



70 St Mary Axe  
London  
EC3A 8BE  
Tel: 020 7493 4002  
[www.montagu-evans.co.uk](http://www.montagu-evans.co.uk)

PD10239/JE/AB/ED  
email: [jeremy.evershed@montagu-evans.co.uk](mailto:jeremy.evershed@montagu-evans.co.uk)  
[anthony.brogan@montagu-evans.co.uk](mailto:anthony.brogan@montagu-evans.co.uk)

Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

**F.A.O Charlotte Meynell**

**Via Email**

16 March 2021

Dear Charlotte,

**KINGSWAY HOUSE, 103 KINGSWAY, LONDON, WC2B 6QX  
SECTION 191 TOWN AND COUNTRY PLANNING ACT (AS AMENDED)  
APPLICATION FOR CERTIFICATE OF LAWFUL EXISTING DEVELOPMENT**

We are applying on behalf of the applicant, GMS Estates ("the Applicant"), for a Certificate of Lawful Existing Development to confirm that works comprising a material operation within Section 56(4) of the Town and Country Planning Act 1990 have been undertaken, thereby lawfully implementing planning permission ref. 2016/3432/P at the above address.

**Background**

On 23 November 2017, LB Camden granted planning permission for the following development:

*"Demolition of 6th and 7th floors and lift overrun and replacement with double mansard roof and set back 8th floor, with roof terrace above; internal reconfiguration to provide additional office (Class B1a) and retail floor space (Class A1/A3)".*

A copy of this planning permission is provided as part of this application.

The evidence which demonstrates that lawful implementation of this planning permission has occurred is set out below.

**Extension of Permission Expiry Date**

Firstly, it was confirmed by LB Camden that the expiry date for planning permission ref. 2016/3432/P has been automatically extended until 1st May 2021, as per the Business and Planning Act 2020, which came into effect on 22nd July 2020 and temporarily modifies the Town and Country Planning Act 1990 to extend the expiry date of certain planning permissions that are due to lapse during 2020.

A copy of the letter from LB Camden confirming the extension of the permission expiry date, dated 4 November 2020, is provided as part of this application.

**WWW.MONTAGU-EVANS.CO.UK**

**LONDON | EDINBURGH | GLASGOW | MANCHESTER**

Montagu Evans LLP is a limited liability partnership registered in England and Wales with registered number OC312072. Registered office 5 Bolton Street London W1J 8BA.  
A list of members' names is available at the above address.

### Pre-Commencement Conditions

In order for the implementation of a planning permission to be lawful, the relevant pre-commencement conditions must first be complied with.

There is a single planning condition attached to the above planning permission which is required to be discharged before any development commences. This is condition 8 which states:

*"The development hereby permitted shall not be commenced until detailed design, load calculations and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below and above ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:*

- *provide details on all structures*
- *provide load calculations*
- *accommodate the location of the existing London Underground structures and tunnels*
- *accommodate ground movement arising from the construction thereof*
- *mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels".*

A non-material amendment to this condition was approved by LB Camden (Ref. 2020/4797/P) on 11 November 2020 which allowed a two stage discharge of this condition. A copy of the decision notice for the non-material amendment is included as part of this application. The revised condition 8 states the following:

*"a) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for the enabling and demolition works have been submitted to and approved in writing by the local planning authority which:*

- *provide details on all structures;*
- *provide confirmation that the loads on the London Underground tunnels will not be altered by the enabling works;*
- *provide confirmation that the enabling works will not adversely affect the tunnels with respect to ground movement, noise or vibration.*

*b) Prior to the commencement of any other works to any below or above ground structures, detailed design, load calculations and method statements (in consultation with London Underground) shall be submitted to and approved in writing by the local planning authority which:*

- *provide details on all structures;*
- *provide load calculations;*
- *accommodate the location of the existing London Underground structures and tunnels;*
- *accommodate ground movement arising from the construction thereof;*
- *mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.*

An application to discharge Condition 8a of planning permission ref. 2016/3432/P relating to design and method statements for enabling and demolition works was approved on 1 December 2020 under application ref. 2020/4407/P. The decision notice for Condition 8a is included with this application.

### Pre-Commencement Planning Obligations

The Applicant has also discharged the relevant pre-commencement planning obligations contained within the signed S106 agreement which accompanied planning permission 2016/3432/P. This includes:

- Carbon Offset Contribution (Clause 4.1.1);
- Decentralised Energy Contribution (Clause 4.2.1);
- Construction Management Plan Implementation Support Contribution (Clause 4.3.1);
- Highways Contribution (Clause 4.5.1(i);
- Draft Construction Management Plan (Clause 4.3.1(ii));
- Energy Efficiency and Renewable Energy Plan (Clause 4.4.1);
- Highway Level Plans (Clause 4.5.1(ii)); and
- Notice of Implementation (Clause 5.1).

