

Delegated Report Members Briefing		Analysis sheet		Expiry Date:	28/07/2010
		N/A / attached		Consultation Expiry Date:	08/07/2010
Officer Gavin Sexton			Application Number(s) 2010/2425/P		
Application Address 44 Netherhall Gardens London NW3 5RG			Drawing Numbers See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Renewal of planning permission (2007/5084/P) granted on 13/12/2007 for the excavation of a new basement with proposed light wells to front and rear of house (Class C3)					
Recommendation(s):		Grant planning permission			
Application Type:		Renewal of Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	05	No. of responses No. electronic	03 01	No. of objections	02
Summary of consultation responses:	<p>55 Netherhall Gardens: This area of underground streams and railway tunnels is inundated with proposals for basements. Urge rejection.</p> <p>Officer response – see para. 3.4 in assessment</p> <p>The Coach House (48 Netherhall Gdns) Excavation can cause great disruption for a protracted period and endanger nearby properties; lots of local noise and disturbance from developments locally with potential for another at 48b; area is becoming overdeveloped.</p> <p>Officer response – see paras 4.1 – 4.3 in assessment</p>					
CAAC/Local groups* comments:	<p>CAAC: No response.</p> <p>Heath and Hampstead Society Object to renewal applications which contain no drawings which suggests a rubber stamp exercise which is contrary to renewal process which presumably was framed in order to take a second look at proposals Request H&H views on renewals be put directly to DC committee.</p> <p>Officer response – see para. 1.3 in assessment</p>					

Site Description

The application site is a two-storey large detached dwelling-house with large extension to the rear. The site lies on the southern elevation of Netherhall Gardens and within the Fitzjohns/Netherhall CA. The house is not listed. The area is predominantly residential in character.

Relevant History

2007/5084/P: Granted on 13/12/2007 for Excavation of a new basement with proposed lightwells to front and rear of house (Class C3).

42 Netherhall Gardens : 2008/3600/P Granted in April 2010 for "Erection of building comprising basement, ground, first floor and roof level for use as a single-family dwellinghouse (Class C3) (retrospective)." This development has been completed.

48b Netherhall Gardens. 2010/1946/P. application for: "Erection of three storey dwelling house with partial basement, with additions and alterations to include creation of pedestrian entry and re-paving of driveway, following demolition of existing dwelling house (Class C3)". Granted in principle subject to signing of Section 106

59 Netherhall Gardens. Permission granted, subj to S106, in August 2009 for "Scheme 2: Partial demolition, basement excavation, extension including the west wing 5.5m. extended to the rear, to the existing building (comprising 9 flats) to provide 8 residential units (2 x 4-bed, 3 x 3-bed and 3 x 2- bed) together with the repositioning of the existing vehicle access from the highway." This development is underway.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

SD6 Amenity for Occupiers and Neighbours

H1 New Housing

B1 General Design Principles

B3 Alterations and Extensions

B7 Conservation Areas

Camden Replacement Unitary Development Plan 2006

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS6 - Providing quality homes

CS14 - Promoting high quality places and conserving our heritage

DP2 - Making full use of Camden's capacity for housing

DP24 - Securing high quality design

DP25 - Conserving Camden's heritage

DP26 - Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

Assessment

This application seeks to renew the permission (see site history) for the excavation of basement within the existing footprint of the entire building. The 3 year period for commencing implementation has not yet expired and hence the renewal application is valid for consideration.

1.0 Applications for renewal of planning permission

1.1 Government guidance on renewal applications sets out (Department for Communities and Local Government "Greater flexibility for planning permissions" dated November 2009) sets out how Local Planning Authorities should deal with applications to extend the time limit for implementing planning permissions. The following sections of the guidance clearly indicate the approach that Local Authorities are to take:

"Except in cases where there is a need to comply with a statutory requirement in connection with the submission of the application, or a relevant change in policy or other material considerations which post-date the original application, we do not anticipate that any information additional to that which must be provided on the application form will be required in most circumstances." (section 13);

and *"The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission."* (section 23).

1.2 It is clear from this guidance that applications for renewal of a planning permission the Local Authority should be assessed in terms of changes to material circumstances (e.g. new policies or subsequent development). Because an application *"will... have been judged to be acceptable in principle at an earlier date"* an application for renewal of the permission is not to be fully re-assessed in planning terms in the same way that a new application would be.

