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23 March 2021

FOA Patrick Marfleet/ Antonia Powell

Dear Sir/ Madam

**30 Percy Street, W1T 2DB – Section 73 application to amend  
Planning and Listed Building Consents Ref 2019/4241/P and  
2019/4517/L**

We are submitting a Section 73 application to amend the previously approved planning and listed building consents at 30 Percy Street, W1T 2DB.

This Section 73 application seeks to vary Condition 3 of both the Planning and Listed Building consents. Condition 3 sets out the list of approved plans on both permissions.

The changes proposed are minor and non-material in nature and do not change the principle of the proposed development as set out in the consented scheme.

**The proposed changes**

Table 1 – Schedule of Plans (attached) sets out the list of consented plans and which plans are to be superseded. The table also describes the proposed update and the reason for the change.

Most of the proposed changes relate to minor modifications to add in fire safety measures, through the introduction of fire doors, works to the lobby areas and the inclusion of AOV's and adaptation to the roof access hatch to the replacement plant. PV's are also proposed on the roof in the central void space

There are a couple of minor changes to the lower levels to include the introduction of fire doors, and new AOV door in a consented doorway, fire and AOV control panels, and a slight thickening of some of the walls to meet fire safety measures.

There is also a proposed change to both the existing and proposed plans to rectify an omission from the original survey where a soil pipe from the third floor was omitted from the original existing drawings and therefore it was also excluded from the consented plans. Therefore, this Section 73 application seeks to update the existing elevation plans and also proposes a modification to the existing alignment of this soil waste pipe.

The other conditions on the August 2020 Planning and Listed Building consents can be retained and reapplied on any new S73 permission.

The applicant previously signed a S106 agreement associated with planning permission Ref 2019/4241/P. The applicant confirms that their agreement to this S106 agreement remains unchanged and are happy for it to be reapplied to any new S73 permission.

Therefore, the S106 will continue to apply the personalised consent clause and require the reversion of the two upper floors of the property back to residential use once the office is no longer occupied by Skagen.

The reason for these minor modifications to the consented scheme is to effectively future proof the occupation of the property. The minor modifications, as currently proposed, will allow for the consented occupation of the upper floors of the building as offices for Skagen (as granted via the personalised consent). However, the minor modifications will also allow for the future reversion of the upper floors, from office use back to residential use, on the vacation of the building by Skagen, as required by the S106 agreement.

The proposed modifications will therefore future proof and simplify the process of returning these upper floors from office use to residential use when required.

### **Acceptability of the proposed minor modifications**

The principles of the proposed redevelopment remain the same as the consented scheme.

As you are aware, in addition to the August 2020 consented planning and listed building consents, which are the subject of this S73 application, Skagen has also obtained further planning and listed building consents on this property dated 4 February 2021, Ref 2020/3951/P and 2020/4759/L (The February 2021 permissions).

The February 2021 permissions authorised amendments to the existing property, to allow for the lawful occupation of the upper floors for residential use. These consented changes allow for fire safety measures to be implemented which will allow building control approval to be obtained for the existing lawful residential flat.

The February 2021 consents include similar internal works, as proposed in this Section 73 application. These works were supported by a Heritage Statement and a Fire Strategy Report.

In granting consent, it was judged that these works would not have a detrimental effect on the listed building nor that they would be unacceptable in planning terms.

As set out above, this Section 73 application seeks to bring together elements from both the approved August 2020 and February 2021 Planning and Listed Building approvals and therefore Local Planning Authority have already considered most of the proposed changes in detail and has found them acceptable.

The following documents have been submitted in support of this Section 73 application:

- Planning Covering letter setting out the details and justification of the S73 application and variation to condition 3 of both the Planning and Listed Building consents (Ref 2019/4241/P & 2019/4517/L)
- Section 73 planning and listed building consent forms.
- Table 1 – Schedule of Plans - existing, consented and amended plans. Table 1 includes the details of the proposed change and reason for the update.
- Design and Access Statement (March 2021) describing the proposed changes and including details and sections.
- Copies of Planning and Listed Building Consents dated Aug 2020 (Ref 2019/4241/P & 2019/4517/L)
- Copies of amended plans.
- Heritage Statement Addendum (To Follow) by KM Heritage.

This S73 application follows discussions, meetings, site visits and workshops over a number of years with both Patrick Marfleet and Antonia Powell.

If you have any questions, please contact Julia Chowings (0788 1952956) or Rory Joyce (07771 898315).

Yours sincerely



Rory Joyce  
Principal  
Brunel Planning

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