

NS/GF/PD7003
email: gareth.fox@montagu-evans.co.uk

28 February 2014

Development Management
Regeneration and Planning
Camden Council
Camden Town Hall Extension
Argyle Street
London
WC1H 8ND

CHARTERED SURVEYORS

5 Bolton Street
London
W1J 8BA

Tel: 020 7493 4002

Fax: 020 7312 7548

www.montagu-evans.co.uk

Dear Ms Skelli- Yaoz

**6-10 CAMBRIDGE TERRACE AND 1-2 CHESTER GATE, LONDON, NW1 4JL
SECTION 191 TOWN AND COUNTRY PLANNING ACT
APPLICATION FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT
(CLEUD)**

On behalf of our Client, the receivers of Cambridge Terrace Investments LLP (in administration), please find enclosed an application with seeks to establish a Certificate of Lawfulness of Existing Use or Development (CLEUD) at the address stated above.

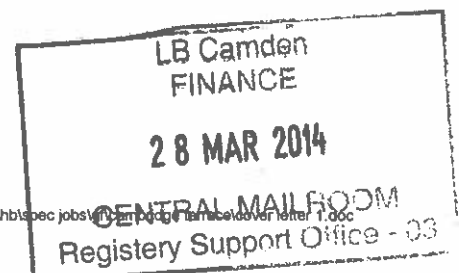
A previous application for a certificate of lawfulness of proposed use or development (CLOPUD) was submitted on 16 September 2013. Subsequent correspondence with yourself established that the Council require the submission of CLEUD to determine the lawfulness of the 'existing' works. (Appendix 1) As such, please find enclosed a CLEUD application following your recommendation.

Basis of this application

This is an application under s. 191 Town and Country Planning Act 1990 ("the 1990 Act"), as amended, for a Certificate of Lawfulness for the installation of a rooflight which have been carried out pursuant to Planning Permission (2009/3041/P) granted on 7th September 2010 ("the 2010 permission"). The basis of the application is that material operations as defined by s. 56 (4) (a) of the 1990 Act have been carried out in lawful commencement of the development, the relevant conditions and Section 106 Agreement clauses in the 2010 permission having been complied with.

Information enclosed

1. Site Location Plan;
2. 2010 Permission Decision Notice;
3. Approved plans and elevations pursuant to the 2010 planning permission;
4. Decision Notices for discharge of pre-commencement conditions and Section 106 Clauses;
 - a. S106 Clause 4.1 - Advertisement Consent for site hoarding;
 - b. S106 Clause 4.4 - Construction Management Plan;
 - c. S106 Clause 4.5 - Employment Contribution;
 - d. S106 Clause 4.7 - Listed Structure Plan;



- e. S106 Clause 4.10 - Sustainability Plan;
 - f. S106 Clause 4.11 - Cancer Research interest;
 - g. S106 Clause 5.1 – Implementation Notice;
 - h. 2010 Permission, Condition 3 – Acoustics; and,
 - i. Listed Building Consent, Condition 3a - Window details.
-
- 5. Signed Contract with J&T Services for the carrying out the roof light installation;
 - 6. Certification of Completion (The Building Act 1984 and the Building Regulations);
 - 7. 'Before, during and after' photographs of the roof/roof light; and,
 - 8. Leading Counsel Opinion (Tim Mould QC).

Background

Previous owners of the site received Planning Permission (and Listed Building Consent) on 7th September 2010 for:

'Change of use of 6-10 Cambridge Terrace and 1-2 Chester Gate from offices (Class B1) to 3 x dwellinghouses (Class C3), excavation of basement, alterations at roof level, including rebuilding part of roof and installation of glazed sliding roof, lift overrun and rooflight to 6-10 Cambridge Terrace, rooflights on 1-2 Chester Gate and associated landscaping works to forecourt.'

Evidence of the Lawful Commencement of the 2010 Permission

A copy of the decision notice pursuant to the 2010 permission is enclosed, as are the approved plans and elevations.

By way of condition, the Council stipulated the permitted development be begun before 7th September 2013 and attached one pre-commencement condition and a number of pre-commencement clauses within the associated Section 106 agreement. Enclosed with this application are Decision Notices, letters and submissions confirming the discharge of these conditions and clauses (see a full list set out above - under Information enclosed, point 4).

Since this time Cambridge Terrace Investments Ltd has gone into administration. The receivers instructed J&T Services to undertake works to install a circular roof light. It is considered that in carrying out this work, a material start to the permitted development scheme has been made and therefore the planning permission has been formally implemented. The intention of this application is to obtain formal confirmation of this position.

The following enclosed documents demonstrate that material operations pursuant to the 2010 permission have been carried out, namely the installation of a circular roof light. These works qualify as "work of construction in the course of the erection of a building" under s. 56(4)(a) Town and Country Planning Act 1990. These works were carried out in August 2013 following the discharge of Section 106 Clauses 4.1, 4.4, 4.5, 4.7, 4.10, 4.11, 5.1 and Planning Permission Condition 3. Condition 3a (window details) of the associated Listed Building Consent was also discharged.

Accordingly, it follows that the 2010 Permission has been lawfully commenced and that the carrying out of the balance of the operational development permitted by the 2010 Permission and the subsequent use of the development for the uses permitted by the 2010 Permission would be lawful. It follows that the Certificate applied for should be granted.

The Application for Certificate of Lawfulness for the Existing Use

This application demonstrates that 'material operations' pursuant to the 2010 Permission have been carried out in accordance with the approved plans, relevant conditions to the 2010 Permission and clauses of the associated Section 106 Agreement. As such this application seeks a certificate confirming that the completion of the permitted development was lawful based on these facts.

A cheque for £195.00, made payable to the London Borough of Camden, has been sent via post today.

We would be grateful if Camden Council could confirm that our application is complete and will be validated shortly. If you have any outstanding queries on this matter, please contact Gareth Fox (Tel. 020 7312 7437 / gareth.fox@montagu-evans.co.uk) of this office in the first instance.

Yours Faithfully



MONTAGU EVANS LLP