

<b>LDC Report</b>	21/05/2020
<b>Officer</b>	<b>Application Number</b>
Laura Hazelton	2020/1488/P
<b>Application Address</b>	<b>Recommendation</b>
45 Flask Walk London NW3 1HH	Grant Certificate of Lawfulness
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b>	
Confirmation of the implementation of works under planning permission ref: 2016/3900/P dated 10/04/2017 for 'Demolition of an existing two storey rear extension, erection of a replacement three storey rear extension and basement excavation'.	
<b>Assessment</b>	
<p>The application site is located on the North West side of Flask Walk and is currently occupied by a Grade II listed three storey terraced property with a modest basement floor (approximately 23sqm). The cottage is part of a group of 7 listed cottages (Nos. 35 to 47), built in the 19th Century as workers' cottages. The front elevation is joined with no.43 and features a white stucco façade, recessed arches and symmetrical chimney stacks.</p> <p>The property is located within the Hampstead Conservation Area (sub area 2: Christ Church/Well Walk) and the terrace is described in the Hampstead Conservation Area as being a terrace of workers' cottages set back behind small but luxuriant front gardens.</p> <p>Planning permission was granted subject to S106 legal agreement on 10 April 2017 for the 'Demolition of an existing two storey rear extension, erection of a replacement three storey rear extension and basement excavation'.</p> <p>This certificate of lawful development application seeks to demonstrate that works to implement permission 2016/3900/P have been undertaken.</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> <li>• Photographic evidence prior to the application expiry date.</li> <li>• Inspection Report from the Building Control Authority dated 20 March 2020 showing that sub-structure works by way of piling operations have occurred on site.</li> <li>• Photographic evidence of demolition operations.</li> <li>• Additional information from the basement structural engineers, the Michael Barclay Partnership that shows that the piling operations are integral to and are comprised in the excavation of the basement shown on the approved drawings.</li> </ul>	

Two conditions were imposed on the planning consent which were required to be discharged prior to commencement of development. All have been discharged and a copy of the decision notice included with the submission:

Condition 4 – Details of chartered engineer – discharged 18/04/2018

Condition 5 – Details of tree protection measures – discharged 18/04/2018

Two pre-commencement planning obligations were attached to the permission and secured by S106 legal agreement (construction management plan and basement construction plan), which have been discharged prior to commencement on 16/01/2020 and 28/02/2020.

The submission outlines that implementation works at the site commenced in March 2020 and comprised piling operations related to the approved basement excavation. Evidence of these works are provided in photographs of the site works in progress, as well as the structural engineer's report and Building Control Inspector's report.

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 piling operations necessary for the approved basement 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 2016/3900/P have commenced.

**Recommendation: Approve**