

Delegated Report	Analysis sheet	Expiry Date:	20/06/2024
	N/A	Consultation Expiry Date:	N/A
Officer		Application Number(s)	
Sarah White		2024/1903/P	
Application Address		Drawing Numbers	
106 New Oxford Street London Borough of Camden WC1A 1HB		See decision notice	
Proposal			
Non-material amendment to planning permission 2022/4578/P dated 11 January 2023 for 'Alterations to ground floor shopfront, involving the replacement of existing frameless glass doors and a glazing panel with 2 sets of framed glass doors and a glazed over panel'; NAMLEY: to facilitate the inclusion of small, localised louvres to the shopfront soffit and fascia.			
Recommendation:	Refuse non-material amendment		
Application Type:	Non-material Amendment		
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice		
Informatives:			
Consultations			
As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities do not have a statutory obligation to consult on application for non-material amendments.			
Site Description			
The application site is located on the northern side of New Oxford Street at No.106 and comprises a ground floor and upper basement commercial unit. The site is located within the Bloomsbury Conservation Area and sits adjacent two Grade II* listed buildings to the north (Congress House and Parnell House), and four Grade II listed buildings to the north, east and south (Queen Mary Hall and YWCA Central Club, Dominion Theatre, Burtons Headquarters and Shop, and Centre point).			
Relevant History			
2022/4578/P – Alterations to ground floor shopfront, involving the replacement of existing frameless glass doors and a glazing panel with 2 sets of framed glass doors and a glazed over panel. Granted on 11/01/2023.			
2024/1058/P – Change of use of the ground and upper basement floors, from Use Class E to an E-gaming restaurant/bar (Sui Generis), or Flexible Use Class E. Granted on 20/06/2024.			
Legislation			
Section 96A of the Town and Country Planning Act 1990 (as amended) allows non-material amendments to be made to an existing planning permission. Planning Practice Guidance (2014) provides guidance on this point and advises that there is no statutory definition of 'non-material' as it			

is dependent on the context of the overall scheme. The guidance goes further to state that the local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Assessment

1. Proposal

- 1.1. The proposal is for a non-material amendment to planning permission 2022/4578/P granted on 11 January 2023 ('approved scheme') to amend the wording of condition 2 to substitute the approved drawings to facilitate the inclusion of louvres to the shopfront soffit and fascia. This is required to enable the provision of an air extract system required by the new tenant.

2. Assessment

- 2.1. The only planning consideration is whether the proposed changes outlined above are deemed to be non-material in the context of the overall development approved in January 2023.
- 2.2. The proposed intake grille would be located on the soffit of the recessed entrance and would be approximately 60cm x 30cm in size. Given its location under the soffit, the grille will have limited visibility when viewed from the public realm. As such, this aspect of the proposal is considered to be non-material.
- 2.3. The proposed extract grille would be located on the eastern edge of the shopfront fascia and would be approximately 30cm x 30cm in size. The cover letter submitted with the application states that the outlet louvre is anticipated to sit behind, and therefore be concealed, by new tenant signage which will be pinned-off from the fascia to allow free air flow. However, advertisement consent has not been granted for any signage on the fascia to date. Therefore, the extract grille would be visible from the public realm and would materially alter the appearance of the building. Thus, it is not considered to be a non-material change to the approved scheme.

3. Recommendation: Refuse non-material amendment

- 3.1. Refuse the non-material amendment for the following reasons:

1. The proposed extract grille on the shopfront fascia would materially alter the appearance of the approved scheme and cannot be considered as non-material to the original permission 2022/4578/P dated 11/01/2023.