

DP5671/JM/MG
21st November 2023

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Principal Planning Officer
Royal Borough of Kingston upon Thames
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APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT UNDER SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

FORMER SURREY COUNTY HALL

On behalf of our client, RER Kingston Limited (the 'Applicant'), we hereby enclose an application to Royal Borough of Kingston upon Thames ('RBKT') for a Certificate of Lawfulness of Proposed Use or Development ('CLPUD') at the Former Surrey County Hall ('the Site') in relation to the development which is proposed to be undertaken pursuant to planning permission number 21/03939/FUL ('the Planning Permission'). We duly enclose the following documents in support of this CLPUD application, alongside this covering letter:

- Application Forms;
- Site location plan
- Site Area
- Existing plans of the properties (floor plans, elevations)
- Area Schedule
- Details of the proposed fence.
- Photographs
- Evidence demonstrating the lawful use of the two Milner Road properties as C3 (leases, utility bills etc)
- Title number of properties
- EPCs
- Confirmation on ownership of the land.

NB, please ignore reference to 'new construction' on the existing floor plans. These plans are historic, and there are no works proposed to the houses themselves as part of this application, only to the garden fence as detailed below.



Overview

The Planning Permission, a copy of which is enclosed, was granted by the Council of the Royal Borough of Kingston upon Thames on the 22nd September 2023 for the following description of development:

'Refurbishment, restoration and extension of the County Hall (Grade II) to provide flexible commercial use (class E) and residential use (class C3), demolition of The Canteen Building and The Computer Wing Building, erection of replacement buildings of between 2 and 6 storeys for residential use (class C3), alterations to the existing boundary including Nos. 5 & 7 Milner Road, new means of access, associated public realm and landscaping, highway works, car and cycle parking and all ancillary and associated work. This application is accompanied by an Environmental Statement. (Amended Description, Amended Plans and Additional Information Received)'*

This CLPUD seeks lawful confirmation that the residential dwellings at 5 and 7 Milner Road (the 'Properties') can be occupied and erection of a fence to the rear gardens without constituting development for the purposes of S56 of the Act, and as a consequence would not trigger implementation of Planning Permission 21/03939/FUL.

The Properties formed part of the red line application boundary under Planning Permission 21/03939/FUL, as the rear gardens of these Properties required alteration to deliver the wider development on the Former Surrey County Hall site. Given that these Properties were previously used as residential family dwellings, it was always the intention of the Applicant to bring these back into residential occupation as soon as practicably possible and thus the Properties were deliberately excluded from obligations in the S106 Agreement. During public consultation on Application 21/03929/FUL, there was strong support from the local community for these Properties to be brought back into residential occupation as soon as possible.

Under Planning Permission 21/03939/FUL, there are a number of pre-commencement conditions that would technically need to be discharged to move the rear boundary. However, it is the Applicant's view that these works, along with the occupation of the existing dwellings as C3, does not constitute development and therefore commencement of Planning Permission 21/03939/FUL would not occur.

Prior to 5 and 7 Milner Road becoming vacant, they were occupied as Class C3 residential. As part of the application, we enclose utility bills, that demonstrate occupation of the properties. There has been no change in use of the Properties since they were vacated in March 2021. Therefore, we consider that the Properties can be re-occupied as Class C3 residential dwellings without the need for Planning Permission. We also consider that the erection of a new rear garden boundary fence as per that shown on the approved drawings under the Planning Permission would not constitute development. The new fences will match the existing wooden fence panels and concrete posts as shown in the attached images.

We trust you have sufficient information to issue a Certificate of Lawful Use or Development, but should you have any queries then please do not hesitate to contact Michael Green, Sunny Desai or Jonathan Marginson of this office.

Yours sincerely,



DP9 Ltd.

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