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Planning and Built Environment
London Borough of Camden
5 Pancras Square
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Our ref: ANE/KVA/J7609

Your ref: PP-12010174

For the attention of: Kate Henry

31 March 2023

Dear Sir/Madam

Lincoln House, 296-302 High Holborn, London, WC1V 7JH
Town and Country Planning Act 1990: Section 191 (as amended)
Application for a Lawful Development Certificate for an Existing Use or Development

On behalf of our client, Maizelands Limited & Aarringford Limited, we enclose an application for a Certificate of lawfulness of existing Use or Development (a "CLEUD") under Section 191 of the Town and Country Planning Act 1990 (the "1990 Act") in respect of lawfully implementing planning permission ref. 2018/3105/P at Lincoln House, 296-302 High Holborn, London, WC1V 7JH ('the Site').

This CLEUD seeks confirmation from Camden Council that the following planning permission ref. 2018/3105/P, dated 12 March 2020 in respect of the Site ('the permission') has been implemented:

"Partial demolition and erection of extensions at rear, flank and roof level and rooftop plant. Change of use of ground floor Use Classes from A1, A2 and B1a uses to provide 2 x A1 units and the remainder in B1a Use. Associated external alterations to the elevations. Provision of appropriate cycle parking, waste/recycling storage and other services."

This application is supported by the following information, which has been submitted via the Planning Portal (ref. PP-12010174):

- Application Form;
- Site Location Plan; and
- Time Stamped Photographs, dated 9 March 2023, showing external works undertaken to the front elevation.

Section 56(4) of the Town and Country Planning Act 1990 ('the Act') defines a limited scope of works that would qualify as a material operation for the purposes of the implementation of a planning permission.

In respect of establishing that the scope of works qualifies as a material operation, Section 56(2) of the Act makes it clear that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

Thus, provided that any applicable conditions have been satisfied, it follows that the carrying out of a material operation is sufficient to begin development and thereby lawfully implement a planning permission for the purposes of the Act.

Section 56(4) of the Act confirms that the phrase 'material operation' means:

**“(a) any work of construction in the course of the erection of a building;
(aa) and work of demolition of a building;
(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
(d) any operation in the course of laying out or constructing a road or part of a road;
(e) any change in the use of any land which constitutes a material development.”**

Lawful Implementation of the Permission

The relevant tests to establish whether or not a material operation has commenced to implement a planning permission are twofold:

- i. Has the work been done in accordance with the relevant planning permission?
- ii. Is the work undertaken more than de minimis?

These tests are well established in planning case law.

The implementation works on Site have comprised external alterations to the front façade. These external alterations include the demolition of the existing shopfront. Specifically, this included the removal of the existing timber frame shopfront, glazing, door, stone plinth, fascia and all interconnecting services passing through, prepared to receive the new shopfront installation. These works are in line with part (aa) of section 56(4) of the Act.

In order to enable these works to take place, relevant conditions have been discharged, namely:

- Condition 7 (Air Quality Monitoring) – ref. 2022/5407/P – approved 24 January 2023
- Condition 8 (Mechanical Ventilation Details) – ref. 2022/5169/P – approved 3 February 2023
- Condition 9 (Tree Protection Details) – ref. 2022/3450/P – approved 3 February 2023
- Condition 12 (Living Wall Details) – ref. 2022/5406/P – approved 6 February 2023

The scope of implementation works, and conditions to be discharged, was discussed and agreed with Kate Henry.

A Community Infrastructure Levy ('CIL') Commencement Notice was served on the Council prior to carrying out the implementation works on 6 March 2023, confirming that works were due to commence on 7 March 2023. The CIL payment has also been made.

All relevant pre-commencement S106 obligations and payments have also been satisfied.

The evidence submitted within this application clearly demonstrates implementation of the permission, in accordance with Section 56(4) part (aa).

Summary

The works, as described and illustrated above, were granted under permission ref. 2018/3105/P and development has clearly commenced in advance of the 12 March 2023 expiry date.

As such, confirmation is requested from Camden Council, through the issuing of a Certificate of Lawful Existing Use or Development, that a 'material operation', as defined by section 56(4) of the Act, has been carried out and the Permission (ref. 2018/3105/P) has been lawfully implemented.

The application fee of £234 (plus £32.20 service charge) will be paid following the submission of this application via the Planning Portal.

Should you have any queries, please do not hesitate to contact Alex Neal or Kris Vasili of this office.

Yours faithfully



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