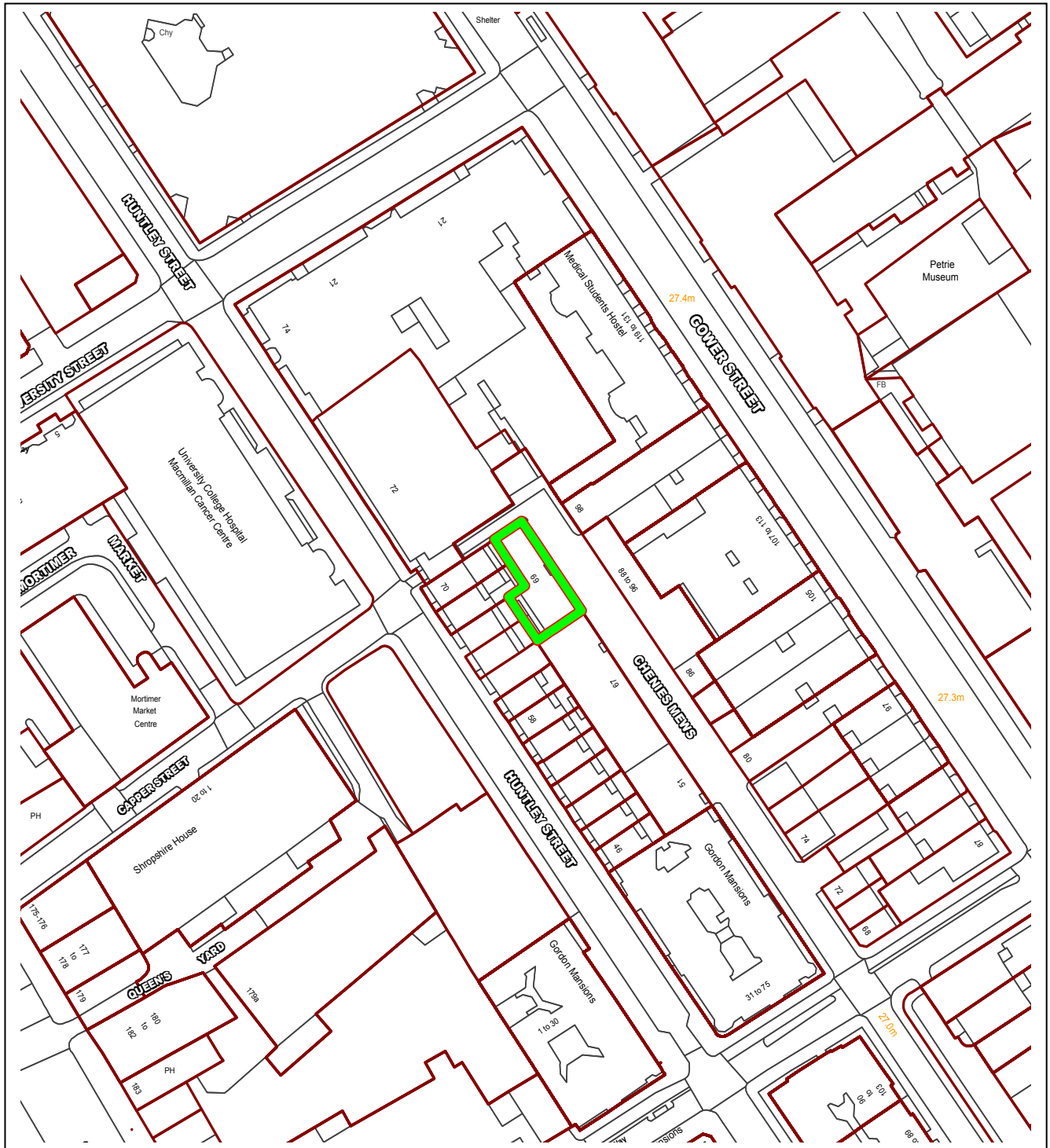


2019/6210/P – 69-75 Chenies Mews



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Site photographs

1. Entrance to the site



2. View down Chenies Mews



Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:		06/02/2020	
		N/A		Consultation Expiry Date:		01/03/2020	
Officer				Application Number(s)			
Patrick Marfleet				2019/6210/P			
Application Address				Drawing Numbers			
69-75 Chenies Mews London WC1E 6HX				Please refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Variation of conditions 5 (hours of operation) and 7 (time clocks) of planning permission 2016/3701/P dated 3rd April 2017, as amended by 2017/5561/P dated 10/04/2018, (change of use from research and office use (Class B1) to mixed use medical and office use (Sui Generis) to provide MRI clinic and associated consultation rooms and offices together with new rooftop plant and associated screening, alternations to ground floor rear extension and cycle storage), namely to allow the MRI clinic use to operate from 08:00 - 20:00 Monday to Friday and 08:00 - 19:00 on Saturdays.							
Recommendation(s):		Grant conditional planning permission subject to s106 legal agreement					
Application Type:		Variation of Condition Application (s.73)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses	00	No. of objections	00		
Summary of consultation responses:		Site notice: displayed from 07/11/2019 - 01/12/2019 Press notice: displayed from 06/11/2019 - 30/11/2019 No comments received.					
Local Groups		Gordon Mansions Residents Association objected to the application on the following grounds: 1. Patients arriving during the proposed additional hours are more likely to arrive by car as they will be travelling outside Congestion Charge hours, at times when roads will be less busy and parking easier. This could mean three car arrivals and departures (ie 6 traffic movements) for each additional proposed clinic hour (based on the facility's own estimate of treatment numbers at 30-35 visits in the					

current ten-hour day). This would represent a lot of extra vehicle movements in this narrow Mews street and will disturb Residents during our quiet times.

2. We assume cleaning of the building will need to be wrapped around the proposed new hours, Monday to Saturday. This may add a further two hours of comings and goings before or after clinic times. eg if cleaning is in the evenings, cleaners could be leaving the building around 22.00 hours on weekdays and 20 hours on Saturdays. This will extend disturbance for residents well beyond the additional clinic hours sought.
3. Extending clinic hours to those sought presumably will also require an extension of air conditioning hours and the associated noise. It is hard to see how extending air conditioning hours can be justified when the reasons for the hours restrictions remain the same.
4. If clinic hours at the facility are extended as requested, we think this will leave no other time than Sundays for essential maintenance. This would be absolutely unacceptable in a residential area.

Officer response

1-4. See section 2.2 of this report.

Site Description

