

PD12929/PB/JL

**F.A.O. Elaine Quigley**London Borough of Camden  
5 Pancras Square,  
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11 February 2021

**Submitted via the Planning Portal: PP-09487113**

Dear Elaine

**TEMPLAR HOUSE, 81-87 HIGH HOLBORN, LONDON WC1V 6NU  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 2020/4052/P**

On behalf of our client CER Investment SARL (the 'Applicant'), we submit this application under Section 96a of the Town & Country Planning Act 1990 (as amended) (the 'Act') to seek a non-material amendment to permission 2020/4052/P (the 'Planning Permission'), which was granted by the London Borough of Camden (the 'Council' / 'LBC') on 04 January 2021.

This non-material amendment has been submitted via the Planning Portal under application ref. PP-09487113.

**Background**

The Applicant purchased Templar House on 28 September 2019 and it is their intent for Uncommon to both own, occupy and manage the office and retail floorspace. Uncommon has created a portfolio of workspaces with a focus on providing supportive working environments, with an emphasis on design-led spaces and health and wellbeing. Their aim is to promote a healthier way of working in an environment that evokes creativity and productivity.

The redevelopment of the wider site, as submitted to the Council under application refs. 2020/1310/P, 2020/1350/P and 2020/1351/P, and which are due to be determined imminently, seeks to create a commercial offering which is not just a destination for the public and surrounding building users, but also positively contributes to the retail and food and beverage offer in the borough by taking a different approach to retail, and providing a high quality user experience. The building is to be designed and finished to the highest standards, providing an excellent working environment for members, and key focuses include building users' wellness and improvement to the buildings contribution to interest and vibrancy of the area.

To promote and market the building the Applicant originally sought the use of 3 of the 5 ground floor retail units as a marketing suite until 01 August 2021 and submitted an application for the temporary change of use of 3 ground floor retail units (Class E) to serve this purpose. Planning permission was granted for this under application on 04 January 2021.

However and since the grant of Planning Permission ref. 2020/4052/P, it has come to light that an amendment is required to both the description of development and Condition 1 in order to allow successful operation of the temporary marketing suite for an extended period whilst the wider refurbishment works are determined, construction works progressed and due to the impacts of the COVID19 pandemic in due course. It is this extension of time to which this application relates.

**Proposed Changes**

Both the description of development and Condition 1 pursuant to the Planning Permission outline that the temporary marketing suite use is permitted for a temporary period only and shall cease on or before 01st August 2021. The Planning Permission was made personal to the Applicant so that when this use is no longer required or the period expires, this space can then revert back to its lawful use which is retail use (Class E).

Following the grant of Planning Permission, it has become apparent that there is a need to revisit this time period again to further extend the temporary period in response to delays to the delivery of Phase 3 works as a result of the timings of the three refurbishment planning applications, the knock-on effect this has had on construction / procurement and the general impact which COVID-19 has had on the industry.

It is proposed that the wording of the description of development and Condition 1 of the Planning Permission is amended via a non-material amendment so that the time periods align with the expected delivery refurbishment of the Site, whilst ensuring the approach maintains the Councils' control over the temporary nature of the facilities.

For the avoidance of doubt, there is no change to the location, design, fit-out or appearance of the temporary marketing suite as approved by the Planning Permission, and our Client / the Applicant is fully committed to the wider works once approved and this extension of time is from a purely programmatic perspective.

### **Section 96a Route**

Section 96a provides an appropriate mechanism to make non-material amendments to planning permissions, with Section 96a (1) of the Act stating:

1. *"A local planning authority may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material."*

With regard to what constitutes a material change, Planning Practice Guidance confirms that there is no statutory definition, as it depends on the specifics of the scheme (Reference ID: 17a-002-20140306).

When considering the case, Section 96a (2) outlines that:

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". (own emphasis)"*

Further, and as set out in Section 96a (3), the power to make changes to a planning permission extends to 'remove or alter' existing planning conditions:

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

Primary legislation is therefore clear that if the determining authority is content that the effect of the proposed change is non-material, a planning permission can be amended, existing planning conditions altered and new conditions imposed under Section 96a of the Act.

Given the non-material nature of this amendment, Section 96a provides the appropriate mechanism to amend the description of development of the planning permission, and also alter the imposed conditions. This has been confirmed in recent email correspondence with the Council.

### **Proposed Non-material Amendments to Planning Permission 2020/4052/P**

Planning Permission 2020/4052/P has the following description of development:

*"Change of use of 3 ground floor retail units (Class E) to a marketing suite (sui generis use) associated with the refurbishment of the building for a temporary period until August 2021."*

The following amendment is sought to the description of development:

*"Change of use of 3 ground floor retail units (Class E) to a marketing suite (sui generis use) associated with the refurbishment of the building for a temporary period until ~~August 2021~~ **October 2022**".*

In addition, Condition 1 imposed upon planning permission 2020/4052/P states:

*“The use hereby permitted is for a temporary period only and shall cease on or before 01st August 2021, at which time the premises shall revert to their former lawful use which is retail use (Class E).”*

The following amendment is therefore sought to Condition 1:

*“The use hereby permitted is for a temporary period only and shall cease on or before 01st ~~August 2021~~ **October 2022**, at which time the premises shall revert to their former lawful use which is retail use (Class E).”*

As outlined above, the above amendments are required to extend the temporary time period for the use of the ground floor retail units as a marketing suite until October 2022. On this basis, they are purely procedural and raise no further impacts from an operational or design perspective to those considered under the grant of the Planning Permission.

### **Closing and Administrative Matters**

In support of this application, please find enclosed the following documents for your consideration:

- The requisite Application Forms, duly signed and dated;
- Covering Letter (i.e. this letter), prepared by Montagu Evans;
- Site Location Plan, as approved by Planning Permission ref. 2020/4052/P, prepared by Cousins & Cousins; and
- A copy of the Decision Notice for Planning Permission ref. 2020/4052/P.

This application has been submitted via the Planning Portal under ref. PP-08956764, and the application fee of £234.00 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) 2019, and payment has been made online.

We trust that the information submitted is sufficient and allows you to validate the application. Should you require any further clarification please do not hesitate to contact James Leuenberger ([james.leuenberger@montagu-evans.co.uk](mailto:james.leuenberger@montagu-evans.co.uk) / 020 3962 6458) of this office in the first instance.

Yours sincerely,



**Montagu Evans LLP**  
Enc.