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19 July 2021

Our ref: ND/NMIL/TMAT/U0010696

Your ref: 2020/2470/P

Dear Sir,

**Town and Country Planning Act 1990 (as amended)
Non-material amendment application, under Section 96a, to planning permission 2020/2470/P
Lethaby Building, Former Central St Martins, WC1B 4AF**

On behalf of our client, Global Gem Hotels Ltd, please find enclosed an application pursuant to Section 96A of the Town and Country Planning Act 1990 (as amended) (TCPA) for a non-material amendment following a grant of Planning Permission (Ref: 2020/2470/P), at the Lethaby Building, former Central St Martins. The non-material amendment relates to changes to the wording of condition 17, to allow a 2-phase approval process to enable the demolition works to take place on site. There are no proposed amendments to the approved plans or elevations.

Background

Planning permission 2020/2470/P was granted on 30 October 2020 for:

“Redevelopment of the site including refurbishment of the Lethaby Building, partial demolition, external alterations, basement excavations and extensions to the existing buildings to form a hotel (Use Class C1), with flexible ground floor and basement uses including retail/restaurant/drinking establishment (Use Class A1/A3/A4), office (Use Class B1), exhibition and lecture halls (Use Class D1/D2/C1). Bar/restaurant spaces (Use Class A3/A4) at first, and upper floor levels with associated roof terrace. Erection of standalone block comprising a cultural use (Use Class D1) at ground and first floor level with affordable residential housing (Use Class C3) above with provision of balconies, terraces and a roof terrace. Re-instatement of former Orange Street, together with highway improvements, public realm, landscaping, cycling parking, waste storage and other associated works.”

Condition 17 states that, **“None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-**

(i) Accommodate the location and of the Crossrail structures including temporary works,

(iii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. This can be discharged on a building by building basis.”

A meeting was held between the applicant and Crossrail on 1st April 2021 where it was confirmed by Crossrail that they would be amenable to a 2-phase approval process to enable demolition to take place on site.

Planning Context

Section 96A of the TCPA gives local planning authorities the power to grant changes to approved planning permissions if it is satisfied that the change is not material. There is no statutory definition of “non-material”, however, this will be on a case by case basis and depends on the degree of change when viewed in the context of the approved scheme. In order to grant an application under S96A, the Council must be satisfied that the proposed amendment is non-material.

Planning Practice Guidance states that the Council must have regard to the effect of the change, together with any previous changes made under Section 96A. To date there have been no changes sought to the approved conditions either via section 96A or section 73. The Council must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

Proposal

On the basis of the above, we propose the following amendment to the wording of condition 17

“~~None~~ Prior to the commencement of the (a) demolition and (b) construction phases of the development hereby permitted, ~~shall be commenced until~~ detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

(i) Accommodate the location and of the Crossrail structures including temporary works,

(iii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. This can be discharged on a building by building basis.”

In terms of the proposed amendments to condition 17, these are required to provide greater flexibility and to allow a 2-phase approval process to enable demolition to take place on site.

There is no proposed change to the approved description of development or the scheme design. Accordingly, we consider the proposed minor changes to Condition 17 to allow a 2-phase approval process are not material and should be considered acceptable as a Non-Material Amendment (NMA) under Section 96A of the TCPA.

In light of the above minor amendments to the wording of Condition 17, these are not considered to be significant as they do not relate to operational development, and accordingly, we consider that it constitutes a non-material amendment.

Summary

Given the above, we consider the proposed minor amendments to the wording of Condition 17, as outlined above, to allow a 2-phase approval process, are not material and should be approved as a non-material amendment under Section 96A of the TCPA. There are no changes to the approved plans associated with this application.

Application Documentation

In line with LB Camden's validation requirements, the following documentation, along with this cover letter, has been submitted via the Planning Portal (PP-10030008):

- Completed Planning Application Form
- Extract of email from Crossrail confirming that they are amenable to a 2-phase approval process.

The requisite application fee will be paid online via the Planning Portal.

Should you have any questions in the meantime, please do not hesitate to contact either Nicola Miller (02073336344) or Tom Matheou (02034863476) of this office.

Yours faithfully



Gerald Eve LLP