



MIRA A

ARCHITECTURE + ENGINEERING

79 Avenue Road London NW8 - Certificate of Lawful Proposed Development - June 2023

Head of Development Control
London Borough of Camden
London Borough of Camden 2nd Floor
5 Pancras Square
c/o Town Hall
Judd Street
London WC1H 9JE

Our Ref: 79 EPR LDC 2023

Date: 19 June 2023

Dear Sir or Madam,

79 AVENUE ROAD, LONDON, NW8 6JD

CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT (SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS AMENDED) IMPLEMENTATION OF

s73 PLANNING PERMISSION WITH REF: 2021/2650/P .

We have been instructed to submit an application for a Certificate of Lawful Proposed Use or Development (CLOPUD) in respect of 79 Avenue Road, London NW8 ("the Site").

The applicant seeks confirmation that application 2021/2650/P has been lawfully commenced.

Background

Planning permission was granted on 11 February 2022 under s73 variation of Planning Permission 2020/0519/P reference for:

Variation of condition 2 (approved plans) of planning permission ref: 2020/0519/P dated 21/09/2020 (for Demolition of the existing residential dwelling (79 Avenue Road) and the redevelopment for a single residential dwelling with basement.), namely alterations to the design of the rear elevation; alterations to the terrace on the north west elevation; installation of a new ground level skylight, alterations to the roof plan including the relocation of the lift overrun, PV panels, skylights and plant and an increase in the proposed sub-basement size and basement construction proposals.

Condition 1 of that permission required that the permitted development be begun not later than the end of three years from the date of that permission (21/09/2023).



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s73 Planning Application 2021/2650/P lists the following drawings as approved:

Previously approved Plans

Drawing Nos: Previously approved Plans: Site Location Plan; X002 Rev A; X100 Rev A; X101 Rev A; X102 Rev A; X300 rev A; X301 Rev A; X302 Rev A; X303 Rev A; X200 Rev A; X201 Rev A; P090 rev I; P091 rev G; P100 Rev D; P101 Rev C; P102 Rev B; P103 Rev D; P300 Rev C; P301 Rev C; P302 Rev C; P303 Rev B; P304 Rev C; P200 Rev D; P201 Rev E; P202 Rev B; 581-INT-XX-GF-DR-MEP-6006 Rev 04; Amended Arboricultural Impact Assessment and Method Statement CAS/2019/246 dated May 2020; 1000 Rev P2; P304 Rev C; 581-INT-XX-RF-DR-MEP-6007 Rev P1; Plant Noise Assessment Rev 3 dated 27/01/2020; Energy and Sustainability Statement Revision 4 dated 27th January 2020; Flood Risk Assessment dated 14.10.2019; 581int200504sk01; Basement Impact Assessment Revision 1 dated April 2020; SK09 D4; SK 10 D3; SK 08 D1; Daylight and Sunlight Report L190351/JH/G8 dated December 2019; TM59 Overheating Analysis dated 05.05.2020; Drainage Design dated 22.04.2020; Design and Access Statement by KSR dated February 2020 rev A.

Proposed Plans

Proposed Plans: Site Location Plan; Construction Method Statement Report P3; BIA Appendices; 193219 1000 P2; P002 Rev F; P090 Rev L; P091 Rev I; P100 Rev H; P101 Rev G; P102 Rev G; P103 Rev I; P200 Rev F; P201 Rev G; P202 Rev D; P300 Rev F; P301 Rev F; P302 Rev F; P303 Rev E; Basement Impact Assessment Revision 2 May 2021; Daylight and Sunlight Report May 2021; Design and Access Statement Addendum B; 581INT200504SK1; 581-INT-XX-RF-DR-MEP-6007 Rev P2; SK 10D3A; SK08 D1A;

The 2021/2650/P approval document dated 11 February 2022 and the approved Deed of Variation s106 Agreements are both included at Appendix 1 alongside a site location plan. Under planning permission 2021/2650/P approved 11/02/2022, the pre-commencement conditions and the Deed of Variation s106 Agreement obligations have been discharged under all pre-commencement planning conditions and s106 obligations associated with planning permission 2020/0519/P these included:

- 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);



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Accordingly, a Certificate of Lawfulness (Proposed) was Granted on the 1 June 2023 with Ref: 2023/0913/P.

Commencement of Development

Section 56 (1) of the Town and Country Planning Act 1990 states that development of land shall be taken to be initiated 'if the development consists of the carrying out of operations, at the time when those operations are begun'.

Section 56 (2) states 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.

'Material operation' is defined in Section 56 (4) as:

- a) any work of construction in the course of the erection of a building;
- b) any work of demolition of a building;
- c) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- d) 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);
- e) any operation in the course of laying out or constructing a road or part of a road;
- f) any change in the use of any land which constitutes material development.

Section 336(1) of The Town and Country Planning Act 1990 defines 'building' as including any structure or erection and any part of a building. The same provisions of this Act define 'erection' as including extension, alteration or re-erection.

Works Undertaken

The existing house was demolished in August 2021, this work is a material operation in the meaning of Section 56 (4) (a) and (d) a Certificate of Lawfulness was Granted on the 1 June 2023 with Ref: 2023/0913/P and therefore **the works** under s73 Application with ref: 2021/2650/P **have commenced**.

The following evidence is submitted with this application:

- Photographs of the work taking place (Appendix 1);
- Method Statement for Demolition (Appendix 2);
- 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 (Appendix 3)



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- The Addendum to Deed of Consent to Alter with the Eyre Estate, to allow commencement of 2021/2650/P, in accordance with the terms of a restrictive covenant associated with this land (Appendix 4).
- The certificate of Lawfulness with ref: 2023/0913/P dated 1 June 2023.

The above set of evidence demonstrates that material operations relating to s73 Planning Permission reference 2021/2650/P with approval date 11/02/2022 commenced prior to 21 September 2023.

This application seeks confirmation that the development shown in the approved drawings is lawful.

The Certificate of Lawful Development should therefore be issued to certify that the development permitted on 11 February 2022 with references 2021/2650/P is now implemented in perpetuity.

Should you have any queries please contact Mira Esposito (mira@mira-a.com)

Yours faithfully,

Mira Angela Esposito

for and on behalf of

MIRA A Architecture + Engineering