



Phillips Planning Services Ltd.
Town Planning and Development Consultants

99 GREAT RUSSELL STREET
LONDON

SUPPORTING STATEMENT

**LAWFUL DEVELOPMENT CERTIFICATE
APPLICATION TO CONFIRM USE OF 99 GREAT
RUSSELL STREET, LONDON FOR EDUCATIONAL
(USE CLASS D1) AND RESIDENTIAL
INSTITUTIONAL (USE CLASS C2) USES
DECEMBER 2015**

1.0 INTRODUCTION

- 1.1 The following statement has been prepared in support of our clients' application to obtain a Lawful Development Certificate to confirm that the use of no. 99 Great Russell Street, London for educational (use class D1) and residential institutional (use class C2) uses is lawful.
- 1.2 Nos. 98-104 Great Russell Street are occupied by the Florida State University as its London campus (The London Study Centre). The university has operated a London based education programme since 1971, finding a permanent home when they purchased nos. 98-103 Great Russell Street in the 1990s. The study centre was initially comprised on nos. 98, 100-103, whilst no. 99 was occupied by a tenant. In the early 2000s the tenant vacated, and the unit was incorporated into the centre by the university. At a similar time, no. 104 was also purchased.
- 1.3 The study centre provides both teaching facilities and living accommodation for students and staff of Florida State University in London. The university also lease teaching spaces to other educational institutions to support their own 'study abroad' programmes.
- 1.4 Although numerous planning and listed building consent applications have been granted by the council over approximately the past twenty years for the university (including changes of use for educational and residential purposes and physical works), the university is currently required by the Home Office to demonstrate that they may 'lawfully' use their premises for the stated purpose (e.g. education and student/staff accommodation).
- 1.5 In respect of this, it has been noted that all units with the exception of no. 99 have specific records which related to changing the uses of various floors to either educational (use class D1) or residential institutional (use class C2) purposes. This is despite the granting in 2014 for the change of use of the 3rd and

4th floors to staff/student accommodation (use class C2) from education. Further to this, officers also confirmed in September 2015 that they had taken the view that the use of no. 99 was lawful (Please see Appendix 10); however formal confirmation would require the submission of lawful development certificate.

- 1.6 Following this advice, and as the university has an extensive and long history at no. 99 and the wider premises, this application seeks the grant of a 'Certificate of lawfulness of existing use' to confirm the use of the unit is lawful.
- 1.7 This statement will therefore set out the evidence that the lawful use of no. 99 is for educational (use class D1) and residential institutional (use class C2) use.
- 1.8 The statement is set out as follows:

1.0 Introduction

2.0 Planning Legislation and Central Government Guidance

3.0 Planning History

4.0 Supporting Evidence

5.0 Analysis of Evidence

6.0 Conclusions

Appendices

Appendix 1-Signed Declarations

Appendix 2-Business Rates Documentation

Appendix 3- Faculty Event Invitation

Appendix 4- Insurance Certificate

Appendix 5-Lease Extensions

Appendix 6-Electrical Inspection Notes

Appendix 7-Advertisement Leaflets

Appendix 8-Classrooms 15, 16 and 17 Rental
Invoices

Appendix 9-Water Bills

Appendix 10-Email from Planning Officer

2.0 PLANNING LEGISLATION AND CENTRAL GOVERNMENT GUIDANCE

- 2.1. This section sets out the legislative framework and associated guidance which have informed the preparation of this Lawful Development Certificate application submission:

THE TOWN AND COUNTRY PLANNING ACT 1990

- 2.2. Section 191 (1) of the Town and Country Planning Act 1990 states the following:

“If any person wishes to ascertain whether-

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

He may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter”

- 2.3. Section 191 (2) goes on to explain this, identifying that a use or operation shall be considered lawful, where no enforcement action may be taken against it.
- 2.4. The time-limits for the taking of enforcement action are set out under section 171B of the act. This states that in the case of a ‘non-residential’ use that no ‘enforcement action’ may be taken after a period of 10 years.

- 2.5. Further to this, section 191 (4) identifies that where a local authority is provided with the evidence to satisfy them that a use, operation or other matter is lawful, then a certificate of lawfulness should be granted.

