

LDC (Proposed) Report		Application number	2020/1632/P
Officer		Expiry date	
Mark Chan		08/07/2020	
Application Address		Authorised Officer Signature	
Panther House, 38 Mount Pleasant The Brain Yard, 156-164 Grays Inn Road London WC1X 0AN			
Conservation Area		Article 4	
Hatton Garden Conservation Area		Article 4 Direction Basement development	
Proposal			
Lawful Development Certificate (Proposed) for the installation of 1x 300/340mm diameter permanent pile as part of the implementation of planning permission ref: 2015/6955/P dated 01/11/2017 (as amended by 2020/1368/P dated 14/04/2020) for 'Redevelopment of the site following partial demolition of Panther House and Brain Yard buildings, partial demolition of 160-164 Gray's Inn Road and demolition of 156 Gray's Inn Road. Proposals would result in part 4 storey, part 7 storey (plus plant and basement) buildings at Panther House and Brain Yard for predominantly employment (B1) uses (including 1450sq.m of subsidised workspaces) and a new 7 storey (plus plant and basement) building at 156-164 Gray's Inn Road behind the retained facade of 160-164 Gray's Inn Road to provide flexible retail/restaurant (A1/3) uses at ground and basement levels with 15 self-contained residential units (C3) (including 3 Intermediate Rent flats) at the upper levels. Associated landscaping, plant and public realm works'.			
Recommendation:		Grant Certificate of Lawfulness	

The approved scheme (under 2015/6955/P) is for the redevelopment of the site following partial demolition of Panther House and Brain Yard buildings, partial demolition of 160-164 Gray's Inn Road and demolition of 156 Gray's Inn Road. Proposals would result in part 4 storey, part 7 storey (plus plant and basement) buildings at Panther House and Brain Yard for predominantly employment (B1) uses (including 1450sq.m of subsidised workspaces) and a new 7 storey (plus plant and basement) building at 156-164 Gray's Inn Road behind the retained facade of 160-164 Gray's Inn Road to provide flexible retail/restaurant (A1/3) uses at ground and basement levels with 15 self-contained residential units (C3) (including 3 Intermediate Rent flats) at the upper levels. Associated landscaping, plant and public realm works.

Planning permission ref: 2015/6955/P was granted on 01/11/2017 and amended (through a non-material amendment application to change some of the triggers to the planning conditions) by 2020/1368/P dated 14/04/2020.

The certificate seeks to establish that the proposed installation of 1x 300/340mm diameter permanent pile would be lawful development and would constitute a material operation as defined in Section 56 of the Town and Country Planning Act 1990 as amended, leading to the commencement of development/implementation of the above planning permission making it extant.

Applicant's Evidence

The applicant has submitted the following information in support of the application:

- A site location plan which identifies the 'red line' of the extant consent site (2015/6955/P);
- Plan Nos. 14093A P099 03 and P100 03 which are the approved basement and ground floor plan and the layout of the proposed development and hence show extant of the new build proposals;
- A method statement which confirms the location of the proposed permanent pile required to support the proposed foundation forming part of the new build proposals approved by ref: 2015/6955/P; and
- The Bearing Pile design which also confirms the location of the proposed pile as designed by the Applicant's engineers.

Council's Evidence

Under planning permission ref: 2015/6955/P dated 01/11/2017 (as amended by 2020/1368/P dated 14/04/2020), condition 16 states the following:

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policies CC1, CC2 and CC3 of the Camden Local Plan 2017.

Condition 16 has been partially discharged and the piling method statement and methodology of the 300/340mm diameter bearing pile in question has been submitted and approved in writing by the local planning authority under application ref: 2020/1631/P dated 27/05/2020. There are no further conditions which require discharge prior to the commencement of installation of the proposed pile.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability", and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the use are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The application was submitted on 08/04/2020 accompanied by applicant's evidence listed above.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the works proposed would be lawful and would constitute a material operation Section 56 of the Town and Country Planning Act 1990 as amended. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events. On this basis, it is considered that if the proposed action were to be undertaken that it would implement the planning application under 2015/6955/P, making it extant.

Recommendation: Grant Certificate of Lawfulness