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**FAO: Samir Benmbarek**

10 February 2016

**Our ref: GAO/JOR/HBR/J7514**

**Your ref: 2014/3581/P**

Dear Sir

**Minor Material Amendment (s73) Application  
46-47 Russell Square, London, WC1B 4JP**

We write on behalf of our client, The Bedford Estate, to submit a minor material amendment (s73) application to vary condition 3 and remove condition 4 attached to planning permission ref. 2014/3581/P, in relation to 46-47 Russell Square, London, WC1B 4JP.

**The Site**

46-47 Russell Square is a mid-terrace Grade II listed property located on the south east side of Russell Square. Originally the properties were separate; however over the years they have become internally connected at all levels.

The property is located within the Bloomsbury Conservation Area, Central London Area and an Archaeological Priority Area.

**Background and Planning History**

There is significant planning history relating to the above premises. The planning history of relevance is noted below.

In 1993 an application (ref. 9300641) was submitted for the change of use of the ground floor residential flat to educational (Class D1) use, personal to the School of Oriental and African Studies. This application was withdrawn.

A further application (ref. 9300642) in 1993, for change of use, on all floors, from office (Class B1) use to educational (Class D1) use with retention of residential use on second and third floors, personal to the School of Oriental and African studies, was withdrawn.

In 2003, a planning application (ref. 2003/0018/P) was submitted for the retention of the existing self-contained flats at part ground, first and second floors of No. 46, and the change of use of the remainder of the premises from office (Class B1) use to mixed educational (Class D1) and office (Class B1) use. The application was granted planning permission.

Under Condition 3, the permission was made personal to Huran University. In line with the planning permission, on the vacation of the majority of the property by Huran University, the property would

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revert back to office (Class B1) use and the residential units retained. It should be noted that the description of development for this application was incorrect. The flats in question were located at ground, second and third floors as shown on the approved plan enclosed.

A planning application (ref. 2014/3581/P) was submitted in 2014 for the variation of Condition 3 (personal permission) of the 2003 permission (ref. 2003/0018/P). The application, which sought to amend Condition 3 from being personal to Huran University to being personal to EF Education First, was granted planning permission on 15 July 2014.

On 22 January 2016, a certificate of lawful existing use (CLEUD) was issued (ref. 2015/7144/P) for use of the rear ground floor and western part of 2<sup>nd</sup> and 3<sup>rd</sup> floors as education institution (Class D1).

#### **Lawful Use**

Other than the areas to which the CLEUD (ref. 2015/7144/P) relates, which are now lawful education (Class D1) use, the majority of the property has a lawful office (Class B1) use, albeit that the current occupiers, EF Education First, have a personal permission to use the majority of the property (excluding the areas to which the CLEUD relates) as an educational facility (Class D1).

#### **Proposals**

EF Education First's lease of 46-47 Russell Square will shortly be coming to an end. At which point the majority of the property will revert to an office (Class B1) use.

Interest in the lease of the property has been expressed by CIEE Study Abroad London Ltd, who is also an educational (Class D1) facility.

CIEE Study Abroad London Ltd specialises in producing high quality international study abroad and exchange programmes. CIEE are a non-profit and non-governmental international exchange organisation that provides international education. CIEE has been in operation for more than 65 years and has helped thousands of people gain the knowledge and skills necessary to live and work in a globally interdependent and culturally diverse world by offering comprehensive, relevant and valuable exchange programmes.

#### Variation of Condition 3

In accordance with this future potential occupier, this application seeks a minor material amendment (s73) to planning permission ref. 2014/3581/P, to vary condition 3 of the permission, making it personal to the new occupier, CIEE Study Abroad London Ltd.

