



info@CoventGarden.org.uk

www.CoventGarden.org.uk

Ben Farrant
Planning Solutions Team
London Borough of Camden
5 Pancras Square
London
N1C 4AG

via: Ben.Farrant@Camden.gov.uk

20th April 2020

Dear Mr. Farrant,

Re application ref. 2020/1438/P for changes to the description of the development granted under 2015/3605/P for a subterranean hotel at 112 A Great Russell Street London WC1B 3NP - namely to remove the reference to its number of guest rooms and to state that number as a planning condition instead.

Covent Garden Community Association objects strongly to this application.

In the first instance our objection is to the application being made as a 'non-material amendment' under section 96A of the Town & Country Planning Act 1990 ('the Act'). In this letter we will not refer to our further objections because we believe that these should be dealt with as part of the consultation process under an application for full planning permission.

As the amenity society for Covent Garden, we are an interested party in this matter. Were an application of this nature to be accepted as a 'non-material amendment' by Camden, as the LPA, then as a precedent it would have far-reaching impact on adjoining neighbourhoods in the borough such as ours.

Our contention is that the changes as outlined by the applicant do not fall into the 'non-material' category and that this application should therefore be refused.

We must refer to the changes simply as 'outlined by the applicant' because no formal documentation has been made publicly available by the LPA. The only public data is contained in the covering letter submitted by the applicant's planning consultant, where an increase in the number of bedrooms from 166 to 208 is noted. This is an increase of more than 25%, leading to an increase in occupancy of 36% as we understand from our neighbouring amenity society in Bloomsbury.

How can an increase in capacity of 36%, or even 25%, be described as 'non-material'? The criteria for the definition of 'non-material change' in a planning context, in our experience, usually include phrases such as "only a very small change" - which this is not. Certainly it is much more than 'a very small change' to the hotel's business model and revenues - and potentially to its external impact.

Indeed, the applicant seems to accept this point in the covering letter submitted by his own planning consultant, where he refers to an "intended substantive amendment for the reorganisation of the consented floorplans to deliver 208 bedrooms". We agree that such an amendment is 'substantive' rather than 'non-material'. It therefore seems to fly in the face of logic that anyone is considering an application whose premise is that the amendment is, on the contrary, 'non-material'.

Covent Garden Community Association, continued...


We have read the thorough objection from Bloomsbury Association 's planning consultant, published on Camden's planning portal, and we agree with all its points.

We are also familiar with the case of *Finney v Welsh Ministers* (November 2019) at the Court of Appeal, to which the applicant refers. We understand that the ruling does not imply that a change in description of the development "is a necessary technical pre-step" to anything. We therefore dispute this claim made in the covering letter submitted by the applicant's planning consultant. The appeal case only clarifies that the description of a proposed development determines the scope of any application seeking to modify or remove conditions under section 73 of the Act. But this letter is not the place for us to consider whether the applicant seeks changes to conditions that would fall within the scope of section 73 as minor-material amendments. Indeed, it would be hard for any party to do so without more information.

We make an additional request in the light of the situation that has developed since the application was first made on 23rd March this year. We of course understand that local authority processes have had to be modified to some extent to take account of the Covid-19 situation. However, the determination of application ref. 2020/1438/P has important potential implications for both Camden's view of 'non-materiality' in a planning context, and, more widely, for developers to be able to circumvent proper process when making changes to a consented scheme. We believe that that this case should therefore be determined by a full Planning Committee of the LPA in whatever form it is currently sitting.

In any case we ask the LPA to refuse this application as it stands. Since applications under section 96A of the Act do not fall within the range of applications for which section 78 of the Act grants a right of appeal, the applicant would then simply need to submit a planning application to seek approval for the proposed amendments. This would give us all a fair and proper opportunity to examine the plans and to comment on them in the usual way.

Yours sincerely,


Chair, Planning Subcommittee

