

JWP/TS/DP1935

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BY COURIER

Dear Sir

**1 UNIVERSITY STREET INCLUDING VICTORY HOUSE, 163-170 TOTTENHAM COURT ROAD
APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR EXISTING USE**

We enclose an application for a Certificate of Lawfulness in respect of an existing use at the above property under Section 191 of the Town and Country Planning Act 1990 (as amended). This application seeks to certify the lawfulness of the serviced apartments at fifth and sixth floors of the above mentioned property.

The application is submitted on behalf of Kensington Commercial Property Investments Ltd (a subsidiary company of the Derwent London group) and comprises this letter and:

- 5 copies of the application forms duly signed and dated;
- 5 copies of site location plan;
- 5 copies of a signed affidavit from Nick Groves including the following exhibits:
 - Front door photograph (Exhibit NG1);
 - Presidential web site extract (Exhibit NG2);
 - Signed witness statement from Michael Bluston (Exhibit NG3);
 - Signed witness statement from Rosario Santos (Exhibit NG4);
 - Undated terms of conditions booking form of Presidential Estates (Exhibit NG5);
 - Bundle containing schedules of apartment letting records from 1994-2003 (Exhibit NG6).
- a cheque for the sum of £5,300 as payment for the application fee.

Planning history of the site

Consent for the redevelopment of the site was granted at appeal on 17th August 1973 (appeal ref-APP/4408/A/73/3348) for:

'Erection of a part 5 storey, part 7 storey building to contain shops, offices and residential accommodation, with a basement car park and a clinical research institute at 163-170 Tottenham Court Road and 1-9 University Street.'



The lawfulness of the serviced apartment use

The use of the fifth and sixth floors at 1 University Street (including 163- 170 Tottenham Court Road) as serviced apartments began more than 10 years before the date of this application, and continued uninterrupted up until the termination of the lease in November 2006.

The statutory declarations and enclosed documentation provides corroborative evidence that the site has been continuously in use as serviced apartments over the last 10 years. Therefore, by virtue of Section 191 (2) of the Act, the serviced apartment use has become 'lawful' for planning purposes.

The evidence submitted is as follows:

- A signed affidavit from Nick Groves (Senior Investment Manager for Derwent London Plc) confirming that the site has been in a serviced apartment use for visitors of generally short stay durations since at least 1994 and in all likelihood from at least the late 1980's;
- Photograph of the front door of 1 University Street which clearly identifies the accommodation as serviced apartments;
- Extract from the Visit London website. The apartments were managed by Presidential Estates (Mayfair) Ltd, under the name Presidential Apartments. The extract confirms that the company still operate serviced apartments elsewhere in London;
- A signed witness statement from Michael Bluston (a former managing director of Presidential Estates (Mayfair) Ltd), prepared in connection with a landlord and tenant dispute that was ongoing in 2002. The statement confirms his involvement in the management of the serviced apartments on site over the past 20 years;
- A signed witness statement from Rosario Santos, prepared in connection with landlord and tenant proceedings in October 2003. The document refers to discussions with Presidential Apartments with a view to booking reservations at the site in the late 1980's;
- An undated terms of condition booking form for Presidential Apartments. This document confirms that bookings were made for a set time and that reservations lasted from noon on the day of arrival to 10am the day of departure;
- A bundle of information containing schedules of apartments let out at Victory House. The information contains invoices and booking forms showing the period of stay for the guest concerned. Information is provided from 1994-2003 and demonstrates the apartments were let out for less than 90 days.

It is considered that the evidence submitted is precise and unambiguous and more than justifies the grant of the certificate on the 'balance of probability'.

I look forward to receiving confirmation of registration of this application. In the meantime, if you have any queries please do not hesitate to contact me.

Yours faithfully


JW POOL