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Your Ref: PP-13749828
Our Ref: 17488b

DWD

69 Carter Lane
London
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Planning and Building Development
Camden Council
5 Pancras Square
London
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Dear Sir or Madam

THE TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 192: APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF PROPOSED DEVELOPMENT AT NCP CAR PARK, DRURY LANE, LONDON WC2B 5PW

On behalf of the Applicant, we enclose an application under Section 192 of The Town and Country Planning Act 1990 ('TCPA') for a Certificate of Lawfulness of Proposed use or Development ('CLOPUD') for internal site alterations comprising the removal of car parking spaces, installation of sprinkler tanks and associated screw piles, plant and associated infrastructure, Electric Vehicle charging infrastructure and associated works within the existing NCP car park at Drury Lane, London WC2B 5NT ('Site') on the basis the proposed development does not constitute 'development' as defined in Section 55(2) of the TCPA.

Proposed Development

The proposed development seeks to make minor amendments to an existing basement car park site to enable the conversion of 47 parking bays to Electric Vehicle (EV) charging bays capable of charging an electric vehicle while parked within the space. This associated works required to facilitate this conversion comprise the following:

- Installation of EV charging posts, both wall mounted and free standing posts and associated infrastructure;
- Amendments to the white lining to remove car parking spaces;
- Installation of internal plant and associated infrastructure; and
- Installation of sprinkler tanks and associated screw piles.

Site Description

The Site is an existing basement car park operated by NCP situated below the Gillian Lynne Theatre on the corner of Drury Lane and Parker Street in Westminster, London. The surrounding area is characterised by commercial and retail properties, with residential apartments above. The closest tube stations are Holborn to the east and Tottenham Court Road to the west.

The basement car park has been operational for over 10 years, and the original planning permission is not available to view online as it pre-dates the public access system.

Case for Lawfulness

Works do not constitute 'development' as defined by section 55(2) of the TCPA provided they fall into the following categories:

- Interior alterations (except mezzanine floors in retail units greater than 200 sqm in size);
- Building operations which do not materially affect the external appearance of a building. The term 'materially affect' has no statutory definition, but is linked to the significance of the change which is made to a building's external appearance; and
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.

The installation of internal plant and equipment, amendments to white lining and EV charging infrastructure therefore do not constitute development for the purposes of the TCPA on the basis that the following conditions are met:

- The works do not result in external alterations;
- The works are within an existing building;
- The works must not be precluded by any planning condition(s) or an obligation in a section 106 agreement that binds the property; and
- The works do not result in a material change of use of the building.

Seeing as the current use of the Site is as a public car park which is across the basement levels of the existing buildings, with no works proposed at ground floor, the proposed works are not considered 'development' in the first instance and would equate to internal works only. Building on the above, there are other key tests that are applicable to assessing whether the proposed internal alterations constitute development. These are set out and applied below.

The works must be installed within the existing building:

The existing building comprises a basement car park and the works are all located on the lower floors, below ground level. The existing car park benefits from planning permission and has been built out in accordance with the approved plans as highlighted within this Covering Letter. Therefore, this criterion is satisfied.

The works must affect the interior part of the building only:

The proposed internal works would affect the interior of the building with no visible external alterations to the envelope of the existing building. Therefore, this criterion is satisfied.

The works must not be precluded by a planning condition or s106 agreement:

There are no conditions or S106 Agreement obligations on the planning permission which authorised the development of the existing building, which are considered to restrict the proposed internal works.

The Proposed Development is not to be constructed under the benefit of the outline planning permission but rather on the basis that it does not amount to development as defined by s.55(2) of the TCPA. It is a well-established principle that any condition seeking to do that must be specific and refer to the rights that it is removing if that is the intention.

The works must not result in a material change of use of the building:

The proposed development is to be used for public car parking with some of the existing bays removed to accommodate the EV charging infrastructure, and still firmly falls within the permitted use of a public car park. As such it would not change the definable character of the use of the land amounting a material change of use and therefore, this criterion is satisfied.

Conclusion

This Certificate of Lawfulness application seeks to confirm that the proposed installation of internal plant and equipment, amendments to white lining and EV charging infrastructure at the Site would be lawful. To that end, we kindly request the Council confirms this by way of a Certificate of Lawfulness of Proposed Use or Development.

Application documents

The application comprises this covering letter and the following documents:

- Application Form including Certificate of Ownership;
- Piling Statement prepared by EirEng.

In addition, the following drawings have been submitted with the application to illustrate the proposed scheme.

Table 1.1 – Application Drawings

Plan Title	Plan Reference
Site Location Plan	7944-SMR-03-ZZ-DR-A-2001-S3-P3
Existing Site Plan	7944-SMR-03-ZZ-DR-A-2002-S3-P2
Existing Floor Plan – Ground Floor	7944-SMR-03-ZZ-DR-A-2003-S3-P2
Existing Floor Plan – Basement 1	7944-SMR-03-ZZ-DR-A-2004-S3-P2
Existing Floor Plan – Basement 2	7944-SMR-03-ZZ-DR-A-2005-S3-P2
Existing Floor Plan – Basement 3	7944-SMR-03-ZZ-DR-A-2006-S3-P2
Existing Floor Plan – Basement 4	7944-SMR-03-ZZ-DR-A-2007-S3-P2
Existing Floor Plan – Basement 5	7944-SMR-03-ZZ-DR-A-2008-S3-P2
Existing Floor Plan – Basement 6	7944-SMR-03-ZZ-DR-A-2009-S3-P2
Proposed Floor Plan – Basement 2	7944-SMR-03-ZZ-DR-A-2011-S3-P2
Proposed Floor Plan – Basement 3	7944-SMR-03-ZZ-DR-A-2012-S3-P2
Proposed Floor Plan – Basement 6	7944-SMR-03-ZZ-DR-A-2013-S3-P2
Proposed Ancillary Details	7944-SMR-03-ZZ-DR-A-2014-S3-P2

We trust the application contains sufficient information to allow validation and we look forward to receiving confirmation of this in due course. For any communications related to the application please don't hesitate to contact me using the details below.

Yours faithfully,



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