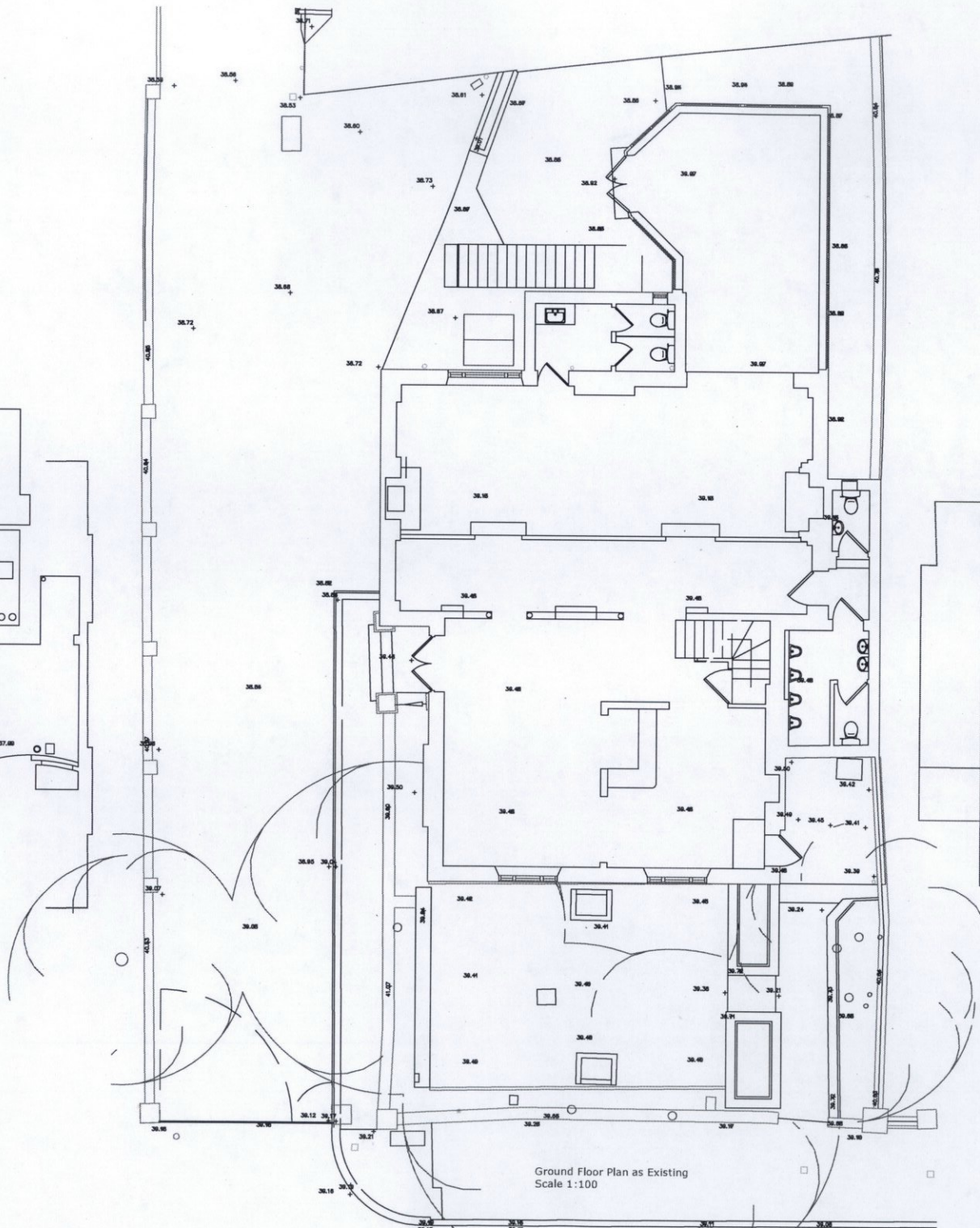
Ground Floor Plan as Existing  
 Scale 1:100

NO	DESCRIPTION	INITIALS	DATE
1	The Clifton, 95 Clifton Hill St John's Wood, London		
Drawing Title			
Existing Site Plan			
Status			
Planning Application			
Date	Drawn by	Scale @ Size	
Dec 2014	PW	1:100@A3	
Job Number	Code	Drawing Number	Rev
3021	(00)	810	-





