

Officer's Report

Application Number	HGY/2022/2589
Type	Lawful development: Proposed use
Location	Coppermill Heights, Daneland Walk, London, N17 9FF
Proposal	Replacement of external materials (certificate of lawfulness: proposed)
Case Officer	Christopher Smith
Valid Date	04/10/2022
Applicant	Newlon Housing Trust
Agent	Mr Sahej Aggarwal

RECOMMENDATION

Approve

2. RECOMMENDATION

Issue a lawful development certificate for the proposed replacement of external materials.

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.2 Application description

This is an application for a Certificate of Lawfulness for the proposed replacement of external materials. The materials would match the colour of the existing external materials.

3.3 Site and surroundings

The application site comprises of the existing Coppermill Heights building located within the Hale Village development site. The building is located at the junction between Mill Mead Road and Ferry Lane.

3.4 Relevant planning application history

HGY/2021/2772. Lawful development certificate for changing the approved materials to PPC Aluminium cladding. Granted 24/11/2021.

HGY/2020/1493. Lawful development certificate for replacement of external materials. Permission not required 18/09/2020.

HGY/2008/0393. Details pursuant to outline planning permission dated 9 October 2007 reference no. HGY/2006/1177, comprising pavilion blocks one and two detailed design, including design, external appearance, landscaping and means of access. Granted 11/08/2008.

HGY/2006/1177. Demolition of all structures and remediation for the development of a mixed use scheme comprising up to 1210 residential units (Use Class C3), student accommodation (C2), office (B1), hotel (C1), retail (A1, A2, A3, A4 ,A5 and B1) uses, a health centre (D1), a health club (D2), crèche (D1) and a primary school, with provision for underground and on-street car parking, to be comprised within separate building blocks ranging in height from 1 to 18 storeys, incorporating public open space, an unculverted watercourse and Combined Heat and Power (CHP) with associated renewable energy systems (outline application). Granted 09/10/2007.

4. ANALYSIS/ASSESSMENT

Legislative Framework

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

Background to the Application

The application aims to replace parts of the existing external cladding system within the communal walkways and to the inset balconies to improve the fire safety of the building. The colouring and appearance of the proposed revised materials would appear very similar to those on the existing building. All proposed cladding materials have a fire classification of A2 i.e., non-combustible.

The Council's Building Control team has been consulted on this application have no issues with the replacement materials to be used, which are subject to a current Building Regulations application and inspections on site.

Assessment

This is not a planning application and thus the planning merits of the proposals are not relevant to this submission. Rather the applicant seeks confirmation that the proposed replacement cladding panels do not constitute "development" as defined under Section 55 of The Town and Country Planning Act 1990 (as amended).

The meaning of "development" and "new development", is defined under Section 55 as follows:

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Of relevance to this application is Paragraph 2 of this section which reads as follows:

*(2) 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... [continues]*

Development that is considered de minimis would include minor works which, in relative terms, would not have a material effect on the external appearance of the building on which they are installed.

Officers consider the re-cladding of the existing building and other associated works, as shown on the submitted plans, would be works that fall within the definition of development as described by Section 55 of The Town and Country Planning Act 1990 (2) (a) (ii) as set out above, as the appearance of the new external cladding would not materially affect the external appearance of the building when it is viewed as a whole.

Conclusion

The proposed new cladding would not constitute “development” as defined under Section 55 of The Town and Country Planning Act 1990 (as amended). Therefore, the lawful development certificate may be issued.

5. RECOMMENDATION

Issue a lawful development certificate for the revised cladding materials.

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Applicant's drawing No.(s):

3436-MA-N-LP-DR-0700-D03 (Location Plan); 3436-MA-E-N-DT-DR-3702.1-D00 (Wall section details); 3436-MA-N-EL-DR-2813-D05 (elevations T & U); 3436-MA-E-N-DT-DR-3702-D02 (Wall section details); 3436-MA-N-EL-DR-2822-D00 (Internal walkway elevations); NEW3436_MA_220929 (Cover Letter dated 29 September 2022); 3436-MA-N-SL-DR-0701-D03 (Proposed site layout); 3436-MA-N-EL-DR-2823-D00 (Elevations facing Ferry Lane); and 3436-MA-N-EL-DR-2820-D02 (Elevations communal walkway)