

LDC Report		
Officer		Application Number
Raymond Yeung		2016/6427/P
Application Address		Recommendation
Woburn House 20 Tavistock Square London WC1H 9HQ		Grant
1st Signature		2nd Signature (if refusal)
Proposal		
Existing use of basement, ground, mezzanine and part first floor level for a mix of uses (conference facilities and office) (Class Sui Generis).		
Assessment		
<p>The application relates to an existing mix of uses (Class Sui Generis) consisting equal elements of office and conference facilities across basement, ground, mezzanine and part first floor level of Woburn House. The site is owned by CVCP Properties (CVC) which is managed by Woburn House Conference Centre Limited (WHCC) and is owned by Universities UK (UUK) who are the tenants. The applicant states they run university lectures for international students for universities and conferences in the said rooms.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> • Floor plans from basement level to 6th floor • Photographs of main hall, plaque dated 2007, podium with projector screen dated 2007 • Statutory accounts between 2005 and 2016 for Woburn House, 20 Tavistock Square which details that the principle activity of WHCC as operating for the purposes of managing the conference centre and other meetings rooms on behalf of UUK • Lease document dated May 2007 by UUK • Rent review dated 2011 for CVC for tenants UUK <p>Council's Evidence</p> <p>There is no relevant planning history or enforcement action on the subject site to suggest that it has been in D1 or any other usage within this lawfully B1 unit.</p>		

Looking at their website, it is clearly advertised as Woburn House being used as a conference centre and meeting rooms for a considerable amount of time due to its established nature of the content of the website and its literature.

According to VOA, the premises having been paying business rates and confirm that the building is being used as a Conference Hall, it also confirms a board room which the University uses on the first floor to strengthen the applicants evidence of the room being used for such D1 purpose.

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 application form is rather confusing, it states they are applying for ‘dual use’ of B1 and D1 as if it was a proposed planning application, but yet it is on an existing use certificate of lawfulness form and they state on this form that they are applying for ‘existing operations’ as opposed to ‘Existing use’. It also said ‘lower ground floor’ however, as discussed with applicant and the floor plans confirm that it is in fact the basement level. Furthermore, the lease refers to mezzanine, first and 2nd floor rather than basement, ground, first and mezzanine. The applicant states that the lease for the ground and basement were under a separate lease and for 20 years but this is under another company name. However, it is considered that regardless of the company name on the lease, the use of the building has still been the same.

However it is considered that the said floors contain equal elements of both B1 and D1 usage and as such, it is considered suffice to classify such usage as ‘Sui Generis’, this has also been confirmed by the applicant as there is around an equal 50/50 split between the said floors.

D1 is reserved for Non-residential institutions (such as conference centres, clinics, schools, non-residential education and training centres, etc).

In this instance, the applicant is seeking confirmation that the building is used as for conferences centre and education/training for lectures due to it being headquarters for UK Universities.

The demonstrative evidence provided by the applicant is deemed to be sufficient, precise and unambiguous to demonstrate that ‘on the balance of probability’ the said floors for Sui Generis use for a period of more than 10 years as required under the Act.

They have submitted accounts dating back to 2005 which states the conferences and training are taking place. They have provided photographs, with one dating back to 2007 using it for the said use. They have also submitted evidence by providing rent review and lease document to strengthen their case.

The photograph of the plaque and paperwork submitted suggests it has been opened as UUK headquarters from 1997.

As mentioned above, the government business rates website VOA, states the premises having been paying business rates and confirm that the building is being used as a Conference Hall which covers 213 square metres floor area, it also confirms a board room which measures 93 square metres floor area which the University uses on the first floor to strengthen the applicants evidence of the room being used for such D1 purpose.

So with UUK being an educational organisation and WHCC being a non-residential conference centre and training, on the balance of probability, the building's Basement, mezzanine, ground and part first floors have been in use for conferences (Class D1) by UK Universities for a period of more than 10 years and this is therefore considered the lawful use of these floors.

The evidence provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the use of the additional conferences and educational/training meetings at basement, ground, mezzanine and part first floor level of Woburn House to consider it as Sui Generis.

Recommendation: Grant certificate