

LDC Report	02/03/2023
Officer	Application Number
Duty Determination Team	2023/0913/P
Application Address	Recommendation
79 Avenue Road London NW8 6JD	Grant Certificate of Lawfulness
1st Signature	2nd Signature (if refusal)
Proposal	
Confirmation of the implementation of works under planning permission ref: 2020/0519/P granted on 21-09-2020 for Demolition of the existing residential dwelling and redevelopment for a new residential dwelling with basement (Class C3).	
Assessment	
<p>Planning permission was granted subject to S106 legal agreement on 21 September 2020 under reference 2020/0519/P for the 'Demolition of the existing residential dwelling and redevelopment for a new residential dwelling with basement (Class C3)'.</p> <p>The applicant has implemented the permission and this certificate of lawful development application seeks to demonstrate that the works have been undertaken in accordance with condition 1 which read:</p> <p><i>The development hereby permitted must be begun not later than the end of three years from the date of this permission (dated 21st September 2020).</i></p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Photographs of the work taking place • Method Statement for Demolition • Details of the installation of the approved ground source heat pump installed by Groenholland UK Ltd, installed 10 PE100 SDR11 (diam. 40mm) U-loops, each to a depth of 90 meters, the boreholes were backfilled after installation of the loops. Drilling, loop installation, flushing and pressure testing were carried out by Geotech Development • A Deed of consent with Eyre Estate, to allow commencement of 2020/0519/P, in accordance with the terms of a restrictive covenant associated with this land. <p>Six conditions were imposed on the planning consent which were required to be discharged prior to commencement of development. All have been discharged under reference 2021/3362/P granted on 02/09/2021:</p> <p>Condition 7 (external roof details)</p>	

Condition 8 (appointment of a Structural Engineer)
Condition 10 (hard and soft landscaping)
Condition 14 (Sustainable urban Drainage)
Condition 15 (living roof details)
Condition 18 (Waste Storage and recycling)

Ten pre-commencement planning obligations were attached to the permission and secured by S106 legal agreement which have been discharged prior to commencement:

Notice of implementation date (Clause 2.15)
The approval of a Levels Plan (Clause 2.16)
Carbon Offset Contribution (Clause 4.2)
The approval of a draft Construction Management Plan (Clause 4.3)
Detailed Basement Construction Plan (Clause 4.4)
Energy Efficiency and Renewable Energy Plan (Clause 4.5)
A Highways Contribution (Clause 4.6)
Sustainability Plan (Clause 4.7)
The approval of a Sustainability Plan (Clause 4.3)
Notice of implementation date (Clause 2.15)

The submission outlines that implementation works at the site commenced in August 2021 and comprised the demolition of the existing house. Photographic evidence of these works have been provided.

Section 56 (2) of the Town and Country Planning Act 1990 outlines that:

“For the purposes of the provisions of this Part mentioned in subsection (3) 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”.

Section 56 (4) further clarifies that in subsection (2) *“material operation’ means—*

- (a) any work of construction in the course of the erection of a building;*
- (aa) any 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 material development.”*

The photographs show the demolition of the existing building and this therefore constitutes a material operation as defined in The Town and Country Planning Act 1990.

The Council considers that the works carried out and evidence listed above demonstrate the works to implement the planning permission 2020/0519/P have commenced.

Recommendation: Approve