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F.A.O. Elaine Quigley
Development Management
Regeneration and Planning
London Borough of Camden
Town Hall, Judd Street
London
WC1H 9JE

Planning Portal Ref. PP-13717181

Dear Elaine,

**THE BRITISH MUSEUM, 39/40 RUSSELL SQUARE, LONDON, WC1B 5DA
THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 96A
APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REF. 2023/3252/P**

On behalf of our client, the Trustees of the British Museum (“the Museum” / “the Applicant”), please find enclosed an application (“the / this Application”) under Section 96A for a non-material amendment (“NMA”) to planning permission ref. 2023/3252/P at 39/40 Russell Square (including the Science Block), London, WC1B 5DA (“the Site” / “the Building”).

This Cover Letter acts as a joint Planning and Heritage Statement.

This NMA Application is for ‘minor’ external design amendments to the Science Block, specifically to amend the approved architectural drawings attached to Condition 2 of planning permission ref. 2023/3252/P.

PLANNING CONTEXT

Planning permission ref. 2023/3252/P was approved by the London Borough of Camden (“LB Camden”) on 20 November 2023 for the following works (“the 2023 Scheme”):

“Installation of 2 condenser units within the lightwell, new roof vent, external intake and exhaust louvres on the south elevation of the basement and roof level, new access ladder on the southeast side elevation of the rear extension, and installation of external lighting on the side and rear elevations of the rear extension (Science Block) and within the lightwell of no. 39 Russell Square in association with use as workshops (Class E).”

This Application proposes a non-material amendment to amend planning permission ref. 2023/3252/P for the following works (emphasis added in **bold**) (“2025 Amendments”):

*“Amendments to planning permission dated 20 November 2023 (Ref: 2023/3252/P) for ‘Installation of 2 condenser units within the lightwell, new roof vent, external intake and exhaust louvres on the south elevation of the basement and roof level, new access ladder on the southeast side elevation of the rear extension, and installation of external lighting on the side and rear elevations of the rear extension (Science Block) and within the lightwell of no. 39 Russell Square in association with use as workshops (Class E).’ **Namely: installation of roof insulation increasing roof height by 90mm, erection of four louvre grilles on west elevation, and an external step and handrail to the rear yard of Science Block.**”*

Listed building consent was granted on 20 November 2023 under ref. 2023/4060/L, alongside the 2023 Scheme. We believe that the changes proposed for the Science Block under this NMA application do not impact the special

architectural or historical interest of 39 Russell Square (Grade II listed). As such we trust that listed building consent is not required for these amendments.

NON-MATERIAL AMENDMENT (SECTION 96A) – LEGISLATION

Section 96A of the Town and Country Planning Act 1990 (as amended) (“the Act”) allows for non-material amendments to be made to an existing planning permission (excluding listed building consent).

The Act states:

(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.

Supporting guidance is provided in the National Planning Practice Guidance (2014) (“NPPG”) which is a material consideration in the determination of planning applications. The NPPG does not provide a statutory definition of a ‘non-material amendment.’ Instead, it clarifies that the nature of such amendments will depend on the context of the overall development scheme, guided by the scale and impact of the proposed change in relation to the original permission.

An application under Section 96A of the Act therefore requires that, in deciding 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 (cumulative effect), on the planning permission as originally granted. Generally, any proposed amendment that does not introduce new planning issues is likely to be considered a non-material amendment.

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 have discretion in whether and how they choose to inform other interested parties. For ownership notification, it is the Applicant’s responsibility to notify any owners of the land. Those notified have 14 days to make representations to the local planning authority.

Any representations that are made to the local planning authority within the specified timescales should be taken into consideration. The statutory timescales for the determination of a non-material amendment is 28 days.

NON-MATERIAL AMENDMENT

Under this NMA Application approval is sought for the following 2025 Amendments:

1. Installation of insulation to the Science Block roof (increasing the roof height by 90mm) to prevent condensation;
2. Erection of x4 louvre grilles (powder coated aluminium) to west elevation of the Science Block for increased airflow; and
3. Erection of an external step (brick with concrete tread) and handrail (galvanised steel) at ground floor level to the rear yard of the Science Block for improved access.

The 2025 Amendments relate solely to the Science Block. No changes are proposed to 39/40 Russell Square.

The amendments are detailed in the architectural drawings prepared by Nex Architecture, submitted with this Application. These drawings are intended to supersede the equivalent drawings listed under Condition 2 of the 2023 Scheme. The following drawings have been revised to reflect these changes contained within this NMA Application:

2023 Scheme			2025 Amendments		
Approved PP Ref. 2023/3252/P			This NMA Application		
Title	DWG No.	Rev	Title	DWG No.	Rev

Proposed 39RS Roof Plan	1077J-WW-RS-RF-DR-A-2115	P5	Proposed 39RS Roof Plan	SW001-NEX-2511-39RS_06-DR-A-211	P1
Proposed North, South & West Elevation	1077J-WW-RS-XX-DR-A-2312	P6	Proposed Science Block West Elevation	SW001-NEX-2512-39RS-DR-A-251	P1
Proposed West Elevation	1077J-WW-RS-XX-DR-A-2311	P5	Proposed Science Block West Section	SW001-NEX-2511-39RS-DR-A-252	P1
-	-	-	Proposed Outside Steps & Handrail	SW001-NEX-2511-39RS-DR-A-300	P1

Nex Architecture have also prepared a Design Statement that reviews both the existing conditions and the approved 2023 Scheme, offering a detailed justification for the 2025 Amendments. This statement should be read in conjunction with the application drawings.

