

9 August 2023

The Savills logo consists of the word "savills" in a red, lowercase, sans-serif font, positioned on a bright yellow rectangular background.

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Dear Sir/Madam,

Union House, Parrock Street, Gravesend, Kent DA12 1HF
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 is for remediation works to a Union House which has known life critical fire-safety defects.

Background

Permission (LPA ref: 20030315) was granted on 30 July 2004 for the demolition of two multi-storey car parks and the erection of 3 blocks of flats, 2 rows of terraced houses and commercial/community floorspace. Union House is a seven storey building containing 12 two bedroom flats.

Proposed Works

Following the Grenfell Tower disaster, Barratt has 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 has committed to replacing the potentially combustible materials with an appropriate alternative non-combustible materials.

CHPK Fire Engineering Ltd were commissioned by Barratt to review the external materials and identify any areas which may require remediation to ensure accordance with current regulations. The proposed remediation works involve the replacement of the combustible timber substrate framework with zinc and terracotta rainscreen cladding (regulation compliant). In order to facilitate this the cladding will be temporarily removed and then reinstated once the insulation is installed. Subsequently, there will be no alteration to the external appearance of the building.

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, he may make an application for the purpose to 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 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

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affect the external appearance of the building. 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 is being submitted for approval:

- Site Location Plan; and
- Purpose Statement.

Assessment of Lawfulness

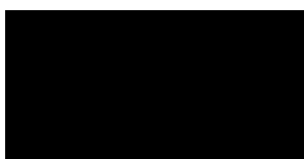
In accordance with Section 55 of the 1990 Act, the judgement that must be made is whether the proposed operations would result in an overall material effect to the external appearance of the building. The effect upon the external appearance of the building when considered as a whole is relevant, not 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.

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, 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 me using the contact details above.

Yours sincerely,



Flora MacLeod
Associate Director

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