PLANNING PRACTICE GUIDANCE

- 2.6. The Planning Practice Guidance web-based resource includes a section providing guidance on lawful development certificates.
- 2.7. Paragraph 003 (Reference ID 17c-003-20140306) re-iterates the definition of 'lawfulness' as set out under section 191 (2) of the Town and Country Planning Act 1990 and states that *"...lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required"*
- 2.8. Similarly, paragraph 005 (Reference ID 17c-005-20140306) highlights that applicants for lawful development certificates must provide sufficient evidence to satisfy a local authority that a use or development is lawful.
- 2.9. Paragraph 006 (Reference ID 17c-006-20140306) provides even further clarity on this matter, and specifically states in respect of existing uses that:

"...if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probably, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability"

3.0 PLANNING HISTORY

- 3.1. As discussed, the planning records associated with nos. 98-104 Great Russell Street are extremely extensive and involve numerous applications for physical works and changes of use.
- 3.2. As this application relates to the use of the premises, we have for ease of reference only listed the approved records which relate to proposed uses or where physical works have resulted in a new use (e.g. formation of a student/staff flat):

98 Great Russell Street

9200258	Continued use of the basement, ground and first floor front room for office purposes Approved 21/05/1992
PS9704143R1	Change of use and internal alterations of the first floor from office to educational use to be used in conjunction with the educational use at basement and ground floor Approved 12/06/1997
LS9704144R1	Change of use and internal alterations of the first floor from office to educational use to be used in conjunction with the educational use at basement and ground floor Approved 12/06/1997
PS9705056R2	Provision of a mansard roof extension involving the partial demolition of the roof to create a one bedroom flat Approved 29/01/1999
LS9705057R2	Provision of a mansard roof extension involving the partial demolition of the roof to create a one bedroom flat Approved 29/01/1999

99 Great Russell Street

PS9705058R2 Provision of mansard roof extension involving the partial demolition of the roof to provide additional office space
Approved 29/01/1999

LS9705059R2 Provision of mansard roof extension involving the partial demolition of the roof to provide additional office space
Approved 29/01/1999

99 & 103 Great Russell Street

2013/8226/P Change of use from educational facility to staff and student accommodation at 2nd floor level to 103 Great Russell street and at 3rd and 4th floor level to 99 Great Russell Street
Approved 08/08/2014

100-103 Great Russell Street

8800313 Change of use, refurbishment and partial redevelopment to provide offices and 4 flat **Refused Date Unknown Appeal**
Allowed 02/08/1989

100, 101, 102 & 103 Great Russell Street and rear of 100-102 Great Russell Street

9200070 Change of use of the basement, ground and first floors to residential education use together with the second floor of no. 103 and the rear stable block and alteration and extension to the stable block roof, basement and ground floor infill extension to the rear of no. 100 together with the conversion of the remaining upper floors, the insertion of roof lights at no. 103 and a mansard roof extension to no. 100 to form five self contained flats **Approved 23/06/1992**

9270015 Refurbishment, extension and conversion in connection with use for educational and residential accommodation
Approved 24/06/1992

9300629 Amendments to planning permissions granted on 23rd June 1992 and 24th June 1992 for alterations, extensions and changes of use to self-contained flats and residential educational use comprising changes to elevations at front ground floor level together with formation of new lightwells and erection of new railings **Approved 18/08/1993**

9370108 Amendments to Listed Building Consents granted on 23rd June 1992 and 24th June 1992 for alterations, extensions and changes of use to self-contained flats and residential educational use comprising changes to elevations at front ground floor level together with formation of new lightwells and erection of new railings **Approved 18/08/1993**

101 & 102 Great Russell Street

9200426 Change of use and the rear extension of the ground floors and basements to residential educational use in connection with nos. 100 and 103 next door and the conversion of the first, second and third floors to form six flats and the erection of mansard roof extensions to provide two flats
Approved 23/06/1992

9270088 Refurbishment and extension and conversion in connection with use for educational and residential accommodation
Approved 23/06/1992

104 Great Russell Street

9201034 Change of use of basement, ground, first and second floors from offices to educational use with ancillary offices
Approved 28/09/1992

PS9705178R1 Change of use from educational use on the basement, ground, first and second floors to office use within class B1 with the retention of a maisonette on the 3rd and 4th floors
Approved 20/03/1998

2005/0831/P Change of use from office (class B1) to educational use (Class D1) at lower ground, ground, first and second floor levels **Approved 25/04/2005**

- 3.3. As will be noted, with the exception of no. 99, there were a series of consents granted in the 1990s and 2000s which permitted the use of the units for educational purposes as well as the use or formation of associated residential units.
- 3.4. However, no. 99 has formed part of the study centre since the early 2000s, and in 2013 when it was proposed to convert the 3rd and 4th floors of this unit to staff/student accommodation, it was agreed by the council that they would be changing use from an educational facility.
- 3.5. This and the other consents are of course evidence of the longevity and lawfulness of the use of the site as part of the London Study Centre. However notwithstanding this and given the lack of a specific record for the use of no. 99, it has been considered necessary to compile specific evidence on the use of this unit, to demonstrate that the lawful use of this unit is for education (use class D1) and residential institution (use class C2) purposes.

