

LDC (Proposed) Report		Application number	2025/0864/P
Officer		Expiry date	
Geri Gohin		24/04/2025	
Application Address		Authorised Officer Signature	
Imperial Hotel 61-66 Russell Square London WC1B 5BB			
Conservation Area		Article 4	
Bloomsbury		Basements	
Proposal			
Installation of external lighting.			
Recommendation:		Refuse Lawful Development Certificate	

1. Site description

- 1.1. The application site relates to the Imperial Hotel, which is a 10-storey building on the east side of Russell Square.
- 1.2. The building is not listed but is located in the Bloomsbury Conservation Area and identified in the conservation area appraisal adopted in April 2011 as neutral in terms of the character and appearance of the square. The building (built in the 1960s) is described in the conservation area appraisal as a “*a highly modelled faceted concrete panels on its frontage and mosaic decoration in its courtyard.*”

2. Proposal

- 2.1. A Certificate of Lawfulness is sought for the proposed installation of external lighting from ground floor to the 9th floor levels of the front elevation.
- 2.2. According to the submitted information, the proposed external lighting would be ‘LED strip lighting’ and ‘would be mounted on the bottom edge of the balconies on each floor.’
- 2.3. The applicant seeks to confirm that the proposal would not constitute development and therefore planning permission is not required under Section 55 of the Town and Country Planning Act 1990.

2.4. The applicant has submitted a façade lighting plan, façade lighting details, and a cover letter in support of the application.

3. Relevant planning history

3.1. At the application site

2024/3260/A - Erection of a decorative scaffold shroud wrap printed onto PVC comprising a 1:1 image of the building facade with an inset advertising area measuring 20m x 10m (non-illuminated) for a temporary period from 01/11/2024 until 01/11/2025 (amendment to temporary period previously granted advertisement consent under ref. 2023/1052/A due to building work delays) - **Advertisement Consent granted 28/08/2024.**

2023/4092/P - Removal of the timber structure and pergola at first floor covering plant at roof level. Removal of roof top plant. Rationalisation of the rooftop plant with new enclosure. The remaining rooftop to be utilised as a terrace. Erection of new staircase enclosures and inclusion of glazed windows to the main facade at ground floor level and first floor level of the hotel to provide access to the terrace - **Planning permission granted 04/04/2024.**

2023/5263/P - Erection of two storey building to include plant room and back of house hotel functions. The works include the erection of a canopy following the removal of existing two storey building and canopy within service yard to hotel building (Use C1) - **Planning permission granted 19/02/2024.**

2023/1052/A - Erection of a decorative scaffold shroud wrap printed onto PVC comprising a 1:1 image of the building facade with an inset advertising area measuring 20m x 10m (non-illuminated) for a temporary period until 31st December 2024 - **Advertisement Consent granted 29/06/2023.**

2020/2365/P - Removal and replacement of the existing shopfronts in accordance with the consented scheme: 2019/2985/P. Widening of courtyard entrance and loss of commercial floorspace. Change of use of the ancillary hotel bar from (Class C1) to independent drinking establishment (Class A4) - **Planning permission granted 03/02/2021.**

2019/2766/P - Erection of three storey building to include plant room, 10x hotel rooms and link to President Hotel and the erection of a canopy following the removal of existing two storey building and canopy within service yard to hotel building (Use C1) - **Planning permission granted subject to a Section 106 Legal Agreement 12/12/2019.**

2019/2985/P - Reconstruction of ninth-floor level and erection of tenth-floor extension following demolition of existing tenth-floor level plant room; installation of new shopfronts and pavement treatment at front elevation following demolition of existing front structure; revised treatment and landscaping to internal entrance courtyard and associated alterations to hotel building (use C1) - **Planning permission granted subject to a Section 106 Legal Agreement 28/11/2019.**

2019/3017/A - Display of 6 x signs with internally illuminated lettering to hotel building (use C1) - **Advertisement Consent granted 26/11/2019.**

2019/2464/P - Removal of existing front structure (part); installation of metal grille at ground floor level and minor alterations to front elevation to Imperial Hotel (use C1) and relocation and replacement of flues to rear elevation of President Hotel (use C1) - **Planning permission granted 28/10/2019.**

