

LDC (Proposed) Report		Application number	2021/3818/P
Officer		Expiry date	
Tony Young		01/10/2021	
Application Address		Authorised Officer Signature	
Ziggurat Building 60-66 Saffron Hill London EC1N 8QX			
Conservation Area		Article 4	
Hatton Garden		Article 4 Directions (basements / B1c to C3)	
Proposal			
Replacement of existing cladding panels with new fire-resistant cladding panels at upper floor levels (7th to 9th floors).			
Recommendation:		Grant Certificate of Lawfulness for a Proposed Use or Development	
1.0 Introduction			
<p>1.1 The application site is a residential block of self-contained flats originally built as a warehouse and printworks. It is located on the corner of Saffron Hill, Saffron Street and Onslow Street. The building is not listed and is located within the Hatton Garden Conservation Area.</p> <p>1.2 The application seeks confirmation that the proposed replacement of existing cladding panels with new fire-resistant cladding panels at upper floors levels (7th to 9th floors) does not constitute development and is lawful such that planning permission would not be required.</p>			
2.0 Applicants Evidence			
<p>2.1 Drawing numbers: (P-)0001, 2001 to 2004 (inclusive), 2011 to 2014 (inclusive); Design and Access Statement (ref. FHA21106) and email from Finley Harrison Architectural Services Ltd. dated 06/08/2021 and 17/12/2021 respectively; Rockpanel Group Fire Safety and Cladding Brochure; Rockpanel Group Cladding Product Data Sheet.</p>			
3.0 Consultation			
<p>3.1 Certificate of Lawfulness applications do not require statutory consultation. Notwithstanding this, one response was received from the Council's Housing Support Services on 29/11/2021 which indicated strong support for the proposal given that combustible materials to the external wall façade would be replaced with materials which are non-combustible. They also stated that works of this kind are essential and necessary to reduce risks to an acceptable level.</p> <p>3.2 While the above comments are noted, they are not a consideration in this type of application where purely legal issues are involved in its determination.</p>			
4.0 Assessment			
<p>4.1 Development is defined by section 55(1) of the 1990 Town and Country Planning Act</p>			

(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 states 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 rainscreen diamond shaped cladding panels and associated works to the timber sub-frame and Rockwool insulation affixed to the main building. The applicant has confirmed that after the substructure has been replaced, new external diamond shaped Class A2 Rock Panel façade panels would be fitted to match the existing cladding panels as closely as possible.

4.3 While a specific RAL colour reference for the proposed cladding panels hasn’t been included as part of the application submission, the applicant has confirmed that a direct colour match has been found (Trespa Meteon Uni Colour - Silver Grey, Satin A03.4.0).

4.4 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)(ii) of the TCPA therefore applies in this case.

4.5 The proposal is therefore lawful, as the works would not constitute development, and it is recommended that a certificate of lawfulness be granted.

5.0 RECOMMENDATION: Grant certificate of lawfulness