

7th March 2024

Planning Applications Team

London Borough of Camden 2nd Floor, 5 Pancras Square
c/o Town Hall, Judd Street
London
WC1H 9JE

Planning Portal Reference Number: PP-12680358

Dear Sirs,

ROYAL COLLEGE OF ANAESTHETISTS, 35 RED LION SQUARE, WC1R 4SG

SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED).

APPLICATION TO CERTIFY THAT THE EXISTING USE OF 35 RED LION SQUARE FOR SUI GENERIS (INSTITUTIONAL USE) IS LAWFUL.

We write on behalf of our client, the Royal College of Anaesthetists (RCoA) ('the Applicant'), to apply for a Certificate pursuant to Section 191 of the Town and Country Planning Act 1990 (as amended), to certify that the existing use of 35 Red Lion Square (Basement to Eight Floor), for 'Sui Generis Use' (institutional use) is lawful.

In addition to this Covering Letter, in accordance with the Town and Country Planning (Development Management Procedure) Order 2015, the application comprises the following:

- Planning Application Form and Planning Application Fee (submitted via the Planning Portal);
- Site Location Plan;
- Supporting evidence:
 - *Statutory Declaration (with exhibited photographs);*
 - *Existing Floorplans;*
 - *Sales Invoices;*
 - *Brochures; and*
 - *Website particulars.*

The application has been submitted electronically via the Planning Portal (Ref: PP-12680358), and an online payment for the planning application fee of £642 (inclusive of service charge) has been made via the Portal.

The application fee adopted is that applicable to a traditional planning application for a change of use which is the most appropriate fee category.

The Site & Context

The Site comprises an 8-storey building which is occupied by the Royal College of Anaesthetists. The Site lies between Theobalds Road, Drake Street and Red Lion Square.





Figures 1 and 2 – Image of the Front Elevation of 35 Red Lion Square (left), and Aerial View (right).

The Site lies within the Central London Area and Holborn Growth Area (as designated by the Camden Local Plan, 2019) and is wholly within the Central Activities Zone (under the London Plan, 2021). The Site is located within an accessible location, and within the setting of the Bloomsbury Conservation area, albeit it is not in a Conservation Area itself.

There is currently no article 4 direction in place at the Site which removes the permitted development (PD) rights for the change of use from Class E to residential use (Part 3 Class MA).

Planning History

The planning history as available on Camden Council's website has been reviewed and relevant applications summarised below.

Planning App Ref.	Description of Development	Decision	Date
2007/3825/P	<i>Installation of new kitchen extract fan and plant enclosure and retention of existing plant and associated works.</i>	Granted	15/08/2007
2006/2586/P	<i>Retention of plant comprising 3x air handling units and 1x kitchen extract unit on the rear flat roof at 1st floor level and erection of a new acoustic screen on top of the existing screen to the rear (east) edge of the roof of the office building</i>	Withdrawn	18/08/2006
2004/3744/P	<i>Additions and alterations to an existing office building including an extension to part 6th and part 7th floor levels, including alterations to the entrance and recladding of external facades, together with the relocation of 6th floor roof plant.</i>	Granted	10/09/2004
9400902	Basement, 4th, 5th, 6th, 7th & 8th floors <i>Certificate of Lawfulness for existing use as offices and storage for the basement 4th 5th 6th 7th& 8th floors within Class B1 of the Town and Country Planning (Use Classes) Order 1987.</i>	Granted	13/06/1994

A certificate of lawful use application (ref. 9400902) was granted in 1994 to confirm the basement, 4th, 5th, 6th, 7th, and 8th floors as in existing use as offices (Use Class B1) and storage. The certificate submission references a historic planning permission granted in March 1951 for the erection of an office building of up to 10 storeys on the site known as 75 Theobalds Road and 35/36 Red Lion Square.

For clarity, RCoA occupied the building in 2006 and required the additional kitchen extract fan/ plant enclosure for the updated functioning of the building. It is acknowledged that the officers report for application ref. 2007/3825/P refer to the building as “8-storey office building (Class B1) occupied by the Royal College of Anaesthetists”, and the description of development also describes the building as being in office use. This description was made as the Applicant started to occupy the building and it was not an accurate description of how building either was to be used or how it has been used since that time. The configuration and lawful use of the building is set out in further detail below.

