

Address:	15 Bloomsbury Square London, WC1A 2LP		
Application Number:	2010/1470/P	Officer: Katrina Christoforou	
Ward:	Holborn & Covent Garden		
Date Received:	09/03/2010		
Proposal: Change of use of part basement, ground floors and entire 2nd to 5th floors from offices (Class B1) to Non-Residential Institution (Class D1).			
Drawing Numbers: Site Location Plan; 1620-01; 1620-02; 1620-03; 1620-04; Basement; Ground Floor plan PL.001; First Floor; Second Floor; Third Floor; Fourth Floor; Fifth Floor; indicative roof plan (green roof) Planning Report (By Knight Frank, Dated March 2010); Design Stage Pre-Assessment Report and Energy Statement (By Scott Wilson, Dated 04 June 2010); Additional Supporting Evidence (Submitted by Email 28th May 2010).			
RECOMMENDATION SUMMARY: Grant planning permission subject to a section 106 legal agreement			
Applicant:		Agent:	
Mr Larry Montack Le Cordon Bleu 114 Marylebone Lane London, UK W1U 2HH		Knight Frank LLP 55 Baker Street London, UK W1U 8AN	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>B1a Business - Office A1- Shop</i>		<i>2072m² 75 m²</i>
Proposed	<i>D1 Non-Residential Institution A1- Shop</i>		<i>2072m² 75 m²</i>

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

OFFICERS' REPORT

Reason for Referral to Committee:

1. SITE

- 1.1 The site is located in the south area of the borough within the Central London Area and the Bloomsbury Conservation Area. The five storey plus basement building is located on the south west side of Bloomsbury Square overlooking the public open space of Bloomsbury Square Gardens. The majority of buildings surrounding the square are in commercial/office use. The property itself is a purpose built B1 office with shop unit at ground and basement level facing onto Pied Bull Yard at the rear. The building is currently vacant.
- 1.2 The building itself is a late 20th Century infill addition to the square. With red brick and white stucco it follows the traditional style of the earlier original buildings the majority of which are listed. To the rear the building backs onto the courtyard style square of Pied Bull Yard. The yard is surrounded by a mixture of shop units at ground level with offices and residential above.

2. THE PROPOSAL

Original

- 2.1 The proposal is for the change of use of the building from B1 office to a D1 educational establishment for use by the Cordon Bleu gastronomy school. The existing shop unit at basement and ground floor within the building would remain and does not form part of the application, although it would fall under the same ownership. No external works are proposed.

Revision

- 2.2 There were no revisions to the proposals but additional information was requested and received by the Council including:
- Additional information regarding the vacancy of the building including marketing.
 - A BREEAM and energy assessment including outline proposals for photovoltaic panels.
 - A further supporting statement.
 - A revised roof plan including a green roof.
 - A revised ground floor plan including cycle parking.

3. RELEVANT HISTORY

- 3.1 No relevant history.

4. CONSULTATIONS

Statutory Consultees

- 4.1 Site notices were erected on the 07/04/2010 and a press notice issued in the Ham & High on the 15/04/2010. 4 neighbouring properties were individually consulted by way of a letter.

Conservation Area Advisory Committee

- 4.2 The Bloomsbury CAAC were consulted on the application and offered an objection on the basis of the level of information submitted being insufficient. The CAAC stated that they wanted to see elevations and photographs. As the application is for a change of use and no external alterations are proposed the drawings submitted are considered to be sufficient.

Local Groups

- 4.3 N/A

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	4
<i>Total number of responses received</i>	2
<i>Number of electronic responses</i>	1
<i>Number in support</i>	0
<i>Number of objections</i>	1

- 4.4 The commercial neighbour at 17 Bloomsbury Square, the German Historical Institute commented on the application. The institute offered no objection but noted that they are an academic research institute and the importance that they are not disrupted by noise or smells generated from the application site.
- 4.5 Residential neighbours from 69 and 71 Great Russell Street sent a combined consultation response. The neighbours offered no objection to the change of use but stated that they would object to any plant or machinery that may follow. The neighbours refer to previous noise problems at the building which was referred to the Council's Environmental Health Team in 2009 but has since ceased. The neighbours seek assurance that there will be no noise pollution as a result of the existing or any new plant/machinery and request that as existing background noise measurements are used as a benchmark.