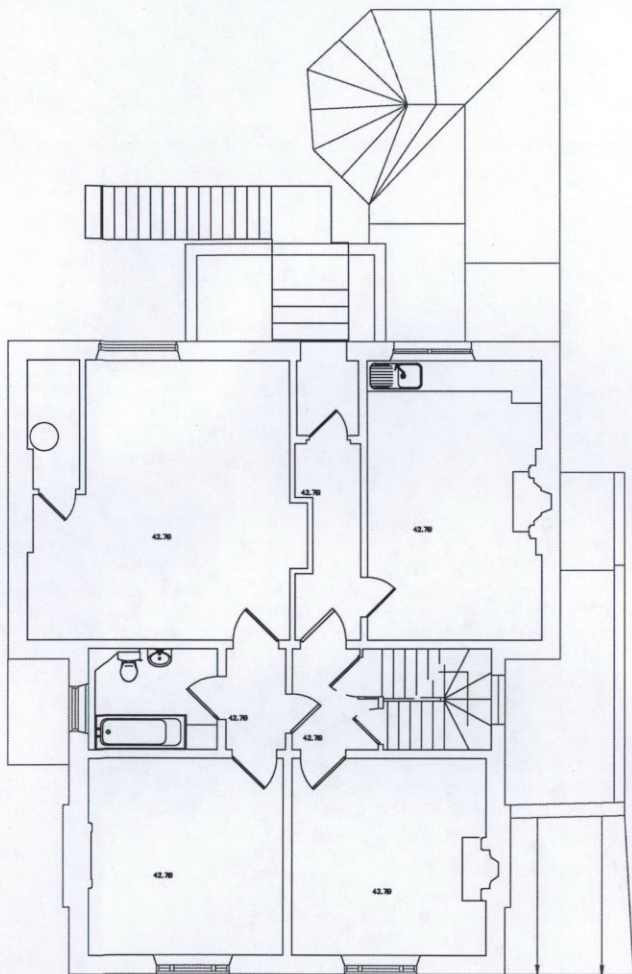
Basement Plan as Existing  
 Scale 1:100



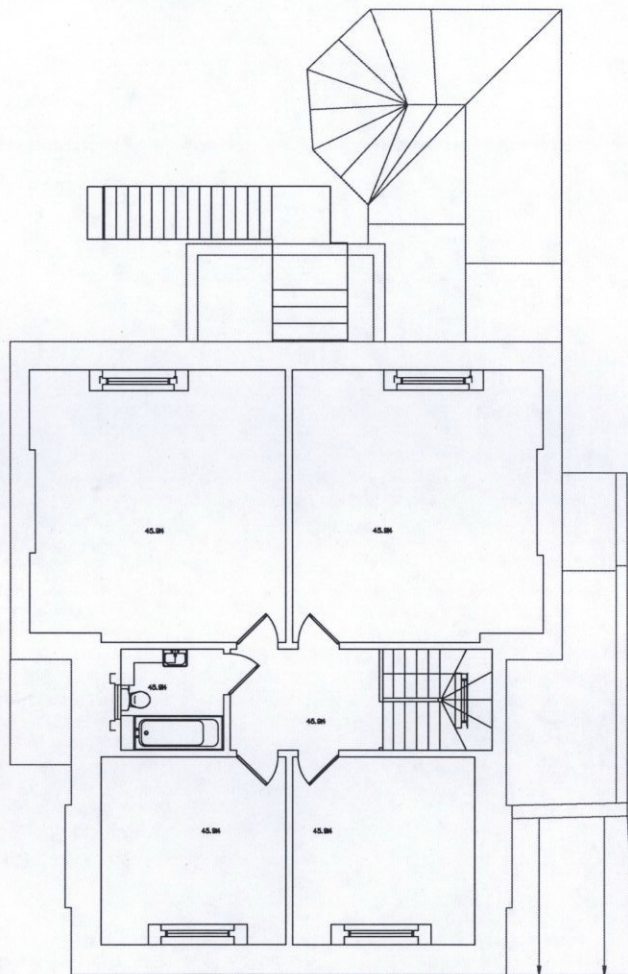
Ground Floor Plan as Existing  
 Scale 1:100

JOB DESCRIPTION		METRIC		DATE	
The Clifton, 96 Clifton Hill St John's Wood, London					
Drawing Title					
Basement and Ground Floor Plans as Existing					
Status					
Planning Application					
Date	Drawn By	Scale & Size			
Dec 2014	PW	1:100@A3			
Job Number	Code	Drawing Number	Rev		
3021	(00)	811	-		

