

Delegated Report		Analysis sheet		Expiry Date:		02/11/2007	
		N/A		Consultation Expiry Date:		17/10/2007	
Officer				Application Number(s)			
Sheri Waddell				2007/4482/P			
Application Address				Drawing Numbers			
102 Boundary Road London NW8 0RH				Refer to draft decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Removal of Condition 1 of planning permission dated 09.10.78 (for continued use of ground floor as a dental surgery) to remove restriction that the permission only be for the benefit of Mr John Kay.							
Recommendation(s):		Grant conditional permission					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	12	No. of responses No. electronic	00 00	No. of objections	00	
Summary of consultation responses:	AO's expire 12/10; SN expires 17/10 City of Westminster – No comment.						
Local groups comments:	None received. <i>Note that there is no CAAC for the St. John's Wood conservation area.</i>						
Site Description							
Basement + 3-storey terraced property on the north west side of Boundary Road. The site is within the St. John's Wood conservation area. Mixed use building with basement + ground floors in use as a dental surgery and 1 st + 2 nd floor levels in residential use.							
Relevant History							
PP granted 18.06 1974 [18689] for c/u to a dental surgery subject to 2 conditions: <ul style="list-style-type: none"> Personal to John Kay Time restricted to 31.7.1979, after which the use should revert to retail PP granted 9.10.1978 [26462] to continue the use as a dental surgery without any time restriction, but still made personal to John Kay							
Relevant policies							
Set out below are the UDP policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan <u>taken as a whole</u> together with other material considerations.							
Replacement UDP 2006 S1/S2 – sustainable development SD5 – Location of development with significant travel demand SD6 – amenity for neighbours and occupiers T2 – Capacity of transport provision T9 – Impact of parking							

Assessment

As can be seen from the planning history, the two lower floors of this property have been in longstanding use as a dental surgery by the same dentist – he now wants to retire and sell the business to another dentist, but is prevented from doing this by the restriction imposed by the condition. There is no objection to the removal of the personal condition – use by another dentist would not raise any amenity or other policy issues, and current good practice discourages the use of personal conditions other than in exceptional circumstances. However, it is considered to be both necessary and appropriate to control movement within the D1 Use class in the context of this building and the proximity of residential uses – whilst the size and layout of the floorspace would preclude use by some D1 activities, other uses such as, for example, crèches, day nurseries, educational uses and places of worship could generate very different patterns of activity that could be harmful to the amenities of adjoining residential occupiers and possibly also the surrounding road network.