5. POLICIES

Replacement Unitary Development Plan 2006

SD1- Quality of life

SD2- Planning obligations

- SD6- Amenity for occupiers and neighbours
- SD7- Light, noise and vibration pollution
- SD8- Noise and disturbance
- SD9- Resources and energy
- B1- General design principles
- B3- Alterations and extensions
- B6- Listed buildings
- B7- Conservation Areas
- T1- Sustainable Transport
- T3- Pedestrians and Cycling
- T8 - Car free housing and car capped housing
- T9 - Impact of Parking
- T12- Works affecting highways
- R7- Protection of shopping frontages and local shops
- E2- Retention of existing business uses
- C1- New community uses
- C2- Protecting community uses
- N4- Providing public open space
- N5- Biodiversity

Supplementary Planning Guidance

- 5.1 Camden Planning Guidance 2006
- 5.2 Bloomsbury Conservation Area Statement

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published they are material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis

- CS1- Distribution of growth
- CS5- Managing the impact of growth and development
- CS8- Promoting a successful and inclusive Camden economy
- CS10- Supporting community facilities and services
- CS11- Promoting sustainable and efficient travel
- CS13- Tackling climate change through promoting higher environmental standards
- CS14- Promoting high quality places and conserving Camden's heritage
- CS15- Protecting and improving our parks and open spaces and encouraging biodiversity
- CS16- Improving Camden's Health and well being
- CS17- Making Camden a safer place
- CS19- Delivering and monitoring the core strategy

DP13- Employment sites and premises
 DP15- Community and leisure uses
 DP17- Walking, cycling and public transport
 DP18- Parking standards and the availability of car parking
 DP19- Managing the impact of parking
 DP21- Development connecting to the highway network

 DP22- Promoting sustainable design and construction
 DP24- Securing high quality design
 DP25- Conserving Camden's heritage
 DP26- Managing the impact of development on occupiers and neighbours
 DP28- Noise and vibration

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are considered to be:

- The principle of the loss of the existing B1 office accommodation
- The principle of the introduction of a new D1 non-residential institution use
- Planning obligations
- Transport implications
- Sustainability

Loss of the existing B1 office accommodation

6.2 The proposal is for the change of use of the building from a B1 office to a D1 non-residential institution for use as an educational facility by the Cordon Bleu culinary school. The Cordon Bleu has occupied their current site at 114 Marylebone Lane in the London Borough of Westminster since 1968 on a leasehold basis. The school currently welcomes over 500 students per year, but has been seeking alternative premises to allow them to expand.

6.3 Policy E2 seeks to protect business uses where there is potential for that use to continue. The proposals would result in the loss of 2072 square metres (gross internal floor space) or 1,483 square metres (net internal floorspace) of B1 office space at 15 Bloomsbury Square. A range of supporting material has been submitted with the application to show compliance with policy E2 including evidence of:

- The lack of suitability of the site for alternative business uses
- Period of vacancy and marketing
- A local oversupply of office accommodation
- The benefits of the proposed D1 use

6.4 The building is a purpose built office with accommodation arranged over 5 main floors. The building has no parking or loading/unloading areas and is located on a prominent London square. As such the site is not considered to be suitable for

alternative business uses such as warehousing or light industry and would only be suitable for B1c office use for the purposes of policy E2.

