

24<sup>th</sup> November 2023

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Dear Patrick,

**70-86 ROYAL COLLEGE STREET, LONDON, NW1 0TH**

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 (AS AMENDED)  
CERTIFICATE OF LAWFULNESS FOR IMPLEMENTATION OF PLANNING PERMISSION REF:  
2020/0728/P (AS AMENDED)**

On behalf of our client, Rocco Ventures Limited ('the Applicant'), we hereby enclose an application for a Lawful Development Certificate in respect of works undertaken at 78-86 Royal College Street, London, NW10 0TH.

This application seeks confirmation that the works have been commenced lawfully in accordance with Full Planning Application Ref: 2020/0728/P as amended by Non-Material Amendment Application Ref: 2022/1566/P.

### **Planning History**

Full Planning Permission Ref: 2020/0728/P was approved on 3<sup>rd</sup> February 2021 for the following development:

***Demolition of existing buildings (Class B2); erection of 5 storey building (plus rooftop pavilions/plant and basement) to provide a mixed Class C2/D1 healthcare facility (Sui Generis).***

Following this approval, ongoing detailed design necessitated non-material minor amendments to the scheme which included an increase in the basement extents, changes to front elevation screens, removal of rooflights and increase in photo-voltaic panels. These changes were subsequently regularised by way of Non-Material Amendment Application Ref: 2022/1566/P which was approved on 24<sup>th</sup> August 2022.

Notwithstanding the Non-Material Amendment Application, all relevant pre-demolition conditions were discharged in Q1-Q2 of 2021 with the demolition operations commencing on in June 2021. Demolition and remediation completed in September 2021 in full compliance with the extant consent (most notably the Demolition Management Plan submitted pursuant to Clause 4.6.1(b) of the S106 Agreement dated 8<sup>th</sup> February 2021 for Application Ref: 2020/0728/P).

## **Status of Works**

Section 191 (1) (b) of the Town and Country Planning Act 1990 indicates that an application of a certificate of lawfulness can be made to ascertain whether *“any operations which have been carried out in, on, over or under land are lawful”*. One can apply in respect of material operations that have commenced a development even if the full development has not yet been completed. The issue is whether the local planning authority is satisfied of the lawfulness of the use, operation or other matters described in this application.

Per above, the works undertaken on the Site pursuant to Application Ref: 2020/0728/P (as amended) includes soft strip of the existing buildings; removal of the superstructure; removal of the ground bearing slab, foundations and redundant underground fuel tanks; removal of any further ground obstructions; and remediation. Evidence of these works having been carried out is included by way of the photos and documents forming part of this submission.

Section 56(1) of the Town and Country Planning Act states:

*“Subject to the following provision of this section, for the purposes of this Act, development of land shall be taken to initiated:*

- a) If the development consists of the carrying out of operations at the time when those operations are begun.”*

Section 56(2) identifies *“for the purpose of the provisions of this part mentioned in subsection (3), development shall be taken to begun on the earliest date on which any material operation comprised in the development begins to be carried out.”*

Section 56(4) of the Town and Country Planning Act 1990 provides that a *“material operation”* constitutes *“any work of demolition of a building”*.

The demolition of the existing buildings across the site with a view to facilitating construction of the development consented under Application Ref: 2020/0728/P (as amended) is therefore considered a material operation in accordance with the definition noted in Section 56(4) of the Town and Country Planning Act. Similarly, the nature of the works carried out to date are, in themselves, in full accordance with Application Ref: 2020/0728/P (as amended) – as confirmed by the enclosed photos and documents.

This application for a Certificate of Lawfulness seeks confirmation that the works that have been carried out to date are a material operation and therefore constitute lawful implementation of Application Ref: 2020/0728/P (as amended).

### **Submission**

This application comprises the following documents that have been submitted online via the Planning Portal:

- Suite of Existing Plans and Elevations
- Plan of Obstructions Removed during Demolition
- Demolition Management Plan approved by LB Camden pursuant to demolition
- Photos of the demolition of existing buildings throughout 2021

Also for information is a timelapse film of the demolition which is publicly accessible online and can be viewed here: <https://vimeo.com/887182630/dc50f55174>

The requisite application fee has been paid online via Planning Portal. We trust that the application is in order and look forward to receiving your confirmation of receipt and validation. Should you require further information, please contact Andrew Lightstone of this office.

Yours sincerely,

A handwritten signature in blue ink that reads "DP9 Ltd".

**DP9 Ltd**