

HB/P08111
4th February 2022

Westminster City Council
Development Planning
City of Westminster
PO Box 732
Redhill
RH1 9FL

Dear Sir/Madam

136-138 Long Acre, London, WC2E 9AA (Site Includes 14 Upper St Martins Lane) Application under S96a of the Town and Country Planning Act 1990 (as amended) for a Non-Material Amendment to Planning Permission 21/02839/FULL to Vary Condition 1

Planning Portal Reference: PP-11016624

On behalf of our client, Longmartin Properties Limited, please find enclosed an application under S96a for a Non-Material Amendment to Planning Permission 21/02839/FULL to Vary Condition 1.

In order to assist you with your consideration of the application please find enclosed the following information which has been submitted online via Planning Portal:

- Application Form;
- Site Location Plan
Drawings
- Set of Existing Drawings
 - NW Elevation Existing;
 - Plant Area Plan Existing;
 - Courtyard South Elevation Existing;
- Set of Proposed Drawings
 - NW Elevation Proposed
 - Plant Area Plan Proposed
 - Courtyard South Elevation Proposed Louvre Areas;
 - Side Elevation Proposed;
- Updated Plant Noise Impact Assessment – prepared by Noise Solutions Ltd

The requisite application fee of £234 has been paid electronically via the Planning Portal.

Architecture Planning Interiors

Old Church Court, Claylands Road, The Oval, London SW8 1NZ

T 020 7556 1500

www.rolfe-judd.co.uk

DD 020 7556 1578

E helenab@rolfe-judd.co.uk

Westminster City Council
February 2022

Planning History

Planning permission was granted on the 3rd August 2021 for the following

'Installation of an extract duct to the rear of 14 Upper St Martin's Lane.'
[LPA Reference. 21/02839/FULL]

Proposal

Permission is sought under S96A of the act for a non-material amendment to extant permission 21/02839/FULL which granted consent for the installation of a full height extract duct at the rear of 136 Long Acre and 14 Upper St Martins Lane.

This application seeks a non-material amendment to vary Condition 1 to facilitate minor amendments to the development. The external changes are limited to the following works:

- The addition of a handrail at roof level to facilitate safe cleaning of the extract duct. The handrail will be located on the roof of 14 Upper St. Martins Lane adjacent to where the duct terminates. It will measure 800mm in height and be finished galvanised steel.
- A new kitchen inlet louvre replacing part of an existing window on the south elevation (overlooking the internal courtyard).

Internal alterations are limited to the addition of an extract duct to serve 138 Long Acre and a pizza oven flue. Both the duct and pizza oven flue will be housed inside the metal shroud which was approved under application 21/02839/FULL. The metal shroud will remain the same width (1500mm). The depth (face of shroud to face of wall) will increase by 150mm (to 900mm total) to allow for a pizza oven flue and additional extract duct.

An updated acoustic report has been prepared by Hann Tucker and confirms the extract duct and fan for 136 and 138 Long Acre will not exceed a value of 10db below the minimum external background noise, in accordance with Westminster' policies. As per the original consent (LPA Ref. 21/02839/FULL) the extract fan will be installed within an existing acoustic louvred enclosure at the rear of the site.

The plant will operate between 07:00 hours and 23:00 hours in accordance with Condition 5 of the existing consent.

Non-Material Amendment under Section 96A

In line with Government guidance, there is no statutory definition of what might be considered a material, minor material or non-material amendment. The discretion lies entirely with the local planning authority and a pragmatic approach is expected so as to avoid unnecessary bureaucracy becoming a barrier to development. The amendments sought are deemed non-material because they do not run to the heart of the permission which is for the installation of a full height extract duct.

No changes are proposed to the width of the metal shroud nor its termination point. The only change is that the depth of the extract will increase by 150mm. The majority of works (pizza oven flue and new extract duct) are internal. The addition of a handrail and new kitchen inlet louvre are the only other external works, the handrail is located at roof level and is required for cleaning and safety

Westminster City Council
February 2022

purposes for the extract. The kitchen inlet louvre is on the side elevation overlooking the courtyard and is not visible from the public realm.

The Acoustic Report confirms that the kitchen extract system for 136-138 Long Acre will have no impact on the surrounding area and will continue to operate in line with the noise conditions associated with extant permission 21/02839/FULL.

In assessing the constitution of a non-material amendment it is necessary to subject the proposed change to the materiality test.

The materiality test is satisfied on the basis that the development permitted under the planning permission after the S96A approval would remain the same. In conclusion both permissions allow the same development and this application is consistent with the original permission and its planning considerations.

We consider that this S96A application complies with the following key tests of whether an alteration is a non-material amendment.

- 1. Is the change material to any development plan policy?** Answer, No
- 2. Is the proposed change significant in terms of its scale in relation to the original approval?** Answer, No.
- 3. Would the proposed change result in a detrimental impact either visually or in terms of amenity?** Answer, No. The extract shroud remains the same width and in the same location as approved. The depth will increase by 150mm but otherwise will remain the same. The duct will operate in accordance with the noise conditions attached to extant permission 21/02839/FULL. In addition, the new handrail is located at roof level and will be unseen from street level. The inlet louvre will replace part of a window which is unseen from street level and adjacent to the internal courtyard.
- 4. Would the interest of a third party or body that participated in or were informed of the original decision be disadvantaged in any way?** Answer, No

In light of the above we consider that the proposed amendments can be determined under the non-material amendment application route.

Conclusion

This application seeks to make amendments to planning permission LPA Ref. 21/02839/FULL.

The changes relate to the addition of a handrail on the roof of no.14 Upper St Martins Lane and inlet louvre. The internal amendments relate to the addition of pizza oven flue and extract duct.

The changes are deemed to be non-material in planning terms. The ducting system will be housed within a metal shroud as approved under 21/02839/FULL. The only minor change is that metal shroud is 150mm deeper. The ducting system will operate in accordance with the noise conditions attached to the extant permission.

The amendments remain consistent with the scale and nature of the original development and remain compliant with Local Plan policies.

We trust that the above information and submitted documents are sufficient for the Councils

Westminster City Council
February 2022

consideration and will enable a positive determination at the earliest opportunity. Please do not hesitate to contact the undersigned should you have any further queries on the proposed works or wish to discuss the application further.

Yours sincerely

Helena Burt

For and on behalf of
Rolfe Judd Planning Limited