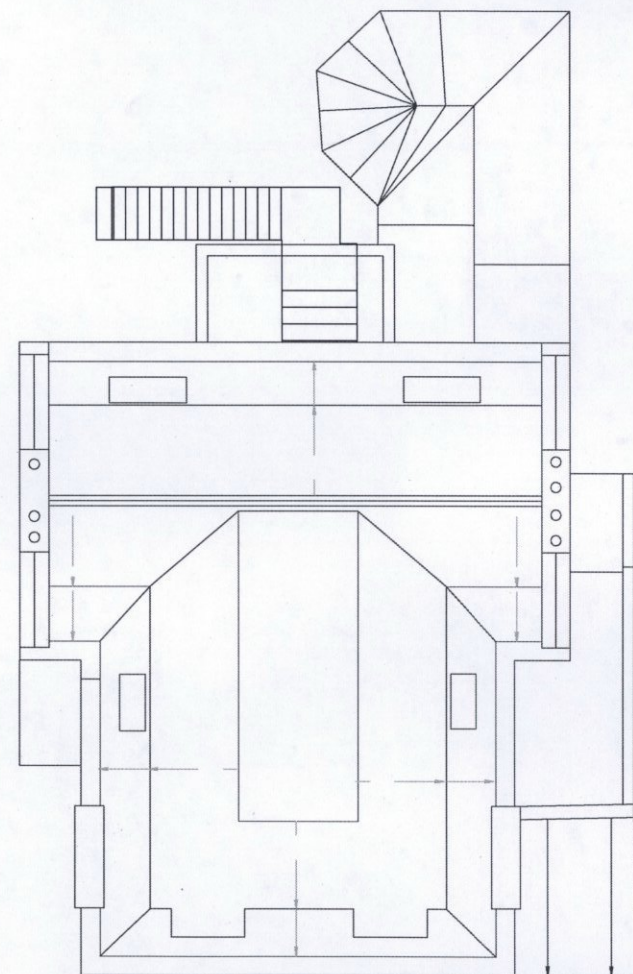




First Floor Plan as Existing  
 Scale 1:100



Second Floor Plan as Existing  
 Scale 1:100



Roof Plan as Existing  
 Scale 1:100

NO. DESCRIPTION DETAIL DATE

The Clifton, 96 Clifton Hill  
 St John's Wood, London

Drawing Title  
 First, Second Floor and Roof Plans  
 as Existing

Status  
 Planning Application

Date: Dec 2014  
 Drawn by: PW  
 Scale @ Size: 1:100@A3

Job Number: 3021  
 Code: (00)  
 Drawing Number: 812  
 Rev: -



Existing Rear Elevation  
 Scale 1:100

