

9 April 2025



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Dear Sir or Madam,

The Ice Works, Flat 1-14, 34-36 Jamestown Road, Camden, London, NW1 7BY
Certificate of Lawfulness of Proposed Use or Development

On behalf of our client Barratt Developments plc ("Barratt") we enclose an application for a Certificate of Lawfulness (Proposed Use or Development) submitted under Section 192 of the Town and Country Planning Act 1990. This application concerns The Ice Works, Flat 1-14, 34-36 Jamestown Road, Camden, London, NW1 7BY ("the site").

Proposed Works

Following the Grenfell Tower disaster, Barratt have undertaken a detailed review of all of their built schemes. This process has identified a number of buildings which are in part constructed with potentially combustible cladding material, including the aforementioned building. Barratt have committed to replacing the potentially combustible materials with an appropriate alternative non-combustible materials.

Barratt have reviewed the external cladding materials used in the construction of The Ice Works and have identified areas which may require remediation to ensure compliance with the latest building fire safety regulations.

The proposed works for this project are as follows:

- Removal of all existing EPS rendered system wall to be replaced with non-combustible render system to European fire class A1/A2-S1, d0, with render finish to match.
- Removal all existing aluminium insulated core infill panels to be replaced with non-combustible aluminium insulated core infill panels to European fire class A1/A2- S1 d0 in accordance with EN 13501, with colour to match existing.
- Replacement of existing balcony polymer composite planks with timber decking underneath with new non-combustible aluminium decking board to European fire class 1/A2-S1, d0 in accordance with EN13501, with colour to match existing.

In summary, it is proposed to remove the existing render, infill panels and decking board which will be replaced with non-combustible materials. The external finish of the building will be the same as the existing.

Legislative Background

Section 192 of the 1990 Act provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, under or over land, would be lawful, they may make an application for the purpose to

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the local planning authority specifying the land and describing the operations in question. If the council are satisfied the operations are lawful, they should issue a Certificate to that effect.

Therefore, this application for a Certificate of Lawfulness seeks the council's agreement that the external works shown in this application (proposed operations) would not constitute 'development' under Section 55 of the 1990 Act, because they are *works of maintenance, improvement or other alteration of a building which do not materially affect the external appearance of the building*. The proposed works are for a like-for-like replacement that will be visually the same as existing. As such the proposed works would be lawful and not require planning permission.

Submitted Information

The application has been submitted via the Planning Portal and the relevant application fee will be paid electronically. The following information prepared by ATP Architects on behalf of Barratt describes the proposed operations to the building and is being submitted for approval:

- 3810050-IW-001- Site Location Plan;
- 3810050_IW_004 – Rev01 Existing South Elevation;
- 3810050_IW - 005 – Rev 01 Existing West Elevation;
- 3810050_IW - 006 – Rev 01 Existing North Elevation;
- 3810050_IW - 104 – Rev 02 Existing and Proposed Material South Elevation;
- 3810050_IW - 105 – Rev 02 - Existing & Proposed Material West Elevation;
- 3810050_IW - 106 – Rev 02 - Existing & Proposed Material North Elevation;
- 3810050_IW - 101 – Rev 02 - Proposed South Elevation;
- 3810050_IW - 102 – Rev 02 - Proposed West Elevation;
- 3810050_IW - 103 – Rev 02 - Proposed North Elevation;
- Design and Access Statement; and
- Evidence of verification letter.

Assessment of Lawfulness

In accordance with Section 55 of the 1990 Act, the judgement that must be made is whether the proposed operations would result in an overall material effect to the external appearance of the building. The effect upon the external appearance of the building when considered as a whole is relevant, not the effect upon an isolated part. Whilst works to the exterior the building are proposed, the supporting information which has been submitted demonstrates with sufficient precision and reliability that the proposed works would not *materially affect the external appearance*. The proposed works will not alter the external appearance of the building.

Relevant case law¹ confirms that any assessment of materiality should also take into account the nature of the building, such as its age and character, and whether it is listed or located within a Conservation Area. The building is not listed or located within a Conservation Area. The building is of contemporary appearance, characterised by its predominant use of cladding panels. Following the works this appearance and character would be maintained.

The proposed works would not materially affect the external appearance of the building and in accordance with Section 55 of the 1990 Act, they do not constitute development as defined. Therefore, planning permission is not required. This application seeks to confirm this position through the issuing of a Certificate of Lawful Development.

This application has been submitted to enable important fire safety works to be carried out. We trust that sufficient information has been provided to enable officers to assess this application and issue a Certificate,

¹ Burroughs Day v Bristol City Council [1996] 1PLR 78; [1996] 1EGLR 167; [1996] 19EG 126: [1996]



and we would be grateful to receive this as quickly as possible. In the meantime, should you have any questions please do not hesitate to contact Imogen Denton (imogen.denton@savills.com) in the first instance.

Yours sincerely,

A handwritten signature in black ink, which appears to read "Savills" in a stylized, cursive script.

Ben Thomas
Director