

RL/P6283
09 June 2016

Development Management
Camden Council
Camden Town Hall
Judd Street
London
WC1H 8ND

Dear Sirs

Town & Country Planning Act 1990 (as amended)
Thomas Neal's Centre, 35 Earlham Street, London WC2H 9LD
Application for a Non-material Amendment (NMA) under S.96A of the TCPA 1990 to allow the flexible operation of the lawful permitted uses (Class A1 and Class A3) at basement and ground floors, as approved under planning permission 2013/0599/P dated 25th March 2013.

Planning Portal Ref. PP - 05216834

We write on behalf of the Applicant, Shaftesbury Covent Garden Limited, with regards to a non-material amendment application to the previously consented scheme at Thomas Neal's Centre. This submission follows a detailed review of the consented scheme. The planning permission benefits from existing lawful permitted uses, Classes A1 and A3, across the basement and ground floors of Thomas Neal's Centre. However given the refurbishment of the floors, the layouts will change. This NMA is seeking flexibility to allow the lawful uses to be allocated flexibly across the two floors.

We submit in support of this application the following documentation:

- Site Location Plan – *as prepared by Rolfe Judd Architecture*
- Proposed Use Drawings T(SK) 019 REV B and T(SK) 020 REV B - *as prepared by Rolfe Judd Architecture*

We confirm that the requisite application fee of £195.00 has been paid online via the Planning Portal.

Context to the Application and Planning Background

Planning and listed building consent was granted in July 2010 for;

“Internal and external works in association with use of shopping mall including Class A1 shop units and former ancillary circulation space at basement and ground floor (including 80sq.m of additional floor space created by part infilling to atrium at ground floor) for Class A1 (retail) use, dual use of existing Class A3 kiosk for either Class A3 (café) use or Class A1 (retail) use, change of use of 18sq.m of Class A1 (retail) floor space to Class D1 (theatre use) and erection of solar panels to the

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inward facing roof slope adjacent to Shorts Gardens” (LPA ref. 2010/2716/P & 2010/2742/L).

Prior to the above consent expiring, an application was submitted to renew both planning permission and listed building consents. In March 2013, both planning permission and listed building consent were granted permission for;

“Renewal of planning permission granted 05/07/2010 (Ref:2010/2716/P) for internal and external works in association with use of shopping mall including Class A1 shop units and former ancillary circulation space at basement and ground floor (including 80sq.m of additional floor space created by part infilling to atrium at ground floor) for Class A1 (retail) use, dual use of existing Class A3 kiosk for either Class A3 (café) use or Class A1 (retail) use, change of use of 18sq.m of Class A1 (retail) floor space to Class D1 (theatre use) and erection of solar panels to the inward facing roof slope adjacent to Shorts Gardens” (LPA ref. 2013/0599/P & 2013/0600/L).

The above works relating to planning permission 2013/0599/P (and associated listed building consent 2013/0600/L) commenced on site in February 2016. Following initial comments raised by the client’s retail and letting agents, it became obvious that the lawful uses in their previous locations may not be the most commercially suitable given the refurbished building. The retail agents and Shaftesbury therefore queried how the consented uses (Class A1 and A3) could be used by a future tenant across the large floor plates and seek as part of this application to provide a solution.

The Proposed Non-Material Amendment

This application, submitted under section 96A of the TCPA 1990, is seeking agreement that the flexible use of the permitted uses can be considered a non-material amendment to planning permission 2013/0599/P dated 25th March 2013 thereby enable the consented Class A1 and A3 space to be used flexibly within that existing basement and ground floors.

Following consultation with officers, we include alternative plans which demonstrate the consented floor space and future flexible layout. The plans demonstrate that out of the total floor area across the basement and ground floors (2,364 sqm) a future occupier will have a maximum of 300sqm of consented Class A3 space to operate flexibly across the basement and ground floors.

At present, the existing space within the redline allows for a total 105 sqm and 195 sqm, both at basement level. Combining both these areas (300sqm) provides a future occupier a definitive lawful quantum of consented Class A3 space which can be used flexibly within the larger retail space of Thomas Neal’s and not be restrained at current basement levels.

To ensure that this flexible use is correctly acknowledged within the NMA decision, we propose the inclusion of drawings T(SK) 019 REV B and T(SK) 020 REV B as part of the approved drawing set.

Non-material Amendment Considerations

As detailed within the National Planning Guidance, there is no statutory definition of ‘non-material’ as it is believed to be very much dependent upon the context of each scheme – an amendment that is non-material in one context may be material in another. It is further important to note 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 TCPA 1990.

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The proposal is deemed to be de-minimus in nature in terms of its scale and relationship to the original approval and importantly does not change any of the existing consented quantum of uses on site nor have any impact upon the building's existing operations. The proposed alteration simple outlines that the a maximum of 300 sqm of lawful class A3 space can be used by a prospective tenant across the basement and ground floors. As a result, it is considered the proposal can be deemed to be non-material and dealt with via section 96A of the TCPA 1990.

We trust the above information and submitted documents are sufficient for the Council to review the proposal fully and provide a positive decision; however, should you have any further queries or require additional information, please do not hesitate to contact the undersigned.

Yours faithfully

A thick black horizontal bar used to redact the signature of the undersigned.

For and on behalf of
Rolfe Judd Planning Limited