The site is located on the north western corner of Chenies Mews and contains a vacant 4 storey building, which was previously used for medical research use (B1 use class). The building was constructed in 1996 as a University College Hospital Charity (UCLH) research facility known as the Institute of Hepatology.

The surrounding area is characterised by a variety of land uses including office, medical, education and residential uses. The site has a pedestrian access off Huntley Street and Torrington place and a one way vehicular access off Huntley Street. The site is located within the Bloomsbury Conservation Area and the adjacent late 18 th Century terrace to the rear at 48-70 Huntley Street is Grade II Listed.

The site falls within Central London Area and is also within the Central Activities Zone (CAZ). The site has an excellent public transport accessibility level of 6b.

Relevant History

Application site

2016/3701/P - Change of use from research and office use (Use Class B1) to mixed use medical and office use (sui-generis) to provide MRI clinic and associated consultation rooms and offices together with new rooftop plant and associated screening, alterations to ground floor rear extension and cycle storage. **Approved subject to s106 03/04/2017.**

2017/5561/P - Variation of condition 3 (approved plans) of planning permission 2016/3701/P dated 3rd April 2017 (change of use from research and office use (Class B1) to mixed use medical and office use (Sui Generis) to provide MRI clinic and associated consultation rooms and offices together with new rooftop plant and associated screening, alterations to ground floor rear extension and cycle storage), namely to allow amendments to the design of the rooftop plant screening, amendments to the size and design of the rear extension, and alterations to the landscaping stairs and railings to the rear of the property. **Approved subjection to s106 10/04/2018.**

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

Draft New London Plan 2019

Camden Local Plan 2017

A1 Managing the impact of development

A4 Noise and vibration

C1 Health and Well

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC4 Air quality

CC5 Waste

D1 Design

D2 Heritage

E1 Economic development

E2 Employment sites and premises

C5 Safety and security

C6 Access for all

G1 Delivery and location of growth

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

Camden Planning Guidance 2018/2019

CPG Design

CPG Amenity

CPG Transport

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Assessment

1 PROPOSAL

1.1 Permission is sought to vary condition 5 (hours of operation) of planning permission 2016/3701/P dated 3rd April 2017, to allow the existing MRI clinic to operate longer during the week as well as on Saturdays in order to enable the facility to treat more patients.

1.2 The current wording of condition 5 is as follows:

The MRI clinic use hereby permitted (open to patients) shall not be carried out outside the following times Mondays to Fridays 08:00 - 18:00 and not at all on Saturdays, Sundays and Bank or Public Holidays. The associated research and office use (not open to patients) shall not be carried out outside the following times Mondays to Fridays 08:00 - 19:00, Saturdays 10:00 - 13:00 and not at all on Sundays and Bank or Public Holidays.