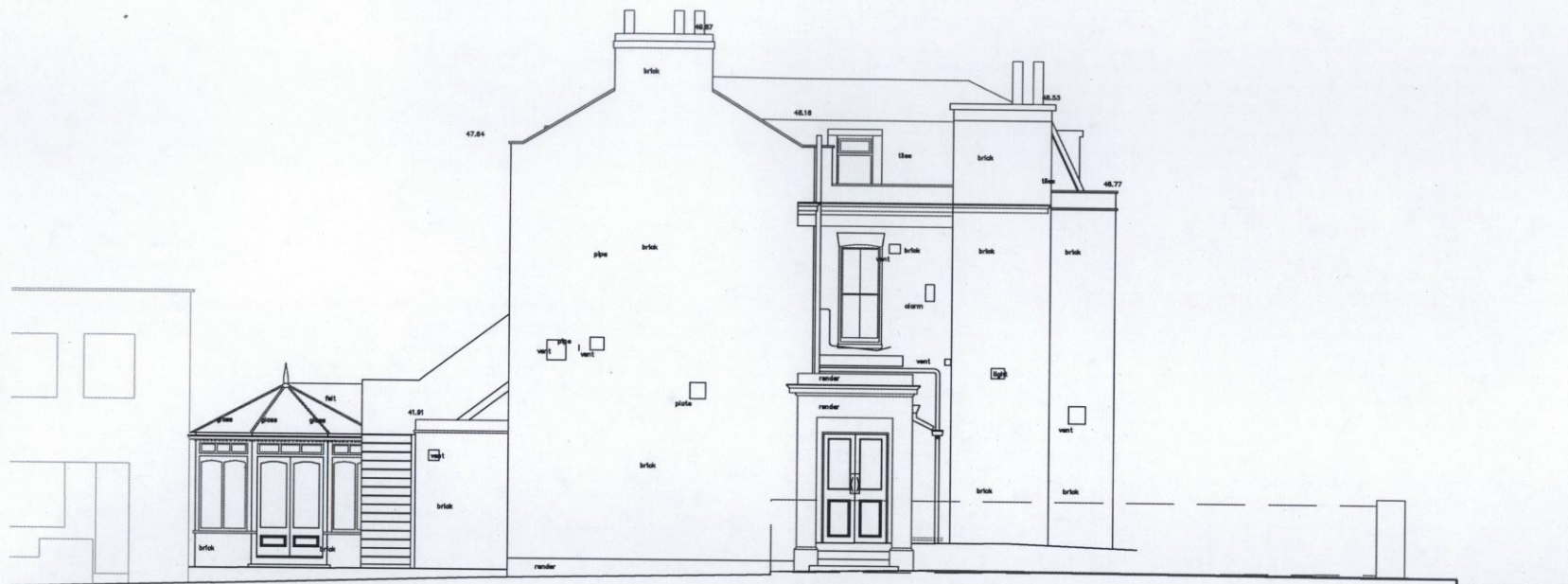


Existing Front Elevation  
 Scale 1:100

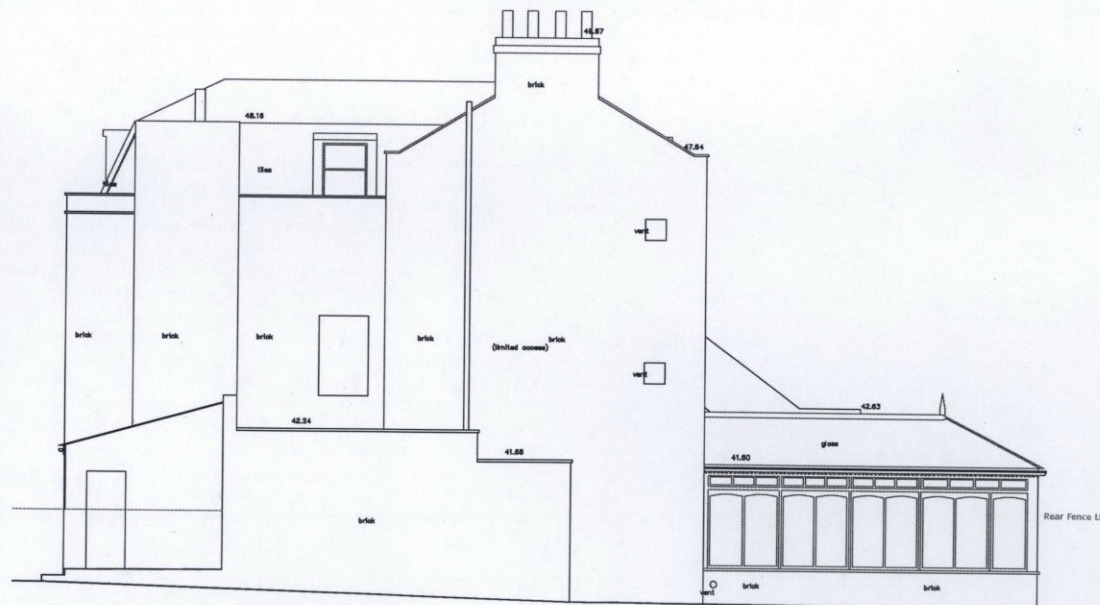


REF.	DESCRIPTION	REVISION	DATE
JOB Name			
The Clifton, 96 Clifton Hill St John's Wood, London			
Drawing Title			
Front and Rear Elevations as Existing			
Status			
Planning Application			
Date	Sheet No	Scale & Size	
Dec 2014	PW	1:100@A3	
Job Number	Code	Drawing Number	Rev
3021	(00)	813	-





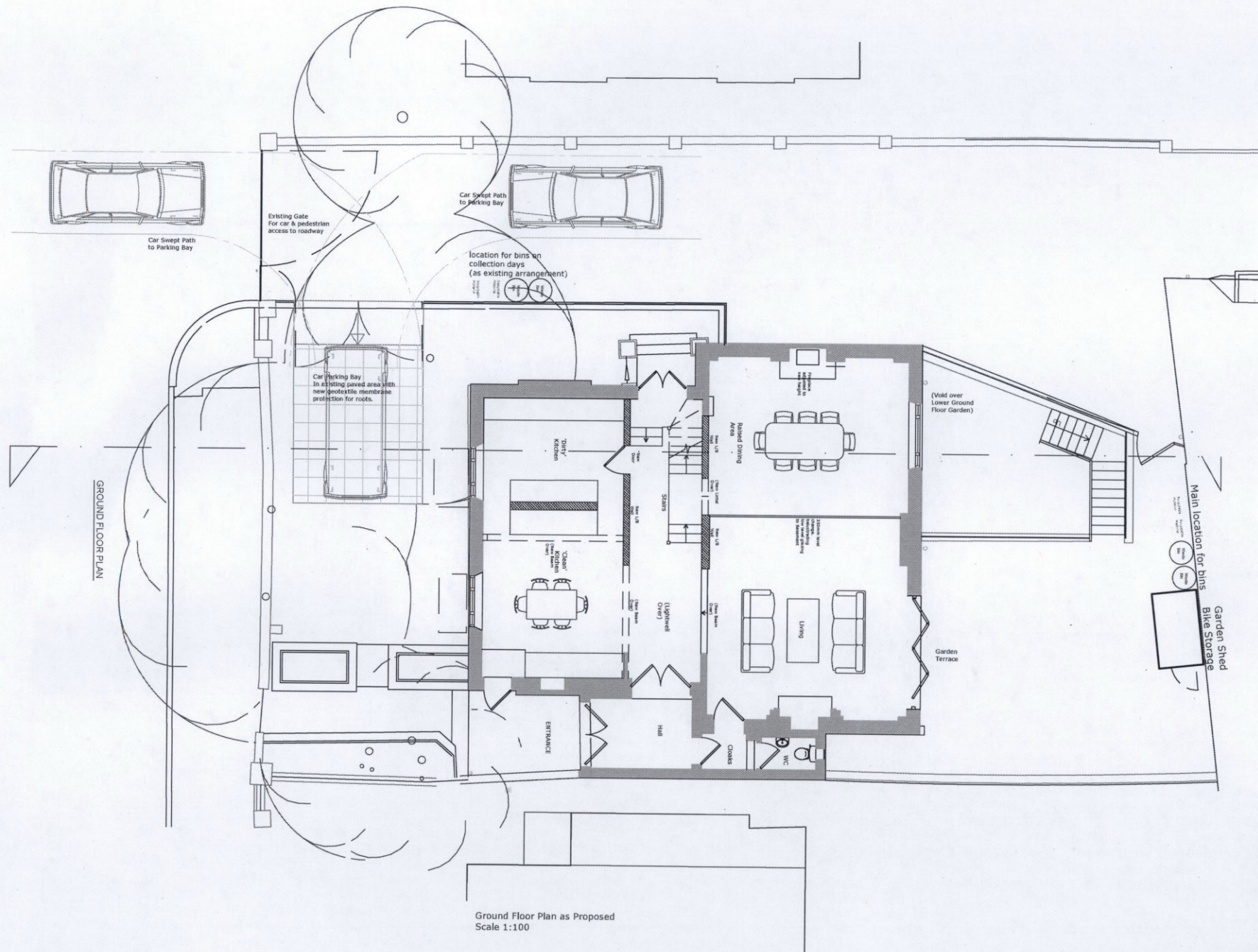
Existing Side Elevation (South East)  
 Scale 1:100



