

16 February 2021

**Delivered via Planning Portal (PP-09499107)**

Development Management  
Planning Service  
London Borough of Camden  
5 Pancras Square  
London N1C 4AG

Dear Sir / Madam

**13 LEEKE STREET, LONDON WC1X 9HY**

**CERTIFICATE OF LAWFULNESS: EXISTING USE – IMPLEMENTATION OF PLANNING PERMISSION  
2019/3267/P**

On behalf of our client, the Paul Hamlyn Foundation ('PHF'), we hereby submit an application to the London Borough of Camden ('LBC') for a Certificate of Lawfulness: Existing Use in respect of a change of use from Class C3 to Class E (former Class B1a) at no. 13 Leeke Street, London WC1X 9HY ('the site') pursuant to planning permission 2019/3267/P.

The site is owned by the applicant, PHF, one of the largest independent grant-making foundations in the UK. The charity has a particular focus on social justice, young people and the arts, and makes a wider contribution to Camden's voluntary and community sector (VCS) by providing office space free of charge to eligible organisations. Issuing the Certificate of Lawfulness is important to PHF in its ongoing management of the site and will assist the organisation with its beneficial charitable work.

The site has been in office use since 1 December 2019. The use of the site is demonstrated through the submitted official taxation records related to the sites (and associated correspondence and documentation). These indicate that office use at the site (and absence of residential use) are recognised by national and local government.

The change of the previous C3 residential use to the former B1(a) office use (i.e. the current E(g)(i) office use) was consented under planning application 2019/3267/P. Other recent planning history is summarised in the table below.

Taking the submitted documentation and planning history into account, the current use of the site as offices is established as lawful and we seek confirmation that planning permission 2019/3267/P has been

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lawfully implemented. Granting the Certificate of Lawfulness is in accordance with legislative requirements and will allow its function to be accurately recognised on the public record and in future undertakings.

This letter sets out a brief overview of the site and relevant planning history before detailing the proposal, the submitted documents and the facts of the situation in order to justify the issuing of a Certificate of Lawfulness. Following a concluding paragraph, the submission documents are listed, and we trust that the contents will ensure a speedy validation and subsequent approval of the application.

## The site

No. 13 Leeke Street is a narrow two-storey brick building constructed in the twentieth century and located in the King's Cross ward of the London Borough of Camden. It has a sloping roof and large Crittall-style windows and lies adjacent to (and interconnected with) nos. 5-11 Leeke Street. With its neighbour, it constitutes the headquarters of PHF at nos. 5-13 Leeke Street. The charity has been in situ since 2012 and has historic links to Camden.

Leeke Street is a quiet cobbled side street within the Kings Cross conservation area, close to the international transport hub of Kings Cross and St Pancras stations. The street links King's Cross Road to Wicklow Street and traverses railway tracks linking King's Cross-St Pancras station to Farringdon station.

## Relevant planning history

The table below indicates the most significant recent planning applications that relate to the site. This Certificate of Lawfulness application relates to office use, pursuant to 2019/3267/P.

### Select site planning history

Reference	Address	Description of development	Decision	Date
2019/4683/P	5-13 Leeke Street	Erection of four storey office extension (Use Class B1a) following demolition of 13 Leeke Street (containing 1x1 bed self-contained flat (Use Class C3)); construction of additional storey at roof level with roof terrace above at 5-13 Leeke Street (Use Class B1a).	Granted	8 October 2019
2019/3267/P	13 Leeke Street	Change of use from residential use (Class C3) to office use (Class B1a)	Granted	23 July 2019
2017/4707/P	13 Leeke Street	Demolition of existing building and erection of new three storey building with brick facade and erection of a two storey roof and rear extension. Change of use from residential house (Use class C3) to office space (Class B1) in conjunction with the existing use at 5-11 Leeke Street.	Allowed on appeal (APP/X5210/W/18/3 205121)	5 November 2018
2010/0057/P	5-13 Leeke Street	Change of use of side extension/garage of Class B1	Granted	15 April 2010

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building to create a two storey 1  
bedroom house (Class C3).

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## *LBC online planning record*

No. 13 Leeke Street was historically in B1 office use until a change of use to residential in 2010 (2010/0057/P). The residential unit was substandard due to failing to meet minimum space standards, a single aspect north-facing orientation, lack of external amenity space, absence of space for refuse and recycling, and lack of cycle parking. It was sporadically occupied and became vacant in 2016.

