

LDC (Proposed) Report		Application number	2021/3158/P
Officer		Expiry date	
Tony Young		23/08/2021	
Application Address		Authorised Officer Signature	
26 Red Lion Square London WC1R 4HQ			
Conservation Area		Article 4	
n/a		Article 4 Direction (basements only)	
Proposal			
Infill of existing atrium.			
Recommendation:		Grant Certificate of Lawfulness for a Proposed Use or Development	
Consultation Responses:			
<p>Certificates of Lawfulness do not require statutory consultation. Notwithstanding this, the details of the application were made available online. One response was received from the Bloomsbury Conservation Area Advisory Committee (BCAAC) on 06/09/2021. The correspondence is titled 'NO COMMENT'. Nevertheless, comments are included within the representation and officers do not consider the opinions nor queries made are making an objection to the proposal. The email states that in the BCAAC's opinion no heritage issues are raised. A query is made over whether the proposal really constitutes lawful permitted development as there is an uplift in floorspace. Officers note that the proposals do not constitute development, and that an uplift in floorspace in itself does not mean that the proposals would be development in this instance.</p>			
1.0 Introduction			
1.1 The application site is located on the north-east side of Red Lion Square and consists of a ground floor and 6 upper floors in office use. The site is not listed nor located within, but is immediately adjacent to, the Bloomsbury Conservation Area boundary.			
1.2 The application seeks confirmation that the proposed infilling of an existing atrium (2 nd floor to 6 th floor level) does not constitute development and is lawful such that planning permission would not be required.			
2.0 Applicants Evidence			
2.1 Drawing numbers: 4575-PL-01-100-A; (4575-PL-02-)099-A to 110-A (inclusive), 112-A; (4575-PL-04-)100-A to 103-A (inclusive); a schedule from Stiff & Trevillion dated 25/06/2021 specifying atrium area measurements; and a cover letter from Montagu Evans dated 25/06/2021.			
3.0 Assessment			
3.1 Development is defined by section 55(1) of the 1990 Town and Country Planning Act (TCPA) as 'the carrying out of building, engineering, mining or other operations, in, on, or			

under land or the making of any material change in the use of any buildings or other land’.

For the purposes of this Act “building operations” includes—

- 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.

Section 55(2) of the TCPA 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—

- 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.

3.2 The applicant is considered to have provided sufficient evidence to demonstrate that the proposed works would only affect the interior of the building, and as such, would not fall within the ‘meaning of development’ requiring planning permission as defined by Section 55 of the TCPA. Officers consider therefore that part 55(2)(i) therefore applies. Notwithstanding this, the works also would not materially affect the external appearance of the building (however it is noted that this criteria is not relevant as the works only affect the interior of the building).

3.3 The proposal is therefore lawful, as the works would not constitute development, and it is recommended that a certificate of lawfulness be granted.

4.0 RECOMMENDATION: Grant certificate of lawfulness