Legal Framework

Under Section 191 of the Town and Country Planning Act 1990 (As Amended), a certificate under this section shall:

a) Specify the land to which it relates;

Basement to eighth floor level of 35 Red Lion Square, WC1R 4SG. Refer to Site Location Plan submitted as Appendix 1.

b) Describe the use, operations, or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

Sui Generis Use (Institutional Use). This is a combination of professional education, administrative and entertainment uses.

c) Give the reasons for determining the use, operations, or other matter to be lawful; and

The supporting evidence to justify that 35 Red Lion Square has been in lawful use as Sui Generis for at least a period of 10 years (commencing in 2006) is set out in further detail below.

d) Specify the date of the application for the certificate.

2006

The statutory framework covering “lawfulness” for lawful development certificates is set out in section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

This letter and supporting evidence seek to demonstrate that 35 Red Lion Square has been in existing use as Sui Generis (Institutional Use) for at least a period of 10 years (commencing in 2006) and is therefore lawful. 35 Red Lion Square is accessed solely from the front entrance and there is no separate entrance/access to allow access to the upper levels and the property is therefore classed as one “planning unit”.

NPPG (paragraph: 006) states that “*in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*”

Justification for Existing Use

Existing Use

The Applicant occupies the building at 35 Red Lion Square as their headquarters. The RCoA is the professional body responsible for the specialty of anaesthesia throughout the United Kingdom. It sets standards in anaesthesia, critical care, pain management, and for the training of anaesthetists, physicians' assistants, and practising critical care physicians. It also holds examinations for anaesthetists in training, publishes the British Journal of Anaesthesia, and informs and educates the public about anaesthesia. The RCoA's activities are varied, but include the setting of standards of clinical care, establishing the standards for the training of anaesthetists and those practising critical care and acute and chronic pain management, setting, and running examinations, and the continued medical education of all practising anaesthetists.

The RCoA website confirms “*in 2006 the College moved to Churchill House, 35 Red Lion Square. The building was opened by The Princess Royal on 16 January 2006. Churchill House, together with office accommodation, includes a four floor Institute of education, made up of a lecture theatre and a number of meeting rooms of varying sizes. The move to*

Churchill House enables the College to run its examinations together with a large number of its events, courses, meetings, and lectures in house”.¹

In addition to the internal mix of uses required to support the different functions and requirements for the Royal College, the property is also advertised for availability for venue hire. The lecture theatre, meeting rooms, Galleries and Halls are advertised for suitability for committee meetings, conferences, workshops, or dinners. In addition, the council chamber and galleries can be hired for drinks receptions and dinners. Appendix 5 includes the relevant website page advertising the internal spaces available for external hire, and website ref. <https://www.rcoa.ac.uk/about-us/venue-hire>.

As clearly described on the website, the RCoA by virtue of the different requirements and needs of its members is made up of several different uses including the following:

Floor	Uses
Basement	<ul style="list-style-type: none"> • Lecture theatre which accommodates 151 people. • The lecture theatre is used by the Royal College of Anaesthetists for internal meetings, presentations and conferences and as a venue for external conferences, events and seminars. • Plant room and archived materials stored in the basement.
Ground	<ul style="list-style-type: none"> • Main reception area. • It is the central hub for all staff entering and leaving the building. • Security and the café are also located on this floor. • This floor is also used by the Royal College of Anaesthetists for staff as a general collaboration area and for internal functions, as well as external events and trade stand exhibitions
First	<ul style="list-style-type: none"> • 1st Floor Gallery - Open Event Space • Various layouts can be accommodated for internal staff and external hire. • This space forms a major space utilised by the college for members examinations and associated events. • Various Layouts - Training Workshops, Boardroom Style, Lecture Theatre. • The space can also be utilised for hospitality/catering and formal college dinners. • 1st Floor BJA Library - Used by the College for In House training, lectures, meetings, and is also a venue that is available for hire.
Second	<ul style="list-style-type: none"> • Event space • The fellows' room and hall 2 is also located here, used as a working space and meetings or lectures as needed.
Third	<ul style="list-style-type: none"> • Open plan office area.

¹ <https://www.rcoa.ac.uk/documents/novice-guide/brief-history-rcoa> Drawing ref. W-132-LG-00

Fourth	<ul style="list-style-type: none"> • Open plan office area.
Fifth	<ul style="list-style-type: none"> • Meeting area and hybrid office working space. • The executive leadership and support team offices are also located on this floor.
Sixth	<ul style="list-style-type: none"> • Council chamber used by the Royal College of Anaesthetists and is also available for external hire events and hospitality events. • Meeting room is used for internal meetings and board meetings. • This floor is also where the prayer room and first-aid room are located.
Seventh	<ul style="list-style-type: none"> • Breakout and staff lunchroom, kitchen, and toilet facilities are located on this floor. • It is generally used by staff, visitors and guests.
Eighth	<ul style="list-style-type: none"> • Meeting rooms for internal staff and external hire.

