

Stuart Minty Esq
East Area Team Manager,
Development Management Service,
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London Borough of Camden,
Town Hall,
Argyle Street,
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20 March 2013

Dear Stuart

199-206 HIGH HOLBORN, LONDON WC1V 7BD Section 96a (Non-material amendment) Application

Further to our various discussions in respect to the abovementioned property, we act as planning advisors to Norlake Hospitality II Ltd ("the Applicant") who purchased the above property towards the end of 2012. It is proposed that the building will be brought forward as a Hoxton Hotel, which is owned by the Applicant.

As you will be aware, the property benefits from an extant full permission (LPA Ref 2011/4914/P) dated 23rd December 2011 for a "change of use from existing office (Class B1) to a hotel (Class C1); erection of fourth floor extension along Newton Street frontage in place of existing roof top plant enclosure along with provision of refuse store, car parking and cycle parking".

Background

The permission does not restrict the number of rooms that can be provided as part of the hotel. Condition 11 of the permission states that the development shall be carried out in accordance with a number of specified approved plans and these show 138 rooms.

The Applicant has spent some time with its advisory team investigating options for the hotel format that best suits the Hoxton Hotel brand need and business model. The outcome of this analysis is that the preferred option and the option that best meets its business objectives is for 174 rooms. This increase in room numbers would be achieved by an alternative internal sub-division within the existing fabric of the building to create slight smaller rooms.

Proposal

In light of the above, we have been instructed by the Applicant to submit an application under Section 96a of the Town & Country Planning Act 1990 for a non material amendment following

the grant of permission ref 2011/4914/P on 23rd December 2011. Accordingly, I enclose herewith the following:

- Application form (duly completed);
- Requisite fee of £195 made payable to the "London Borough of Camden";
- Revised internal floor plans and elevations of front facade and 'Consented' internal floorplans and elevations.
- Decision Notice for full planning permission (Ref. 2011/4914/P)
- Heritage Statement prepared by Giles Quarme Associates
- Legal Opinion of Peter Village QC

Pre-application discussion

You may recall that I wrote to you on the 13th June 2012 essentially seeking you to confirm whether or not planning permission would be required to increase the number of hotel rooms from the 138 shown on some of the approved drawings to 266 rooms achieved through changes to the internal layout of the property. My correspondence was accompanied by Counsel's Opinion (Peter Village QC) my client had obtained together with submitted Heritage Report from GQA. You kindly replied on 20th June 2012 concluding that, on the basis of the evidence provided, it is possible to change from a 138 room hotel to a 266 room hotel without the need for a further planning permission (either for change of use or modification of condition).

Your conclusion followed an analysis of four points:

The first was that there is nothing (such as in the description of development or conditions included on the Decision Notice or obligations in the accompanying Section 106 Agreement) which prevent an increase in the number of hotel rooms by, for instance, making internal alterations. Therefore, your letter accepted a developer would be free to make internal alterations to subdivide and increase the number of rooms.

The second point was whether the intensification of use that would result from the increase in room numbers could be said to result in a material change in use. You felt that unless the hotel use is being changed into something different (into a hostel use, for instance), then there will not be a material change of use. In this case, our client's proposal is for a hotel, so no change in use would occur.

The third point confirmed that there is no obligation in the Section 106 Agreement that limits the number of rooms in the hotel. However, there is an obligation that requires the submission of a Hotel Management Plan and this would need to address that the increased number of rooms and guests would be satisfactorily managed. Of course, the Hotel Management Plan will address this issue in due course.

The fourth and final point in your letter relates to the fact that the property is statutorily listed. However, the Council's Heritage Officer, Alan Wito, concluded that the only historic element of the building is the front facade of 199-201 High Holborn; the interior of the property is of no interest and the proposed layout would not affect the special interest of the building. Therefore, no new application for listed building consent would be required. However, I enclose herewith a Heritage

Statement prepared by Giles Quarme Associates which assesses the proposals and concludes that they do not materially impact on the existing historic fabric of the property.

Your advice was that, in order to obtain a statutory document to illustrate the proposed changes are “non-material” in planning terms, an application for a non-material amendment to a permission under Section 96a should be made.

I trust that the application and enclosures are in order. Once you have had an opportunity to consider the proposals, if you have any queries or would like to discuss any aspect further, please contact me.

Yours sincerely,



NICK BELSTEN
DIRECTOR - LONDON PLANNING

Encl.

Cc Alan Wito – Conservation Officer, LB Camden
Stephen Lloyd – Hoxton Hotels
Sharan Pasricha – Ennismore Capital

