

LDC (Proposed) Report	Application number	2024/2137/P
Officer	Expiry date	
Fast Track Team	23/07/2024	
Application Address	Authorised Officer Signature	
Arundel House 36-43 Kirby Street London EC1N 8TE		
Conservation Area	Relevant article 4	
Hatton Garden	None relevant	
Proposed Change		
Replacement of existing render, cladding and brickwork on the building elevations.		
Recommendation:	Grant Lawful Development Certificate	

1.0 Site Description

- 1.1 The proposed site relates to a mixed use site comprising of commercial use and residential use (student housing), located on the west side of Kirby Street. The site is located within the Hatton Garden conservation area, and is not noted as making either a positive or negative contribution on the character and appearance of the conservation area in the relevant Appraisal and Management Strategy.
- 1.2 The host property has a modern appearance and primarily consists of white render, copper panelling, and timber cladding to the front elevation, with brickwork to the rear.

2.0 Proposal

- 2.1 A Certificate of Lawfulness is sought to certify the lawfulness of works to the building, specifically to replace the existing render, cladding, and brickwork.
- 2.2 The applicant seeks to confirm that the alterations would not constitute development, and so planning permission is not required under section 55 of the Town and Country Planning Act 1990.

3.0 Applicant Evidence

- 3.1 As part of this submission, the applicant has provided the following drawings and documents:

001176-WIA-XX-XX-ST-A 10001 P01; 001176-WIA-XX-XX-EV-A 01300 P02;
001176-WIA-XX-XX-EV-A 01301 P01; 001176-WIA-XX-XX-EV-A 01302 P02;
001176-WIA-XX-XX-EV-A 01303 P02; 001176-WIA-XX-RF-GA-A 01208 P01;
001176-WIA-XX-XX-SC-A 01400 P01; 001176-WIA-XX-XX-EV-A 20300 P01;
001176-WIA-XX-XX-EV-A 20301 P01; 001176-WIA-XX-XX-EV-A 20302 P02;
001176-WIA-XX-XX-EV-A 20303 P01; 001176-WIA-XX-RF-DR-A 20208 P02;

001176-WIA-XX-XX-SC-A 20400 P02; 001176-WIA-XX-XX-ST-A 10002 P01; 001176-WIA-XX-XX-ST-A 10003 P01; 1176 – Existing Building Photos; Covering Letter (prepared by Savills, dated 28/05/2024).

4.0 Assessment

4.1 Development is defined by section 55(1) of the 1990 Town and Country Planning Act (TCPA) as ‘the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land’.

For the purposes of this Act “building operations” includes—

- a) demolition of buildings;
- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

Section 55(2) of the TCPA goes on to state that the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building.

4.2 The proposed works comprise the removal and replacement of the existing external render, cladding, and brickwork – which would then be replaced like for like. The appearance of the replacement materials have been demonstrated to not be materially different from the existing external materials.

4.3 As such, the applicant is considered to have provided sufficient evidence to demonstrate that the proposed works would not materially affect the external appearance of the building, and as such, would not fall within the meaning of ‘development’ requiring planning permission as defined by Section 55 of the TCPA. Officers consider that part 55(2)(a)(ii) of the TCPA therefore applies in this case.

4.0 Conclusion

4.1 The works for this application would not constitute ‘development’ as defined by section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.

4.2 Grant Certificate of Proposed Lawful Development.