- 6.5 Evidence has been provided over the course of the application outlining that the building has been vacant since prior to March 2009. An active marketing exercise was undertaken by Frank Knight between March and November 2009 with the property advertised at a rate 5% below the independent valuation of the property. A number of viewings and 6 formal offers resulted but all falling short of the asking price. The Cordon Bleu made the only offer considered to be acceptable by the vendor.
- 6.6 Evidence has been provided of the over supply of office accommodation in the south of the borough in the form of a schedule of available premises. The uptake of such accommodation was particularly low over the course of last year. This has to be largely attributed to the economic situation; however it is acknowledged that there is a general over supply of office accommodation in the south of the borough. The existing office accommodation is of an acceptable standard for the purposes of continued B1c use. However, it is also the case that more modern premises are available in the area.
- 6.7 The property has not been vacant for a full 2 year period recommended by policy E2. However, a 14 month period of vacancy is considered to be significant. The Council would seek for the building to be in active use and given the lack of suitability for other business uses and the over supply of similar accommodation in the area, it is considered reasonable to consider a change of use under policy E2 in this case.
- 6.8 The applicants made the case in their supporting statement that an exception to policy E2 could be made as the Cordon Bleu is a community use. Whilst the Cordon Bleu is an education provider, the business is primarily commercial, providing courses to private clients with fees of up to £23,000. The specialist nature of the courses provided and the fees mean that for the purposes on policy E2 the Cordon Bleu is not considered to be a community use. However, given the reasons outlined above the change of use from B1 office is considered to be acceptable.

Proposed D1 non residential institution use

- 6.9 Internally the properties would be laid out for use by the Cordon Bleu with kitchens, demonstration areas, teaching rooms and office space. Policy C1 welcomes the creation of new community uses in suitable locations. The policy covers a range of uses including educational providers. As outlined above, the Cordon Bleu is not considered to be a community use in the traditional sense such as clinics or schools which cater for a local need. However, as outlined in the supporting text to policy C1, community uses can serve local communities or can be of benefit to the a wider national or international community. The establishment has an international reputation and provides a highly specialist form of training. Whilst it cannot be said that there is a local need for the school, it would add the variety of educational services available in the borough and would contribute to a skilled workforce and to economic and social vitality.

- 6.10 The site is located within Central London and benefits from excellent public transport links. The surrounding area is characterised by a mix of commercial, retail and other uses including a number of major higher education providers such as the University of London. The location is therefore considered to be broadly suitable to accommodate D1 uses.
- 6.11 The immediately adjoining buildings on Bloomsbury Square are both in non-residential use; however, there are residential dwellings in close proximity to the rear of the building facing onto Pied Bull Yard. The proposed educational use would see the likely hours of activity within the building extended from that typical of an office user. The proposed class times are between 9:00am and 10pm Monday to Friday and 9:00am to 4pm on Saturdays. It is proposed that the premises would be open between 7.30am and 11pm Monday- Friday and 8am to 5pm on Saturdays. However, the nature of the activities taking place such as teaching, tutorials and practical demonstrations is considered unlikely to result in significantly increased noise and disturbance to neighbouring residents.
- 6.12 Policy C1 seeks for educational facilities to be made available to the public for use outside of term time or opening hours where appropriate. The applicant's have expressed a willingness to do this and to provide discounts to local people for events held at the school.
- 6.13 As primary cooking would take place on site plant and ventilation equipment will be required. Details of such equipment have not been submitted as part of the current application which primarily seeks to establish the principle of the change of use. The building benefits from an existing extensive basement plant area and a ventilation shaft running the full height of the building to the rear. It is therefore considered likely that the required plant could be accommodated within the building without extensive external alterations. This is confirmed in the applicant's supporting statement. It is therefore recommended that a condition be attached to any permission ensuring that any plant or equipment meets the Council's noise standards. The applicant is advised that any plant or equipment to be installed externally would require planning permission and would be subject to the usual assessments including noise output.
- 6.14 To ensure that unreasonable disturbance to neighbouring residential properties does not occur as a result of the use or any associated plant it is recommended that a condition be attached to any permission restricting the opening hours of the building and the use of all plant and extraction equipment to between 7.30am and 11pm Monday- Friday and 8am to 5pm on Saturdays in accordance with policy SD6.

Planning obligations

- 6.15 It is considered that the existing office space could provide full time employment for approximately 78 full time employees. This number would be reduced by the occupation of the Cordon Bleu. In addition, whilst the school is an education provider, its services are unlikely to be accessible to the local population. To counter the loss of employment use and the lack of immediate community benefit it

is recommended that a financial contribution towards local training and employment initiatives be secured through a section 106 agreement. There is no specific formula for calculating contributions in such circumstances, however, based upon typically applied floor areas and number of employees the recommended contribution is £21,840.

