



70 St Mary Axe
London
EC3A 8BE
www.montagu-evans.co.uk

PD12929/PB/JL

Elaine Quigley
London Borough of Camden
5 Pancras Square,
Kings Cross,
London
N1C 4AG

28 September 2022

Submitted via the Planning Portal: PP-11537422

Dear Elaine

**TEMPLAR HOUSE, 81-87 HIGH HOLBORN, LONDON WC1V 6NU
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
NON-MATERIAL AMENDMENTS TO PLANNING PERMISSION 2020/1351/P**

On behalf of our client, CER Investment SARL ("the Applicant"), we submit this application under Section 96a of the Town and Country Planning Act 1990 (As Amended) to seek non-material amendments to Planning Permission 2020/1351/P approved by the London Borough of Camden ("LBC" / "the Council") on 30 April 2021.

This application has been submitted via the Planning Portal under ref. PP-11537422.

Site Description

Templar House (81-87 High Holborn and 24 to 27 Eagle Street) comprises a part-nine (plus plant area) part-seven storey building (plus basement) faced with Portland stone on the High Holborn elevation and a mixture of brick and stone on the Eagle Street elevation. The side elevations are not visible from the public realm.

The existing building on the Site was constructed in 1959 to designs by Richard & McLaughlin Architects and was an infill building following bomb damage during WWII.

The building is laid out as three blocks, one fronting onto High Holborn to the south, one onto Eagle Street to the north and one forming a connecting block in between. The latter is set in from the boundaries with the adjoining sites creating courtyard spaces to the west and east.

The building comprised offices on the first to 8th floors on the building fronting High Holborn and offices on the first to 7th floors of the building fronting Eagle Street, with plant equipment located at roof level. There was retail floorspace at ground floor level fronting onto High Holborn, which is provided across five retail units. Most of the occupiers have relocated to other premises and are now vacant.

Vehicle access is from Eagle Street via a ramp into the basement which is mainly used as car parking

The Site is in the Bloomsbury Conservation Area.

There are no statutorily listed buildings adjacent to the site however there are listed buildings in the wider area, including the Rosewood Hotel at 247-252 High Holborn (Grade II) approximately 20m south of the Site.

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A list of members' names is available at the above address.

Background and Application Format

CER Investments SARL purchased the Site on 28 September 2019, with the intention for Uncommon to both own, occupy and manage the office and retail floorspace.

To facilitate this objective, three standalone planning applications were submitted and duly approved (refs. 2020/1350/P, 2020/1310/P, and 2020/1351/P), and which were subsequently amended as follows:

- Application A: 2020/1350/P – amended via s73, by 2021/3561/P
- Application B: 2020/1310/P – amended via s96a, by 2021/3885/P
- Application C: 2020/1351/P – amended via s96a, by 2021/3887/P

This subsequent application relates solely to Planning Permission 2020/1351/P

Proposed Development

Driven by a desire to bring the building back in to functional and operational use at the earliest opportunity, our Client has been reviewing the works permitted, and following this review and further design refinement it has become apparent that there are some further non-material changes needed to the Planning Permission 2020/1351/P to maximise deliverability, respond to the direction of travel in office markets, and ensure that the site contributes in the fullest to the commercial desires for the area.

The proposed amendments were discussed with the Council at a pre-application meeting undertaken on-site 07 July 2022, and this application comprises the changes presented during the meeting. The changes are set out further in the supporting plans and drawings which have been submitted as part of this application, together with the accompanying Design Document prepared by astudio architects.

Section 96a Route

S96a provides the appropriate mechanism to make non-material amendments to planning permissions, and it has been agreed with the Council during a pre-application meeting undertaken on 16 July 2021, that this can be facilitated under Section 96a of the Town and Country Planning Act 1990 (As Amended).

S96a (1) states:

“(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, s96a (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”.



Section 96a provides an appropriate mechanism to make non-material amendments to planning conditions. As set out in S96a(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."

Primary legislation is therefore clear that if the determining authority is content that the effect of the proposed change is nonmaterial, a planning permission can be amended, existing planning conditions altered and new conditions imposed under s96a of the Act. As set out above, the changes sought are agreed to be non-material within the context of the scheme, thus s96a provides the appropriate mechanism in order to accommodate them through the amending of the wording of the existing planning conditions.

Closing and Administrative Matters

The proposed amendments are sought to ensure the deliverability of the development, and the intent for the development remains the same as previously approved. The approach continues to adhere to relevant planning policy and the principles established through the approval of the extant planning permission, and should therefore be welcomed.

This application has been submitted via the Planning Portal, 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) (As Amended). Payment has been made to the Planning Portal directly.

Closing

We trust that the information submitted is sufficient and allows you to validate the application. Should you require any further clarification, information or assistance please do not hesitate to contact James Leuenberger (james.leuenberger@montagu-evans.co.uk) at this office in the first instance.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Montagu Evans LLP
Enc.