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Planning Department
LB Camden
5 Pancras Square
London
N1C 4AG

Ref:100/039
29th March 2017

Dear Sirs

Town and Country Planning Act 1990 (Section 191)
Flat 4 Great Russell Mansions, 59-61 Great Russell Street, London WC1B 3BE
Application for Certificate of Lawful Use
Use of Flat 4 as a self-contained residential dwelling

I write on behalf of my client, the Estate Services Manager of Housing at the London Borough of Camden, and submit an application under Section 191 for a Certificate of Lawfulness of an Existing Use for the use of Flat 4 as a self-contained dwelling.

The Property

1. Great Russell Mansions forms part of a row of five storey late 19th century mansion blocks constructed in brick with decorative elements. 50-61 (consec) include horizontal banding and are constructed in red brick with contrasting stone decoration.¹
2. The subject property (Flat 4) is located on the lower ground floor in the south east corner of the block. It comprises of 4 rooms and a corridor which has been enlarged by the removal of small sections of internal walls. Rooms in the property have electrical fittings, fireplaces and in some rooms there are the remnants of domestic wall paper. In the enlarged corridor is a sink and the plumbing for a WC. Three rooms have windows at pavement level onto Gilbert Place. One room has windows into an internal courtyard. The corridor also has windows facing onto the internal courtyard. The existing layout of the property is shown on drawing number 5922-E(1)002 rev B and has a floor area of approximately 92m².
3. The property is in a poor decorative condition, some fittings and surface finishes have been previously removed exposing brickwork structure. There is a sink and some original features such as fire surrounds, picture rails remain in part.

¹ Bloomsbury Conservation Area Appraisal and Management Strategy Adopted draft 18 April 2011

4. Access to the property is from a central staircase and passenger lift which also serves the remainder of the building. A separate escape staircase from the basement exits at street level directly onto Gilbert Place.

Planning History

5. The construction of the building pre-dates modern town planning and the Council's website includes the following applications:

2016/0344/P Flat 3, Great Russell Mansions 59-61 Great Russell Street London WC1B 3BE Change of use of Flat 3 (basement) from storage area (Class B8) to create 1 no. self-contained 2-bed flat (Class C3); erection of privacy fencing in rear lightwell; alterations to openings; and associated works. REGISTERED 16-02-2016

2015/6683/NEW 59 Great Russell Mansions Great Russell Street London London Camden WC1B 3BE Conversion of existing flat currently with B8 storage use back to residential dwelling, in lower ground floor of existing block of flats WITHDRAWN -- *Withdrawn*

2015/6668/P Flat 2, Great Russell Mansions 59-61 Great Russell Street London WC1B 3BE Change of use of Flat 2 (basement) from office/storage area (Class B1a) to create 1 no. self-contained 3-bed flat (Class C3); alterations to openings; and associated works REGISTERED 16-02-2016

PSX0105163/P Flat 2, Great Russell Mansions 59-61 Great Russell Street London WC1B3BE Certificate of Lawfulness for the existing use of a basement flat (no.2)for general storage purposes within use class B8. FINAL DECISION 14-10-2003. *Granted*

8900110 Flat 1 Great Russell Mansions Great Russell Street WC1 Removal of condition 01 attached to the planning permission dated 21st April 1988 (Reg.No. PL/8703729) for change of use from residential to doctors surgery in order to depersonalise use of permitted surgery. FINAL DECISION 15-03-1989 *Grant Permission.*

8703729 Flat 1 (basement) Great Russell Mansions 58-61 Great Russell Street WC1 Change of use from residential to doctors surgery as shown on drawing numbers 875/001 & 002. FINAL DECISION 15-12-1987. *Grant Permission with Conditions*

8500529 Flat 2 (basement) Great Russell Mansions 58-61 Great Russell Street WC1 Change of use from residential to office use as illustrated in drawing no.LBC:01:36. FINAL DECISION 27-03-1985 *Grant Permission with Conditions*

32936 Great Russell Mansions, Great Russell St, WC1 The erection of a lift motor room on the roof. FINAL DECISION 10-08-1981. *Permission*

Application **2016/0344/P** listed above refers to the subject property as “Flat 3”. For the reasons listed in paragraphs 6-10 below, the correct reference should be as Flat 4.

