

London Borough of Camden
Development Management
2nd Floor
5 Pancras Square
London
N1C 4AG

Date: 25 September 2024
Our ref: 13766/01/IR/LCh/32841481v1

Dear Sir/Madam

**60-70 Shorts Gardens WCH 9AH – Non-Material Amendment to
Planning Permission ref. 2017/2204/P (as amended by ref.
2019/3501/P)**

On behalf of our client, Shorts Gardens LLP, please find enclosed an application under Section 96A of the Town and Country Planning Act (1990) for a non-material amendment to planning permission ref. 2017/2204/P (as amended by S73 application ref. 2019/3501/P) for the property at 60-70 Shorts Gardens, within the London Borough of Camden.

This application details the proposed changes to the western, northern and southern elevation of the scheme. The changes constitute non-material amendments arising from the detailed technical design required for statutory and warranty approvals, dictated by the existing site constraints and conditions.

Application Submission

This application has been submitted via the Planning Portal (ref. PP-12427184) and comprises:

- 1 This cover letter;
- 2 A completed application form;
- 3 Design and Access Statement, prepared by Buckley Gray Yeoman;
- 4 Amended planning drawings for approval, prepared by Buckley Gray Yeoman, as set out in Table 1 included within this letter.

A summary of the proposed changes consists of:

Condition 3 (Approved Plans): Amendment to the list of approved drawings to reflect minor design changes to the western, northern and southern façade of the building. Further detail of the amendments are outlined in the sections below, and in the NMA Design and Access Statement submitted as part of this application.

Planning Context

On 7th November 2018, planning permission was granted at 60-70 Short Gardens, for the following development:

“The refurbishment, extension and alteration of 60-70 Short Gardens and 14-16 Betterton Street to provide a two-storey roof extension to both properties and introduce new mezzanine areas and bring the vacant basement back into use within Shorts Gardens, in order to provide a mix of B1/A1/A3/A4/D1/D2/C3 uses, with associated refuse provision, cycle storage and plant and a substation on the ground floor of Shorts Gardens.”

Following approval of the application, a S73 application was approved on 13th January 2020 (ref. 2019/3501/P). The amendments involved the variation of planning condition 3 to alter the internal layouts, external elevation treatment and roof extension form and scale of the proposed development. All pre-commencement conditions have been discharged and construction commenced in 2021. The development is nearing practical completion.

Non-Material Amendment (Section 96a)

Section 96a of the Act states as follows:

“(1) A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”

Within the guidance set out in the Planning Practice Guidance (2014), there is no statutory definition of a ‘non-material amendment’. It states that the nature of the amendment will depend on the context of the overall scheme. As a general guide, any proposed amendment that raises no new planning issues would be likely to fall into the non-material amendment category.

An application under section 96a of the Act therefore requires that, in making a decision as to whether a proposal constitutes a non-material amendment, the local planning authority should have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

Proposed Non-Material Amendment and Rationale

As part of the technical preparation and following a detailed design review a number of amendments to the approved scheme have been identified which are necessary to provide the applicant with an enhanced scheme.

The proposed amendments include the following:

Western elevation (facing Betterton Street):

- In response to an existing chimney that was discovered during construction, it is proposed to amend the proposals to remove a triangular shaped window which would have been partially obstructed,

and provide a new window with the cill level raised by 700mm to ensure that the cill fits within the edge of the chimney.

- Addition of an extract louvre at high level of the third-floor lobby to comply with the smoke extract requirements set out by Building Regulations.

North elevation (facing Shorts Garden):

- Slight alteration in location and reduction in length of the external raised plant screen which encloses the building's air handling unit and extract services.
- Additional metal coping to the double set back area to ensure that the coping on the eastern end aligns with that of the adjacent building.

South Elevation

- Change the lower portion of the masonry wall to white render to improve light reflectivity within the existing rear lightwell.

Assessment

The proposed amendments do not change the principle of the approved development and would only lead to minor design modifications following the detailed surveys that have been carried out on-site. The proposed changes are required to allow the technical design to meet the requirements for statutory and warranty approvals.

The proposed amendments are designed to preserve the high-quality finishes of the building, ensuring that it continues to respond to the site's surrounding character and setting, while ensuring the building's operational objectives to be met.

On the western elevation, the plan to raise the window cill level is a response to the inaccurate measurements of the neighbouring property's chimney obtained in the previous survey. To ensure that the window remained unobstructed by the chimney, the modification would position the cill on the edge of the chimney, with robust weathering detail and lead coping that is carried over to the chimney stack. The addition of an extract louvre on the third-floor lobby will allow the building to comply with the smoke extract requirements set out by Building Regulations, and due to the louvre's position beyond the sightline from the rear windows of neighbouring properties, it will not result in overlooking and loss of privacy of neighbouring residents.

On the northern elevation, the raised screen enclosing the plant equipment has been lowered and shifted eastwards due to the installation of a smaller plant equipment. This adjustment will not only avoid impacting the elevation's appearance but will also provide a betterment in terms of the roofline massing. The raised metal coping on the eastern side of the building is intended to align with the adjacent building's coping. This adjustment follows a review of the waterproofing and warranty technical details, which revealed that part of the parapet zone was too low to provide the necessary upstand between waterproofing and coping in accordance to Building Regulations.

On the southern elevation, the lower portion of the masonry wall has been changed to white render, after ongoing engagement with the adjacent leaseholders via the party wall award process, which sought to achieve the best possible long-term solution for the neighbouring residents. This change improves

the light reflectivity within the existing rear lightwell, allowing more light to penetrate into the ground floor flats in the neighbouring property at 18-20 Betterton Street.

The proposed amendments described above are therefore considered non-material, as they are limited to their extent and do not give rise to any significant visual impacts to the building. The quantum of the building will be maintained, and the scheme will comply with the design principles approved by planning permission 2017/2204/P (as amended by application ref. 2019/3501/P).

The amendments are in line with the Town and Country Planning Act (1990) under Section 96a(1) which states that a local planning authority may make a change to planning permission relating to land in their area where it is satisfied that the change is non-material. Under Section 96a(3) this includes the power to (a) impose new conditions and (b) remove or alter existing conditions.

Amendments to Condition 3 (Approved Plans)

On the basis that these proposed changes are accepted as being non-material, Condition 3 (Approved Drawings) would need to be amended to incorporate the revised drawing numbers for the proposed amendment. For ease of comparison, the following table sets out the previously approved plans which require amendments and those that will replace them.

Table 1 Approved and Proposed Drawings

Drawing Title	Approved Plan Reference	Proposed Plan Reference
Proposed North Elevation	1087_PL_GE-01	1087_PL_GE-01 Rev P01
Proposed Section EE	1087_PL_GS-05	1087_PL_GS-05 Rev P01
Proposed Section CC	1087_PL_GS-03	1087_PL_GS-03 Rev P01

Concluding Remarks

Our client is keen to provide a genuinely well designed and deliverable development. As such, the proposed amendments provide sensible readjustments to the scheme.

We trust that the information provided is sufficient to validate and determine the application at the earliest opportunity. Should you require any additional information or have any questions, please do not hesitate to contact me or my colleague Tara Johnston.



Yours faithfully

A handwritten signature in black ink, appearing to be "L. Cheung".

Lincoln Cheung
Planner
BSc (Hons) MSc