Existing Side Elevation (North West)  
 Scale 1:100

REV	DESCRIPTION	INITIALS	DATE
Job Name			
The Clifton, 96 Clifton Hill St John's Wood, London			
Drawing Title			
Side Elevations as Existing			
Status			
Planning Application			
Date	Sheet By	Scale & Size	
June 2014	PW	1:100@A3	
Job Number	Code	Drawing Number	Rev
3021	(00)	814	-

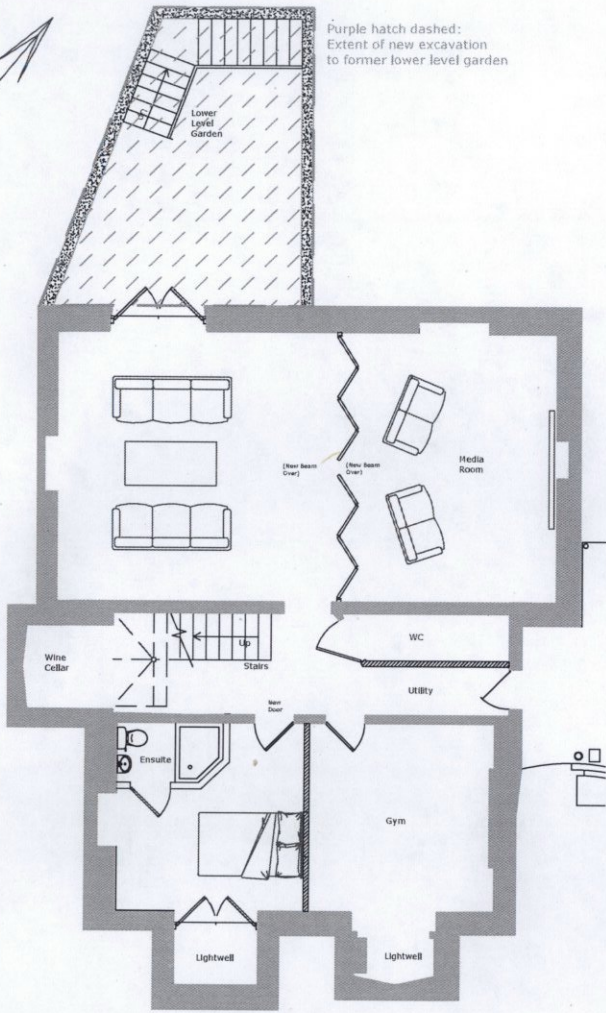
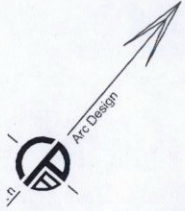




