

# Q. SQUARE

Mr Joe Hyman  
Q Square  
Alverstone  
Alexander Lane  
Shenfield  
Essex  
CM15 8QE

Ms. Nora-Andreea Constantinescu  
London Borough of Camden  
Planning Officer  
Urban Design and Development Team  
2nd Floor, 5 St Pancras Square  
London  
N1C 4AJ

16<sup>th</sup> February 2021

Dear Nora,

**251 Goldhurst Terrace, London, NW6 3EP – Submission of Lawful Development Certificate (Existing)**

We write to you on behalf of the applicant, Mr. Marin Jakisic, to apply to the London Borough of Camden (the Council) for a certificate of lawful existing use (CLEUD), in accordance with s.191(1) of the Town and Country Planning Act 1990 and para 39 of the Development Management Procedure Order 2015, in respect of the implemented development works at 251 Goldhurst Terrace, London, NW6 3EP (the Site).

On 4<sup>th</sup> April 2018, the Council granted planning permission (Ref: 2016/6697/P) for the following development proposals:

*'Basement excavation with front lightwells and sunken terrace with steps for access to the rear; increase in height of the existing ground floor projection and replacement of rear doors, to dwellinghouse (Class C3).'*

Further, a variation (Ref: 2019/4239/P) to the above planning permission was granted on 30<sup>th</sup> October 2020 in respect of varying condition 3 (approval of plans) and to provide a replacement to condition 4 (allowing limited use of the roof as a terrace area).

As detailed by condition 1 of the permission, the development is required to be commenced no later than the 9<sup>th</sup> April 2021, 3 years from date in which the permission was granted. It is this permission that the applicant has implemented.

We therefore write this letter to you to confirm that this permission has now been lawfully implemented, and provide the following accompanying information in support of this:

- CLEUD Application Forms;
- Site Location Plan;
- Drainage Layout Basement Slab Details" (drawing no 3750-DRO1;
- Site Photographs; and

- Site Inspection Note.

The relevant application fee of £462 will be paid under separate cover.

### **Site Context and Planning History**

The Site comprises of 1 no. existing residential dwelling situated on the southern side of Goldhurst Terrace, a treelined avenue that runs broadly east-west. The dwelling consists of a substantial, brick-built, semi-detached Victorian house and its associated amenity space.

On 4<sup>th</sup> April 2018, planning permission was granted for the following development proposals:

*'Basement excavation with front lightwells and sunken terrace with steps for access to the rear; increase in height of the existing ground floor projection and replacement of rear doors, to dwellinghouse (Class C3).'*

Following this application's positive determination, a variation to it was granted on 30<sup>th</sup> October 2020 in respect of varying condition 3 (approval of plans) and to provide a replacement to condition 4 (allowing limited use of the roof as a terrace area).

On neither the permission or the variation permission were any pre-commencement conditions required to be discharged, prior to implementation works being undertaken.

A section 106 agreement was secured under the original permission, and the subsequent variation permission, with certain obligations requiring completion before implementation. These obligations are as follows:

- Clause 4.1.1 – payment of the Construction Management Plan Implementation Support Contribution (£1,140, subject to indexation in accordance with clause 5.9);
- Clause 4.1.2 – submission of the draft Construction Management Plan for approval by the Council;
- Clause 4.2.2 – payment of the Highway Contribution (£5,865.77, subject to indexation in accordance with clause 5.9); and
- Clause 5.1 – written notice of Implementation.

### **Legislation**

As detailed within Section 56 of the 1990 Act:

*"(2) 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.*

*(4) 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 an 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."*

### **Proposed Implementation Works**

Following obtaining the variation permission, the applicant proceeded with discharging the pre-commencement/implementation planning obligations.

The applicant has subsequently undertaken implementation works, namely digging a trench of 600 millimetres wide, 5 metres long and 2.8 metres deep, and installing a drainage pipe which links the existing manhole to the proposed development associated with the new development, as shown on the attached drawing "Drainage Layout Basement Slab Details" (drawing no 3750-DRO1). Evidence of the above works is as follows:

- 5no. Photographs demonstrating the drainage works carried out; and
- A Site Inspection Note dated 15<sup>th</sup> December 2020, from ACT Building Control.

In assessing the above works completed, it is our view that the works undertaken constitute a 'material operation'. On this basis, the works undertaken fall within s56(4)(c) of the 1990 Act which define 'material operations' as *"the laying of an 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)"*.

### **Conclusions**

It is therefore considered that implementation works for planning permission 2019/4239/P has been successfully undertaken in accordance with Section 56 of the Act 1990.

As such, we respectfully request that the Council determines the enclosed CLEUD application, in accordance with s.191(1) of the Town and Country Planning Act 1990 and para 39 of the Development Management Procedure Order 2015. Prior Approval application favourably.

In the meantime, if you have any queries or wish to discuss matters further then please do not hesitate to get in contact.

Yours sincerely

**Joe Hyman**  
07544753973  
[Joe.hyman@qsquare.co.uk](mailto:Joe.hyman@qsquare.co.uk)