By virtue of the internal mix uses as listed above, the existing lawful use of the building falls under Use class Sui Generis of the Use Classes Order 1987 (as amended). Sui Generis is used when a proposed use does not fit into one of the other use class categories and is unique such as the RCoA which does not fall under one strict use class. If a property is within two or more planning use classes, it is classed as 'Sui Generis'. This letter seeks to set out the different uses that make up the Royal College of Anaesthetists that do fall under one planning use class. It is clear from the internal mix of uses listed above that the property is not classed as a typical office use falling under Use Class E.

Lawful Nature of the Existing Development

To support this certificate to demonstrate the existing lawful use of 35 Red Lion Square (Basement to Eight Floor Level) in Sui Generis Use, the following documents have been submitted:

- *Statutory Declaration (with exhibited photographs);*
- *Floorplans;*
- *Invoices / Service Agreements;*
- *Website particulars; and*
- *Event Brochures.*

Statutory Declaration

The application is supported by a Statutory Declaration prepared by Sharon Drake (Deputy CEO and the Director of Clinical Quality and Research at the Royal College of Anaesthetists). Sharon has been employed by the Applicant as Director of Education and Research and Head of HR from September 2008 to May 2016, and as Deputy CEO and the Director of Clinical Quality and Research since May 2016 to date.

The Statutory Declaration confirms Sharon's knowledge of the institutional use of 35 Red Lion Square including combination of professional education, administrative and entertainment uses taking place continuously over the time period 2006 – 2023 without interruption.

The Statutory Declaration also exhibits photographs of the internal uses and layout of the building covering the period 2006 -2023. The Statutory Declaration confirms the photographs form a correct representation of the internal layout at 35 Red Lion Square from 2006 to 2023. The photographs present a sample of relevant photographs of the internal layouts and uses of the building over the relevant time period.

The Statutory Declaration has been submitted as Appendix 1. Please refer to the evidence summary document for further details.

Floorplans

The existing floorplans (basement to eight floor) have been included as Appendix 2.

The plans illustrate the internal layouts and have been annotated with the relevant uses of each floor which can often be flexible for different uses depending on the requirements for the Royal College.

Sales Invoices / Local Service Agreements for External Room Hire/ Catering

Sales invoices / service agreements relevant to the external hire of the internal spaces of 35 Red Lion Square have been submitted to support the certificate.

The relevant confidential sales invoices cover the period 2013 – 2023 have been submitted as Appendix 3. The invoices submitted to support the application present a sample across 2013-2023.

Please refer to the evidence summary document for further details.

Event Brochures

Appendix 4 includes a variety of programmes and brochures for open days and RCoA events held at 35 Red Lion Square that utilise the internal spaces for events. The event brochures submitted to support the application present a sample across 2013-2023.

Please refer to the evidence summary document for further details.

Website particulars

Appendix 5 includes the website pages as follows:

- Brief History – Website page which includes the confirmation that “in 2006 the College moved to Churchill House, 35 Red Lion Square. The building was opened by The Princess Royal on 16 January 2006”.
- Venue Hire – Website page which sets out the various rooms available for hire at 35 Red Lion Square (lecture theatre, council chamber, gallery space, exhibition space etc).
- Venue Capacity and Price List – Website page which sets out the price guide for the venue hire.
- Catering – The website pages which set out the catering / menu options available with the venue hire.

Summary

In the light of the above and evidence submitted to support the application, it has been demonstrated that the existing use of the floorspace at 35 Red Lion Square, for ‘Sui Generis Use’ is lawful. The Council is therefore respectfully requested to grant a Lawful Development Certificate to certify this.

The application fee (£642.00 incl of service charge) has been paid to the Council using the Planning Portal Reference Number: PP-12680358.

We trust that you find the contents of this letter and supporting evidence to grant approval of the certificate of lawfulness, but should you require clarification of any element or any additional information then please do not hesitate to contact me (tara.kemmitt@cbre.com / 07584396105).

Yours sincerely,

Tara Kemmitt

Tara Kemmitt | Senior Planner
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