

WYG  
11th Floor  
1 Angel Court  
London  
EC2R 7HJ

Application Ref: **2017/6884/P**  
Please ask for: **Jonathan McClue**  
Telephone: 020 7974 **4908**

8 February 2018

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990

### **Certificate of Lawfulness (Existing) Granted**

The Council hereby certifies that on the 18 December 2017 the existing operation described in the First Schedule below in respect of the land specified in the Second Schedule below, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 as amended.

#### First Schedule:

The demolition of part of the existing building as shown on Demolition Works Plan Number: LL443-275-0015, in accordance with section 56(4) of the Town and Country Planning Act 1990 constituting a material operation for commencement of planning permission 2014/1617/P (allowed under appeal ref: APP/X5210/W/14/3001616 dated 18/02/2016) in accordance with condition 1.

Drawing Nos: Cover letter dated 13/12/2017 from WYG; Site location plan (Scale 1:1250); Approved drawings from planning permission 2014/1617/P; General Arrangement - Demolition Works Plan 2017 (drawing no. LL443-275-0015); Demolition contract and cover letter with Matthews (Sussex) Limited; Demolition notice letter (application ref: 17/D/09976) dated 24/12/2017 from Carol Little in Camden Building Control; Demolitions Notice (The Building Act 1984: Section 80) - Ref. 21089717 from Contact Camden; Community Infrastructure Levy (CIL) Form 6: Commencement Notice; Photographs of the demolition works - including pre-demolition, during demolition and post-demolition; Counsel advice from Rupert Warren QC dated 06/12/2017; Letter from Barry Coltrini at Essential Living dated 11/12/2017, confirming that the demolition works have been completed; Letter



outlining parties with ownership interest in the land and confirming that they were reserved requisite notice under the Building Act.

Second Schedule:  
**100 Avenue Road**  
**London NW3 3HF**

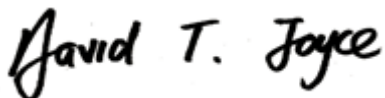
Reason for the Decision:

- 1 The evidence submitted confirms that the demolition works (as shown on Demolition Works Plan Number: LL443-275-0015) carried out are a material operation in association with the implementation of planning permission 2014/1617/P granted on 18/02/2016 - for 'Demolition of existing building and redevelopment for a 24 storey building and a part 7 part 5 storey building comprising a total of 184 residential units (Class C3) and up to 1,041sqm of flexible retail/financial or professional or café/restaurant floorspace (Classes A1/A2/A3) inclusive of part sui generis floorspace for potential new London Underground station access fronting Avenue Road and up to 1,350sqm for community use (class D1) with associated works including enlargement of existing basement level to contain disabled car parking spaces and cycle parking, landscaping and access improvements' - and therefore the planning permission has lawfully commenced prior to the expiration of the permission.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



David Joyce  
Director of Regeneration and Planning

Notes

1. This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use\*/operations\*/matter\* specified in the First Schedule taking place on the land described in the Second Schedule was\*/would have been\* lawful on the specified date and thus, was not\*/would not have been\* liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This Certificate applies only to the extent of the use\*/operations\*/matter\* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use\*/operations\*/matter\* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.