

Lawful Development Certificate (Existing) Report	<b>Application number</b>	2024/5698/P
<b>Officer</b>	<b>Expiry date</b>	
Sam FitzPatrick	13/02/2025	
<b>Application Address</b>	<b>Authorised Officer Signature</b>	
Congress House 23-28 Great Russell Street London WC1B 3LS		
<b>Conservation Area</b>	<b>Relevant article 4</b>	
Bloomsbury	None relevant.	
<b>Proposal</b>		
Use of the building as a mixed institution use (Sui Generis).		
<b>Recommendation:</b>	Grant Lawful Development Certificate	

## 1.0 Site Description

1.1 The application site comprises of a seven-storey building which is owned and occupied by the Trades Union Congress (TUC). The structure consists of a C-shaped building surrounding an internal courtyard and is located on the south side of Great Russell Street, just west of the intersection with Dyott Street. The building is Grade II\* listed and is situated within the Bloomsbury Conservation Area.

## 2.0 Proposal

2.1 The applicant has applied for a lawful development certificate (LDC) to establish the use of the property; the applicant's position is that the site is in lawful institutional 'Sui Generis' use, and has been for a continuous period of more than 10 years.

## 3.0 Relevant history

3.1 At the application site:

**P13/11/A/17413** – The erection of a building comprising two sub-basements, basement, ground floor and six storeys over for the Trades Union Congress memorial building on a site bounded by Great Russell Street, Dyott Street, and Bainbridge Street, Holborn. **Planning permission granted 19/04/1951.**

It is noted that there have been a large number of applications for minor works (including listed building consent applications) made to the Council other than the above conditions, however these are not relevant to this application and so are not included.

3.2 Related planning history (other sites in Camden):

**2024/1048/P at Churchill House, 35 Red Lion Square** – Use of the basement to eighth floor of the building as a mixed use institution use (sui generis). **Lawful development certificate granted 09/05/2024.**

## 4.0 Background

4.1 The application for a lawful development certificate seeks to establish that Congress House has been in its existing institutional use (Sui Generis) for a period of at least 10 years and is therefore lawful. The building itself is owned and occupied by TUC (as set out earlier in this report), but serves multiple functions, including (but not limited to) providing a conference facility, meeting rooms, and office space. These various uses are spread throughout the site and there is no one single use that dominates; as such, there is also so distinction or identification of separate planning units, and the site is considered to be classified as one planning unit, albeit made up of various functions.

## 5.0 Applicant's Evidence

5.1 The applicant has submitted the following information in support of the application:

- Site Location Plan;
- Statutory Declaration prepared by an employee of the applicant who has worked at the site for over ten years;
- Extracts from the TUC website;
- Internal photographs of the site;
- Covering letter prepared by planning agent.

## 6.0 Council's Evidence

6.1 Upon considering the evidence submitted and the history of the site, officers are satisfied that the use as a mixed institutional use (Sui Generis) commenced over 10 years ago, pursuant to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

## 7.0 Assessment

7.1 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 Practice 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 that 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 the determining of such an application.

7.2 The first question is in regards to the use and how the building operates. The evidence provided demonstrates that the building has not been operating as a typical office use, providing more functions and services that are more akin to an institutional use. It is clear from the evidence provided, including the website extracts and the Statutory Declaration, that the building provides conference facilities, exhibition venues, meeting rooms, and office spaces for external hire, alongside the TUC offices, welfare areas, and archives, as well as catering and dining facilities for various users of the building. The planning history of the site and numerous previous applications demonstrate that the building has designated spaces to accommodate all these various functions and uses.

7.3 Although a number of the established uses within the building would, if considered in isolation, fall within specific use classes as set out in the Use Class Order (such as office falling within Class E),

it is accepted that the site provides a wide range of uses, with no clear or established predominant use. In the same way, given that there is no one clear primary use, any other existing uses are not necessarily ancillary to an overarching use. As such, it is considered appropriate to view the building as being used for different uses that fall into more than one class, with this considered to be mixed use, rather than falling within any clear or definable use class. Therefore, it is accepted that the building operates with a mixed institutional use, and would therefore be treated as Sui Generis.

- 7.4 The next question is whether or not this use has operated for a continuous period of ten years or more. From the evidence provided (in particular, the Statutory Declaration) it is accepted that, on the balance of probability, the TUC began their tenancy of the building far longer than ten years ago, and the use has been as established for a period longer than ten years also.
- 7.5 Therefore, it is considered that the information provided by the applicant is sufficiently precise and unambiguous to demonstrate that, on the balance of probability, the building has been in use as a mixed institutional use (Sui Generis) since at least ten years before the date of this application, and continues to do so until the present time.
- 7.6 This being the case, and given that the Council does not have any evidence to contradict or undermine the applicant's version of events, the use of the building as a mixed institution (Sui Generis) is lawful and would not require planning permission. In this respect, it is recommended that a Certificate of Lawfulness be granted.

## **8.0 Conclusion**

### **8.1 Grant Certificate of Existing Lawful Development.**