1.3. Furthermore and in line with the above, the guidance indicates that applications for renewals of permission do not need to be accompanied by drawings, nor are design and access statements required.

2.0 Current considerations

2.1 The previous assessment examined the principle of the basement development, its design impact on the Conservation Area, its impact on the amenity of occupiers and neighbours and found them to be acceptable in all aspects. The key considerations therefore in this renewal case are where policy and the planning context have changed in the period since the previous decision. In this respect Camden has produced new Basement Guidance, draft LDF development plan and core strategy documents. Furthermore it is clear that there are two nearby sites where there is the potential for considerable construction activity. No other aspects of the proposals are re-examined here.

3.0 New guidance and policy

3.1 The guidance note on basement development was prepared as a response to significant recent growth in basement schemes within the borough. The purpose of the guidance is to draw together the existing national and Camden requirements and expectations for basement development, and to assist applicants and others to interpret the various policies and regulations that apply. The guidance note does not seek to introduce new policies for basement development, but provides advice on how the Council's existing adopted planning policies within the UDP will be interpreted and applied. The guidance has not been formally adopted and therefore carries limited weight when determining applications.

3.2 Emerging policies with regard to basements are also contained within the Local Development Framework (LDF) Development Policies Preferred Options document (DP27). As detailed above the LDF is not due to be fully adopted until November 2010 and is currently at the 'Submission Draft' stage. The Government has made it clear that emerging policies cannot be assumed to be sound and thus cannot be used to provide a basis for the determination of planning applications. As such, the emerging policies within the LDF have limited weight at this stage.

3.3 The proposals are in general accordance with the basement guidance insofar that:

- It would be confined to the existing building footprint
- It would require approx 3m of excavation to provide 2.4m headroom and associated floorslab
- There are no significant trees within or adjacent to the area of excavation
- The external manifestations of the basement are four lightwells with walkable grilles, one to the front elevation and the remainder to the rear.
- While the extent of natural light to the basement would not meet Camden guidance this was previous assessed in detail and was considered to be acceptable in the context of this remaining as a single family dwelling.
- The resulting basement would have little or no impact on neighbour amenity in terms of light pollution.

3.4 With regard to structural stability and impact on local water conditions the application renewal process has not required the applicant to provide further information to substantiate the practicability of the proposals nor their impact on local ground water. However neither Netherhall nor Maresfield Gardens are identified in the guidance as having a recent history of flood risk and the submission of information relating to structural issues or ground conditions is not a requirement of the guidance. In this instance it is considered that the principle of excavation of a new basement under a detached dwelling, likely to be undertaken by manual labour and at a slow pace, in an area not identified in guidance for being associated with flood risk is acceptable without the need for further supporting information. Furthermore it is not considered necessary to condition the need for further information.

4.0 Transport

4.1 UDP Policy T12 seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. However, the proposal involves a significant extension to the basement floor level which will require a large amount of earth excavation. However, as the existing building is being retained, the existing house will have to be underpinned. As these excavations will have to be largely done by hand; the daily limit of material excavated will not be large. Construction work with such a development also tends to be slow, due to the time required for concrete to harden, which is poured in sections to maintain the structural integrity of the building. Therefore construction is likely to take a longer period of time, and hence the number of construction vehicles going to and from the site on a weekly basis will not be large.

4.2 The site has two vehicular crossovers and area of private hard standing in front of the building that can be used for the storage of materials and loading and unloading vehicles. However, any occupation of the highway, such as for hoarding, skips or storage of materials, will require a licence from Highways Management and this, along with the existing on-street waiting and loading controls, should be sufficient to ensure the work is carried out in such a way as to not adversely affecting the safety or operation of the public highway.

4.3 As noted in the site history the immediate area has seen or will see considerable local construction activity. Work has just completed at neighbouring 42, and work continues across the road at 59. Potentially there will be further activity at 48b. However work at 59 is covered by a CMP and the works proposed to 44 are considered to be manageable within the site and surrounds without the need for further planning controls. It is therefore not considered necessary to require a Construction Management Plan in this instance.

Conclusion

Accordingly, it is recommended to **renew** the planning permission as per the previous permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday 26th July 2010. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>