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| LDC (Proposed) Report | | Application number | 2017/2059/P |
| Officer | | Expiry date | |
| Leela Muthoora | | 20/07/2017 | |
| Application Address | | Authorised Officer Signature | |
| Housekeepers Flat 21 Bloomsbury Way London WC1A 2TH | | | |
| Conservation Area | | Article 4 | |
| Bloomsbury | | | |
| Proposal | | | |
| Use of ancillary caretakers flat at 3rd floor level as office use (Class B1). | | | |
| Recommendation: | | Grant Lawful Development Certificate | |

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| Site description |
| <p>The application site is located on the south side of Bloomsbury Way on the corner of Barter Street. The building comprises of a four-storey plus basement building c.1760. The building is owned and occupied by the Swedenborg Society. No. 21 has a shop at ground floor level and an assembly hall to the rear of the building both have their own entrances on Barter Street.</p> <p>The building is Grade II listed and is located in the Bloomsbury Conservation Area.</p> <p>The application relates to the caretakers flat at the third floor level above 21 Bloomsbury Way.</p> |
| Planning history |
| <p>There are no relevant historic planning records. The only record apart from advertisement decisions relates to an area to the rear of the site.</p> <p>TP43264 for 'The construction of an additional room on the third floor at the rear of 20-21 Bloomsbury Way' dated 21/10/1948.</p> |
| Proposal |
| <p>The applicant is seeking confirmation that a proposed change of use from a housekeeper (caretakers) flat ancillary to office use to office use (Class B1) at 3rd floor level is permitted development.</p> |
| Assessment |
| <p>Council Tax records confirm that this part of the property was listed as a domestic property since 1996 and had a charitable exemption applied from April 2015 after the property was vacated. However, Business Rates records confirm the building at third floor level front as office and premises.</p> |

A site visit to the property was undertaken on the 03/05/2017. Numbers 20 and 21 Bloomsbury Way share an entrance on Bloomsbury Way. The case officer was satisfied that the unit concerned could only be accessed via the office entrance, observed that offices were located on the upper floors with a shop to the ground floor front on the corner of Barter Street and the assembly hall to the rear accessed from Barter Street. There was no separate access to the housekeepers/caretakers unit.

The terms and conditions of employment for the 'Property Manager' confirms that the use of the flat on the top (third) floor of the building is part of the remuneration and that consequently when the Property Manager ceases to be employed by the Swedenborg Society the flat must be vacated.

The use of the premises for the residence of an onsite caretaker employed to look after the offices, has been solely in support of the office function of the planning unit, therefore, the use would be considered ancillary to the main business, as they did not operate as separate planning units.

Section 55 of the Town and Country Planning Act 1990 defines "development" as 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.

Paragraphs (2)(a) and (2)(f) of Section 55 of the Town and Country Planning Act 1990 state: "The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –

(a) 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,

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class".

In accordance with paragraph 2(a), Section 55 of the 1990 Act the proposals do not affect the exterior of the building, the proposed extended uses are not considered to constitute development, and would therefore be deemed lawful.

In accordance with paragraph 2(f), Section 55 of the Town and Country Planning Act 1990 the proposed extended uses would be considered as 'any other purpose of the same class' as the established office Class B1 use.

Recommendation: Grant lawful development certificate.