

<b>LDC Report</b>	03/08/2021
<b>Officer</b>	<b>Application Number</b>
Matthew Dempsey	2021/1349/P
<b>Application Address</b>	<b>Recommendation</b>
64-66 Argyle Street London WC1H 8ER	Approve
<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature (if refusal)</b>
<b>Proposal</b>	
Use of whole property as self-contained residential dwellings (Class C3).	
<b>Assessment</b>	
<p>The application site is located to the southern side of Argyle Street, facing towards Argyle Square and backing on to Argyle Walk at the rear. The application relates to a pair of terraced former town houses.</p> <p>The application seeks confirmation that 64-66 Argyle Street has reverted to its lawful use for residential purposes (Class C3) following the vacation of the premises by St Mungo's, as per condition 1 of planning permission ref: 35758, dated 04/07/1983. This permission was for 'continued use as a hostel' and had a condition which made this permission personal to St Mungo Community Housing Association and required that 'on their vacating the premises the use shall revert to the lawful use for residential purposes'. St Mungo's left the premises in late 2020 which is now vacant.</p> <p><b>Applicant's Evidence</b></p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> <li>• Cover Letter</li> <li>• Applicant's Legal Advice</li> <li>• Appendices 1 – 10 <ol style="list-style-type: none"> <li>1. LPA ref: 5173</li> <li>2. Historic Electoral Registers</li> <li>3. LPA ref: 5/07/61</li> <li>4. Continued Temporary Staff Hostel use</li> <li>5. LPA ref: 35758</li> <li>6. LPA ref: HB/3360</li> <li>7. Applications post 1983</li> <li>8. Existing Layout</li> </ol> </li> </ul>	

9. Reasons why St Mungo Community Housing Association vacated site.
10. Douglas Edwards QC legal advice.

The applicant has also submitted the following plans:

- Site Location Plan. 8233 X1, 8233 X2, 8233 X3, 8233 X5, 480-01, 8233 P1, 8233 P2, 8233 P3, 8233 P4, 8233 P5, 8233 P7, 21.017 01 (Lower ground floor to roof plans).

## Council's Evidence

### Planning History:

**5173** - Use of property as a private hotel. – **Refusal 18/07/1960.**

**05/07/61** – To use premises as a private hotel – **Permission 13/07/1961.**

**TP35896/25/05/62 / 38487** – The use for a limited period of 64-66 Argyle Street, St. Pancras, as a staff hostel. – **Conditional 27/07/1962.**

**3859 / 35743** – The use, for a further limited period, of Nos. 64/66 Argyle Street, Camden, as a staff hostel. – **Conditional 27/07/1967.**

**7709 / 35947** – The continued use for a further limited period of Nos. 64 and 66, Argyle Street, Camden, as a staff hostel. – **Limited 15/10/1969.**

**15116** – The continued use for a further limited period of Nos. 64 and 66 Argyle Street, WC1 as a staff hostel. – **Limited 05/02/1973.**

**22527** – Continued use as a staff hostel. – **Limited 02/09/1976.**

**24670 / 35067** – Continued use as a staff hostel. – **Conditional 05/08/1977.**

**35758 / 35673** – Continued use as a hostel. – **Conditional 04/07/1983, personal to St Mungos.**

**HB/3360 / 36642** – 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). – **Listed Building Consent 22/03/1984.**

A site visit to the property was undertaken on the 13/07/2021. The property was vacant.

## 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 St Mungo's vacated the premises in 2020 and that the lawful use is now for residential Class C3. Their permission in 1983 required the use on their vacation to revert to the lawful use for residential purposes. It is likely that, according to the planning history summarised above, the previous use was as 6 self-contained flats as this is referred to in the planning decision of July 1960 ref 5173.

Thus the lawful use of the property is now Class C3 residential.

**Recommendation: Approve**