Formal discharge notices confirming the discharge of these pre-commencement planning obligations are provided as part of this application.

A Deed of Variation pursuant to the Section 106 Agreement was signed on 3 February 2021. This Deed amended the Sustainability Plan planning obligation to amend the trigger for this obligation so that it is required to be discharged prior to the main works commencing. The main works are defined within the Deed of Variation as the façade retention and demolition of the property. A copy of the Deed of Variation is provided as part of this application.

#### **Community Infrastructure Levy**

The Community Infrastructure Liability for the planning permission is payable upon commencement of development. A commencement notice has been issued to LB Camden (Ref. LN00004412) and the Demand Notice has been received. The full CIL liability has been paid by the Applicant on 26 February 2021.

#### **Commencement of Development**

Section 56(4) of the Town and Country Planning Act 1990 (as amended) defines a material operation as follows:

- “(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 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 material operation that has been carried out to implement the permission is:

- (a) any work of construction in the course of the erection of a building and (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building.*

#### **Evidence**

Work has been undertaken on Site comprising enabling works which include partial demolition of the existing foundations and underpinning to the basement floor slab. An accompanying technical statement and technical drawings prepared by Elliot Wood are provided with this application which summarises and illustrates the enabling works.

The new basement floor slab is to act as a raft foundation which will redistribute the concentrated loads from the new structural frame. Reinforced concrete (RC) underpins which form part of the raft foundation are located along the party wall between Kingsway House and 62 Parker Street and 4 Great Queen Street. The underpins form the basis of the enabling works package and are critical to ensure both the existing and newly constructed elements of the building are supported on a similar foundation system.



Included as part of this application is a completed contract with REL Construction Limited dated 1 March 2021 to undertake underpinning works. Works commenced on site on 1 March 2021. The enclosed sequence of photographs dated 11 March 2021 demonstrate the evidence the enabling works taking place on site.

The above evidences that a material operation has taken place in respect of A and B of Section 56 of the Town and Country Planning Act 1990 and that this evidence clearly demonstrates the lawful implementation of planning permission 2016/3432/P. If officers would like to visit the Site or require further dated photographs of the works being undertaken on site as the application is considered, we would be happy to provide these

#### Conclusion and Administration

In conclusion, this application provides evidence to demonstrate that a material operation has been carried out pursuant to Section 56(2) of the Town and Country Planning Act 1990 and thereby implementing the planning permission in advance of its expiry on 1 May 2021

In addition to this letter, the following documents are submitted with this application:

- Application Forms, prepared by Montagu Evans;
- Site Location Plan;
- Decision Notice for 2016/3432/P (dated 23 November 2017);
- LB Camden letter confirming extension of planning permission (dated 4 November 2020);
- Decision Notice for Non-material Amendment to Condition 8 (dated 11 November 2020);
- Decision notice for Condition 8a (dated 1 December 2020);
- Discharge notices for planning obligations;
  - Carbon Offset Contribution (26 February 2021);
  - Decentralised Energy Contribution (26 February 2021);
  - Construction Management Plan Implementation Support Contribution (26 February 2021);
  - Highways Contribution (26 February 2021);
  - Draft Construction Management Plan (23 December 2020);
  - Energy Efficiency and Renewable Energy Plan;
  - Highway Level Plans (7 July 2020); and
  - Notice of Implementation (19 February 2020);
- Deed of Variation to S106 agreement for Application Ref 2016/3432/P (dated 3 February 2021)
- CIL Commencement and Demand Notices;
- Contract with REL Construction Limited to undertake underpinning works (dated 1 March 2021);
- Elliott Wood Technical Statement and Plans of Underpinning Works; and
- Dated photographs demonstrating the implementation works taking place prepared by GMS (dated 11 March 2021).

This application has been submitted online via the Planning Portal under reference **PP-09586480**. The required application fee of £1,386.00 has also been paid online via the planning portal.

We trust this information is sufficient to enable validation and determination of this application without delay. If you require any further clarification on this matter, please do not hesitate to contact Anthony Brogan ([anthony.brogan@montagu-evans.co.uk](mailto:anthony.brogan@montagu-evans.co.uk)) or Jeremy Evershed ([jeremy.evershed@montagu-evans.co.uk](mailto:jeremy.evershed@montagu-evans.co.uk)) at this office in the first instance.

Yours sincerely,

*Montagu Evans*

MONTAGU EVANS LLP