

28 May 2024
L240528 – LDC Covering Letter



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SUBMITTED VIA PLANNING PORTAL REF: PP- 13088288

Dear Sir / Madam

**SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION TO CERTIFY THAT THE PROPOSED REPLACEMENT OF EXISTING RENDER, CLADDING
AND BRICKWORK ON THE BUILDING ELEVATIONS, IS LAWFUL
ARUNDEL HOUSE, 36-43 KIRBY STREET, LONDON EC1N 8TE
36 KIRBY STREET LTD C/O TRINOVA REAL ESTATE LIMITED**

Introduction

We write on behalf of our client, 36 Kirby Street Ltd c/o Trinova Real Estate Limited, to apply for a Certificate pursuant to Section 192 of the Town and Country Planning Act 1990 (as amended) at 36-43 Kirby Street, to certify that the proposed replacement of existing render, cladding and brickwork on the building elevations, are lawful. Full details, including the terms of the certificate sought, are set out in this letter.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the application comprises the following:

- This covering letter;
- The completed application form;
- Drawings prepared by Wilmore Iles Architects, comprising:
 - Ref: 001176-WIA-XX-XX-ST-A-10001 Rev P01 – ‘Site Location’;
 - Ref: 001176-WIA-XX-XX-ST-A-10002 Rev P01 – ‘Existing Block Plan’;
 - Ref: 001176-WIA-XX-XX-EV-A-01300 Rev P02 – ‘Existing Elevations West Elevation’;
 - Ref: 001176-WIA-XX-XX-EV-A-01301 Rev P01 – ‘Existing Elevations East Elevation’;
 - Ref: 001176-WIA-XX-XX-EV-A-01302 Rev P02 – ‘Existing Elevations North Elevation’;
 - Ref: 001176-WIA-XX-XX-EV-A-01303 Rev P02 – ‘Existing Elevations South Elevation’;
 - Ref: 001176-WIA-XX-XX-SC-A-01400 Rev P01 – ‘Existing Sections Section A-A & B-B’;
 - Ref: 001176-WIA-XX-RF-GA-A-01208 Rev P01 – ‘Existing Plans Roof Floor’;
 - Ref: 001176-WIA-XX-XX-ST-A-10003 Rev P01 – ‘Proposed Block Plan’;
 - Ref: 001176-WIA-XX-XX-EV-A-20300 Rev P01 – ‘Proposed Coloured Elevations West Elevation’;
 - Ref: 001176-WIA-XX-XX-EV-A-20301 Rev P01 – ‘Proposed Coloured Elevations East Elevation’;
 - Ref: 001176-WIA-XX-XX-EV-A-20302 Rev P02 – ‘Proposed Coloured Elevations North Elevation’;

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

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- Ref: 001176-WIA-XX-XX-EV-A-20303 Rev P01 – ‘Proposed Coloured Elevations South Elevation’;
- Ref: 001176-WIA-XX-XX-SC-A-20400 Rev P02 – ‘Proposed Sections Section A-A & B-B’;
- Ref: 001176-WIA-XX-RF-DR-A-20208 Rev P02 – ‘General Arrangement (Proposed) Roof Floor; and
- Photographs and Existing & Proposed Façade Materials Document.

The application has been submitted electronically via the Planning Portal, and an online payment for the requisite application fee of £146.50 has been made via the Portal.

The Application Site

The application site comprises Arundel House, 36-43 Kirby Street, which is a mixed use building comprising student accommodation and commercial units (**‘the Site’**). The Site measures approximately 0.1ha and is shown in red outline on the Site Location Plan submitted with this application.

Relevant Planning History

On 13 December 2006, permission was granted for *‘Alterations and extensions to the existing workshops and offices (Use Class B1) including the erection of a two storey roof extension at fifth and sixth floor levels, a six storey rear extension and other ancillary works and change of use to provide 42 workshops (B1c use class) at basement and ground floor level and student residential accommodation (Class C3) comprising 128 studio units on the upper floors’* (Ref: 2006/1445/P) (the **‘2006 Permission’**).

The 2006 Permission was implemented and the current uses operate in accordance with it.

Terms of the Certificate

Section 192 of the Town and Country Planning Act 1990 (the **‘Principal Act’**) allows for a Certificate of Lawfulness of Proposed Use or Development application to be submitted *‘if any person wishes to ascertain whether... (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land, would be lawful...’*

In this case, the applicant wishes to certify the following:

- 1) That the proposed replacement of existing render, cladding and brickwork on the building elevations, is lawful.

We set out the lawfulness of the above works, below.

Lawfulness of the Proposed Works

Section 55 of the Town and Country Planning Act 1990 (as amended) defines development. Section 55(2) of the Act sets out the operations or uses of land which do not constitute development as defined by the Act. Section 55(2)(a) sets out that the following does not involve development of the land:

“the carrying out for maintenance, improvement or other alteration of any building of works which –

- (i) affect only the interior of the building, or*
- (ii) do not materially affect the external appearance of the building*

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;” (our emphasis added)

The Application includes existing and proposed plans and elevations, along with document containing photographs of the existing building and a schedule of the existing and proposed façade materials.

Read together, these documents demonstrate that the replacement materials are not materially different to the existing materials. It therefore follows that the replacement of the existing render, cladding and brickwork as identified and detailed on the enclosed drawings and material schedule are in keeping with the appearance of the existing equivalents and therefore do not materially affect the external appearance of the building.

It should be noted, and as set out in the materials document, that the existing 'standing seam roof' and 'metal spandrel panels' are retained and not proposed to be replaced.

Arising from the above, the proposed external alterations do not constitute development and are therefore lawful.

Summary and Conclusion

It has been established in this submission that the proposed alterations as detailed on the enclosed plans and material schedule, do not materially alter the external appearance of the building and therefore do not constitute development by virtue of Section 55(2)(a) of the Principal Act. It follows that the proposed external alterations as set out in this application, are lawful.

In light of the above, we respectfully request that the Council issues a Certificate, under Section 192 of the Act, to confirm:

- 1) That the proposed replacement of existing render, cladding and brickwork on the building elevations, is lawful.

If you have any queries regarding the above or require any further information in order to be able to issue the certificate, please do not hesitate to contact Alistair Ingram or Amelia Robson at these offices.

Yours faithfully,

A handwritten signature in grey ink that reads "Savills".

Savills (UK) Limited
Planning