In 2018, the applicant successfully appealed (APP/X5210/W/18/3205121) against a decision of LBC to refuse planning permission for a change of use from C3 to B1a use, demolition of the existing building and construction of a new larger building on the plot (2017/4707/P). The Inspector highlighted the poor quality of the unit and supported its conversion to office space that would function alongside the adjoining nos. 5-11.

A change of use application to restore the former land use to B1a was approved in 2019 (2019/3267/P). This was followed by a larger scheme to demolish no.13 and replace it with a new office extension in B1a use, which included an additional rooftop storey spanning nos. 5-13 Leeke Street (2019/4683/P). The new development is intended to be an expanded headquarters for PHF and the Certificate of Lawfulness is sought in the interim, to confirm implementation of P2019/3267/P and pending likely implementation of that project in due course.

## **The proposal**

It is proposed that a Certificate of Lawfulness: Existing Use be granted to recognise that no. 13 Leeke Street is now lawfully in office use. The office use has returned the premises to its historic use and aligns with the current use of the adjoining nos.5-11. This use is brought in through implementation of P2019/3267/P.

Following reforms to the Use Classes Order in 2020, under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the Use Class for offices is updated to Class E, from Class B1. The office use was implemented in advance of the date of 1 September 2020 set out in the Regulations and automatically transfers to Class E.

Having established that the relevant authorities have approved office use, it is for the applicant to establish that use in practice and thereby implement the extant consents within the three year time period attached to the decision notices.

PHF commenced office use at the site on 1 December 2019. The use of the site as offices meant it was utilised on a day to day basis by employees of PHF for administrative purposes, including desk-based activities and for meeting space for PHF and others to discuss their work.

Evidence that the site was in office use is provided by the following submitted documents:

### **(a) Email correspondence between PHF and the Valuation Office Agency (six emails)**

The correspondence shows that PHF made a formal request of the relevant government agency in April 2020 to commence paying business taxation on no. 13 Leeke Street given the change of use to office on 1 December 2019. The subsequent emails show the VOA progressing the change.

### **(b) Change of use permission (three pages)**

A copy of the decision notice for application reference 2019/3267/P, which permitted change of use from C3 to B1a at no. 13 Leeke Street.

**(c) Rateable value (one page)**

This document was printed off on 03.03.2021 and refers to the period from 01.12.2019 onwards. It is a reproduction of official governmental business tax records for the site, specifically the rateable value. The LBC record refers to the entirety of the wider site, nos. 5-13 Leeke Street, i.e. it includes no. 13 Leeke Street. The description is 'office and premises', which is equivalent to the former B1a use class (today Class E) and by implication excludes the former C3 use class. It is official governmental confirmation that no.13 Leeke Street is in office use and liable for business taxation on that basis.

**(d) Rating increase letter (one page)**

Official letter from Valuation Office Agency dated 21.04.2020 confirming an increase in rateable value at the site as a result of change of use of no.13 from residential to office.

**Conclusion**

This letter has explained the lawful planning use class of no. 13 Leeke Street in relation to the recent planning record, and day to day activities there, in order that a Certificate of Lawfulness: Existing Use be issued. In short, the submitted evidence shows that the change to office use on 1 December 2019 was recognised by LBC and the Valuation Office Agency during 2020, indicating it is an established fact in the view of the key national and local government bodies. The Certificate of Lawfulness will accordingly confirm the site as being in lawful use as offices and that planning application P2019/3267/P has been implemented.

Based on the information we have provided we hereby request that a Certificate of Lawfulness: Existing Use be issued to the applicant to confirm the site's Class E status.

**Submission**

We hereby provide the following as part of the Certificate of Lawfulness application:

- Cover letter, prepared by Turley (this document)
- Application form, prepared by Turley
- Site location plan, prepared by Guy Stansfield Architects
- Email correspondence between PHF and the Valuation Office Agency (six emails)
- Change of use permission (three pages)
- Rateable value (one page)
- Rating increase letter (one page)
- Fee payment of £234 plus £25 service charge (payment arranged via PHF)

I trust that the above is in order and look forward to receiving validation of the application. Should you require any further information please do not hesitate to contact me or Oliver Jefferson at this office.

Yours faithfully



Phil D Jones  
**Assistant Planner**

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