

Delegated Report		Analysis sheet		Expiry Date:		12/09/2007	
		N/A / attached		Consultation Expiry Date:		03/09/2007	
Officer				Application Number(s)			
Conor McDonagh				2007/3172/P			
Application Address				Drawing Numbers			
98 Chalton Street London NW1 1HJ				Site Location Plan; Drawing No. 313-01 A; Correspondence			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Removal of temporary permission under condition 2 of planning application ref:2003/2276/P dated 6th November 2003 to allow permanent use of ground floor from shop (A1) to motorcycle showroom (sui generis).							
Recommendation(s):		Grant					
Application Type:		Variation or Removal of a Condition					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		One off site notice displayed on 13/08/2007. No response.					
CAAC/Local groups* comments: <small>*Please Specify</small>		None					

Site Description

Ground floor unit fronting onto Chalton Street, within ground and four storey Chamberlain House Council housing block with part retail on ground floor. Similar retail units adjoin to the north and south, with residential units above and adjoining to the east. Chalton House housing block is to the west of the site. Chamberlain house forms part of the Ossulston Housing Estate constructed circa 1927-1930 and is grade II listed.

Relevant History

2003/0851/P Change of use from video shop (Class A1) to motorcycle showroom (sui generis). **Granted** 29/08/2003.

No customers shall be on the premises in connection with the use at the following times: between 19.00 hours and 10.00 hours the following day and no sound emanating from these premises shall be audible within any adjoining premises between these hours.

2003/2276/P Amendment of condition 2 (temporary for 1 year) to extend temporary period to 5 years and amendment of condition 3 (hours of operation) to open one hour earlier of planning permission (Reg.No. 2003/0851/P) dated 29 August 2003 for change of use the ground floor from shop to motor cycle showroom. **Granted** 06/11/2003.

- 1. No customers shall be on the premises in connection with the use at the following times: between 19.00 hours and 09.00 hours the following day and no sound emanating from these premises shall be audible within any adjoining premises between these hours.*
- 2. The use hereby permitted is for a temporary period only and shall cease on or before 31 August 2008, at which time the premises shall revert to their former lawful use which is retail (Use Class A1).*

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Replacement Unitary Development Plan 2006

SD6 – Amenity for occupiers and neighbours

Camden Planning Guidance 2006

28. Noise and Vibration

Assessment

Overview

Permission is sought to remove condition 2 (temporary use) attached to previous planning permission, which was granted in November 2003 (ref: 2003/2276/P). This would allow the permanent change of use of the premises from a shop (A1) to a motor showroom (sui generis).

When the first approval for the change of use was granted in August 2003 the loss of the A1 retail was deemed acceptable and the temporary use condition was only included for residential amenity reasoning. The assessment of the loss of an A1 use is therefore not required for this application.

Impact of removal / variation of condition 2 upon amenities of adjoining properties: The safeguarding of amenity for adjoining residential properties is required by policy SD6.

Condition 2 was attached to the previous permission as an additional safeguard so that the Council could retain the option to revoke the use, should this cause harm to amenities of adjoining premises. A further condition was also attached limiting the hours of operation between 19.00 hours and 09.00 hours the following day with no audible sound emanating from these premises during these hours. It would be deemed acceptable to again include this operation hour's condition for the permanent change of use.

During the five year period the use has been operating the Council has received no complaints directly associated with the temporary use. This would indicate that the use of the motor showroom is causing no harm to nearby residential amenities. The Council is therefore satisfied to remove condition 2 thus allowing the permanent change of use to a motor showroom.

Removal of condition 2 should be **granted**.