

Delegated Report		Analysis sheet	Expiry Date:	14/09/2023
		N/A	Consultation Expiry Date:	N/A
Officer			Application Number(s)	
Alex Kresovic			2023/2974/P	
Application Address			Drawing Numbers	
2-7 Montague Street London WC1B 5BP			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Lawful Development Certificate to demonstrate that the site has been in continuous use for more than 10 years as a Hotel (Use Class C1).				
Recommendation(s):	Grant Certificate of Lawfulness (Existing)			
Application Type:	Certificate of Lawfulness (Existing)			
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				

Site Description

The application site is a Grade II Listed Building and is located on Montague Street, neighbouring the British Museum within the Bloomsbury conservation area. The Grange Blooms Hotel occupies 2-5 Montague Street and is arranged over 5 floors. The existing hotel offers 58 ensuite rooms, 3 no. of event spaces plus restaurant and a bar/lounge area. The Grange White Hall Hotel occupies 6-7 Montague Street and is arranged over 5 floors. The hotel provides 26 ensuite rooms and a restaurant which is located on the lower ground floor.

The site consists of six late Georgian terraced former townhouses that date back to the early 19th Century.

The hotels have two key external elevations which face Montague Street, which connects Russell square with Great Russell Street, and the rear elevation which faces onto the British Museum.

Relevant History

APPLICATION SITE:

2023/1831/P - Erection of rear single storey extension at ground floor following demolition of existing conservatory. Erection of plant in rear garden and at rear roof level. Rear landscaping alterations and erection of timber shelter. Erection of rear 1st floor balcony. Fenestration alterations. Installation of platform lift and stairs from lower ground to ground floor within the front lightwell. Installation of lift overrun. Pending decision

2023/2303/L - Listed Building Consent. Erection of rear single storey extension at ground floor following demolition of existing conservatory. Erection of plant in rear garden and at rear roof level. Rear landscaping alterations and erection of timber shelter. Erection of rear 1st floor balcony. Fenestration alterations. Installation of lift overrun. Installation of platform lift and stairs from lower ground to ground floor within the front lightwell. Internal alterations including conversion of 2 hotels (C1) into 1. Pending decision

LSX0104622 - Removal of internal partition wall at second floor level, as shown on letter dated 12 July "Blooms Town House Hotel" and drawing number: A1/1273/01. Granted 04/09/2001

P9600681R3 – The erection of a conservatory at the rear together with other alterations including the formation of a stair link between basement and the garden and the reinstatement of the front steps. Granted 28/11/1996

9570204 - Internal alterations comprising the relocation of partitions and formation of en-suite bathrooms to guest bedrooms. Granted 08/09/1995

8900053 - Alterations comprising rebuilding and enlargement of rear extension at basement and ground floor levels. Granted 13/07/1989

RC/LX/DEL443 - The rebuilding of outside walls and the erection of an extension at rear of 6/7 Montague Street. Granted 07/05/1964

CA247/1 - Retention of neon lighted sign burning rose pink at "Belgrave Hotel" 6/7 Montague Street, WC1. Granted 24/10/1955

Assessment

Background

The certificate seeks to demonstrate that on the balance of probability that 2-7 Montague Street, London, WC1B 5BP has been in use as a Hotel (Use Class C1) for a consecutive period of at least ten (10) years before the date of the application, such that its continued use would not require planning permission. This certificate is only for the use only and not any unauthorised internal or external works.

Applicant's Evidence

1. Past planning history;
2. Google View images;
3. Hotel Reviews (TripAdvisor);
4. Energy performance certificate;
5. Site Location Plan prepared by adb architects; and
6. Planning cover letter prepared by Icen Projects.

Council's evidence

Judging the evidence submitted and the history of the site, officers are satisfied that 2-7 Montague Street, London, WC1B 5BP has been in use as a Hotel (Use Class C1) for a period of 10 or more years continuously.

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 (Planning Practise Guidance para. 006), 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 for the certificate relates to the existing use or operation of 2-7 Montague Street, London, WC1B 5BP as a Hotel (Use Class C1). The application is made on the basis that the use is lawful because it is now immune from enforcement action because it has occurred for a continuous period of more than ten years, before the date of the application – in other words since at least 20 July 2013 (“the relevant period”).

The Council does not have any evidence to contradict or undermine the applicant’s version of events. The supporting information submitted in support of the application maintains that 2-7 Montague Street, London, WC1B 5BP has been in use as a Hotel (Use Class C1) for a consecutive period of at least ten years before the date of the application.

The information provided by the applicant is therefore deemed to be sufficiently precise and unambiguous to demonstrate that ‘on the balance of probability’ that 2-7 Montague Street, London, WC1B 5BP has been in use as a Hotel (Use Class C1) for a consecutive period of at least ten years before the date of the application as required under the Act. Furthermore, the Council’s evidence does not contradict or undermine the applicant’s version of events.

Conclusion

Recommendation: Grant Certificate