2019/2400/P - Replacement of existing windows between second and eighth floor levels (inclusive) to all elevations (Use Class C1) - **Planning permission granted 13/08/2019.**

2016/2242/P - The installation of a pole mounted Omni antenna with ancillary equipment at roof level - **Prior Approval Given 01/09/2016.**

2013/4222/P - Installation of 3 panel antennas & 4 dish antennas and 1 equipment cabinet at roof level - **Planning permission granted 13/09/2013.**

2013/4085/A - Display of 2 x internally illuminated signs on existing entrance canopy, 2 x internally illuminated signs on entrance to the forecourt and 1 x non-illuminated vinyl sign, all at ground floor level - **Advertisement Consent granted 18/07/2013.**

2012/2564/P - Subdivision of existing retail unit (Class A1) and partial change of use to create a new hotel entrance (Class C1); associated shopfront alterations including new glass doors and screens and widening of columns - **Planning permission granted 17/07/2012.**

2012/2651/A - Display of two internally-illuminated fascia box signs to retail units and stainless steel halo-lit lettering affixed to granite fascia above new hotel entrance - **Advertisement Consent granted 17/07/2012.**

2011/6018/A - Display of 1x internally illuminated sign to canopy over front entrance door and 2x internally illuminated signs to entrance columns of casino forecourt - **Advertisement Consent granted 19/01/2012.**

2011/5448/P - Installation of canopy and glazing at ground floor level entrance to replace existing canopy - **Planning permission granted 03/01/2012.**

2011/4592/A - Display of new internally illuminated lettering to the fascia, canopy and above the entrance doors of a hotel / casino (Class C1 / Sui Generis) including new aluminium cladding to the canopy and door canopy, 10 new up-lights illuminating the façade of the building, a new LED strip-light running under the main canopy and associated internally illuminated lettering and cladding to the Russell Square entrance façade - **Advertisement Consent granted 15/11/2011.**

2007/5581/P - Retention of decked area with glazed balustrade enclosure under canopy at front ground floor area of hotel, plus elevational alterations to it, and erection of additional canopied enclosure on 2 bays to its left outside entrance - **Planning permission refused and warning of enforcement action to be taken 28/01/2008.**

2007/1622/P - External alterations to existing casino (Sui Generis) including the creation of balconies and terrace at ground and basement floor levels at rear of Queens Square properties; the erection of gates and railings and associated works; the removal of the brickwork around three existing bay windows and erection of new balustrades planters and gates - **Planning permission granted 21/05/2007.**

2007/0246/A - Display of internally illuminated signage to existing casino use (Sui Generis) - **Advertisement Consent granted 13/03/2007.**

2006/4030/A - Display of 2x internally illuminated fascia signs, 2x internally illuminated column signs, 4x internally illuminated poster case signs and 1x internally illuminated lightbox sign to existing casino (sui generis) - **Advertisement Consent refused 30/11/2006.**

2004/1166/P - The installation of 6 panel mounted antennae and associated equipment on the roof - **Planning permission granted 28/05/2004.**

2004/1233/P - Installation of new raised decked area to exterior of restaurant/bar including new canopy and glazed balustrade - **Planning permission refused 24/05/2004.**

ASX0204925 - The display of non illuminated fascia sign and canopy - **Advertisement Consent granted 13/09/2002.**

PSX0104838 - The erection of a new entrance lobby and canopy, and a new linear canopy between entrances - **Planning permission granted 11/09/2001.**

ASX0104673 - The display of an internally illuminated box sign above one entrance to replace an existing sign, and halo illuminated letters above a glazed entrance lobby - **Advertisement Consent granted 11/09/2001.**

ASX0004457 - Display of illuminated canopy, two plaques and additional lighting to existing signage - **Advertisement Consent granted 08/08/2000.**

P9603188 - Change of use of part basement from hotel workshop to gaming room to provide additional floorspace for casino at ground floor level - **Planning permission granted 21/11/1996.**

9280156 - The display of internally illuminated signs on the canopy and above the doors and an intermittently illuminated tivoli light - **Advertisement Consent granted 05/11/1992.**

8501587 - Erection of a new canopy to the entrance of the casino - **Planning permission granted 13/11/1985.**

8480225 - The display of an internally illuminated sign measuring 3m x 0.75m with a height of 3.2m above ground level to be constructed from individual box letters constructed of polished brass. The display of a corporate identity symbol - **Advertisement Consent granted 08/11/1984.**

4. Assessment

4.1. The Town & Country Planning Act 1990, Section 55 (2)(a) states that “the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land – the carrying out for the maintenance, improvement or other alteration of any building of works which –

- (i) Affect only the interior of the building, or
- (ii) Do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground.