Condition 3 of planning permission ref. 2014/3581/P states that:

**"This permission is personal to Huran University and shall endure for the period of their occupation only. On Huran University vacating the premises the use shall revert to the lawful use for office purposes within Class B1".**

It is proposed that this condition is amended to read:

**"This permission is personal to CIEE Study Abroad London Ltd and shall endure for the period of their occupation only. On CIEE Study Abroad London Ltd vacating the premises the use shall revert to lawful use for office purposes within Class B1".**



It should be noted that the personal permission does not and would not relate to the areas covered by the CLEUD (ref. 2015/7144/P), as these areas of the building already have a lawful education (Class D1) use.

#### Removal of Condition 4

This application also seeks the removal of condition 4 attached to planning permission ref. 2014/3581/P which states that:

**“The existing residential accommodation shall be retained as self-contained flats for permanent residential uses and used independently from offices or educational uses and shall not be regarded as an ancillary accommodation to the proposed mixed use of offices and education”.**

Since the issue of a certificate early this year, for use of the rear ground floor and western part of 2<sup>nd</sup> and 3<sup>rd</sup> floors as education institution (Class D1), the above condition is no longer relevant to the property as no residential accommodation exists at the site.

Accordingly, it is requested that this condition is removed.

#### **Policy Consideration**

The proposals have been considered against the adopted development plan. Camden's development plan consists of the Core Strategy, Development Management Policies and Supplementary Planning Guidance documents. Camden has consulted on a Draft Local Plan but this is only in its initial stages and therefore this should not be considered a significant material consideration against which to determine planning applications.

Office floorspace is considered a priority use within the Borough. Policy DP13, of Camden's Development Management Policies, emphasises the importance of employment premises and the contribution they make to the Borough. Policy DP13 resists a change of use of commercial floorspace to non-business use unless it can be demonstrated, to the Council's satisfaction, that a site or building is no longer suitable for its existing business use; and there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

Notwithstanding the above, the granting of planning permission from an office (Class B1) use to an educational (Class D1) use, personal to a specific occupier, is not considered to detract from the Council's aspirations to retain employment premises within the Borough. The site has been used for education (Class D1) purposes for at least 10 years and therefore there is no present office (Class B1) use at the site. The granting of a further variation of this personal permission would not change the existing position and the actual loss of employment floorspace in this situation would be negligible as, on the exit of the occupier, the use of the premises would revert to a predominantly office (Class B1) use, with a small amount of educational (Class D1) floorspace. Furthermore, educational (Class D1) floorspace is also an employment generating use and therefore the aims of policy DP13 are still considered to be met.

Policy DP15 of Camden's Development Management Policies deals with community and leisure uses within the Borough. The policy protects existing community facilities by resisting their loss unless a replacement facility that meets the needs of the local population is provided, or, the specific community facility is no longer required in its current use. Furthermore, the Council will



expect new community uses to be close and accessible to the community they serve, accessible by a range of transport modes and located in the Central London Area.

Through granting a variation of the existing personal permission, to CIEE Study Abroad London Ltd, the existing community facility, still currently in occupational demand, will be protected whilst still providing the flexibility for the property to revert to an office (Class B1) use in the future when an educational facility is no longer viable in this location.

In terms of transport, and in accordance with Policy DP15 set out above, the property is located close to Russell Square Underground Station, as well as within walking distance of Kings Cross St Pancras and Euston stations. The site is also well served by London bus routes. 46-47 Russell Square also meets all other criteria set out within Policy DP15 in that it is accessible to the community it serves, and is located in the Central London Area.

The proposals also provide a degree of sustainability, ensuring that it remains within a suitable and viable use, appropriate to the current market.

It should be noted that this application proposes no changes to the internal or external fabric of the existing building and therefore there will be no impact upon the property as a listed building, or the conservation area, within which it lies.

It is considered that the proposals fully accord with planning policy as set out above.

#### **Application Documentation**

Accordingly, the following is enclosed which, along with this letter, comprise the application submission:

- Minor material amendment application forms;
- CIL forms;
- Site location plan;
- Cheque for £195 made payable to London Borough of Camden.

We trust that we have provided everything necessary to proceed with the validation and determination of this application.



