

Our Ref: AE/DM/LL/R00480

Planning Portal Ref: PP-09555376

London Borough of Camden
By Planning Portal

London Borough of Camden
2nd Floor
5 Pancras Square
Kings Cross
London
N1C 4AG

20 March 2021

Dear Sir / Madam,

64-66 ARYLE STREET, LONDON, WC1H 8ER
S191 APPLICATION FOR CERTIFICATE OF LAWFUL EXISTING USE

I write on behalf of Stardom Properties UK Ltd (the Applicant), and hereby enclose an application seeking approval for a Certificate of Lawful Existing Use at the above site. This application is made under Section 191 of the Town and Country Planning Act 1991(as amended) and seeks confirmation that the building on site is in lawful residential use (Use Class C3).

The following supporting documents are submitted in support of this application:

- Planning Application forms and Certification prepared by ROK Planning
- Site Location Plan, prepared by ROK Planning;
- Existing Layout Plan, prepared by BKR;
- This Planning Statement (inc. the following appendices), prepared by ROK Planning;
 - Appendix 1- LPA ref. 5173;
 - Appendix 2- Historical Electoral Registers;
 - Appendix 3- LPA ref. 5/07/61;
 - Appendix 4- Continued Temporary Staff Hostel Use;
 - Appendix 5- LPA ref. 35758;
 - Appendix 6- LPA ref. HB/3360;
 - Appendix 7- Applications post 1983;
 - Appendix 8- Existing Layout;

- Appendix 9- Reason why St Mungo Community Housing Association Vacated Site; and
- Appendix 10- Douglas Edward QC Note
- LPA statutory application fee.

The Site

The Site is located in Kings Cross, just south of Euston Road and was previously occupied by St Mungo Community Housing Association. It comprises three adjoining properties of a row of 3-storey terraced buildings, bounded by Argyle Street to the north, Argyle Walk to the south, Whidborne Street to the west and Loxham Street to the east. Its location is shown below with the relevant land edged in red.



Figure 1 Site Location Plan

The existing buildings on site are within the Bloomsbury Conservation Area and are Grade II listed, as are 46, 48-54, 60-61 Argyle Street and 26-35 Argyle Square. A number of Grade II listed buildings also sit opposite the Site across Argyle Street.

Relevant Planning History

A planning history search on the Council's planning applications register reveals the following applications:

Application Ref.	Development Description	Date Registered	Decision
2010/4297/T	REAR GARDEN: 1 x Sycamore - Crown reduce by 30% and shape - Crown thin by 15%.	12/08/2010	No objection to works to tree(s) in CA
9592421	Seeking permission to lop part of a Sycamore tree situated in rear garden.	28/09/1995	Agree to pruning of trees
HB/3360	Works of internal alterations and alterations to the rear elevation including the installation of new doors at basement and ground floor levels, new metal stairs, and a reduction in the height of the rear extension at no.64. (as shown in drawing nos.8233/X1-X3,X5,P1-P5 & P7).	02/11/1983	Listed Building Consent
35758	Continued use as a hostel.	14/02/1983	Conditional planning consent
24670	Continued use as a staff hostel.	25/05/1977	Conditional planning consent
22527	Continued use as a staff hostel.	31/03/1976	Limited planning consent
15116	The continued use for a further limited period of Nos. 64 and 66 Argyle Street, WC1 as a staff hostel.	21/11/1972	Limited planning consent
7709	The continued use for a further limited period of Nos. 64 and 66, Argyle Street, Camden, as a staff hostel.	18/09/1969	Limited planning consent
3859	The use, for a further limited period, of Nos. 64/66 Argyle Street, Camden, as a staff hostel.	21/06/1967	Conditional planning consent
TP35896	The use for a limited period of 64-66	25/05/1962	Conditional

/25/05/62	Argyle Street, St. Pancras, as a staff hostel.		planning consent
05/07/61	To use premises as a private hotel	05/07/1961	Planning permission granted
5173	Use of property as a private hotel.	18/07/1960 (determination date)	Refused Appeal not allowed 15/06/1961

Table 1: Full Planning History of Application Site

Relevant Planning Legislation

This application seeks a Certificate of Lawful Existing Use to confirm residential use (Use Class C3 of the Use Classes Order 2020), in accordance with Section 191 of the Town and Country Planning Act 1991 (as amended) which states that an application for a LDC should be used to establish whether:

- *An existing use of land, or some operational development, or some activity in breach of a planning condition, is lawful.*

In terms of demonstrating that the relevant use is lawful, the responsibility is on the applicant to demonstrate this by submitting cogent evidence. It should also be noted that the Certificate is not a planning permission and the planning merits of the use, operation or activity in the application are irrelevant in the determination of the application.

