

LDC (Proposed) Report	Application number	2025/1051/P
Officer	Expiry date	
Brendan Versluys	05/05/2025	
Application Address	Authorised Officer Signature	
NCP Car Park Drury Lane London WC2B 5PW		
Conservation Area	Relevant article 4	
Seven Dials (Covent Garden) Conservation Area	None relevant	
Proposal		
Installation of electric vehicle charging points, installation of internal plant, installation of sprinkler tanks and associated screw piles, removal of car parking spaces		
Recommendation:	Grant Lawful Development Certificate	

## 1.0 Site Description

- 1.1 The application site is located on the northern side of Drury Lane at the corner with Parker Street. The site accommodates an existing basement car park operated by NCP situated below the Gillian Lynne Theatre. The car park is accessed off Parker Street.
- 1.2 The surrounding area is characterised by commercial and retail properties, with residential apartments above.

## 2.0 Proposal

- 2.1 A Certificate of Lawfulness is sought to facilitate minor amendments to the existing basement car park, to enable the conversion of 47 parking bays to Electric Vehicle (EV) charging bays capable of charging an electric vehicle while parked within the space. This associated works required to facilitate this conversion comprise the following:
- Installation of EV charging posts, both wall mounted and free standing posts and associated infrastructure;
  - Amendments to the white lining to remove car parking spaces;
  - Installation of internal plant and associated infrastructure; and
  - Installation of sprinkler tanks and associated screw piles.

2.2 No external changes are proposed.

2.3 In support of the application, the applicant has submitted a cover letter (prepared by the applicant's planning agent) together with plans detailing the layout of the site, car park and proposed works.

### 3.0 History

**TP15045/15135** - The redevelopment of the sites of Nos.166-173 Drury Lane, 1-5 Parker Street, 23 Macklin Street and Cotterell Buildings, Holborn by the erection of a building comprising a 5-storey underground car park, a four-storey podium containing a theatre, shops or showroom restaurant and residential flats surmounted by a tower of residential flats, generally as shown on the drawings submitted. **Granted (Conditional) 25/01/1963**

**TP15045/17107** - The redevelopment of the site of Nos. 166-173 Drury Lane, Holborn, by the erection of a building comprising three basements, ground and part two-, part eleven-storeys over for use as a theatre, shops, ancillary accommodation and 44 residential flats. **Granted (Conditional) 11/05/1962**

### 4.0 Assessment

4.1 In regard to applications for a Certificate of Lawfulness, 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, nor any from others, to contradict or otherwise make the applicant's version of events less probable, 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.

4.2 The applicant's evidence includes a Cover letter prepared by the applicant's planning agent, outlining a description of the works and their rationale for the lawfulness of the works, along with plans detailing the proposed works.

4.3 The definition of 'development' is defined by the Town and Country Planning Act 1990, section 55, as follows:

*Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

4.4 The scope of "development" is therefore broadly split into two limbs – operational development, and material changes of use. The terms of the certificate application are clear that it relates to the physical structure. It is therefore the first limb – operational development – that is relevant to this certificate.

4.5 Section 1(A) defines building operations as

- (a)demolition of buildings;*
- (b)rebuilding;*
- (c)structural alterations of or additions to buildings; and*
- (d)other operations normally undertaken by a person carrying on business as a builder.*

4.6 Section 55(2) of the Act outlines that the following operations do not constitute 'development', provided they fall into the following categories applicable to the proposal:

- the carrying out for the maintenance, improvement or other alteration of any building or works which
  - affect only the interior of the building, or
  - do not materially affect the external appearance of the building,
- A change in the primary use of land or buildings, where the before and after use falls within the same use class.

4.7 The proposed works, including the installation of internal plant and equipment, amendments to white lining and EV charging infrastructure therefore do not constitute development for the purposes of the TCPA, namely as these works are entirely confined to and only affect the interior of the building, and do not alter the external appearance of the building.

4.8 In addition, there are other key tests that are applicable to assessing whether the proposed internal alterations constitute development. These are set out and applied below:

The works must not be precluded by a planning condition or s106 agreement:

4.9 There are no conditions or S106 Agreement obligations on the planning permission which authorised the development of the existing building, which are considered to restrict the proposed internal works.

The works must not result in a material change of use of the building:

4.10 The proposed development is to be used for public car parking with some of the existing bays removed to accommodate the EV charging infrastructure, and still firmly falls within the permitted use of a public car park. As such it would not change the definable character of the use of the land amounting to a material change of use and therefore, this criterion is satisfied.

Therefore, the proposed installation of electric vehicle charging points, installation of internal plant, installation of sprinkler tanks and associated screw piles, removal of car parking spaces, is not considered to constitute 'development' and planning permission is not required.

## **5.0 Conclusion**

5.1 The works for this application would not constitute development as defined by section 55 of the Town & Country Planning Act 1990, and therefore would not require planning permission.

## **5.2 Grant Certificate of Proposed Lawful Development.**