4.2. From the submitted information, it is clear that the proposed installation of external lighting would affect the external appearance of the building. Hence, the assessment to determine whether the proposal would constitute “development” falls on the basis that it would materially affect the external appearance of the building.

- 4.3. The submitted information indicates that the proposed installation of external lighting would be *'de minimis alterations to the building'* and that *'the fitting and bracket of the proposed external lighting will project approximatively 25mm off the building, with the body another 25mm.'* It is further stated that *'owing to the discreet siting of the LED strip lights and their limited proposed projection off the front façade of the building, the external lighting would not materially affect the external appearance of the building.'* From the submission, it is understood that the lighting would be present on all floors (from ground floor to 9th floor) with a high-level lighting (except for the top floor with a low-level lighting). It is therefore considered that the assertion that there will be no perceivable change in the external appearance of the building due to the bespoke design is incorrect.
- 4.4. The application building is a hotel and situated at a prominent location with its front elevation facing Russell Square Gardens. The front elevation is highly visible in the public realm from multiple viewpoints in the surrounding area. Additionally, despite the drawings being unclear and not explaining fully the extent of the visual impact, it is understood that the lighting would be projecting all way across the building. The proposed lighting at ground level would also be directly visible at street level, rather than just at higher levels. Our Camden Planning Guidance (CPG) on Design (dated January 2021) states that *'where used inappropriately, [...], it [lighting] can result in light pollution which is intrusive and can have an impact on residential amenity and wildlife.'* (Paragraph 7.45).
- 4.5. The appellant mentioned in their covering letter that a case (The Royal Borough of Kensington and Chelsea v CG Hotels [1980] *'established that the installation of floodlights had no material effect on a hotel and that while its appearance was affected when illuminated, that did not amount to development.'* In this instance, the *'Divisional Court held that the running of electricity through the apparatus was what materially affected the building's appearance. Since this was not an operation it could not be development.'* This is in no way comparable to this application as the decision was made 45 years ago and the building in question (9 Cheniston Gardens) is 4-storey high (plus basement) compared to the application site which is a 10-storey high hotel.
- 4.6. It is however important to establish what 'operations' are for the purposes of Section 55(1) and Section 55(2) of the Town and Country Planning Act 1990 as amended (1990 Act). As mentioned in the appeal decision (3238690 – Appendix A) dated 19th March 2020, *'case law has clarified that 'operations' for the purposes of the Act are essentially activities which result in some physical alteration to the land which has some degree of permanence, and that there are three primary factors which are decisive of whether something is a building: size, permanence and physical attachment.'* (Paragraph 6.). The size is described as 'de minimis' by the applicant, however, in a wider context with the amount of lighting proposed on all of the floors from ground level to the 9th floor, it is considered significant. The proposal is to be a permanent fixture on the front façade. Finally, although not entirely clear from the submission, it is understood that the lighting would be attached to a bracket that would be fixed to the balcony façade of the building.

4.7. Taking into account the above appeal decision, it is considered that the proposed development would result in a physical alteration to the building, would be permanent and would represent an operation which would materially affect the external appearance of the building. This would mean that the change would be considered to be material.

4.8. Therefore, the proposal is considered to result in a material change to the external appearance of the application building and therefore would fall within the meaning of “development” requiring planning permission, as defined by Section 55 of the Town and Country Planning Act 1990.

5. Conclusion

5.1. The proposal under this application would constitute development as defined by Section 55 of the Town and Country Planning Act 1990 and therefore, would require planning permission.

5.2. Refuse Certificate of Lawful Development (Proposed).

Appendix A – Copy of the appeal decision APP/L5240/X/19/3238690