

LDC (Existing) Report		Application number	2023/3286/P
Officer		Expiry date	
Brendan Versluys		18/08/2023	
Application Address		Authorised Officer Signature	
132 Royal College Street London NW1 0TA			
Conservation Area		Article 4	
-		Article 4 Direction (basements)	
Proposal			
Confirmation of completion of works to implement a change of use from office use (B1a) to residential use (C3) at lower ground and ground floor levels to provide 1x residential unit as approved under prior approval application reference 2020/0703/P granted on 11/08/2020.			
Recommendation:		Issue Certificate	
Introduction			
<p>The application site is a three storey building plus basement, as part of a wider terrace on the western side of Royal College Street.</p> <p>The proposal relates to the ground floor and lower ground floors of the building. A Prior Approval application (reference 2020/0703/P) was granted on 11/08/2020, for:</p> <p><i>Notification for Prior Approval for the change of use from office use (B1a) to residential use (C3) at lower ground and ground floor levels to provide 1x residential unit.</i></p> <p>The applicant seeks a certificate of lawfulness to confirm that the works granted under 2020/0703/P have been completed.</p>			
Applicant's Evidence			
<p>The applicant has submitted the following documents in support of the application:</p> <ul style="list-style-type: none"> • Photographs of the as-built lower ground floor bathrooms. • Photograph of the Sheffield bike stand at upper ground floor. • Email from applicant to Business Rates (Camden Council) dated 21 July 2023, requesting the property be removed from being classified as Business Rates, and instead be classified as residential for Council Tax • Invoice from painting and decorating company for construction works 			
Council's Evidence			
<ul style="list-style-type: none"> • Site inspection undertaken on 22/01/2024. 			
Assessment			
<p>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</p>			

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, nor any from others, to contradict or otherwise make the applicant's version of events less probable, 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 applicant's evidence principally includes photographs of the as-built works for the conversion of the office space to residential use.

Condition 2 of 2020/0703/P, requires that prior to occupation of the new unit, two cycle parking spaces shall be provided in their entirety in accordance with the approved plans. The photograph provided by the applicant shows a Sheffield cycle stand has been installed, in the alcove at the reception area of the upper ground floor. The alcove and cycle stand is suitable for accommodating two cycle spaces. The works required to fulfill condition 2 have therefore been satisfactorily completed.

Overall, having visited the site and reviewed the applicant's evidence, it is considered that the information provided by the applicant is sufficiently precise and unambiguous to demonstrate that the office to residential conversion works as approved under 2020/0703/P have been substantially completed.

RECOMMENDATION: Grant Certificate of Lawfulness