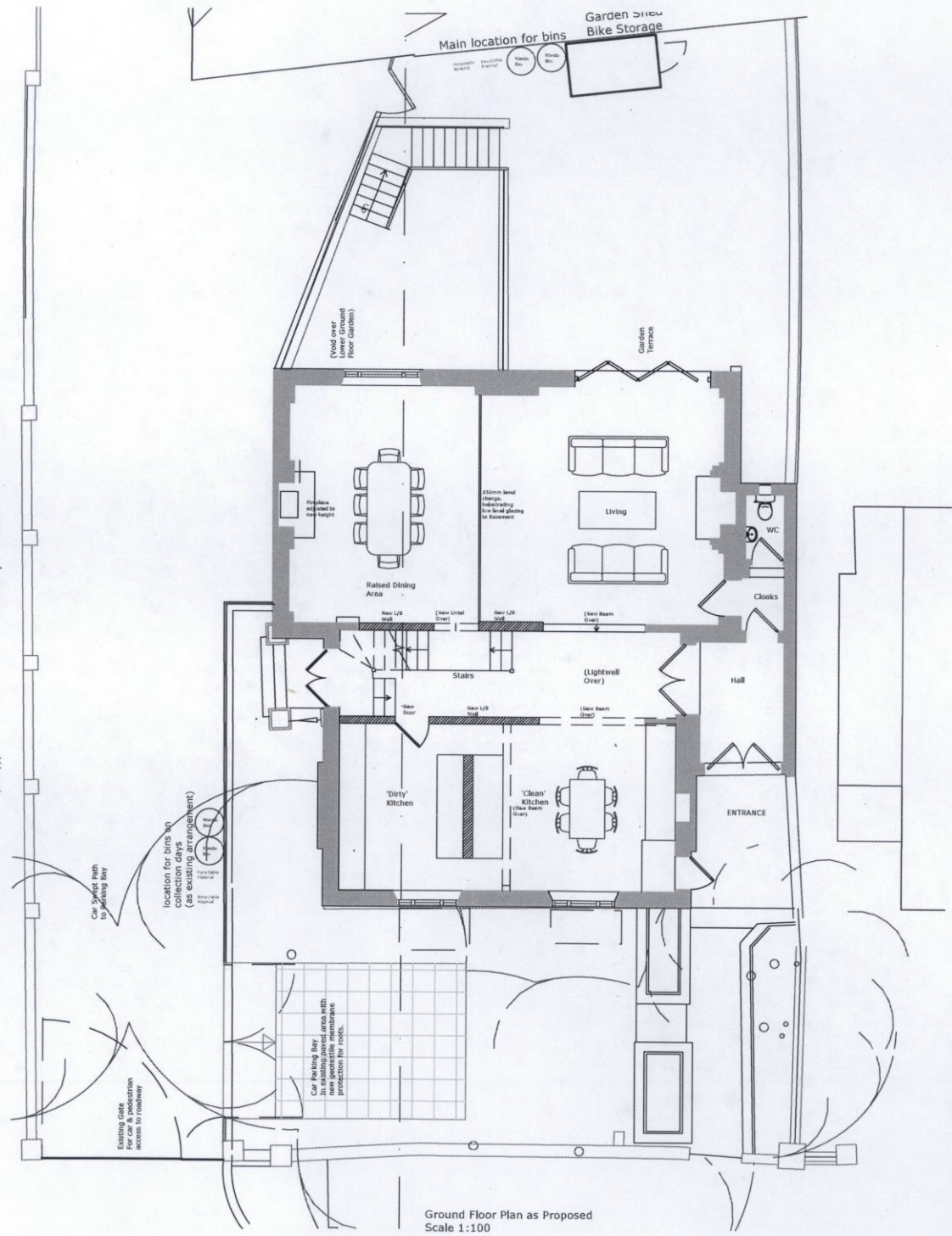
REV	DESCRIPTION	DATE	BY
01	Issue		

Job Name: The Clifton, 96 Clifton Hill  
 St John's Wood, London  
 Drawing Title: Proposed Site Plan  
 Status: Planning Application  
 Date: Dec 2014  
 Drawn By: PW  
 Scale @ Size: 1:100@A3  
 Job Number: 3021  
 Code: (00)  
 Drawing Number: 910  
 Rev: -





Basement Floor Plan as Proposed  
Scale 1:100



Ground Floor Plan as Proposed  
Scale 1:100

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79 Great Peter Street  
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t +44 (0)7710 095494  
studio@arcdesignllp.com

Site Name  
The Clifton, 96 Clifton Hill  
St John's Wood, London

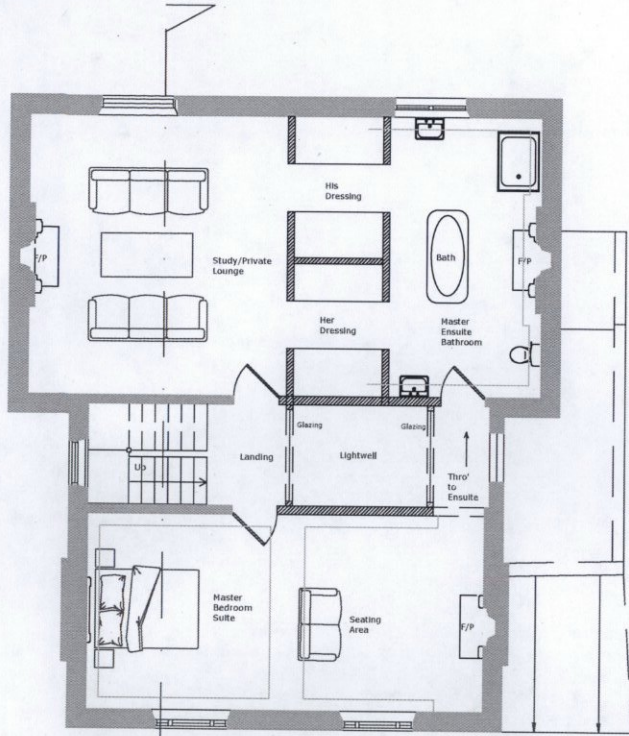
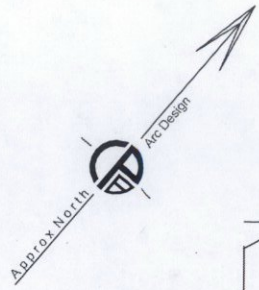
Drawing Title  
Basement and Ground Floor Plans  
as Proposed

