



Mr Charles Thuaire
Planning Department
London Borough of Camden
2nd floor
5 Pancras Square
London
N1C 4AG

Our ref: E/4123

11th July 2019

Dear Mr Thuaire

CAMDEN: 53 FITZROY PARK LONDON N6 6JA

S.192 The Town and Country Planning Act 1990: application for a certificate of lawful proposed use and development

1. This is an application for a lawful development certificate in respect of the works granted by planning consent **2018/2104/P** on the above site. The application is for the proposed development of the site for a three storey single dwelling in accordance with referene 2018/2104/P pursuant to s.192 of The Town and Country Planning Act 1990 (the “1990 Act”).
2. The application is supported by this letter and the following documents:
 - A copy of planning consent **2018/2104/P** dated 5 February 2019 (**Annex 1**);
 - Kitten Mini Piling Rig specification data sheet (**Annex 2**);
 - Drawing number 322_100 – Piling Setting Out Plan (**Annex 3**);
 - A copy of Grant of Non-Material Amendment **2019/3201/P** dated 27 June 2019 for Amendment to wording of conditions 5, 7, 13, 14 and 15 attached to planning permission ref 2018/2104/P, dated 05/02/2019 (for Variation of conditions 2 (plans), 3 (materials), 8 (noise levels) and 13 (SUDS) of planning permission ref: 2015/0441/P, dated 04/07/2016 for: Erection of a three storey single dwelling following demolition of existing dwelling), namely to alter the trigger points for submitting and approving details (**Annex 4**);
 - A copy of Approval of Details Granted **2019/1036/P** in respect of Condition 3 (Materials) dated 30 May 2019 (**Annex 5**);
 - A copy of Approval of Details Granted **2019/0676/P** in respect of Condition 9 (Cycle Storage) dated 30 May 2019 (**Annex 6**);
 - A copy of Approval of Details Granted **2019/0712/P** in respect of Condition 18 (Green Roof) dated 30 May 2019 (**Annex 7**);

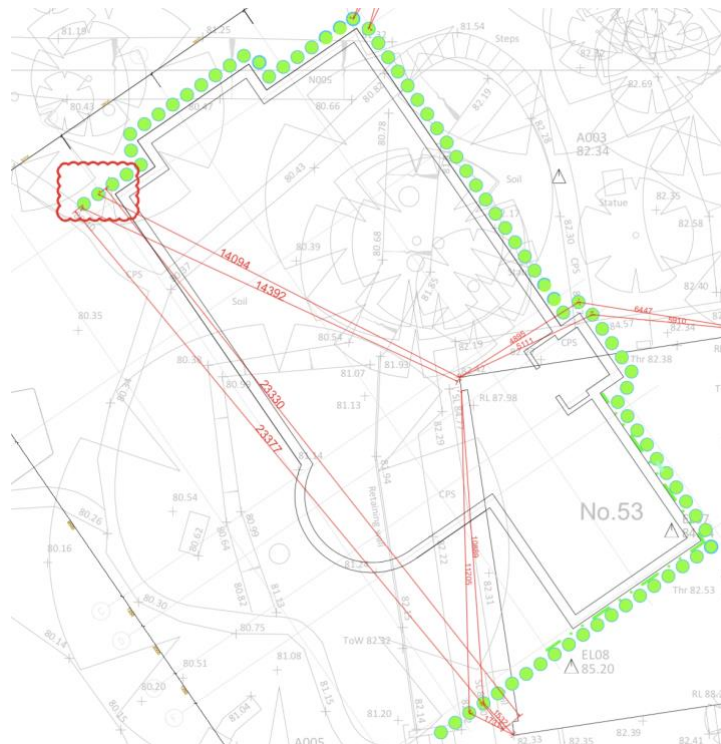
- A copy of Approval of Details Granted **2019/0665/P** in respect of Condition 5 (Landscaping, excluding means of enclosure) dated 26 June 2019 (**Annex 8**);
- A copy of Approval of Details Granted **2019/0666/P** in respect of Condition 7 (Tree Protection) dated 26 June 2019 (**Annex 9**);
- A copy of Approval of Details Granted 2019/0855/P in respect of Condition 14 (Method statement to protect species) dated 1 July 2019 (**Annex 10**); and
- A copy of Approval of Details Granted 2019/0711/P in respect of Condition 15 (Lighting Strategy) dated 1 July 2019 (**Annex 11**).

