

LDC (Existing) Report		Application number	2019/6166/P
Officer		Expiry date	
Sofie Fieldsend		04/02/2020	
Application Address		Authorised Officer Signature	
Corinthian House 279 Tottenham Court Road London W1T 7RJ			
Conservation Area		Article 4	
Bloomsbury			
Proposal			
Confirmation of implementation of planning permissions ref: 2016/3484/P and 2016/3767/L dated 23/09/2016 for 'Erection of outer doors and replacement of inner doors at ground floor level, creation of internal lightwell (following removal of part of 6th floor slab) and internal roof terrace at 5th floor and 6th floor level; alterations and extension to 6th floor level including rooflights; relocation of plant to 2 plant rooms at 7th floor roof level; and creation of roof terrace at 7th floor level including access and balustrade; and external repair and refurbishment of existing offices.'			
Recommendation:		Grant	

Planning permission (ref: 2016/3484/P) was granted on 23/09/2016 for:

“Erection of outer doors and replacement inner doors at ground floor level, creation of internal lightwell and internal roof terrace at 5th and 6th floor level; extension and rooflights to 6th floor; relocation of plant to 2 plant rooms at roof level; and creation of roof terrace at 7th floor level including access and balustrade.”

Listed building permission (ref: 2016/3767/L) was granted on 23/09/2016 for:

“Erection of outer doors and replacement of inner doors at ground floor level, creation of internal lightwell (following removal of part of 6th floor slab) and internal roof terrace at 5th floor and 6th floor level; alterations and extension to 6th floor level including rooflights; relocation of plant to 2 plant rooms at 7th floor roof level; and creation of roof terrace at 7th floor level including access and balustrade; and external repair and refurbishment of existing offices.”

The certificate seeks to establish that works to implement the approved scheme have commenced before the applications 2016/3484/P and 2016/3767/L expired on 23/09/2019, and that the implementation of the scheme is therefore lawful and such development can continue as per the previous permission.

Applicant's Evidence

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

- Cover letter from Savills dated 29/11/19

- Photographic Record of Installed Steels (undated but the agent states in their cover letter that they were taken 19th September 2019)
- Letter from Trehearne Architects dated 26/11/19 confirming they undertook a site inspection on 20 September 2019 and observed the installation of the new steelwork relating to the extension of the lift overrun which they consider to reflect the intent of the architectural drawings relating to the approved development.
- Programme of Works (3/6/19- 26/9/19)
- 2170646-EWP-ZZ-RF-SP-S-0001
- 2170646-EWP-ZZ-RF-SK-S-0100
- OS01
- P(--)08 Rev.D.

Council's Evidence

Under planning permission 2016/3484/P, there are no conditions which required further details to be discharged prior to the commencement of development.

Under planning permission 2016/3767/L, there was one condition which was required to be discharged prior to the commencement of development. Condition 4 (Stone Cleaning) was approved on 13/9/19 under planning reference 2019/2788/L.

Assessment

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 to contradict or undermine the applicant's version of events, 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.

The application was submitted on 10/12/2019 accompanied by:

- Cover letter from Savills dated 29/11/19
- Photographic Record of Installed Steels (undated but the agent states in their cover letter that they were taken 19th September 2019)
- Letter from Trehearne Architects dated 26/11/19 confirming they undertook a site inspection on 20 September 2019 and observed the installation of the new steelwork relating to the extension of the lift overrun which they consider to reflect the intent of the architectural drawings relating to the approved development.
- Programme of Works (3/6/19- 26/9/19)
- 2170646-EWP-ZZ-RF-SP-S-0001
- 2170646-EWP-ZZ-RF-SK-S-0100
- OS01
- P(--)08 Rev.D.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the works have

commenced before the application expires and the implementation of the scheme would be lawful. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Grant Certificate of Lawfulness (Existing)