AMENDMENT TO CONDITION 2

This NMA Application proposes to amend drawings relating to the 2023 Scheme, resulting in a variation in to Condition 2. The suggested condition wording is outlined below, with the revised drawings emphasised in bold (for ease of reference):

"The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing plans: 1077J-WW-RS-RF-DR-A-1000; 1077J-WW-RS-XX-DR-A-1001; 1077J-WW-RS-01-DR-A-1110 rev P5; 1077J-WW-RS-02-DR-A-1111 rev P5; 1077J-WW-RS-03-DR-A-1112 rev P5; 1077J-WW-RS-04-DR-A-1113 rev P5; 1077J-WW-RS-05-DR-A-1114 rev P5; 1077J-WW-RS-RF-DR-A-1115 rev P5; 1077J-WW-RS-XX-DR-A-1210 rev P5; 1077J-WW-RS-XX-DR-A-1211 rev P5; 1077J-WW-RS-XX-DR-A-1310 rev P5; 1077J-WW-RS-XX-DR-A-1311 rev P5; 1077J-WW-RS-XX-DR-A-1312 rev P6.

Demolition plans: 1077J-WW-RS-01-DR-A-1510 rev P5; 1077J-WW-RS-02- DR-A-1511 rev P5; 1077J-WW-RS-03-DR-A-1512 rev P5; 1077J-WW-RS-04- DR-A-1513 rev P5; 1077J-WW-RS-05-DR-A-1514 rev P5; 1077J-WW-RS-RFDR-A-1515 rev P5; 1077J-WW-RS-XX-DR-A-1610 rev P5; 1077J-WW-RS-XXDR-A-1611 rev P5; 1077J-WW-RS-XX-DR-A-1710 rev P5; 1077J-WW-RS-XXDR-A-1711 rev P5; 1077J-WW-RS-XX-DR-A-1712 rev P5.

*Proposed plans: 1077J-WW-RS-01-DR-A-2110 rev P5; 1077J-WW-RS-02-DRA-2111 rev P5; 1077J-WW-RS-03-DR-A-2112 rev P5; 1077J-WW-RS-04-DRA-2113 rev P5; 1077J-WW-RS-05-DR-A-2114 rev P5; ~~1077J-WW-RS-RF-DRA-2115 rev P5~~ **SW001-NEX-2511-39RS_06-DR-A-211 rev P1**; 1077J-WW-RS-XX-DR-A-2210 rev P5; 1077J-WW-RS-XX-DRA-2211 rev P5; 1077J-WW-RS-XX-DR-A-2310 rev P5; ~~1077J-WW-RS-XX-DRA-2311 rev P5~~ **SW001-NEX-2511-39RS-DR-A-252 rev P1**; ~~1077J-WW-RS-XX-DR-A-2312 rev P6~~ **SW001-NEX-2512-39RS-DR-A-251rev P1**; 1077J-WW-RS-01-DRA-7000 rev P5; 1077J-WW-RS-XX-DR-A-7001 rev P5; 224016-BM-SV-39RSEX-DR-E-3000 rev 02; **SW001-NEX-2511-39RS-DR-A-300 rev P1**.*

Supporting documents: Covering letter from Montagu Evans dated 28/07/2023; Proposed cooling installations statement provided by Steensen Varming dated 05/10/2023; Environmental Noise Impact Assessment dated 14/07/2023; Luminaire Schedule prepared by Steensen Varming dated July 2023.

Reason: For the avoidance of doubt and in the interest of proper planning."

ASSESSMENT

Non-material considerations

The 2025 Amendments are 'minor' design modifications to enhance the operation of the building. The amendments are of high-quality design and comply with the design principles approved by planning permission ref. 2023/3252/P, to support the sensitive refurbishment and upgrade of the Science Block. The amendments do not change the principle of the approved planning permission ref. 2023/3252/P, nor do they affect the original consideration undertaken by LB Camden in terms of its accordance with relevant planning policy. In light of the above, the 2025 Amendments are not considered to be contentious and are entirely non-material in relation to the approved scheme.

Design and heritage considerations

The works do not affect the principal listed building but relate to the Science Block, a much-altered later 20th century extension which does not relate to the former townhouse and makes no contribution to the character of the listed building as a building of special architectural or historic interest.

Section 7 of the Planning (Listed Building and Conservation Areas) Act 1990 sets out that any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, shall not be undertaken unless the works are authorised, usually by the issue of listed building consent. It follows, therefore, that works that do not affect the character of a listed building as a building of special architectural or historic interest, do not require listed building consent.

For the reasons described, the 2025 Amendments would not affect the significance or character of 39/40 Russell Square as a building of special architectural and historic interest. We conclude that listed building consent is not required.

APPLICATION SUBMISSION

This application has been submitted via the Planning Portal (ref. PP-13717181) and comprises:

1. Application Form (NMA) prepared by Montagu Evans;
2. This Covering Letter (Planning & Heritage) prepared by Montagu Evans;
3. Approved Application Drawings prepared by Wright & Wright;
4. Proposed Application Drawings prepared by prepared by Nex Architecture; and
5. Design Note prepared by Nex Architecture.

ADMINISTRATIVE MATTERS

The Application fee for a Non-Material Amendment Application has been calculated in accordance with the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) 2012 (as amended). The fee, amounting to £293.00 (plus £70.00 service charge), has been paid via the Planning Portal upon submission.

We would be grateful if LB Camden could confirm that our Application is complete and will be validated shortly. In the meantime, should any further clarification, information or assistance be required, please contact Graham Allison (graham.allison@montagu-evans.co.uk) or Eleanor Mazzon (eleanor.mazzon@montagu-evans.co.uk) of this office in the first instance.

Yours sincerely



Montagu Evans LLP

Enc.