Historic Information and Evidence

6. The subject property forms part of the lower ground floor of a residential mansion block constructed in the 19th century. Research at the Camden Local Studies and Archives Centre produced historic plans of the building as follows:

Drg no. LBC01/11A lower ground floor nos 1,2,3,4 Nov '79

Drg no. LBC01/10A ground floor nos 5,6,7,8 Nov '79

7. These drawings were produced by Bailey and Garner on behalf of LB Camden and show the ground and lower ground floor layouts of the block. The subject property is notated as No.4 and comprises 4 rooms, WC and bathroom. The room facing into the internal courtyard is subdivided in two with the larger element shown to include a sink. It would reasonable to assume the sink indicates the location of the kitchen. The plan indicates that property has the requisites of a self-contained dwelling which include a kitchen, wc and bathroom, and rooms for living and sleeping.
8. The drawings show the internal arrangement of the other units and the lower ground floor unit in the south west corner is notated as Flat 3 and described as “Boiler House”.
9. Each floor comprises 4 flats and the room arrangement on the ground floor is similar to the lower ground floor. The layout of Flat 8 which is on the ground floor above Flat 4 has a very similar layout to Flat 4, the difference being the room overlooking the internal courtyard has a slightly different door arrangement (access to the smaller section off the corridor rather than from the main room). The amount of detail shown for the internal arrangements of the flats is the same for both floors. Copies of the plans are attached.

Drg no. CBP 2011/200 Lower ground floor above ground floor drainage Feb 83

Drg no. CBP 2011/201 Ground floor above ground floor drainage Feb 83

10. These drawings were produced by the Chapman Bathurst Partnership and show the internal layout of the ground and lower ground floors in 1983. The subject property is notated as Flat 4 and retains the same layout as shown in the 1979 drawings. Flat 8 on the ground floor also retains the same layout. Copies of the plans are attached.

11. Electoral roll records show in 1947 flats 1-4 occupied as follows:

Name	Flat No.
Wylies, Lilian M. E.	1
Gait, Arthur J	2
Gait, Diana	2
Gait, Edith, J	2

Gait, James Ian	2
Gilbert, Maurice	2
Snelling, Ada C	4
Snelling, Ivy, Florence	4
Snelling, Leonard	4
Snelling, Leonard E	4

12. The 1982 electoral roll (ie around the time of the Feb 1983 drawings) shows the entries for flats 1-4 as follows:

Name	Flat No.
Fitzgerald, Brian C.	2
Willis, Patterson	2
Binns, Genty	4
Hailstone, George W	4

13. Extracts of the 1947 and 1982 electoral roll are attached.
14. The Housing Department have confirmed the property forms part of the housing stock owned and managed by the Council. According to the Estates Services Manager (see attached sworn statement), Housing Department records do not indicate when the last tenant vacated.

Use of Flat 4 as a self-contained dwelling

15. Great Russell Mansions was built as a residential mansion block and Flat 4 was in residential use on 1/7/1948 based on the 1947 electoral roll. It is evident the origins of the property (Flat 4) are as a self-contained dwelling within the block. The basis of the lawful use of Flat 4 as self-contained residential dwelling is therefore as follows:

The physical condition of the building

16. The external fabric of the Great Russell Mansions including Flat 4 is sound. Structurally, Flat 4 is sound and all that is required to make Flat 4 fit for residential occupation is a general internal refurbishment. Some stripping out works, such as removing some fittings and surface finishes, have previously taken place but the works were not completed. It is assumed the works formed part of a modernisation of the property but the Estates Services Manager has been unable to ascertain when the work commenced or why the works were not completed.
17. The internal configuration of the Flat is recognisable as a dwelling and capable of residential use subject to minor works which do not require planning permission. The cost of making the Flat fit for occupation would not be prohibitive.

The length of time for which the building has not been used

18. Great Russell Mansions has remained in residential use since the 1980's. Housing Department records do not indicate when the last tenant vacated Flat 4.