Accessibility

- 6.16 No external alterations to the building are proposed and the main entrance is via a set of steps as is the case with many of the surrounding buildings. There is however potential for level access to the building from the side passage. Internally each floor would be served by a lift. As extensive alterations are not proposed the access arrangements are considered to be acceptable.

Transport

- 6.17 The site is located on Bloomsbury Square within the Clear Zone Region. There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent).
- 6.18 The proposal includes provision for 500 students per term, with approximately 100 students at the school at any one time during the day; therefore there will be a significant impact on the local transport network. The nature of the use is likely to generate more trips than the existing office building would. A School Travel Plan should be required to mitigate these impacts and to encourage walking cycling and use of public transport. The travel plan should be secured through a S106 Agreement in accordance with policy T1.
- 6.19 UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. It is proposed to have an annual student role of 300; however the proposal only includes provision to accommodate approximately 100 students as well as 44 staff at a time. Therefore the proposal is required to provide 18 cycle parking spaces. No provision for cycle parking was made as part of the original submission. However, following negotiation with officers the ground floor plan was amended to include 18 internal cycle parking spaces in a tier rack system. Whilst access to the cycle parking will be via the front entrance steps, there is little alternative within the constraints of the existing building and site, which is not being externally altered as part of the scheme. The inclusion of the cycle parking in this way is therefore a welcomed amendment to the scheme and is considered to be in accordance with policies T1, T3 and the parking standards.
- 6.20 The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone. The site is within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress. Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within which would be unacceptable. It is therefore recommended that the development be secured as car free in accordance with policy T8, through a section 106 legal agreement.

- 6.21 It is expected that the premises would require 6 deliveries per day Monday to Saturday that would occur between 8am and 11am. Deliveries would be made on street and would be transferred to the basement area where refuse storage would also be provided. It is not considered that the use will result in a significant increase in deliveries and a service management plan is not therefore required.
- 6.22 The proposals involve internal alterations but no major construction works are proposed. For the purpose of the works involved there is considered to be sufficient space for construction vehicles to stop on Bloomsbury Square (on a single yellow line) to load and unload. Therefore the impact on the local transport network is not likely to be significant and a construction management plan is not considered to be required.

Sustainability

- 6.23 The original submission included no details relating to the sustainability or energy efficiency of the building. Following advice from officers a BREEAM assessment and an energy statement were submitted. The measures included focus on energy efficiency and savings, which is considered to be the most appropriate approach for the existing building and the proposed use. A range of measures are proposed such as induction cooking, heat recovery and controlled lighting systems. The energy efficiency measures are likely to result in a 17% reduction in carbon dioxide emission of the building based on the energy usage of the Cordon Bleu's other operations. This is considered to be a significant result and is welcomed under policy SD9.
- 6.24 The energy report explores the possibility of connecting to the Bloomsbury decentralised energy network or installing CHP at the site, but it is agreed that neither is likely to be viable in this case due to the location and energy requirements.
- 6.25 It has been suggested that PV panels could be installed on the south west facing roof slope to the rear of the building. The area is fairly limited at approx 30²m but it is feasible that PV panels could provide for some of the development's requirements. If positioned on the rear pitched roof flush with the roof slope the panels would not be visible from Bloomsbury Square or from ground level within Pied Bull Yard. The character and appearance of the host property, the conservation area and the setting of the surrounding listed buildings is likely to be unharmed. It is recommended that a condition be attached to any permission requiring the submission and approval of further details including scale drawings and manufacturer's specifications prior to implementation.
- 6.26 It is recommended that the recommendations of the energy report are secured through the section 106 agreement.
- 6.27 A BREEAM higher education assessment has been submitted. The applicant has demonstrated the proposed scheme can achieve 'very good' rating in line with the targets outlined in Camden Planning Guidance. In addition the proposal performs well in the Materials category achieving 66.7% of the credits and in the Water category for a retro-fit scheme achieving 75% of the credits, plus an additional

credit in the Innovation category, which relates to water conservation. The proposal only achieves 50% in the Energy credits despite improving the overall performance of the scheme by approx 17% with regards to CO2 emissions. Given that the proposal is a change of use and the applicant has assessed possible CO2 reduction measures this is considered to be satisfactory. A post-construction review should be secured through a section 106 agreement.