4.0 SUPPORTING EVIDENCE

4.1. The following evidence has been collated and submitted in respect of this application submission:

- Signed Declarations
- Business Rates Documentation 2001, 2005 and 2010
- Faculty Event Invitation February 2002
- Insurance Certificate 2002
- Lease Extensions 2004, 2009 and 2014
- Electrical Inspection Notes 2009 and 2012
- Advertisements 2004, 2009 and 2011
- Classrooms 15, 16 and 17 Rental Invoices 2004-2015
- Water Bills 2012-

Signed Declarations (Appendix 1)

4.2. The London Study Centre is managed on behalf of Florida State University by Acorn of London.

4.3. As will be seen at Appendix 1, Mr Ian Watkins, Chairman of Acorn and Mr Adam Celiz, their Chief Operating Officer have prepared signed declarations regarding their knowledge of the use of nos. 98-104 Great Russell Street.

- 4.4. Mr Watkins and Mr Celiz both declare that nos. 98-104 have all been used for a mix of education purposes and staff/student accommodation in excess of ten years.

Business Rates Documentation 2001, 2005 and 2010 (Appendix 2)

- 4.5. As has been discussed, it is understood that no. 99, although owned by Florida State University since the 1990s was not incorporated into the study centre until the early 2000s.
- 4.6. In regards to this, attached at Appendix 2 is a completed Valuation Office (VOA) form requesting information in November 2001 for no. 99. As will be noted, it is stated that the building is used for educational and administrative purposes by Florida State University.
- 4.7. Also attached at appendix 2, is a VOA webpage 'print-out' stating the 2005 and 2010 business rates valuations for 'nos. 90-103' in April 2005 and April 2010. In both cases the properties are described as 'University and Premises',

Faculty Event Invitation February 2002 (Appendix 3)

- 4.8. The 'event invitation' attached at Appendix 3 was prepared by Acorn Management Services Limited and Florida State University for a reception for staff and users of the London Study Centre in February 2002.
- 4.9. As will be noted, the location of the event was within the Peacock Room in no. 99 Great Russell Street.

Insurance Certificate 2002 (Appendix 4)

- 4.10. Attached at Appendix 4 is an insurance renewal certificate for the period September 2002-September 2003. The certificate relates to properties nos. 98-104 Great Russell Street and provided insurance for the London Study Centre and various Florida State University entities.

Lease Extensions 2004, 2009 and 2014 (Appendix 5)

- 4.11. As owners of the premises, Florida State University leases the buildings to its UK based entity, the 'Florida State University International Programs Association UK'.
- 4.12. Although the original lease agreement is unavailable, attached at Appendix 5 are copies of letters confirming renewal of the lease to use the 'premises' on Great Russell Street dating May 2004, and February 2009 and a copy of the new lease dated June 2014.
- 4.13. It will also be noted that all documentation is addressed to no. 99 Great Russell Street.

Electrical Inspection Notes 2006 and 2012 (Appendix 6)

- 4.14. Attached at Appendix 6 are 'Electrical Installation Condition Reports' which were undertaken in June 2006 and between February 2012-July 2012 at no. 99 Great Russell Street.
- 4.15. As will be noted, the reports were prepared by Independent Test Engineers, and identify the use of the building as a 'University'.

Advertisement Leaflets 2004, 2009 and 2011(Appendix 7)

- 4.16. As has been discussed, Florida State University leases teaching spaces to other educational institutions, mostly to support their own 'study abroad' programmes.
- 4.17. In respect of this, Acorn of London prepare leaflets and brochures to provide information on the available facilities.
- 4.18. Therefore, attached at Appendix 7 are information leaflets prepared in 2004, 2009 and 2011.
- 4.19. All documents contain photographs illustrating the available teaching and educational facilities.
- 4.20. The latter two brochures also specifically label the photographs, identifying specific rooms within the premises and clearly show that the buildings have been in use for in excess of ten years.

