

Date
25 January 2016

Development Management
London Borough of Camden
Town Hall
Argyle Street
London
Wc1H 8EQ

By Email Only

Daniel Watney LLP is a
limited liability partnership
regulated by RICS.

Registered in England.
Registered number OC356464.
Registered office as address.

Dear Sir / Madam

White Bear Yard, 144a Clerkenwell Road, EC1R 5DF
Application for a Lawful Development Certificate for an Existing Use or Development
Town and Country Planning Act 1990: Section 191, as amended by Section 10 of the
Planning and Compensation Act 1991

This application for a Certificate of Lawfulness for an Existing Use or Development is submitted in respect of five air conditioning units sited to the roof level of 144a Clerkenwell Road, also known as White Bear Yard.

The application is submitted in response to enforcement enquiry RS/PE/EN15/0670 which identifies that planning permission has not been obtained for the four condenser units sited to the roof level.

This application seeks to confirm that the air conditioning units are now immune from enforcement action on the basis that they have been in situ for a minimum of four years, the minimum time period required for operational development.

Site Description

White Bear Yard, 144A Clerkenwell Road comprises office accommodation within a small courtyard. The space is occupied on a Class B1 on a multi-tenanted basis; the building typically accommodates start-up and creative industries.

Statement of Case

This application asserts that the existing air conditioning units at the roof level of White Bear Yard and currently subject to an enforcement enquiry have been in situ for a period in excess of four years. As such, they are immune from enforcement action. A Certificate is sought to confirm this position.

Submitted Evidence

This application seeks to confirm that the four air conditioning units currently positioned at the roof level have been in place for excess of four years and are thus immune from enforcement action.

The following evidence is provided to this end.

Witness Statements

David McDowald was employed as an IT manager at IDEO from 2001 to 2013. In 2001, Mr McDowald has confirmed there was one air conditioning unit in the server room. In 2007, one additional unit was installed to meet growing demand. This was installed by Agile (see further evidence). Mr McDowald was aware of other units being installed at this time, however was not responsible for these installations.

Ingelise Nielson was employed in various capacities at IDEO from 1972 to 2012. Ms Nielson confirms that in 2002 air conditioning equipment was installed in the small and large meeting rooms. Throughout Ms Nielson's employment, she confirms that the circulation of air for the air conditioners in the studio was facilitated by the units situated to the roof level and assumes they remained in situ.

Harriet Hunter was employed as a workplace coordinator at IDEO from 1999 to 2004, managing, among other projects, the roof garden which still exists on the roof of White Bear Yard. Ms Hunter confirms that air conditioning was installed to serve the large meeting room in around 2001. Ms Hunter left IDEO in 2004 to start her own company, Agile Space. In 2007, IDEO engaged Agile Space to project manage a fit out at White Bear Yard. As part of the fit out, IDEO requested an air conditioning unit to serve the medium meeting room. E-mail correspondence from this time (see further evidence) references this installation. Ms Hunter finally confirms that the circulation of air for the units was facilitated by those units at the roof level which were installed in 2007.

Lorraine Clarke has been employed as an experience and studio manager since 2007. Ms Clarke's role includes contracting and co-ordinating maintenance works, liaising with the landlord's agent and dealing with fit out. Upon commencement of Ms Clarke's employment at IDEO in 2007, Ms Clarke confirms that all studio air conditioning units were in situ. Had any new units been installed or the existing moved, Ms Clarke would have been informed. A plan provided by Ms Clarke (see further evidence) shows the position of the units in 2007 and as they remain today.

Based on these witness statements, a timeline can be established as follows:

2001 – one air conditioning unit is installed to the server room;
2002 – two air conditioning units are installed; one to the small meeting room and one to the large meeting room;
2007 – one air condition unit is installed to the medium meeting room.
2007 – Ms Clarke commences employment at IDEO and confirms that all four units are in situ and remain in these locations to the present day.

In all instances, the circulation of air to these units was facilitated by units at the roof level.

Invoices

An invoice dated February 2007 raised by Agile Space Ltd and addressed to IDEO, White Bear Yard refers to the installation of air conditioning in the enlarged meeting room. A budget associated with this invoice is also attached, similarly referring to the installation of this air conditioning unit.

Servicing and Maintenance

Air conditioning servicing logs from 2012 – 2015 inclusive are also enclosed. These clearly refer to air conditioning units being installed on the building at this time.

Correspondence

E-mail correspondence from March 2007 between the managing agent and Agile (on behalf of IDEO) confirms the intention to install air conditioning the medium meeting room. This aligns with the timeline set out above and other evidence supplied. This correspondence was supported by a plan indicating the proposed location of the new air conditioning unit. This plan,

dated 2007, clearly identifies the three air conditioning units installed to the roof level of White Bear Yard since 2001 (AC1, AC2, AC3). The proposed unit is described as such.

Summary

It is considered that the evidence hereby submitted, including sworn witness statements, invoices and servicing logs confirm without ambiguity that the four air conditioning units currently installed to the roof level have been in place for a period in excess of four years and thus are immune from enforcement action.
On this basis, a Certificate of Lawfulness for an Existing Use or Development can thus be granted.

This application is supported by the following documents:

- Signed and dated planning application form;
- This supporting covering letter;
- Four witness statements confirming the installation and position of the air conditioning units;
- Title Plan NGL24995 identifying the site;
- Invoices and an associated budget produced by Agile and dated 2007;
- Maintenance logs between 2012 – 2015 confirming the existence of the air conditioning units;
- E-mail correspondence from 2007 discussing the installation of the fourth unit, alongside a plan identifying the proposed location of the fourth unit and the three existing units;
- A site location plan at a scale of 1:1250.

A cheque for £385 will follow this electronic submission.

Yours sincerely



Charlotte Goodrum – Associate Partner

Planning
cgoodrum@danielwatney.co.uk
020 3077 3412

cc. Hardev Singh, Planning Enforcement Officer