

LDC Report	07/05/2021
Officer	Application Number
Matthew Dempsey	2021/1162/P
Application Address	Recommendation
17 Greville Street London EC1N 8SQ	Approve
1st Signature	2nd Signature (if refusal)
Proposal	
Use as 8 x 1 bed residential units (Class C3).	
Assessment	
<p>The application site is located on the South side of Greville Street. The application relates to the upper floors of the property. The building is not listed and is not located within any Conservation Area.</p> <p>The application seeks to demonstrate that flats 1 – 8 have existed for a period of 4 years or more such that the continued use would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the existing residential unit has existed for a period of 4 or more years.</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"> • Site Location Plan (Exhibit A), • Affidavitt 30/09/2020 (Exhibit B), • Council Tax record (Exhibit C), • Tenancy agreements 2017-19 Flats 1-8 (Exhibit D), • Tenancy agreements 2018-21 Flats 1-8 (Exhibit E), • Energy performance certificates (Exhibit F). • Statutory Declaration by Stewart Lee dir Brightwell Estates Ltd 10/04/2018. <p>The applicant has also submitted the following plans (to be found at foot of Statutory Declaration):</p> <ul style="list-style-type: none"> • Ground Floor Plan • 1st Floor Plan 	

- 2nd Floor Plan
- 3rd Floor Plan
- 4th Floor Plan
- Roof Plan

Council's Evidence

Planning History:

2006/3053/P - Extensions and external alterations to existing residential flats at first to fourth floors including erection of dormer windows to rear elevation, four storey side extension to rear lightwell, replacement of windows to doors and erection of external balustrade to rear lightwell, change of use of first floor from retail (Class A1) to residential (Class C3) to create 2 no. self-contained flats, conversion of existing residential unit at second to fourth floor levels to 6 no. self-contained flats (total 8 units). Alterations to front elevation at ground floor level to provide new entrance to ground floor front retail unit (Class A1). Withdrawn 26/09/2006.

2006/4466/P - Change of use and works of conversion of 1st floor from retail (Class A1) to residential (Class C3) to provide 1x 1-bedroom self-contained flat, addition of side extension to rear lightwell at 1st - 4th floor levels to enclose replacement staircase, conversion of existing residential flats at 2nd - 4th floor levels to provide 1x 1-bedroom self-contained unit at 2nd floor level, and 1x 3-bedroom self-contained unit at 3rd and 4th floor levels, and provision of new dormer window at the rear. Granted subject to S106 Agreement 30/03/2007.

Council Tax records:

Council Tax Officers have confirmed that the liability for Council Tax for flats 1- 8 started on 01/01/2006. It has been in payment continuously since then.

Site visit:

A site visit to the property was not undertaken due to coronavirus restrictions, however the applicant has provided video footage to demonstrate the layout of the flats as shown on the floor plans provided.

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 Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the 8 units have existing at 1st to 4th floor have

existed in residential use for a period of more than 4 years as required under the Act. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Approve