

LDC Report	28/08/2014
Officer	Application Number
Katrine Dean	2014/4351/P
Application Address	Recommendation
33 Betterton Street London WC2H 9BP	Approve
1st Signature	2nd Signature (if refusal)
Proposal	
Implementation of existing planning consent 2007/0864/P	
Assessment	
<p>The application site is located at 33 Betterton Street.</p> <p>The application relates to a ground floor unit within a four storey terraced building.</p> <p>The building is not listed and is located in the Seven Dials (Covent Garden) Conservation Area.</p> <p>The application seeks to demonstrate that the existing planning permission 2007/0864/P for the change of use and works of conversion from a laundrette (sui generis) to residential use (Class C3) to provide a 2-bed self-contained flat, together with the erection of a single storey rear extension, which was granted on 19/12/2007 subject to a S106 agreement is still extant.</p> <p>The applicant is required to demonstrate that works on-site have commenced prior to 19/12/2010.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Email dated 09/12/2010 from Camden Council's Building Control Officer, confirming her site inspection on 03/12/2010, whereby the installation of lintels over the new opening in the existing wall in basement has been completed on-site. • Previously issued decision notice. • Photographs of new lintels and exposure of the foundations and drainage. <p>The applicant has also submitted the following plans:</p> <ul style="list-style-type: none"> • All previously approved drawings, including the location plan. 	

Council's Evidence

There is no relevant planning history or enforcement action on the subject site.

A site visit to the property was undertaken on the 03/09/2014. The officer was satisfied that some of the construction works, specifically the installation of a lintel and excavation to expose drains and foundations in several places had commenced and have been completed on-site.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability" and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that works had commenced on-site, which means that the existing planning consent 2007/0864/P is extant.

Recommendation: Approve