- 6.28 Over the course of the application, the applicant's were advised to explore the possibility of including a brown/green roof on the main flat roof of the building. A green roof is now proposed as shown on the submitted indicative roof plan. This is welcomed under policy N5. It is advised that full details of the green roof be secured by way of condition.

Personal permission

- 6.29 The applicants had requested that the permission for D1 use be personal to the Cordon Bleu. The justification provides was:
- The potential impact that other D1 occupiers such as schools or a nursery might have on the transport system.
 - Policy C2 is restrictive and it would therefore be difficult to use the building for non-community uses in the future which would expose the freeholder to uncertainty in occupation.
 - There would be no permanent loss of business stock as the premises could revert back in the future.
 - The applicants provide other examples of personal permissions obtained from the London Borough of Westminster.
- 6.30 Paragraph 92 of circular 11/05 states that personal permission should only be granted in circumstances where permission would otherwise normally be refused. It is considered that with the conditions and terms of the section 106 recommended in this report, that D1 non-residential use is acceptable at the property and that there would not therefore be any planning grounds for making the permission personal.
- 6.31 It is considered unlikely that a private or nursery school would look to occupy such a building as its location, lack of outside space and layout is unlikely to be attractive to such an occupier. The loss of the B1C office use and replacement with D1 non-residential institution is considered to have been justified in the light of policy E2 and the flexibility to return to office in the future is not considered to be essential to the acceptability of the scheme in this case. In addition, due to the fit out necessary to make the building suitable for occupation by the Cordon Bleu, such as kitchens, sinks and extraction equipment, conversion back to office would require significant internal alteration. It is not therefore considered that there are sufficient planning grounds to make the permission personal.

7. CONCLUSION

- 7.1 The B1 office premises has been vacant for some time and is not suitable for other employment uses due to the constraints of the existing building. There is

considered to be an oversupply of such office accommodation in the area. The Council welcomes the creation of additional community uses in suitable locations and the site is located within the central London area with excellent transport links. With the imposition of conditions relating to opening hours and plant the use would not have a negative effect on the residential amenity of neighbours. The refurbishment of the building would result in energy efficiency savings and the installation of solar panels and a green roof is proposed. The proposals would see the building brought back into active use and subject to the recommended planning obligations is considered to be compliant with policy.

8. RECOMMENDATION

8.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- * Car free development
- * Submission of a travel plan
- * Financial contribution of £21,840 towards local training and employment initiatives
- * BREEAM- post construction review
- * Compliance with the submitted energy statement (By Scott Wilson dated 03/06/2010)

8.2 In the event that the S106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manager be given authority to refuse planning permission for the following reasons:-

- The proposed development, in the absence of a legal agreement for car-free, would be likely to result in increased parking stress and congestion in the surrounding area, to the detriment of highway and pedestrian safety, contrary to policies T7 (Off street parking), T8 (Car free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- The proposed development, in the absence of a travel plan, would be likely to give rise to significantly increased car-borne trips, contrary to policies T1 (Sustainable transport) and T2 (Capacity of transport provision) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- The proposed development, in the absence of a contribution towards local training and employment initiatives would result in an unacceptable loss of local employment that would be contrary to policies E2 (Protecting existing business uses) and SD2 (Planning obligations) of the London Borough of Camden Replacement unitary Development Plan 2006.
- The proposed development, in the absence of a legal agreement securing the provision of a BREEAM assessment to ensure that the proposed development would achieve a minimum 'Very Good' rating and a post-construction review, would fail to be sustainable in its use of resources and energy use, contrary to policies SD9 (Resources and energy) and B1 (General design principles) of the London Borough of Camden Replacement Unitary Development Plan 2006.

- The proposed development, in the absence of a legal agreement securing the provision of the submitted energy statement, would fail to be sustainable in its use of resources and energy use, contrary to policies SD9 (Resources and energy) and B1 (General design principles) of the London Borough of Camden Replacement Unitary Development Plan 2006.

8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.