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Andy Grandfield
Service Director of Planning and Environment
Eastleigh House
Upper Market St
Eastleigh
SO50 9YN



William Price

E: william.price@savills.com
DL: +44 (0) 7890 984 198

Mountbatten House
1 Grosvenor Square
Southampton SO15 2BZ
savills.com

Dear Mr Grandfield,

URGENT FIRE REMEDIATION WORKS TO CLADDING OF RESIDENTIAL BUILDING

BLOCKS F, G & H, ALEXANDER SQUARE, EASTLEIGH, HAMPSHIRE, SO50 4BX

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT- REMOVAL OF EXISTING EXTERNAL MATERIALS TO BUILDING FACADE AND REPLACEMENT WITH NON-COMBUSTIBLE ALTERNATIVES TO MATCH EXISTING. INSTALLATION OF CAVITY BARRIERS WHERE APPROPRIATE.

On behalf of our client Barratt Redrow Plc (hereinafter referred to as "Barratt Redrow"), we enclose an application for a Certificate of Lawfulness (Proposed Development) submitted under Section 192 of the Town and Country Planning Act 1990. This application concerns remediation works to the above residential buildings at Alexander Square, Eastleigh.

Background

Following the Grenfell Tower tragedy in 2017 and the subsequent Hackitt Review, Barratt Redrow 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 buildings covered by this application. Barratt has committed to replacing the potentially combustible materials with appropriate alternative non-combustible materials.

As set out by Michael Gove in his address to Parliament on 10th January 2022, all buildings with suspected 'life-critical fire safety defects' issues that are known to be in scope must now be assessed with a Fire Risk Assessment of External Walls (FRAEW) using the PAS 9980 methodology. Furthermore, Joanna Averley in her letter to Chief Planning Officers on 1st September 2023 stated that she 'would encourage local authority planning departments to prioritise and take a proactive approach to planning application for high-rise buildings with unsafe cladding'.

As has been reinforced by the signing of the 2022 Department for Levelling Up, Homes and Communities (DLUHC) Developer Pledge and the subsequent Long Form Agreement between DLUHC and the Home Building industry, Barratt must now proceed and undertake this important and socially beneficial work.

Scope of Works

An FRAEW has been carried out for this site, identifying the requirement to undertake remedial works as follows:



Wall Type 1-Render

- Remove existing render and install cavity barriers as required.
- New render finish to visually match the existing render finish to ensure overall building appearance matches existing.
- Proposed Render - Wetherby - Wall System Colour Cream 0507Y40R or similar

Typology 2-Brickwork

- Remove existing brickwork and install cavity barriers as required.
- Replace with new brickwork to visually match the existing brickwork finish to ensure overall building appearance matches existing.
- Proposed Brick - Ibstock Glenfield Red Stock Facing Brick or similar.

Typology 3- Cladding (blue)

- Remove cladding to allow access to cavity barriers behind.
- Install cavity barriers as required
- Install new cladding to visually match existing cladding to ensure overall building appearance matches existing.
- Proposed Blue Cladding - Cedral Lap Cladding C73 Ocean Blue or similar

Typology 4-Cladding (white)

- Remove cladding to allow access to cavity barriers behind.
- Install cavity barriers as required
- Install new cladding to visually match existing cladding to ensure overall building appearance matches existing.
- Proposed White Cladding - Cedral Lap Cladding C01 White or similar.

The areas impacted by the proposed works are shown on the elevational drawings. The location of each wall type is detailed on the proposed elevational drawings.

Materials

As set out above, it is proposed that the existing external materials are replaced with a “like for like” non-combustible alternative. It is anticipated that this would ensure that no material change in the appearance of the building would occur as a consequence of the proposed works.

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 affect the external appearance of the building*. Accordingly, the works do not amount to development as defined within Section 55 (2)(a) of the 1990 Act and do not require planning permission.

In combination the proposed works are not considered to result in a material change. This would be achieved through the careful sourcing of materials which represent the closest possible visual match to the existing.

Barratt Redrow have considerable experience in securing appropriate materials and carrying out remediation works to ensure no material change in appearance of a building.

Precedent for Fire Remediation CLD Applications

Guidance from the Department for Levelling Up, Housing and Community (DLUHC) advises that works to remediate any fire risks associated with cladding are carried out as quickly as possible, to ensure that residents both are safe and feel safe in their homes. In line with this, Barratt Redrow are committed to replacing potentially combustible materials under an ambitious timetable.

Given the urgency of these remediation works, and the impact to residents, provided below are some comparable examples which support the case that these works are 'not development' under the 1990 Act, where the applicant has worked with Councils across the country to obtain Certificate of Lawful Development (CLD) permissions for such works.

In each of these cases, a CLD was granted, enabling Barratt to pursue remediation works without delay.

<i>Site Name</i>	Ropewalk Court, Nottingham
<i>LPA</i>	Nottingham City Council
<i>Application Reference</i>	23/01235/PCLO
<i>Description of Works</i>	Removal of combustible penthouse level timber wall cladding and replacement with non-combustible aluminium decking.
<i>Site Name</i>	Freemens Meadow, Leicester
<i>LPA</i>	Leicester City Council
<i>Application Reference</i>	20242240
<i>Description of Works</i>	Certificate of lawful proposed development for replacing external materials on facade and installation of cavity barriers
<i>Site Name</i>	Riverside Exchange, Sheffield
<i>LPA</i>	Sheffield City Council
<i>Application Reference</i>	23/02650/LD2
<i>Description of Works</i>	Replacement of timber decking, cladding and spandrel panels to buildings.
<i>Site Name</i>	59-197 Sinclair Drive, Basingstoke
<i>LPA</i>	Basingstoke and Deane Council
<i>Application Reference</i>	23/01082/LDPO
<i>Description of Works</i>	The removal of combustible timber cladding features and replacement with a non-combustible material of similar appearance. The removal of combustible timber panelling and replacement with non-combustible material.
<i>Site Name</i>	Heritage Court, Birmingham
<i>LPA</i>	Birmingham City Council
<i>Application Reference</i>	2023/05399/PA
<i>Description of Works</i>	The removal of combustible High Pressure Laminate panels and replacement with non-combustible fibre cement panels.
<i>Site Name</i>	Weekday Cross, Nottingham
<i>LPA</i>	Nottingham City Council

Application Reference
Description of Works

23/01744/PCLO

The removal of insulated panels and replacement of internal core materials, and reinstatement of existing external cladding finish. The provision of cavity barriers at compartment lines.

Submitted Information

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

- Application Forms
- Location Plan
- Savills Covering Letter (This document)
- Side Elevations (North and South) (E-02)
- East-Rear Elevation (E-01)
- West-Front Elevation (E-03)

Assessment of Lawfulness

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. The *Burroughs Day v Bristol City Council* (1996) case provides further clarification on assessing material impact, whereby in order to be considered a material change, the effect must be greater than *de minimis* and be considered to affect the overall appearance of the building as a whole.

The enclosed Proposed Elevations demonstrate that in sourcing like for like materials which are in full compliance with relevant regulations, the completed works would not result in a material change to the appearance of the buildings. Therefore, planning permission is not required. This application seeks to confirm this position through the issuing of a Certificate of Lawful Proposed 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 myself or my colleague Tilly Fitzwilliams (tilly.fitzwilliams@savills.com) in the first instance.

Yours sincerely



William Price
Associate