Planning permission for the Development

3. **2018/2104/P** granted planning permission on 5 February 2019 for: *Variation of Conditions 2 (plans), 3 (details/samples of materials), 8 (Noise Levels) and 13 (SuDS) to planning permission ref: **2015/0441/P** dated 04/07/2016, for; Erection of a three storey single dwelling following demolition of existing dwelling (Class C3), to amend fenestration; lightwell added to north side; entrance relocated to the corner; bike storage relocated to south side boundary; metal spandrel changed to natural stone; external stair removed at rear lower ground floor level; metal balustrade changed to glass; cornices changed to plain natural stone; rear curved bay squared off at lower ground level; recessed blind window omitted and recessed wall revised on south elevation (**Annex 1**).*

Implementation works

4. On 6 & 7 June 2019 the following works were carried out for the purposes of implementing the development pursuant to the grant of planning permission:
 - On 6 June 2019 setting out work took place and trial pits were excavated in preparation for the piling works; and
 - On 7 June 2019 the Piling Contractor (David Greentree - Geobond UK Ltd) inserted two piles driven to a depth of 6.2m using a Kitten Mini Piling Rig (**Annex 2**).
5. These works are illustrated by reference to Drawing Number 322_100 – Piling Setting Out Plan (**Annex 3**).
6. The pilings are on the line of the consented basement footprint outside the footprint of the existing house, meaning no demolition was required. Photos 1-3 below show the piles in place.



Extract from Drawing Number 322_100 – Piling Setting Out Plan



Photo 1

Photo 2

Photo 3

7. The piles were inspected by Mr Gary Bakall of Camden Council (accompanied by the applicant's architect and agent) on 11 June 2019. Mr Bakall confirmed on behalf of the Council that the piles were in place on that day.

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Reasons for the grant of a lawful development certificate (Proposed development)

8. The proposed development would be lawful because the approved development has been implemented by the carrying out of material operations (by reference to section 56(4) of the 1990 Act) in accordance with the grant of permission.
9. The material operations were carried out before expiry of the planning permission. In particular Condition 1 states: *the development hereby permitted must be begun not later than the end of three years from the date of the original permission, reference ref: 2015/0441/P granted 04/07/2016*. Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended). These works do not breach any “conditions precedent” in relation to the permission. In particular, there were originally 8 separate pre-development conditions, nos. 3, 5, 7, 9, 13-15 & 18 requiring certain details to be submitted and approved before the commencement of development.
10. On 27 June 2019 the Council granted consent [reference **2019/3201/P**] for a non-material amendment to condition nos. 5, 7 & 13-15 (“the NMA”) which removes any requirement for these conditions to be satisfied before the piling works were undertaken as part of the development (**Annex 4**). Conditions 3, 5, 7, 9, 14, 15 & 18 have also been satisfied by the following grants of consent:
 - On 30 May 2019, the Council discharged application **2019/1036/P** in respect of **Condition 3 (Materials) (Annex 5)**, application **2019/0676/P** in respect of **Condition 9 (Cycle Storage) (Annex 6)** and application **2019/0712/P** in respect of **Condition 18 (green roof) (Annex 7)**;
 - On 26 June 2019, the Council discharged application **2019/0665/P** in respect of **Condition 5 (landscaping, excluding means of enclosure) (Annex 8)** and application **2019/0666/P** in respect of **Condition 7 (Tree Protection) (Annex 9)**; and
 - On 1 July 2019, the Council discharged application **2019/0855/P** in respect of **Condition 14 (Method Statement to Protect Species) (Annex 10)** and application **2019/0711/P** in respect of **Condition 15 (lighting strategy) (Annex 11)**.
11. **Condition 13 (SUDs)** is pending following an independent peer review with Aecom, however the grant of the NMA removes any requirement for compliance prior to the commencement of development by the carrying out of the piling works pursuant to Drawing Number 322_100.
12. **Amended Condition 13** states: *Prior to commencement of development (excluding the 2 piles shown on Drawing No. 322-100 Piling Setting Out Plan), 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 50% attenuation of all runoff. The system shall be implemented as part of the development and thereafter retained and maintained. Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

13. The Council has already acknowledged that the development has been successfully commenced. Informative 1 (Reason for granting approval) appended to the NMA states: *Two foundation piles have been installed in the western corner of the approved house footprint to demonstrate that there has been a material start to works on site before the permission expires on 4.7.19. These works have been done in advance of the discharge of all the pre-commencement conditions imposed on the planning permission. The current wording of these conditions require no works to start on site until the various required details have been approved. In order to regularise the situation, a Non-Material Amendment (NMA) is proposed to reword the trigger on the remaining 5 pre-commencement conditions so that the reference to 'any works on site' excludes the 2 piles as installed and shown on the submitted plan. No further piling and construction works will be able to be carried out until all these conditions have been fully and finally approved and until the S106 requirements regarding the CMP have been discharged. It is considered that the proposed variation in wording of the trigger is non-material and does not affect or prejudice the assessment and discharge of the outstanding conditions and S106 clauses in due course. The limited nature of works carried out in the form of 2 piles, both in themselves and the construction process involved, does not affect the issues under consideration by the conditions, namely lighting, protection of trees and wildlife, landscape design, and sustainable drainage. Similarly the works carried out so far would not harm existing local amenity, landscape and transport conditions. The variation has no effect on the design and form of the approved development.*
14. I would be glad to discuss the application with the Case Officer in due course.

Yours sincerely

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