

Geoffrey Searle

Planning Solicitors

Principal: Geoffrey Searle Assistant Solicitor: David Evans

1 King George's Court, High Street, Billericay, Essex CM12 9BY
Telephone: 01277 633014 Fax: 01277 623585
email: gjs@geoffreysearle.com
www.geoffreysearle.com

Planning Services
Camden Town Hall
Argyle Street
London
WC1H 8EQ

16th May 2011

Dear Sirs,

Town & Country Planning (General Permitted Development) Order 1995
Schedule 2, Part 31 - Proposed demolition
120 Finchley Road London NW3 5JB

We are today applying on behalf of Sisem Limited, via the Planning Portal, under the above mentioned statutory power ('the Order') for a determination as to whether the prior approval of the London Borough of Camden ('the LPA') will be required with regard to the proposed method of demolition of the buildings standing at 120 Finchley Road and the associated site restoration work.

This submission comprises the following:

- This covering letter and annexes;
- A method statement prepared by Micor Demolition;
- The following plans: Location plan ref. FRD-PL-001A; Site Plan Existing ref. FRD-PL-022A; Existing Survey Plans ref. FRD-X-100A; Existing Survey Elevations ref. FRD-X-300A; and Existing Section ref. FRD-X-200A; and
- A cheque payable to the LPA for £70 in respect of the fee

It should be noted that the buildings are free standing and not in a conservation area. Therefore no other approval under the Planning Acts is needed save in respect of the Order. In any event it should be noted that up until very recently, the demolition of free standing buildings amounted to 'development', but such 'development' was excluded from the definition of development by virtue of the Demolition Direction.¹ However the Council will be aware that paragraphs 2(1)(a) to (d) of the Direction were quashed following the recent ruling of the Court of Appeal in *Mitchells of Lancaster* case.² Accordingly, in order to secure the demolition of the buildings pursuant to the development right granted by the Order, it is necessary to comply with

¹ Town and Country Planning (Demolition – Description of Buildings) Direction 1995

² *R(oao Save Britain's Heritage) v SoSCLG and others* [2011] EWCA Civ 334, ruling given on 25 March 2011

Geoffrey Searle

Planning Solicitors

the conditions found at Part 31 of the Order, sub-paragraph A2 (b). These conditions are summarised as follows:

- (i) An application for a determination as to whether prior approval is needed has to be made to the LPA, i.e., this letter and the accompanying documents;
 - (ii) A written description of the proposed development and a statement that a notice has been posted and a fee paid. (See Annex 1 of this letter);
 - (iii) The display of a site notice in place for 21 days in the period of 28 days, beginning with the date on which the application was submitted to the LPA. (See Annex 2 of this letter);
 - (iv) Reasonable steps to be taken to protect the notice and a replacement notice arranged if such a notice is removed or defaced;
 - (v) The demolition works must not be begun before the occurrence of one of the following:
 - (aa) the receipt by the applicant from the LPA that prior approval is not required;
 - (bb) where prior approval is required, the giving of that approval; or
 - (cc) the expiry of 28 days following the date of the application with the LPA making a determination.;
 - (vi) The demolition works have to be carried out, unless otherwise agreed in writing, in accordance with the approved details (where prior approval is required) or in accordance with the details submitted with the application;
- AND
- (vii) The demolition works have to be carried out within 5 years from the date on which approval was given or when the application was submitted.

It is clear from the above that the principle of demolition is not at issue here. The LPA powers under Part 31 are concerned with the method of demolition and site restoration. As such they are analogous with the powers of the LPA with regard to its responsibilities under the Building Act 1984. In this respect, we should point out that Sisem Limited's demolition contractor, Micor Demolition, has submitted a notice under the section 80 of that act. Accordingly we would ask that you consider that notice and this application together. We trust you have sufficient details in the accompanying method statement to be confident that the method of demolition and restoration measures are acceptable. In the interests of carrying out the works expeditiously, we would ask that the Council confirms, at the earliest opportunity, under Part 31 Paragraph A2(b)(v)(aa), that the submitted details are sufficient to

Geoffrey Searle

Planning Solicitors

enable the demolition works to go ahead and that further details are not required. In the event that you have any questions please contact this firm.

Yours faithfully,

A handwritten signature in black ink that reads "David Evans". The signature is written in a cursive style with a large, looping initial 'D'.

David Evans

On behalf of Geoffrey Searle Planning Solicitors