Classroom 15, 16 and 17 Rental Invoices 2004-2015 (Appendix 8)

- 4.21. Further to the above, attached at Appendix 8 are rental invoices from between Autumn 2004 and Spring 2015 for use of classrooms 15, 16 and 17 by other educational institutions. C
- 4.22. Classrooms 15, 16 and 17 were the rooms located at 3rd and 4th floor of no. 99 which were consented to change use from educational to staff/student accommodation in 2014.
- 4.23. The rental invoices attached at appendix 8 are as follows:
- Elon College – Autumn Term 2004
 - Drew University Summer 2005
 - Elon College Autumn Term 2005
 - Accent Autumn 2005

- Accent WULA Autumn 2006
- Accent USC Autumn 2006
- Accent UC Autumn 2006
- Oberlin University Spring 2007
- Colgate University Spring 2007
- SUNY New Paltz Spring 2007
- Goshen Collage Summer 2007
- Tulsa University Autumn 2007
- Grinnell College Autumn 2007
- Accent Autumn 2007
- Accent Spring 2008
- Grinnell College Autumn 2008
- Goshen College Spring 2009
- Oklahoma University Spring 2009
- Harding University Autumn 2009
- Binghampton Spring 2010
- Colgate University Spring 2010
- Grinnell College Autumn 2010
- Accent Autumn 2010
- Harding University Autumn 2010
- Accent Spring 2011
- Delaware Spring 2011

- University of Connecticut Spring 2011
- Colgate University Spring 2011
- Ohio University Spring and Summer 2011
- Goshen College Summer 2011
- TCU Summer 2011
- Colgate University Autumn 2011
- Accent Autumn 2011
- University of Connecticut Autumn 2011
- Drew University Autumn 2011
- Drew University Autumn 2012
- Colgate University Autumn 2012
- Delaware Spring 2013
- Colgate University Spring 2013
- Goshen College Summer 2013
- University of Connecticut Summer 2013
- Colgate University Spring 2014
- Oberlin University Spring 2014
- Scholar Services Spring 2014
- TCU Summer 2014
- San Diego Spring 2015
- Delaware MUSC Spring 2015

- 4.24. These invoices are clear evidence of classroom spaces being used for educational purposes for in excess of 10 years.

Water Bills (Appendix 9)

- 4.25. Attached at Appendix 9 are water bills from Thames Water in respect of no. 98-104 Great Russell Street between December 2012 - March 2015.
- 4.26. Whilst older bills are currently unavailable, this again illustrates the unification of the premises in its operation as the London Study Centre.

5.0 ANALYSIS OF SUPPORTING EVIDENCE

- 5.1. Although the planning history records confirm that consents were granted for the use of nos. 98 and 100-104 for educational and residential institutional purposes, there are no specific records which relate to no. 99 despite it being used as part of the London Study Centre since the early 2000s and well in excess of 10 years.
- 5.2. Whilst acceptance of this as a fact, is most clearly demonstrated by the grant in 2014 to change the use of the 3rd and 4th floor of no. 99 from educational use to staff/student accommodation, the university is however still required to demonstrate to the Home Office that they have the right to use their premises.
- 5.3. This lawful development certificate application therefore seeks to confirm the use of the premises is lawful, and accordingly a detailed range of evidence has been compiled by the applicants and their management agents to clearly demonstrate this position.
- 5.4. The range of evidence provided, includes signed declarations, photographic/visual records, descriptions of the use of the property by third parties (e.g. Valuations Office, independent electrical testers and insurers) and invoices for use of classrooms by other education institutions.
- 5.5. It is considered that the combination of these different strands of evidence provide a clear and unambiguous record of the use of the unit and wider premises for a period in excess of ten years prior to the submission of this application.
- 5.6. It is therefore considered that this evidence coupled with 2014 consent to change the use of the 3rd and 4th floors to staff/student accommodation clearly

demonstrate that the lawful use of the building is for educational (use class D1) and residential institutional (use class C2) purposes. It is therefore considered that a Lawful Development Certificate should be issued.

6.0 CONCLUSIONS

- 6.1. The preceding statement has been prepared in support of our client's application to obtain a Lawful Development Certificate to formally confirm that the lawful use of no. 99 Great Russell Street, London is for education (use class D1) and residential institution (use class C2) purposes.
- 6.2. Although planning permissions and listed building consents were granted for these purposes in respect of nos. 98 and 100-104, no specific record appeared to have been granted in respect of no. 99.
- 6.3. Although the use of this unit had clearly been accepted by the council as lawful (e.g. 2014 consent to change use of 3rd and 4th floors of no. 99 from education facility to staff/student accommodation), the Home Office requires that the university to clearly confirm and demonstrate that they have the right to operate from their premises.
- 6.4. Accordingly, a range of evidence has been collated to demonstrate that the use of the premises as part of the London Study centre has been for a period in excess of the last ten years and is therefore lawful in accordance with the provisions of section 191 and 171B of the Town and Country Planning Act 1990.
- 6.5. We therefore respectfully request that a Lawful Development Certificate is issued.