

RL/P6462
5th July 2018

2nd Floor, Development Management
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Dear Sirs

30-36 MONMOUTH STREET, LONDON, WC2H 9HA

APPLICATION UNDER SECTION 96A OF TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED) TO PLANNING PERMISSION 2016/6908/P DATED 16TH FEBRUARY 2017

PLANNING PORTAL REF. PP-07056086

On behalf of the applicant, Shaftesbury Covent Garden Limited, we submit a non-material amendment application under section 96A of the Town & Country Planning Act 1990 (as amended) (TCPA 1990) for a number of small amendments to the approved development at 30-36 Monmouth Street under planning permission ref. 2016/6908/P dated 16th February 2017.

This application has been submitted electronically online via the Planning Portal along with the following documents for the Council's consideration:

- Proposed Amended Drawings prepared by Merrett Houmøller Architects
 - Proposed Elevations - 1607.PL.12 REV. A
 - Proposed Plan - 1607.PL.11 REV. A
- Proposed Elevation Overlay / Comparison Sheet prepared by Merrett Houmøller Architects
 - Proposed Elevations Overlay - 1607.PL.13

Context to this Application

On 16th February 2017, planning permission was granted (under planning ref: 2016/6908/P) for the following development:

"Replacement shop front at 30-36 Monmouth Street"

London Borough of Camden
05 July 2018

Subsequent to the granting of the above permission and with the progression of detailed construction drawings of the scheme and on-site investigations into the fabric of the building, a number of small alterations are required to facilitate the proposal's construction.

Summary of Non-material Amendments

Working with the existing tenants, architects and structural engineers, some small amendments are required following initial on-site investigations into the existing structure / fabric of the building. The investigations have established a different building structure to that previously understood. Therefore, in order to allow the scheme to be built-out without the need for significant and protracted structural works and in a swift manner which would avoid undue disruption to existing ground floor tenants, the following amendments are sought:

- Width of shopfront window at 36 Monmouth Street fronting Tower Court / Monmouth Street slightly enlarged to mimic new column width along the proposed Monmouth Street elevation;
- Width of vertical columns in the middle of the shopfront fronting Monmouth Street slightly increased (as is existing) to allow for the retention of the existing internal concrete structure;
- Replacement entrance door to Earlham Street for fire escape purposes to comply with fire regulations;
- Reduction in cornice massing and size to respond to existing structural requirements and avoid the insertion of new structural components.

The proposed changes are considered to be consistent with the development approved to date and would represent a simple amendment to consented scheme following recent investigation works on site.

For the Council's clarification, please refer to the submitted overlay drawing (ref - 1607.PL.13) for further details which demonstrate the above changes.

Planning Consideration of Non-material Amendments

As detailed within the National Planning Guidance, there is no statutory definition of 'non-material' as it is deemed 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. Whilst the local planning authority (LPA) must be satisfied that the amendment sought is 'non-material' in order to grant an application under section 96A of the TCPA 1990, LPA's are encouraged to take a pragmatic and reasonable approach to ensure the delivery of development.

Further, in 2009 following the introduction of 'non-material amendment' applications, the Department of Communities and Local Government (CLG) introduced guidance to the LPA for the assessment of such applications. Whilst now withdrawn from circulation, guidance provided a set of general principals, as listed below, which each LPA should consider when determining a 'non-material amendment':

- The proposed change would be inconsequential in terms of its scale (magnitude, degree

London Borough of Camden
05 July 2018

etc.) in relation to the original approval;

- The proposed change would not result in a detrimental impact either visually or in terms of amenity;
- The interests of any third party or body who participated in or were informed of the original decision would not be disadvantaged in any way;
- The amendment would not be contrary to any policy of the LPA; and
- The description of development and red line boundary for the extant of the scheme would remain unchanged.

In addition to the above, it is considered that the proposed amendments, by nature of their own scale in comparison to the original approval, do not materially alter the appearance of the consented scheme. This application therefore would satisfy the above guiding principals and as such can legitimately, in our view, be considered not just to be non-material, but 'de-minimis'.

Summary and Conclusion

This application seeks the Council's approval under section 96A of the TCPA 1990 to allow a number of small amendments to the consented scheme under planning permission ref. 2016/6908/P, dated 16th February 2017.

In light of recent investigation works on site, the proposed changes seek to re-align the shopfront windows and allow for a new vertical column configuration which would not have any material effect / change upon the external appearance of the approved development. It is therefore considered that the proposed amendments can collectively be determined 'non-material' for those reasons detailed above.

We trust that the information contained in this letter and the accompanying drawings is sufficient for the Council to determine this application as a non-material amendment. However, should you have any further queries please do not hesitate to contact the undersigned.

Yours faithfully



For and on behalf of
Rolfe Judd Planning Limited