

Application reference: 21/3222/PS192 MORTLAKE, BARNES COMMON WARD

Date application received	Date made valid	Target report date	8 Week date
14.09.2021	14.09.2021	09.11.2021	09.11.2021

Site:

The China Chef , 78 White Hart Lane, Barnes, London

Proposal:

Change of use of part of ground floor to Offices (Class E).

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Ms THANH Wong
15 Youngs Road
Barnes
Ilford
IG2 7LF
United Kingdom

AGENT NAME

Mr N/A TRAN
53
Potters Grove
london
New Malden
N/A

DC Site Notice: printed on and posted on and due to expire on

Consultations:**Internal/External:**

Consultee

Expiry Date

Neighbours:

-

History: Development Management, Appeals, Building Control, Enforcements:Development Management

Status: GTD

Date:24/07/2020

Application:19/2729/FUL

Part change of use of rear garden area, single storey side extension, part two storey part single storey rear extension and insertion of 2 rooflights on roof to outrigger to facilitate the creation of a self-contained 2 bed maisonette. Associated boundary treatment, hard and soft landscaping and refuse store.

Development Management

Status: PCO

Date:

Application:21/3222/PS192

Change of use to Offices (Class E).

Application Number	21/3222/PS192
Address	The China Chef 78 White Hart Lane Barnes London SW13 0PZ
Proposal	Change of use of part of ground floor to Offices (Class E).
Contact Officer	Jack Davies

1. Introduction

The applicant has submitted an application for a Certificate of Lawful Development (Proposed). In assessing this application, the Council is making a determination of law as to whether or not the proposed change of use of premises constitute development within the meaning of S55 of the Town and Country Planning Act 1990. Issues such as the policies contained in the Council's adopted Richmond Local Plan (2018) are not to be taken into consideration as the decision is based on fact and not on policy grounds.

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

The property is a two-storey end of terrace building located on the western side of White Hart Lane. The property is located within the Mortlake Conservation Area, is within an Area of Mixed Use and is located on a Key Shopping Frontage. The ground floor currently comprises a Chinese takeaway premises.

3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The scheme seeks confirmation that the proposed change of use from a take-away premises to an office is considered lawful under The Town and Country Planning (General Permitted Development) (England) Order 2015.

The comprehensive list of planning history can be found above. The most relevant to this case is as below:

- **19/2729/FUL** - Part change of use of rear garden area, single storey side extension, part two storey part single storey rear extension and insertion of 2 rooflights on roof to outrigger to facilitate the creation of a self-contained 2 bed maisonette. Associated boundary treatment, hard and soft landscaping and refuse store. **Granted**
- **16/2485/FUL** - Single storey rear and side extension to provide additional floor space for existing hot food takeaway shop (Class A5) and first floor rear extension, installation of an external staircase on flank elevation and rear dormer extension with increased ridge height to provide a self-contained residential unit at first and new second floor level. **Withdrawn**
- **15/2514/FUL** - Proposed single storey rear and side extension to provide additional floor space for the ground floor change of use from a hot food takeaway to a self contained flat. First floor rear extension and installation of an external staircase to form a change of use for first floor into a second self contained flat incorporating with a loft conversion with a rear roof dormer. **Withdrawn**
- **13/1208/FUL** - Proposed single storey rear extension to provide additional floor space for the ground floor take-away. First floor rear extension and installation of an external staircase to form a change of use for first floor into a 1 bed self contained flat incorporating with a loft conversion with a rear roof dormer. – **Granted**
- **01/1204** - Part One Storey, Part Two Storey Rear Extension To Both Properties. **Granted**
- **94/3701/FUL** - Erection Of A Single Storey Rear Extension. **Refused**
- **94/0312/FUL** - Erection Of 2 Metre High Close Boarded Boundary Fence. **Granted**
- **92/1964/FUL** - Covered Yard And Boundary Fence At Rear Of Existing Takeaway. **Refused**

4. CONSULTATIONS CARRIED OUT

This is an application for a Certificate of Lawful Development (Proposed), which is a request to the Council to confirm that the development as specified does not require an application for planning permission to be submitted to the Council. In assessing this application, the Council is making a determination of law, and as such it is not considered to be necessary to undertake a public consultation.

5. AMENDMENTS

The application was amended to remove proposed external alterations. The description of development was amended to reflect this. The LDC is purely for change of use of part of ground floor.

6. EXPLANATION OF RECOMMENDATION

The applicant seeks confirmation the change of use of part of ground floor from a takeaway premises to an office is considered lawful

Schedule 2, Part 3, Class A of the The Town and Country Planning (General Permitted Development) (England) Order 2015 states that:

Class A – casino, betting office, pay day loan shop or hot food takeaway to commercial, business and service

Permitted development

A. Development consisting of a change of use of a building from a use falling within one of the following provisions of the Use Classes Order—

- (a) article 3(6)(m) (casino);
- (b) article 3(6)(n) (betting office);
- (c) article 3(6)(o) (pay day loan shop); or
- (d) article 3(6)(r) (hot food takeaway),

to a use falling within Class E (commercial, business and service) of Schedule 2 to that Order.

The site is currently used by the 'China Chef' as a fast food takeaway store. There has been no evidence submitted which confirms the lawfulness of the existing use, however a review of google street view shows that the property was in operation by 'China Chef' in 2008. The street view also shows the premises occupied by 'China Chef' in August 2021. Further to the above, an officer attended a site visit in 2019 in assessment of the previous application. The site was in use as a takeaway premises when the site visit was undertaken.

As such, it is considered that, on the balance of probability, that the premises is currently used for hot food takeaway.

Class A as above states that change of use from a hot food takeaway premises to a use falling within Class E is considered permitted development.

Class E is defined as:

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

An 'office' use falls within Class E(c) as defined above. A Lawful Development Certificate for this change of use can be issued.

7. RECOMMENDATION

Grant Certificate

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations on file YES NO –

Case Officer (Initials): ...DAV..... Dated:09/11/21.....

I agree with the recommendations:
WWC 9/11/21