

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 22<sup>nd</sup> March 2010. For further information see

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

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	26/03/2010
		N/A	<b>Consultation Expiry Date:</b>	26/02/2010
<b>Officer</b>			<b>Application Number(s)</b>	
Rob Tulloch			2010/0446/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
17A Fairhazel Gardens London NW6 3QL			n/a	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Renewal of planning permission granted 8/5/07 for (Erection of two-storey plus basement and attic end-of-terrace dwelling house with rear dormer window, front/side and rear lightwells, plus alteration to front boundary treatment including erection of low brick wall with railing).				
<b>Recommendation(s):</b>		Grant Planning Permission Subject to a Section 106 Legal Agreement		
<b>Application Type:</b>		Renewal of Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	74	No. of responses	07	No. of objections	05
			No. Electronic	00		
Summary of consultation responses:	74 local residents were notified and a site notice was displayed from 05/02/2010					
	Flats 1 & 2, 36 Fairhazel Gardens – The development will cause a loss of daylight, will detract from appearance of CA, noise and parking will increase, subsidence will be a problem					
	Flat 5, 36 Fairhazel Gardens – Construction noise and pollution will affect the objector’s health and well being					
	Flat 3, 42 Fairhazel Gardens – Loss of privacy and light					
	Flat 4, 44 Fairhazel Gardens – The development will cause a loss of light, loss of view, reduce property values and construction will cause noise and dust					
	Flat E, 46 Fairhazel Gardens – The area is too dense already, the building will not be in accordance with the existing buildings, and it will harm the conservation area					
	Flats C & D, 47 Fairhazel Gardens – The development could disturb the water table, result in the loss of an on-street parking space, could harm trees and construction worries					
	Ground Floor Flat, 75 Aberdare Gardens - The development should comply					

	<p>with the forthcoming guidelines for the conservation area</p> <p><u>Officer's response:</u> The application is for the renewal of an existing planning permission and the planning authority can only take into account whether any material considerations have changed since the grant of the original permission.</p>
<b>CAAC/Local groups comments:</b>	None received

### Site Description

The site is located on the west side of Fairhazel Gardens to the south of Greencroft Gardens and lies within the Swiss Cottage conservation area. It is an area of open space adjacent to a terrace of four two storey houses, 17-23 Fairhazel Gardens.

### Relevant History

2006/5560/P Erection of two-storey plus basement and attic end-of-terrace dwellinghouse with rear dormer window, front/side and rear lightwells, plus alteration to front boundary treatment including erection of low brick wall with railings. Granted subject to a Section 106 Agreement 08/05/2007

2006/1596/P Erection of a two-storey detached dwellinghouse with rear loft room, plus replacement of front wall by new low wall and boundary railings and creation of an off street parking space. Refused 10/07/2006

PWX0202010 Erection of a two-storey, two bedroom, terraced dwellinghouse with one off-street parking space. Granted 22/07/2002

## **Relevant policies**

### **Replacement Unitary Development Plan (2006):**

S1& S2 (Strategic policies) – Not saved  
SD1 (Quality of life)  
SD6 (Amenity for occupiers and neighbours)  
SD9 (Sustainable Design)  
B1 (General design principles)  
B2 (Setting of new development) – Not saved  
B7 (Conservation areas)  
N5 (Biodiversity)  
N8 (Ancient woodland and trees)  
T9B (Impact of off-street parking)  
H1 (New housing)  
H7 (Lifetime homes).

### **Camden Planning Guidance (2006)**

#### **Swiss Cottage Conservation area statement:**

### **The London Plan (Consolidated with Alterations since 2004) 2008**

Policy 2A.1 (Sustainability criteria)

### **Policy Statement 1 (PPS1) Delivering sustainable development**

## **Assessment**

Permission was granted on 08/05/2007 for the erection of a two storey plus basement and attic house on the site, subject to a legal agreement designating the development as car free (2006/5560/P).

The application is for a renewal of the above planning permission. This application is valid because the development has not commenced, and the permission was granted before 01/10/2009 and is still extant.

Communities and Local Government Guidance for extensions to the time limits for implementing planning permission advises that the development proposed in an application for extension will, by definition, have been judged to be acceptable at an earlier date. Therefore the planning authority should only focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

The original application was assessed against the current Unitary Development Plan, although certain policies have not been saved. Under the Planning and Compulsory Purchase Act 2004, UDP policies only have a life of three years after adoption. From 26 June 2009 the Council can only use the policies that have been “saved” for further use beyond this date.

Strategic policies S1 and S2 (Sustainable development) and B2 (Design and layout of developments large enough to change their context) have not been saved. For each of the policies that have not been saved, the Council will use other UDP policies, the London Plan, national planning policy statements and guidance notes and relevant legislation to ensure that the issues covered by those policies can still be addressed.

Strategic Policy S1 required all development to be sustainable with regard to social needs, the protection of the built and natural environment, the sensible use of resources and the maintenance of a viable economy. Strategic policy S2 required development to promote a high quality of life for all members of the community, contribute to sustainable land use patterns and not harm local amenity.

Strategic policies provide the framework for more detailed policies in Part II of the Unitary Development Plan, as such the strategic policies that have not been saved can be replaced by the Part II policies they feed into. Sustainable development is expanded on in Policy SD1 (Quality of life) which requires the Council to ensure new development fosters sustainable communities, and Policy SD6 (Amenity for occupiers and neighbours) which seeks to protect local amenity. Policy 2A.1 (Sustainability criteria) of the London Plan also covers sustainable development, and Planning Policy Statement 1 (PPS1) Delivering sustainable development (paragraphs 33-39) further advises how sustainable development can be achieved through better design.

Policy B2 (Design and layout of developments large enough to change their context) sought to control development that was large enough to change its existing context. The aim of this policy, particularly when applying it to the relatively small nature of the proposal, can be substituted by Policy B1 (General design principles) and PPS1 as above.

The Camden Planning Guidance and the Swiss Cottage Conservation Area Statement have remained unchanged since the original decision. Therefore the only material considerations that have changed since the grant of the original planning permission are the UDP policies that have not been saved, and these can be replaced by other UDP policies and regional and national policies and guidance as outlined above.

A site inspection has revealed that there have been no significant material changes on or adjacent to

the site since the granting of the original permission which would affect the positive determination of the application.

### **Conditions**

As there are no material considerations that have changed significantly and no pre-commencement conditions have been discharged, the original conditions will be retained.

### **Section 106 Legal Agreement**

As there are no material considerations that have changed significantly, the original legal agreement to secure the development as car free will be retained.

### **Recommendation**

Grant Planning Permission Subject to a Section 106 Agreement