

Development Management  
London Borough of Camden  
Camden Town Hall  
Judd Street  
London  
WC1H 9JE

**By Planning Portal: PP-08452701**

7 February 2020

Dear Sir/Madam

**HOXTON HOTEL, 199-206 HIGH HOLBORN, LONDON, WC1V 7BD  
APPLICATION FOR NON-MATERIAL AMENDMENT**

On behalf of our client, The Hoxton (Hotel) Limited, we hereby submit a retrospective application for a non-material amendment to allow the installation of five Automatic Opening Vents (AOVs) to the rear extension of the Hoxton Hotel. This amendment is sought via Section 96(a) of the Town and Country Planning Act 1990 (as amended).

In addition to this covering letter, the application comprises the following documents and drawings:

- Completed application form and certificate, prepared by WSP | Indigo; and
- Drawing package, prepared by EPR architects, comprising:
  - Proposed First Floor Plan, drawing no. 10475-EPR-00-01-DR-A-0231 Rev 8;
  - Proposed Second Floor Plan, drawing no. 10475-EPR-00-02-DR-A-0232 Rev 8;
  - Proposed Third Floor Plan, drawing no. 10475-EPR-00-03-DR-A-0233 Rev 8;
  - Proposed Fourth Floor Plan, drawing no. 10475-EPR-00-04-DR-A-0234 Rev 8;
  - Proposed Fifth Floor Plan, drawing no. 10475-EPR-00-05-DR-A-0235 Rev 8; and
  - Proposed Elevation South, drawing no. 10475-EPR-00-WE-DR-A-0433 Rev 9.

The requisite planning application fee of £234 has been paid via the Planning

Portal (PP-08452701).

## Background

Planning permission was granted on 12 February 2018 for:

*Erection of 6-storey rear infill extension above existing service yard, incorporating a green facade and mansard roof extension above existing 5-storey wing fronting Newton Street to accommodate 46 additional hotel rooms.*

This permission has been implemented and the development is now nearing completion. As final compliance checks have been carried out it has become apparent that there is a need to insert a series of Automatic Opening Vents (AOVs) to allow the ventilation of smoke, in the event of an emergency. The AOVs serve the communal corridors of the hotel, and are needed at first to fifth floor levels.

To ensure immediate compliance with this requirement, the AOVs have been installed on-site. This application now seeks retrospective planning permission for these windows

## Substituted drawings

This application seeks to amend the approved drawings listed in Condition 2 of the permission, substituting the drawings with updated versions to include the AOVs. The replacement drawings are outlined in the table below:

| Drawing Title              | Approved drawing ref            | Revised drawing ref             |
|----------------------------|---------------------------------|---------------------------------|
| Proposed First Floor Plan  | 10475-EPR-00-01-DR-A-0231 Rev 7 | 10475-EPR-00-01-DR-A-0231 Rev 8 |
| Proposed Second Floor Plan | 10475-EPR-00-02-DR-A-0232 Rev 7 | 10475-EPR-00-02-DR-A-0232 Rev 8 |
| Proposed Third Floor Plan  | 10475-EPR-00-03-DR-A-0233 Rev 7 | 10475-EPR-00-03-DR-A-0233 Rev 8 |
| Proposed Fourth Floor Plan | 10475-EPR-00-04-DR-A-0234 Rev 7 | 10475-EPR-00-04-DR-A-0234 Rev 8 |
| Proposed Fifth Floor Plan  | 10475-EPR-00-05-DR-A-0235 Rev 7 | 10475-EPR-00-05-DR-A-0235 Rev 8 |
| Proposed Elevation South   | 10475-EPR-00-WE-DR-A-0433 Rev 6 | 10475-EPR-00-WE-DR-A-0433 Rev 9 |

## Legislative background

We believe that it is appropriate to seek these amendments through a S96a application as the inclusion of these windows does not impact upon privacy or overlooking.

As a legislative background, Section 96a of the Town and Country Planning Act 1990 (as amended) gives the local planning authority the power to make non-

material changes to planning permissions.

S96A states:

*“S96A Power to make non-material changes to planning permission*

*(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.*

*(3) The power conferred by subsection (1) includes power (a) to impose new conditions; (b) to remove or alter existing conditions.*

*(4) The power conferred by subsection (1) may be exercised only on an application made by or on behalf of a person with an interest in the land to which the planning permission relates...”*

*There is no statutory definition of ‘non material’ as it will be dependent on the context of the overall scheme. The Planning Practice Guidance (“PPG”) states that an amendment that is non-material in one context may be material in another. It confirms that the local planning authority must be satisfied that the amendment sought is non-material on order to grant an application under S96A.*

*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 on the planning permissions as originally granted.”*

Justification against this criteria is provided below.

### **Justification**

Automatic Opening Vents (AOVs) are a ventilation solution that are integrated into the structure of a building. When triggered by heat or smoke detectors, the AOVs open automatically, allowing for the natural ventilation of air and, in the event of an emergency, smoke.

The AOVs serve the communal corridors of the new extension, and are positioned in the link section between the existing hotel and the new extension. As is evident from the plans, the AOVs are discreetly located within a recessed area, and views

of the AOVs will be restricted as a result.

The AOVs comprise an aluminium frame and a series of louvred windows, which can only be opened automatically. Whilst it is recognised that the introduction of these windows will provide additional means of outlook from the building to the surrounding area, the following key points should be noted:

- The AOVs are located within a communal corridor of restricted width. The corridors are used for moving from one location to another, and the area around the AOVs will not be used as a congregation point. The opportunity to look out of these windows is therefore limited.
- The location of the AOVs within a recessed part of the built structure severely restrict views out of these windows, with the majority of the view being dominated by other elevations of the hotel building.
- Taking the visibility window into account, the distance to the nearest neighbouring building is 28 metres, overlooking the hotel car park and the blank façade of Green Dragon House.

It is therefore apparent that the AOVs can be installed without prejudicing the amenity of neighbouring land uses. It is for this reason the proposed changes should be regarded as non-material amendments to the original planning permission.

### **Conclusion**

The application will not affect the design quality of the development or the amenity of the surrounding area, or the servicing strategy for the hotel. Furthermore, it does not prejudice any adjoining owners or occupiers. These changes are minor in nature and do not materially affect the nature of the approved development.

We trust that the above is clear and we look forward to receiving confirmation that the application has been validated. Please do not hesitate to contact me, or my colleague Paul Reeves, should you require and further details

Yours faithfully



Hannah Brown