

LDC Report		03/10/2019
Officer		Application Number
Laura Hazelton		2019/4060/P
Application Address		Recommendation
59 Maresfield Gardens London NW3 5TE		Grant Certificate of Lawfulness
1st Signature		2nd Signature (if refusal)
Proposal		
Confirmation of the implementation of works approved under planning permission ref: 2015/3506/P dated 26/08/2016 for the erection of 3 storey building plus dual basement for use as a single family dwelling (Class C3) following demolition of existing single family dwelling (Class C3).		
Assessment		
<p>The application site is located on the west side of Maresfield Gardens. The site is not listed, and is located in the Fitzjohns and Netherhall Conservation Area.</p> <p>Planning permission was granted on 26th August 2016 for the “Erection of 3 storey building plus dual basement for use as a single family dwelling (Class C3) following demolition of existing single family dwelling (Class C3).”</p> <p>This certificate of lawful development application seeks to demonstrate that works to implement permission 2015/3506/P have been undertaken.</p> <p>The applicant has submitted the following information in support of the applications:</p> <ul style="list-style-type: none"> • 2015/3506/P Decision Notice; • 2015/3506/P Legal Agreement; • Schedule of Pre-Commencement Conditions and Obligations; • Condition 4 Discharge Notice (ref: 2019/2039/P); • Condition 7 Discharge Notice (ref: 2018/6307/P); • Condition 12 Discharge Notice (ref: 2019/1505/P); • Condition 13 Discharge Notice (ref: 2018/6308/P); • Condition 14 Discharge Notice (ref: 2019/1105/P); • Clause 4.2.1/4.2.2 Discharge Notice; • Clause 4.3.1/4.3.2 Discharge Notice; • Clause 4.4.1(i)/4.4.2(i) Discharge Notice; • Clause 4.4.1(ii)/4.4.2(ii) Discharge Notice; • Clause 5.1 Discharge Notice; • CIL Liability Notices, Self-Build Relief Notices and Implementation Notice; • Photographs of Implementation Works in Progress; • Photographs of Completed Implementation Works; 		

- Completed Contract for Implementation Works;
- Construction Site Logs;
- Pile Schedule; and
- Pile Layout Plan.

Five conditions were imposed on the decision notice which were required to be discharged prior to commencement. All have been discharged, and copies of the decision notices included with the submission:

Condition 4 – hard and soft landscaping, discharged 17/05/2019

Condition 7 – SUDS, discharged 23/05/2019

Condition 12 – tree protection measures discharged 08/04/2019

Condition 13 – cycle parking, discharged 06/02/2019

condition 14 – energy statement, discharged 17/04/2019

Five pre-commencement planning obligations were attached to the permission and secured by S106 legal agreement, which have all been discharged prior to commencement, on 28/06/2019, 19/02/2019, 01/07/2019, 16/04/2019, and 04/07/2019. Copies of the discharge notices have been included with the submission.

The submission outlines that implementation works at the site commenced on 8 July 2019 and concluded on 19 July 2019 and comprised excavation works and the installation of three piles, which will form part of the consented dwelling's foundations and basement. Evidence of these works are provided in photographs of the site works in progress, as well as photographs of the site following the completion of works.

Section 56 (2) of the Town and Country Planning Act 1990 outlines that:

“For the purposes of the provisions of this Part mentioned in subsection (3) 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”.

Section 56 (4) further clarifies that in subsection (2) “material operation means—

- (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 photographs show the digging of a trench which is to contain the foundations of the approved building, and this therefore constitutes a material operation as defined in The Town and Country Planning Act 1990.

The Council considers that the works carried out and evidence listed above demonstrate the works to implement the planning permission 2015/3506/P have commenced.

Recommendation: Approve

