

Delegated Report	Analysis sheet		Expiry Date:	04/04/2012
	N/A / attached		Consultation Expiry Date:	n/a

Officer	Application Number(s)
Amanda Peck	2012/2059/P

Application Address	Drawing Numbers
60-72 Shorts Gardens & 14-16 Betterton Street London WC2H 9AU	Refer to draft decision notice

PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature

Proposal(s)
Non material amendment to planning permission 2008/1401/P allowed on appeal (APP/X5210/A/08/2089789) on 10/06/2009 (for alterations and extensions (including roof extensions) and refurbishment of existing commercial/office use (Class B1), change of use of ground floor of Shorts Gardens to create small units (Class A1/A2 and D1), and change of use of basement to either B1/D1 or D2 use) to add a condition to ensure development shall be carried out in accordance with the approved plans.

Recommendation(s):	Grant non material amendment
Application Type:	Non Material Amendments
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	n/a					
CAAC/Local groups* comments: *Please Specify	n/a					

Site Description
<p>The application site is bounded by Shorts Gardens and Betterton Street and is an 'L' shape comprising two separate but adjoining buildings and addresses (60-72 Shorts Gardens & 14-16 Betterton Street). The main building on Shorts Gardens comprises basement plus 4 storeys and adjoins buildings to the north east along Drury Lane and to the south west at 54-58 Shorts Gardens. The smaller building on Betterton Street has a narrow frontage and adjoins exiting buildings at 18-20 and 20-12 Betterton Street. The site lies within a mixed use area, surrounded by a variety of existing commercial and residential development.</p> <p>The site is located with in the Seven Dials Conservation Areas, an Archaeological Priority Area and is</p>

within the Crossrail contribution area. The buildings are not listed but are close to a listed building at 24 Betterton Street.

Relevant History

2012/1533/P - Renewal of planning permission ref: 2008/1401/P, granted on appeal 10/06/2009 for alterations and extensions (including roof extensions) and refurbishment of existing commercial/office use (Class B1), change of use of ground floor of Shorts Gardens to create small units (Class A1/A2 and D1), and change of use of basement to either B1/D1 or D2 use. Application currently under assessment

2008/1401/P - Alterations, extension (including roof extensions) and refurbishment of existing commercial/office use (Class B1), change of use of ground floor of Shorts Gardens to create small units (Class A1/A2 and D1), and change of use of basement to either B1/D1 or D2 use. Approved at appeal 10 June 2009

Relevant policies

The proposed amendments are assessed for materiality – not on the basis of their planning merits. Planning policies therefore do not apply.

Assessment

The applicant is seeking to add a condition to planning permission 2008/1401/P, as allowed on appeal, which would allow minor material amendments to be made to the scheme as a s.73 variation of condition application.

Adding such a condition under the non-material amendment procedure is specifically sanctioned by paragraphs 40-59 of the Department of Communities and Local Government's Guidance 'Greater Flexibility for planning Permissions' (October 2010).

The condition will refer to the drawing numbers approved as part of permission 2008/1401/P, as allowed on appeal. An informative will denote that this permission relates only to the additional condition and shall only be read in the context of the substantive permission and is bound by all the conditions and obligations attached to that permission.

There has been some difficulty determining exactly which plans and documents were approved at appeal because the scheme appears to have been amended as the appeal progressed. There is no record of the amended drawing/document numbers or dates in the appeal statement, on the application file or on the Council's website. The list of drawings and documents in the S106 is not very detailed (dates and references are missing from the document names) and appears to incorrectly refer to some of the drawing numbers and documents (the covering letter is dated 12 March 2008 and not 13 March 2008 as stated in the S106 and drawing numbers 450-464 are incorrectly referred to as being 'rev a'). The applicant has therefore re-submitted a copy of the drawings and documents which they believe were approved at appeal and these appear to be correct insofar as can be determined from the appeal statement and previous application file.

The non-material amendment can therefore be granted.

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