

<b>LDC Report</b>	17/10/2014
<b>Officer</b> Sam Watts	<b>Application Number</b> 2014/5316/P
<b>Application Address</b> 2 The London Bioscience Innovation Centre Royal College Street London NW1 0NH	<b>Recommendation</b> See decision notice.
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b> Certificate of Lawfulness (Existing) to establish the B1 (b) use of the London Bioscience Innovation Centre has been ancillary with the Class D1 (c) use of the Royal Veterinary College for the last ten years.	
<b>Assessment</b> <p>The application site is located on the east side of Royal College Street.</p> <p>The application relates to the London Bioscience Innovation Centre being an ancillary use to the Royal Veterinary College.</p> <p>The building is not listed and is located in the Kings Cross St Pancras Conservation Area.</p> <p>The application seeks to demonstrate that the B1 (b) use of the London Bioscience Innovation Centre has been ancillary to the Class D1 (c) use of the Royal Veterinary College for the last ten years.</p> <p>The applicant is required to demonstrate, on balance of probability, that the commercial use has existed for a period of 10 or more years.</p> <p><b>Applicant's Evidence</b></p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> <li>- Business rates from 2004 – 2014.</li> <li>- Service agreement from 16/06/2004</li> <li>- Newsletter from 2002</li> <li>- Leaflet from 2002</li> <li>- Newsletter from 2010</li> <li>- 3 x brochure insets</li> <li>- Client list from 2008.</li> </ul>	

The applicant has also submitted the following plans:

- A site location plan outlining the application site
- A basement floor plan showing link to Veterinary College
- A ground floor plan showing link to Veterinary College
- A first floor plan showing link to Veterinary College
- A second floor plan
- A third floor plan

### **Council's Evidence**

There is no relevant planning history or enforcement action on the subject site.

A site visit to the property was undertaken on the 30/09/2014. The officer was satisfied that the unit had been occupied as an ancillary B1 (b) use for some time.

### **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 Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that on the balance of probability the London Bioscience Innovation Centre has existed as an ancillary B1 (b) use to the D1 (c) Class Use of the Royal Veterinary College for the last ten years. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

**Recommendation: Approve**