

# **PLANNING IMPLEMENTATION REPORT**

**for**

**FLAT 1, 27 ABERDARE GARDENS**

**LONDON, NW6 3AJ**

**Implementation of planning permission Ref:  
2015/0483/P Dated 26<sup>th</sup> June 2015**

## **LEGISLATIVE BACKGROUND AND DESCRIPTION OF WORKS**

We have been instructed by our client, 27 Abdare Gardens Limited, to apply for a certificate of lawfulness to confirm that the development at 27 Abdare Gardens granted under the planning permission dated 26 June 2015 (ref: 2015/0483/P) has been lawfully implemented.

The application has been submitted through the planning portal and includes copies of the following:

- Application form;
- Site Location Plan
- Supporting Statement (this letter) including reference to the following appendices:

Appendices:

1. Copy of Planning Permission and approved drawings;
2. Decision Notices in respect of discharge of pre-commencement conditions;
3. JCT Building Contract and drawings;
4. Copy of invoice from Dunbar Joinery Limited;
5. Dated and geo-stamped photographs evidencing works on site;
6. Copy of email to Camden Council prior to expiry of planning consent;

The application fee of £206.00 has been paid by Metropolitan Development Consultancy on behalf of our client.

## Legislative Background

Under section 56(1) of the Town and Country Planning 1990 (as Amended) development of land is taken to be initiated:

- (a) if the development consists of the carrying out of operations, at the time when those operations are begun;*
- (b) if the development consists of a change in use, at the time when the new use is instituted;*
- (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b)*

S.56 (2) provides 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.

Provision is made in s.56 (4) of the 1990 Act that development may be taken as begun when a "material operation" begins to be carried out. "Material operations" are listed at s.56(4) as being:

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

## The Planning Permission

Planning permission was granted on 26 June 2015 under reference 2015/0483/P as shown on the Decision Notice at **Appendix 1**. The description of development for the planning permission is as follows:

*"Excavation of basement level and front and rear lightwells, erection of single storey rear extension, and single storey outbuilding in rear garden"*

The permission was granted for a period of three years from the 26 June 2015. This means that a material operation needed to occur prior to the 25 June 2018 following the discharge of pre-commencement conditions.

## The Pre-commencement Conditions

The permission was subject to four pre-commencement conditions:

### Condition 4

*Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on demonstrating a 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained.*

This condition was discharged on 25<sup>th</sup> September 2017 under application 2017/4696/P. Please see decision notice at **Appendix 2**.

### Condition 6

*The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.*

This condition was discharged on 27<sup>th</sup> September 2017 under application 2017/4148/P. Please see decision notice at **Appendix 2**.

### Condition 8

*Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety and permanently retained thereafter.*

This condition was discharged on 28<sup>th</sup> September 2017 under application 2017/4149/P. Please see decision notice at **Appendix 2**.

### Condition 10

*Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.*

This condition was discharged on 13<sup>th</sup> September 2017 under application 2017/4152/P. Please see decision notice at **Appendix 2**.

### **The Material Operations at 27 Aberdare Gardens**

The consented scheme under 2015/0483/P provides for the removal of the garage doors and the installation of sash windows complete with all associated works as shown on the consented drawings.

Following discharge of the conditions, but prior to the works commencing on site, our building contractor, Cara Goring Limited, inspected the site with the consented planning drawings and took measurements for the windows.

A new box frame complete with two sash windows was subsequently ordered.

The works which constituted a material operation comprised of:

1. The removal of the garage door and frame and erection of temporary hoarding internal to the garage
2. The construction of a cavity wall from ground level
3. Rendering the lower part of the wall and painting white to match the height and finish of the rendered plinth to the brickwork to the left and right of the garage doors.
4. Decorative works to the upper part of the new cavity wall to match the finish and materials of the brickwork to the remainder on the front elevation
5. The formation of a masonry window sill painted white to match the existing window sills on the front elevation
6. The installation of a timber box frame complete with two sash windows in a style to match as closely as possible the other sash windows
7. All other decorating and making good

A copy of the JCT Building Contract between 27 Aberdare Gardens Limited and Cara Goring Building Limited is included at **Appendix 3**.

A copy of the invoice from Dunbar Joinery Limited for the supply of the sash windows is included at **Appendix 4**.

## **The Work Carried Out**

Photographs are contained at **Appendix 5** in date order evidencing works being carried out from and including 18<sup>th</sup> June 2018 to and including 21<sup>st</sup> June 2018. These photographs show the order in which the work commenced. It can be noted that the construction of the cavity wall commenced on the first day on site on 18<sup>th</sup> June 2018 and that works were completed on the fourth day on site on 21<sup>st</sup> June 2018. The photos document the following activities:

- Construction of cavity wall, concrete mixing, etc
- Forming the window sill
- Installation of window frame and sash windows
- Decorative works complete or in progress at the time of the photograph
- Completed works

## **Further contemporaneous evidence**

To avoid any potential dispute as to the date on which the works were carried out, an email was sent on Friday 22<sup>nd</sup> June 2018 timed at 14:11 from Philip Mizon at Marcus Cooper Group to [planning@camden.gov.uk](mailto:planning@camden.gov.uk) and copied to, amongst other parties, [charlotte.meynell@camden.gov.uk](mailto:charlotte.meynell@camden.gov.uk)

A copy of this email is enclosed at **Appendix 6**.

## **Conclusion**

It is clear from the documentation enclosed, that the works were carried out following discharge of the required pre-commencement conditions.

The works are robust and are comprised in the consented development.

The works therefore in our view constitute a material operation as defined under s.56(4) of the Town and Country Planning Act 1990 as amended which were lawfully commenced on the 18<sup>th</sup> June 2018. It is therefore our view that certificate confirming the development has commenced can be granted.

We trust that the above information is sufficient for your purposes but if you do have any queries please do not hesitate to contact Jon Evans of this office on the above number.

Yours sincerely

Metropolitan Development Consultancy