1.3 The proposed wording of condition 5 is as follows:

The MRI clinic use hereby permitted (open to patients) shall not be carried out outside the following times Mondays to Fridays 08:00 - 20:00, 08:00 - 18:00 Saturdays and not at all on Sundays and Bank or Public Holidays. The associated research and office use (not open to patients) shall not be carried out outside the following times Mondays to Fridays 08:00 - 19:00, Saturdays 10:00 - 13:00 and not at all on Sundays and Bank or Public Holidays.

1.4 The amended hours would allow the clinic to operate for an extra two hours per day during the week and between 08:00 and 18:00 on Saturdays.

1.5 The wording of condition 7 would also be amended to reflect these new operation hours. The condition currently reads:

Automatic time clocks shall be fitted to the proposed air conditioning (VRF) and air handling units (AHU) hereby approved, prior to the commencement of the use, to ensure that this plant/equipment only operates between the hours of 07:30 - 20:00 Monday to Friday, 09:30 - 15:00 Saturdays and not at all on Sundays, Bank or Public Holidays. The timer equipment shall thereafter be permanently retained and maintained in accordance with the manufacturer's recommendations.

1.6 The proposed wording of condition 7 is as follows:

Automatic time clocks shall be fitted to the proposed air conditioning (VRF) and air handling units (AHU) hereby approved, prior to the commencement of the use, to ensure that this plant/equipment only operates between the hours of 07:30 - 21:00 Monday to Friday, 07:30 - 19:00 Saturdays and not at all on Sundays, Bank or Public Holidays. The timer equipment shall thereafter be permanently retained and maintained in accordance with the manufacturer's recommendations.

2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Amenity of neighbouring residential occupants
- Transport

2.2 Amenity of neighbouring residential occupants

2.2.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity

of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

Noise and disturbance

2.2.2 Local residents have raised concerns over the disturbance the amended hours will cause in terms of increased noise from maintenance works and cleaning staff coming to and from the site each day. However, the applicant has confirmed that cleaning staff arrive in the morning, prior to the clinic opening, and do not visit the site in the evening after closing hours. The proposed hours would not result in any alterations to the existing cleaning arrangement and are not considered harmful to amenity in this regard.

2.2.3 Furthermore, the current application seeks to extend the approved hours of operation only, and does not include any other alterations or works to the building. The applicant has confirmed that all maintenance works will continue to be carried out during the working week and not at weekends and the proposed hours would not change this or result in the need to begin carrying out maintenance works on Sundays.

2.2.4 Given the above, the proposed alterations are considered to have an acceptable impact on neighbouring amenity.

Air conditioning/plant equipment

2.2.5 No new plant equipment is proposed as part of the current application. The existing plant equipment at the site was approved as part of the original application. The submitted noise report was reviewed by the Council's Environmental Health Officer at the time and was considered to comply with our minimum noise standards, provided the recommended mitigation methods were applied. The proposed mitigation included VRF units operating at 85% load, screening the heat pump by 1.8m to the residential side and 1.5 m to the commercial side, installation of acoustic screening at 1.8m to the residential side and 1.5 m to the commercial side for the chiller units, insulation for the proposed ductwork and the installation of silencers. The applicant has confirmed that these mitigation measures have been implemented at the site.

Transport

2.2.6 Officers note the concerns raised by local residents regarding the potential for increased traffic congestion in area as result of more patients choosing to travel to the site by car, particularly on Saturdays. However, the original planning application for the clinic was accompanied by a transport survey which was based on the facility serving a maximum of 30-35 ambulant patients each day. The survey demonstrated that 85% of patients would use public transport to travel to this central London site. A small percentage (7.5%) would utilise local car parks in the area, with 5% of patients parking on local streets or arriving by taxi (2.5%).

2.2.7 It is anticipated that the amended hours would allow for the treatment of 2 - 3 additional patients during the week and no more than 15 patients on Saturdays. Therefore, the proposed increase in patients visiting the site is not considered to be significant enough to drastically alter the percentages of patients using the various modes of transport specified in the previously submitted transport survey, the majority of which would travel to the site via public transport. Further, no new parking spaces for staff or visitors are proposed and the site would remain car free as part of the agreed s106 legal agreement.

2.2.8 Given the above, the proposed extended operating hours would allow more patients to be treated at the site which officers consider, on balance, to be a significant public benefit that would outweigh any perceived harm to neighbouring amenity in terms of increased noise and disturbance. Furthermore, all conditions attached to the original permission, which control the level of noise emanating from the approved plant equipment, would remain unchanged.