Whether the building has been used for any other purposes

19. Flat 2 within Great Russell Mansions was the subject of planning permission 8500529 for change of use from residential to office use and Certificate of Lawfulness PSX0105163/P for the existing use for general storage purposes within use class B8.
20. Flat 4 has not been the subject of an application for a change of use or a certificate of lawfulness for storage use. At present the caretaker of the building has access to Flat 4. The general responsibility of the caretaker for Great Russell Mansions is to ensure the security and general appearance of the building and associated areas are maintained in accordance with the required standards and that heating systems operate at optimum efficiency. The caretaker has been given no instructions to use Flat 4 for storage purposes (see sworn statement by Dilip Shah).
21. It is acknowledged that the Housing Department applied at the start of 2016 (reference 2016/0344/P) for the "change of use of Flat 3 (basement) from storage area (Class B8) to create 1 no. self-contained 2-bed flat (Class C3); erection of privacy fencing in rear lightwell; alterations to openings; and associated works". This application was submitted without research into the history of the building and the use of the Flat. For example, research into the building's history now shows the correct address is as Flat 4 not Flat 3. Reference in the application to the use of the flat for "storage area (Class B8)" is also misplaced. The Design and Access Statement accompanying application 2016/0344/P stated "*The application property is located within the basement of Great Russell Mansions, and is understood to be classified as use class B8, storage*" but did not but set out the basis for this contention. The Design and Access Statement did not indicate when any such use may have commenced. Use Class B8 is defined as "Use for storage or as a distribution centre". To qualify as B8, storage or distribution must be the primary activity at the land with goods normally being stored before distribution. Any clutter/paraphernalia found in the flat at the time of that application would not have amounted to "storage" within the definition of Class B8 and would, in any case, not have been there on the instructions of the Estates Services Manager. Whilst the "erection of privacy fencing in rear lightwell; alterations to openings; and associated works" may require planning permission the fact remains that the internal configuration of the Flat is recognisable as a dwelling and capable of residential use subject to minor works which do not require planning permission.

The owner's intentions

22. The Housing Department owns or manages approximately 4500 properties in the Borough. The Estates Services Manager is responsible for managing the

caretaking & cleaning on estates which includes making effective use of the accommodation it owns.

23. There is no evidence that the Flat has been declared unfit for human habitation nor is it incapable of being rendered fit at reasonable cost.
24. The Estates Services Manager is unaware of any reason that the Housing Department would not expect Flat 4 to be in residential use. If the Housing Department had intended floor space within the flat to be used for non-residential purposes the Housing Department would have either applied for planning permission for change of use or a certificate of lawfulness such as in the case of those consents granted in respect of Flat 2. There is no evidence that the predecessors of the Estates Services Manager applied for planning permission for change of use or a certificate of lawfulness for the non-residential use of Flat 4.
25. As referred to above, the caretaker has been given no instructions to use Flat 4 for storage purposes.
26. Flat 4 may not have been occupied for a period but that does not mean there has been no intention of a resumption of residential use. One of the responsibilities of the Estates Services Manager is to make sure that the Housing Department is making effective use of the accommodation it owns. The objective is to have the flat occupied as soon as possible either by tenants on the Council's waiting list or sold for private occupation with the capital receipt being used to fund housing stock improvements elsewhere.

Pre-application Advice

27. Prior to the submission of this application, a request for pre-application advice was made to the Council. The pre-application advice (ref: 2016-4/6838/4/NEW) included a visit to the property by the case officer and the verbal advice stated by the officer on 17th March 2017 was that sufficient evidence was available to justify that the lawful use of the flat is as a dwelling and that a formal application was invited.

Summary

28. The case for the lawful use of the subject property as a self-contained dwelling is as follows:
 - the evidence submitted shows that Flat 4 was built as a self-contained dwelling.
 - The property is structurally sound and subject to minor works of improvement is capable of residential use at reasonable cost.
 - Housing Department records do not indicate when the last tenant vacated. Flat 4 may not have been occupied for a period but that does not mean there has been no intention of resumption of residential use.
 - The caretaker has been given no instructions by the Estates Services Manager to use Flat 4 for storage purposes.
 - There is no evidence that the Housing Department has intended the flat to be used for non-residential purposes. This is materially different to circumstances relating to the use of Flat 2 whereby the Housing

Department obtained planning permission for the non-residential use of Flat 2.

Having regard to the above, we submit it would be reasonable to conclude that, on the balance of probability, the lawful use of Flat 4 is as a self-contained dwelling.

The submission includes the following:

OS extract
Drawing number 5922-E(1)001 rev B Existing layout
Drawing number 5922-E(1)002 rev B Existing Layout
Drawing number 5922-E(1)003 rev A Elevations
Drawing number 5922-E(1)004 rev A Elevations
Drawing number 5922-E(1)005 rev A Section
Drg no. LBC01/11A lower ground floor nos 1,2,3,4 Nov '79
Drg no. LBC01/10A ground floor nos 5,6,7,8 Nov '79
Drg no. CBP 2011/200 Lower ground floor above ground floor drainage Feb 83
Drg no. CBP 2011/201 Ground floor above ground floor drainage Feb 83
Extracts of the 1947 and 1982 electoral roll
Sworn statement by Dilip Shah (originals to follow by post)

We look forward to hearing from but should you require any more information or clarification, please do not hesitate to contact me.

Yours faithfully,



James Sharp