Planning Application

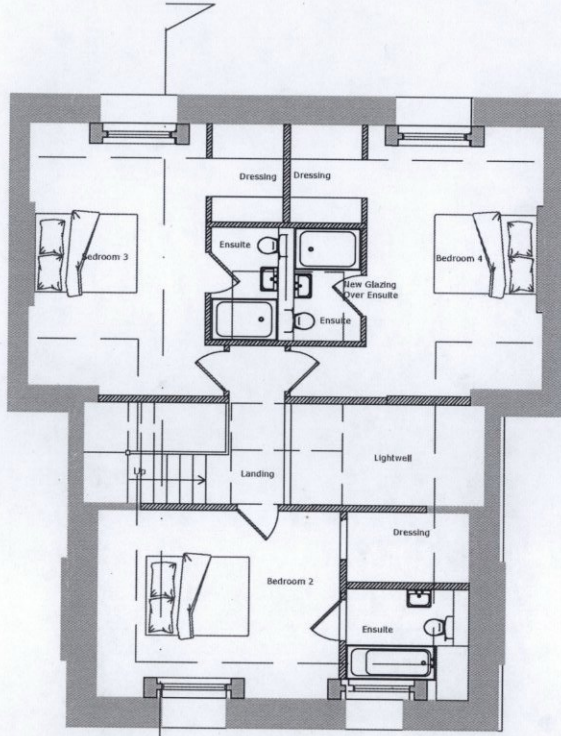
Date: Dec 2014  
Drawn by: PW  
Scale @ Size: 1:100@A3

Job Number	Code	Drawing Number	Rev
3021	(00)	911	-

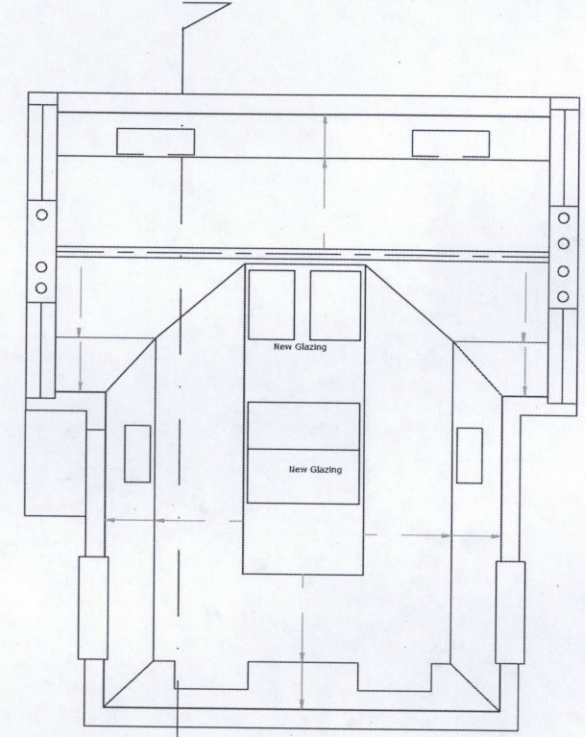




First Floor Plan as Proposed  
 Scale 1:100



Second Floor Plan as Proposed  
 Scale 1:100



Roof Plan as Proposed  
 Scale 1:100

Job Name  
 The Clifton, 96 Clifton Hill  
 St John's Wood, London

Drawing Title  
 First, Second Floor and Roof Plans  
 as Proposed

Status  
 Planning Application

Date: Dec 2014  
 Sheet By: PW  
 Scale & Size: 1:100@A3

Job Number	Code	Drawing Number	Rev
3021	(00)	912	-





Rear Elevation as Proposed  
 Scale 1:50



Front Elevation as Proposed  
 Scale 1:50

Site: 302020016  
 Job Name: The Clifton, 96 Clifton Hill  
 St John's Wood, London