3 Recommendation

- 3.1 Grant conditional planning permission subject to s106 legal agreement

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 16th March 2020, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'

Application ref: 2019/6210/P
Contact:
Tel: 020 7974
Date: 10 March 2020

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Temple Group
52 Bermondsey Street
London
SE1 3UD

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
69-75 Chenies Mews
London
WC1E 6HX

Proposal:

Variation of conditions 5 (hours of operation) and 7 (time clocks) of planning permission 2016/3701/P dated 3rd April 2017, as amended by 2017/5561/P dated 10/04/2018, (change of use from research and office use (Class B1) to mixed use medical and office use (Sui Generis) to provide MRI clinic and associated consultation rooms and offices together with new rooftop plant and associated screening, alternations to ground floor rear extension and cycle storage), namely to allow the MRI clinic use to operate from 08:00 - 20:00 Monday to Friday and 08:00 - 19:00 on Saturdays.

Drawing Nos: Variation of condition cover letter dated 12/12/2019

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun no later than the end of three years from the date of the original planning permission ref 2016/3701/P dated 3rd April 2017.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans-

CM_PXTG_SEC P2, 22_01 C1, 22_02 C1, 22_03 C1, CM_P_00_RF P6 , CM_P_E_01 P6, CM_P_E_02 P5 CM_P_E_03 P7, CM_P_S_01 P7, CM_P_S_02 P7, CM_NMA_P_00 P2, CM_NMA_E_01 P1, CM_NMA_S_AA P1, CM_NMA_S_BB P1, CM_NMA_S_CC P2, CM_NMA_S_DD P2, CM_NMA_S_EE P1 , CM_RE_P_00 P1, CM_RE_E_01 P1, CM_RE_S_01 P1, CM_RE_S_02 P1, Design & Access Statement, Existing Floorplans (No refs), Daylight & Sunlight Assessment, Environmental Noise Assessment Rev 2, Transport Survey, Transport Statement, Site Location Plan, Site Logistics Plan, Pre-construction Information, Traffic Management Plan, Details of Plant Operation, Statement of Public Benefits, Proposed Aerial View CGI, Proposed Chenies Mews View CGI, Proposed Roof Plant Views & Elevations CGIs, Plant Insulation Details, Variation of condition cover letter dated 12/12/2019.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The site shall be used as a medical clinic with associated research facilities and offices only (Sui Generis- mixed D1/B1 use) and shall not be used for any other purpose without first obtaining planning permission.

Reason: To maintain control over the nature of future uses of the building in the interests of protecting residential amenity and highway safety in accordance with policies A1 and T1 of the London Borough of Camden Local Plan 2017.

- 5 The MRI clinic use hereby permitted (open to patients) shall not be carried out outside the following times Mondays to Fridays 08:00 - 20:00, 08:00 - 18:00 Saturdays and not at all on Sundays and Bank or Public Holidays. The associated research and office use (not open to patients) shall not be carried out outside the following times Mondays to Fridays 08:00 - 19:00, Saturdays 10:00 - 13:00 and not at all on Sundays and Bank or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 The external noise level emitted from plant, machinery or equipment and suggested noise mitigation at the development hereby approved shall be lower than the lowest existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 Automatic time clocks shall be fitted to the proposed air conditioning (VRF) and air handling units (AHU) hereby approved, prior to the commencement of the use, to ensure that the plant/equipment only operates between the hours of 07:30 - 20:00 Monday to Friday, 07:30 - 19:00 Saturdays and not at all on Sundays, Bank or Public Holidays. The timer equipment shall thereafter be permanently retained and maintained in accordance with the manufacturer's recommendations.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 8 The development shall be implemented in accordance with the cycle storage details as approved under reference 2017/5560/P dated 22/12/2017.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 9 Deliveries and servicing to and from the site shall not be carried out outside the following times Mondays to Fridays 09:00 - 18:00, Saturdays 09:00 - 14:00 and not at all on Sundays and Bank or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 The roof plant and equipment hereby approved shall be removed from the building as soon as reasonably practicable when it is no longer required.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 11 The noise mitigation measures set out in the submitted noise survey including operating the VRF units at 85% load, screening the heat pump 1.8m to the residential side and 1.5 m to the commercial side, installation of an Emerson Sound Shell and screening at 1.8m to the residential side and 1.5 m to the commercial side for the chiller units, installation of insulation for the proposed ductwork and silencers shall all be installed on site prior to the first use of the development and shall thereafter be operated and maintained in association with the proposed use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 12 The plant and equipment hereby approved shall not be serviced outside the hours of Monday - Friday 08:00 - 20:00, Saturdays 10:00 - 14:00 and not at all on Sunday and Bank or Public Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 The MRI clinic use (open to patients) hereby approved shall only operate at ground floor level within the building, unless otherwise agreed in writing by the local planning authority.

Reason: To maintain control over the nature of future uses of the building in the interests of protecting residential amenity and highway safety in accordance with policies A1 and T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying

the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate