

APPLICATION TO REMOVE/VARY PLANNING CONDITIONS SECTION 73A OF THE TOWN AND COUNTRY PLANNING ACT 1990

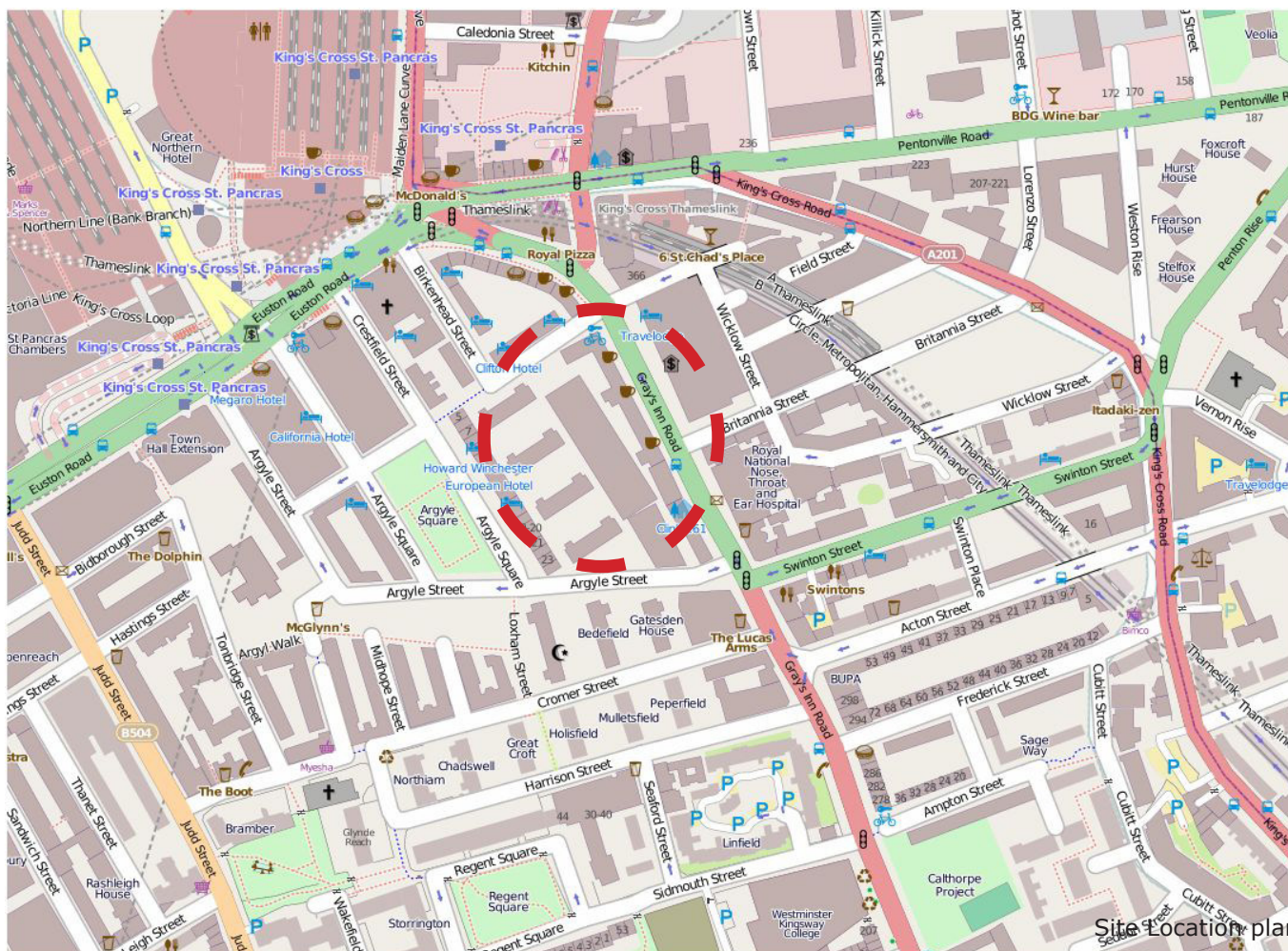
Site Description

The application site consists of a warehouse/workshop which is currently used for the storage and repair of motor vehicles by Stratstone of Mayfair, a Landrover Dealership.

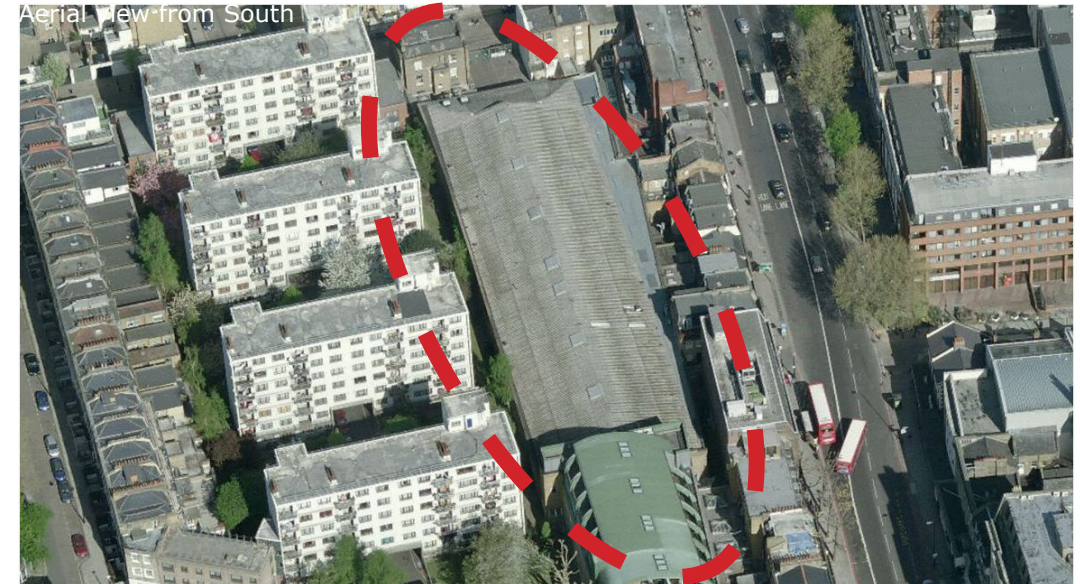
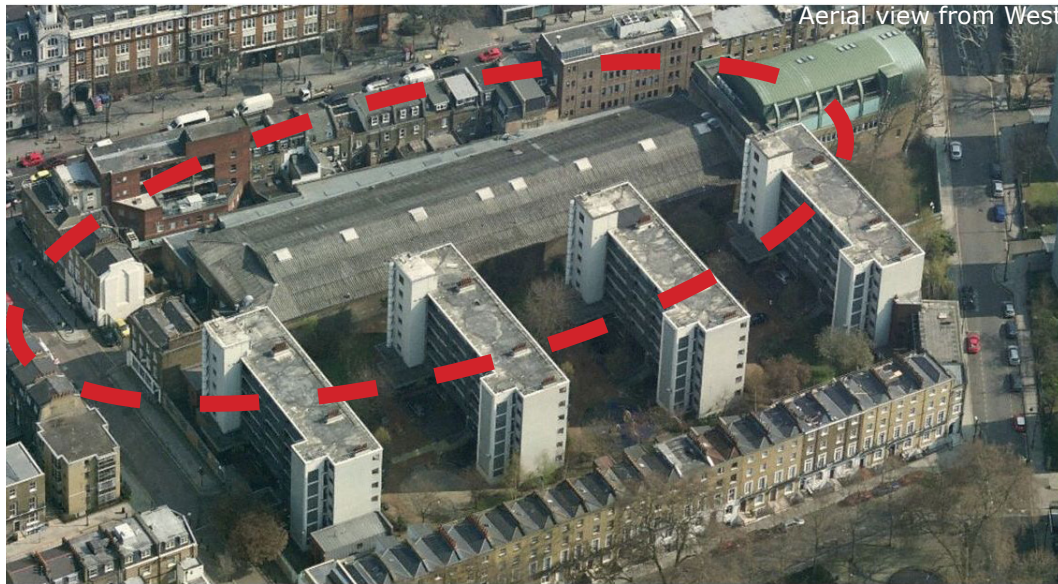
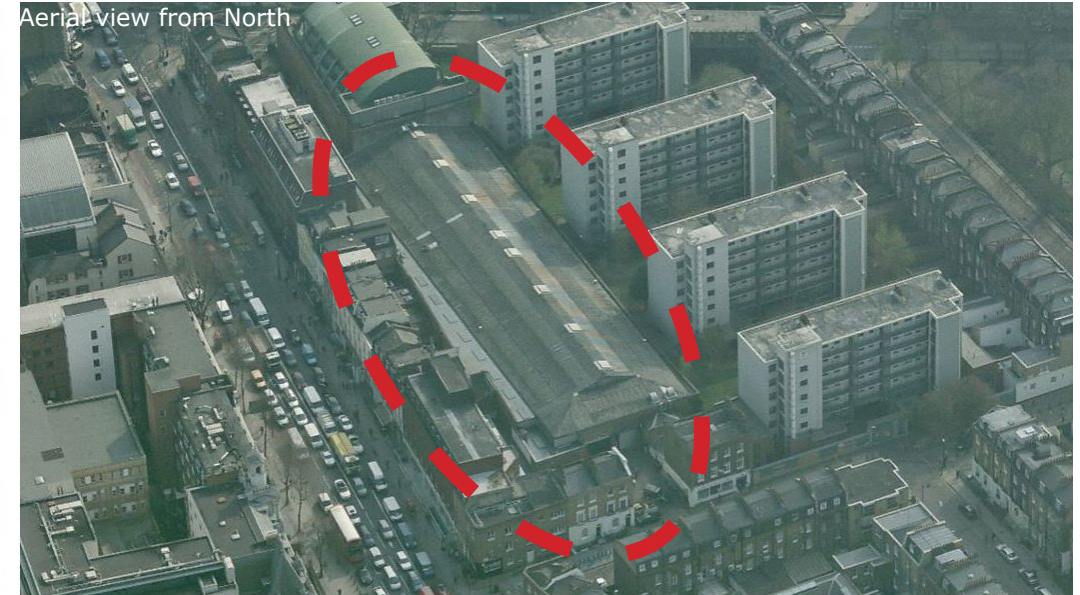
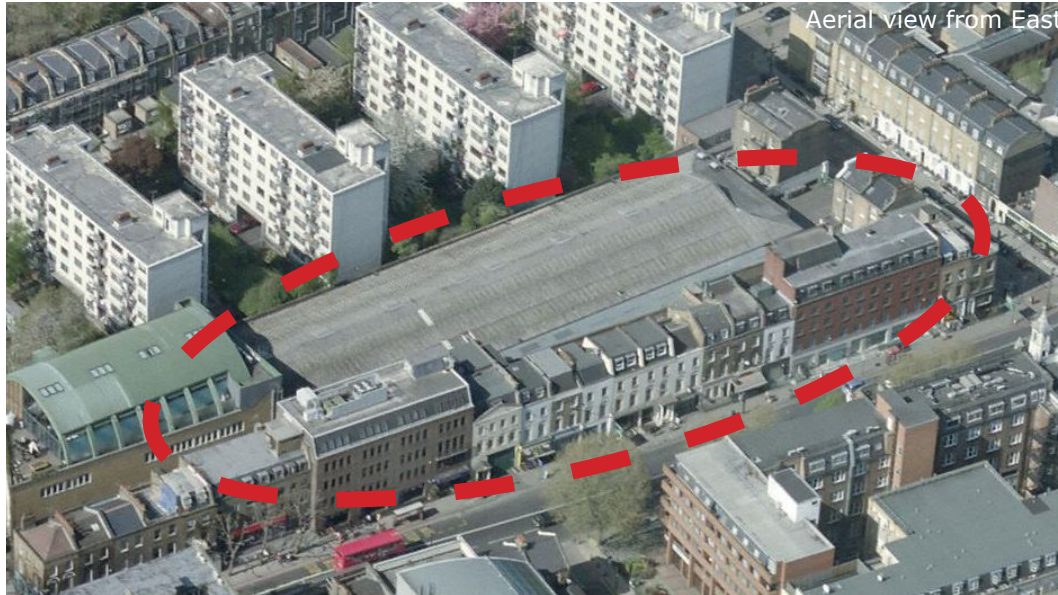
The site consists of an open forecourt and a large warehouse accessed via a vehicle access from St Chad's Street and a secondary access from Grays Inn Road.

The building has a footprint of 2,666 sq metres and comprises a single large volume space with a basement area.

The warehouse building is sandwiched between commercial uses located on Grays Inn Road and residential housing blocks to the east.



PLANNING STATEMENT (cont)
277A Gray's Inn Road
ON BEHALF OF SPRING STUDIOS LTD



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Planning History

The building has historically been used as a warehouse. Planning permission PL/8700953 granted the change of use of the property as follows:

'Change of use to a service and parts workshop for motor cars'.

There are a number of restrictions on the planning permission which are in place to ensure that the use does not adversely impact the amenity of adjoining occupants. These are listed below:

Additional Conditions attached to planning permission 8700953 are as follows:-

01 *This permission shall be personal to Stratstone Limited during their occupation and shall not enure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use for warehouse purposes.*

02 *The premises shall be used as a service and parts workshop for motor cars only (with ancillary office and storage accommodation). No panel beating or spraying shall take place on the premises.*

03 *The use hereby permitted shall not be carried out otherwise than between the hours of*

8.00am and 6.00pm Mondays to Fridays. It shall not be carried out at any time on Saturdays, Sundays or Bank Holidays.

04 *A detailed schedule and drawing(s) showing entry and exit arrangements together with parking facilities shall be submitted to and approved by the Council before the use commences.*

05 *No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises shall be carried out otherwise than within the curtilage of the building.*

06 *Before this permission is implemented a suitable scheme for the sound attenuation of all mechanical plant must be submitted and approved by the Council. The scheme should provide for an amount of sound attenuation such that the noise produced by the plant when fully operational does not exceed noise rating NR40 as measured at any point on the boundary.*

07 *Details of extract ducts and ventilation shall not be other than as shall have been submitted to and approved by the Council before the use commences.*

08 *No process shall be carried on or machinery installed which is not such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason.*

The Proposal

It is proposed to alter the restrictions on the planning permission to allow the building to be used as photographic studios primarily for the photographing of motor cars but also for other photographic uses.

Ordinarily a service and parts workshop would fall within Use Class B2 and because there is a permitted change from Use Class B2 (General Industrial) to Use Class B1 c) (Light Industry) the building could be used as a photographic studio without the need for planning permission. However the conditions of the planning permission are restrictive and prevent such a use taking place. It is proposed to remove/vary the conditions as identified below:

i) Remove Condition 01

Condition 01: "This permission shall be personal to Stratstone Limited during their occupation and shall not enure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use for warehouse purposes."

Reason: In granting this permission the Council has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over any subsequent use in the event of Stratstone Limited vacating the premises."

It is proposed that this condition be removed. A personal condition is contrary to advice in circular 11/95 which states personal permissions might be used only where there are strong compassionate or other personal grounds for doing so and that a permission personal to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company. These circumstances do not apply in this case.

ii) Vary Condition 02

Condition 02 "The premises shall be used as a service and parts workshop for motor cars only (with ancillary office and storage accommodation). No panel beating or spraying shall take place on the premises."

Reason: To ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised purposes."

The planning permission for a change of use from a Warehouse (Use Class B8) to a Workshop (Use Class B2) was granted because of the personal circumstances of the applicant who wished to primarily store motor vehicles and provide pre-sales servicing works which would have minimal amenity implications (as opposed to a general motor repair workshop or other use falling within Use Class B2 which might have significant amenity implications).

It is proposed to vary this condition to allow the building to be used as a photographic studio primarily for the photographing of motor vehicles. Should the Council wish to restrict the use of the building to prevent a general industrial (B2 use) or a more intense office use (B1) being established a suggested replacement condition is as follows:

'The use hereby permitted shall be restricted to a photographic studio falling within use class B1 of the Town and Country Planning (Use Classes Order) 1987.'

This condition would ensure that other uses particularly within Use Class B2 which may be harmful to the amenities of the area will not be established.

iii) Remove Condition 03

Condition 02: "The use hereby permitted shall not be carried out otherwise than between the hours of 8.00am and 6.00pm Mondays to Fridays. It shall not be carried out at any time on Saturdays, Sundays or Bank Holidays."

Reason: "To ensure that the accommodation is used in accordance with the intentions of the proposed scheme and is not used for unauthorised purposes."

The use of the premises as a photographic studio would not be likely to have any adverse amenity implications for nearby residents even if carried out at weekends or in the evenings. It is requested that the condition be removed to allow working during evenings and weekends if required.

Summary

The variation of the planning permission as proposed would enable the building to be used as a photographic studio for cars and allow other photo shoots to take place that require the large spaces that this building provides. Such a use will be appropriate in a mixed residential and commercial area and will not cause any amenity or transportation issues.

ASPECT360 Ltd