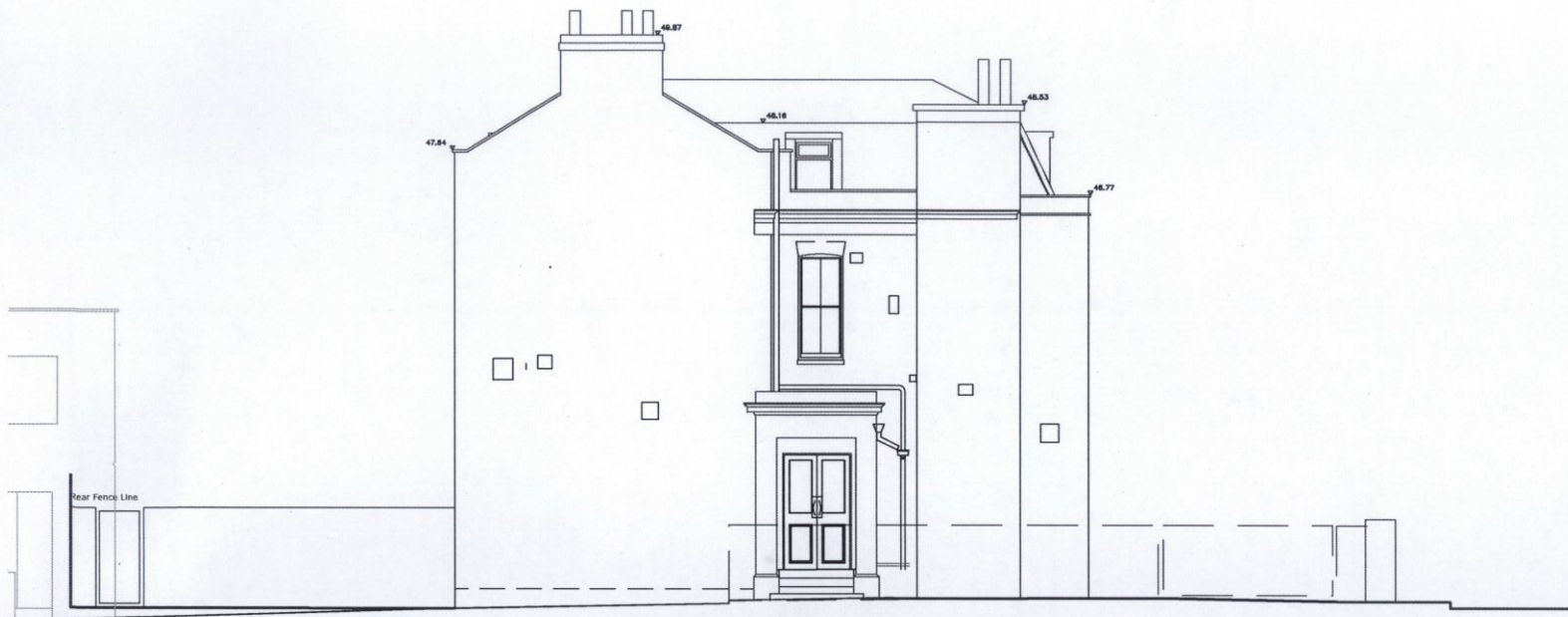
Drawing Title: Front and Rear Elevations as Proposed

Status: Planning Application

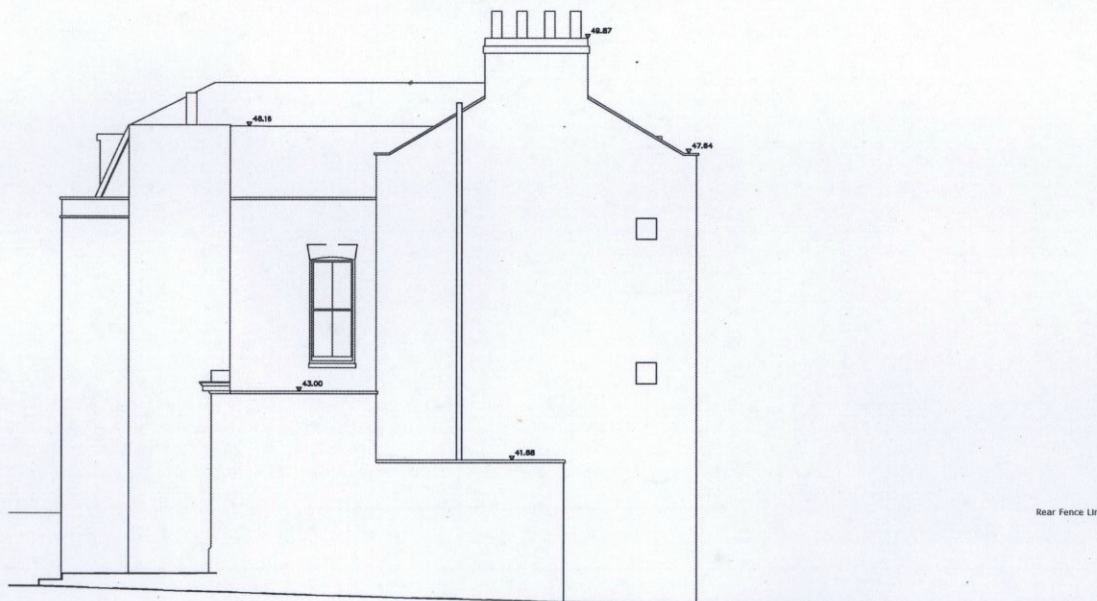
Date: Dec 2014  
 Drawn By: PW  
 Scale @ Date: 1:100@A3

Job Number	Code	Drawing Number	Rev
3021	(00)	913	-





Side (South West) Elevation as Proposed  
 Scale 1:100



Side (North East) Elevation as Proposed  
 Scale 1:100

Job Name		The Clifton, 96 Clifton Hill St John's Wood, London	
Drawing Title			
Side Elevations as Proposed			
Status			
Planning Application			
Date	Sheet No	Scale & Size	
June 2014	PW	1:100@A3	
Job Number	Code	Drawing Number	Rev
3021	(00)	914	-





Cross Section as Proposed  
 Scale 1:100

REF.	DESCRIPTION	DETAIL	DATE
Job Name			
The Clifton, 96 Clifton Hill St John's Wood, London			
Drawing Title			
Cross Section as Proposed			
Status			
Planning Application			
Date	Drawn By	Scale & Size	
June 2014	PW	1:100@A3	
Job Number	Code	Drawing Number	Rev
3021	(00)	915	-