Lawful Use Assessment

The application seeks to demonstrate that the site is currently in lawful residential use (Use Class C3, of the Use Classes Order 2020), following St Mungo Community Housing Association's recent vacating of the Site.

The Site was in lawful residential use in 1960 as evidenced by the refusal notice attached to application LPA ref. 5173 submitted in the same year, which sought to change the use of the buildings on site to a private hotel. The LPA refused the application *"on the grounds that the proposed change of use would involve the loss of housing accommodation in the form of six self-contained units suitable for family occupation"*.

The application was subsequently dismissed at appeal on 15th June 1961 because, as outlined

in a summary prepared by then Ministry of Housing & Local Government, *“the proposal involved the change from residential use of residential buildings which could still be used for residential purposes”*. The associated planning documents are contained in **Appendix 1**. (no record/ copy of the full appeal decision is available on the Council register)

A review of historical electoral registers dated 1958, 1959 and 1960 also suggest the Site was in residential use as 6no. self-contained dwellings, given the breakdown of individuals cited on the registers. Copies of the registers are enclosed in **Appendix 2**.

Subsequent to the 1960 application (LPA ref. 5173), another application (LPA ref. 05/07/61) to convert the buildings on site into a private hotel was submitted in mid-1961 and later consented. The relevant Officer’s Report is contained in **Appendix 3**.

The premises were shortly converted into a staff hostel for temporary use following planning consent in 1962 (LPA ref. TP35896/25/05/62). A subsequent thread of permissions continuing this use on a temporary basis then endured. The application forms and decision notices under all applications for staff hostel use submitted from 1962 to 1977 are attached in **Appendix 4**. The premises were principally managed by the British Railways Board as staff lodgings.

The most recent application for hostel use (LPA ref. 35758) was submitted in 1983 by St Mungo Community Housing Association Ltd and was subsequently granted by the Council for the *“continued use [of the Site] as a hostel”*. The relevant application form and decision notice are attached in **Appendix 5**.

Condition 1 attached to the consent, as worded in the Decision Notice, states that the permission ***“shall be personal to St. Mungo Community Housing Association during their occupation and shall not endure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use for residential purposes”***.

An application for Listed Building Consent (LPA ref. HB/3360) was subsequently consented in 1984 for internal alterations and alterations to the rear elevation of the building. The Decision Notice and all available plans are enclosed in **Appendix 6**.

Planning applications thereafter relate solely to tree works (LPA ref. 2010/4297/T) in vicinity to the property. Copies of the available planning documents are provided in **Appendix 7**. There have been no other applications altering the permitted land use on site.

Following the 1983/1984 planning consents (LPA ref. 35758 and HB/3360), St Mungo Community Housing Association has occupied the Site on a continuous basis for a period since 1984. The current internal layout of the buildings on Site remain in accordance with the drawings consented

under the 1983 planning application for Listed Building Consent (LPA ref. HB/3360). **Appendix 8** provides a copy of drawings commissioned in December 2020, showing the existing layout of the buildings on Site, following a survey of the property upon vacation of the property by St Mungo Community Housing Association. These align with the approved drawings under application LPA ref. HB/3360 provided in **Appendix 6**.

St Mungo Community Housing Association vacated the Site in 2020, for the reasons outlined in **Appendix 9**, and the existing buildings on Site have been left unoccupied. Thus Condition 1, attached to the 1983 permission (LPA ref. 35758) is triggered and the lawful use of the premises on Site reverts to a residential use (Use Class C3). Condition 1 is clear that the site reverts to a residential use. The appeal decision (1960) is not prescriptive in terms of the buildings at the site being solely or exclusively occupied by 6.no residential units.

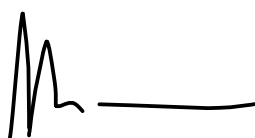
For the avoidance of doubt, **Appendix 10** comprises a written opinion prepared by Douglas Edwards QC confirming the above analysis and conclusions. This demonstrates that the lawful use of the property comprises a residential use (Use Class C3). It is therefore considered that the property has reverted to a residential use and no longer comprises specialist or protected hostel accommodation.

Conclusion

This application unequivocally demonstrates that the current lawful use of the premises at 64-66 Argyle Street, Kings Cross, London WC1H 8ER comprises a residential use (Use Class C3). This is in accordance with Condition 1 of 1983 Planning Permission 35758 as St Mungo Community Housing Association recently vacated the Site. There have been no subsequent planning applications since seeking to change the use of the Site, nor have any unauthorised uses occurred in this period.

We trust the details submitted are sufficient to grant the Certificate. If, in the interim, you should have any queries, please do not hesitate to contact either Lorraine Lau (lorraine.lau@rokplanning.co.uk) or myself at this office. I look forward to your formal acknowledgement of the application.

Yours faithfully,



Alun Evans
Director

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For and on behalf of ROK Planning