

## Application reference: 07/2611/COU EAST SHEEN WARD

Date application received	Date made valid	Target report date	8 Week date
23.07.2007	23.07.2007		

**Site:**

44 Sheen Lane, East Sheen, London, SW14 8LP

**Proposal:**

Change of use from class A2 (Offices) to class A3 (Restaurant) and changes to front elevation at ground floor level.

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

**APPLICANT NAME**

Mr Charies Freedman  
26 Staibans Lane  
Golders Green  
NW11 7QE

**AGENT NAME**

Aki Akiwumi  
48 Churchill Road  
Edware  
Middx  
HA8 6NY

**DC Site Notice:** printed on 26.07.2007

**Consultations:**

*Internal/External:*

**Consultee**

LBRUT Environment Policy And Design  
LBRUT Transport

**Expiry Date**

09.08.2007  
09.08.2007

**Neighbours:**

81 Sheen Lane, East Sheen, London, SW14 8AE, - 26.07.2007  
85 Sheen Lane, East Sheen, London, SW14 8AE, - 26.07.2007  
1A St Leonards Road, East Sheen, London, SW14 7LY, - 26.07.2007  
46 Sheen Lane, East Sheen, London, SW14 8LP, - 26.07.2007  
42 Sheen Lane, East Sheen, London, SW14 8LW, - 26.07.2007  
83 Sheen Lane, East Sheen, London, SW14 8AE, - 26.07.2007  
1 St Leonards Road, East Sheen, London, SW14 7LY, - 26.07.2007

**History:**

Ref No	Description	Status	Date
07/2611/COU	<ul style="list-style-type: none"> <li>Change of use from class A2 (Offices) to class A3 (Restaurant) and changes to front elevation at ground floor level.</li> </ul>	INSFE E	

**Constraints:**

Professional Comments:

**Recommendation:**

The determination of this application falls within the scope of Officer delegated powers - ~~YES~~ / NO

**I therefore recommend the following:**

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

Case Officer (Initials): AWZ

Dated: 13/11/07

**I agree the recommendation:**

Team Leader/Development Control Manager

Dated: .....

This application has been subject to representations that are contrary to the officer recommendation. The Development Control Manager has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Development Control Manager: .....

Dated: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

The following table will populate as a quick check by running the template once items have been entered into Uniform

**SUMMARY OF CONDITIONS AND INFORMATIVES**

<b>CONDITIONS:</b>	
<b>INFORMATIVES:</b>	

**ADDITIONAL NOTES CONTINUED FROM ABOVE:**

*Soundproofing condition*

**PLANNING COMMITTEE – 29 NOVEMBER 2007**

**07/2611/COU  
44 SHEEN LANE  
EAST SHEEN**

**EAST SHEEN WARD  
Contact Officer:  
A Wilson**



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**Proposal:** Change of use from Class B1/A2 offices to Class A3 restaurant with external alterations including new shopfront and front lobby entrance

**Applicant:** Mr Akitokumbo Akiwumi for Mr Charles Freedman

**Application Received:** 23 July 2007

**Main Development Plan Policies:**

IMP 2, BLT 2, 11, 16, 21, 30, TRN 2, 4, 11, EMP 4, CCE18, TC 9.

**Present Use:** B1/A2 office use

**Summary of Application**

The marketing evidence suggests there have been difficulties in marketing the property for offices, but in any case a change to restaurant use is considered compatible with the character of the street, supported by the Mixed Use Area designation and would help support the retail and community facilities

## **PLANNING COMMITTEE – 29 NOVEMBER 2007**

of the area. An hours of opening condition can help control noise at anti-social times. Parking and servicing arrangements are considered satisfactory and extractor ducting details an be conditioned to protect against smells nuisance and visual intrusion.

### **Recommendation: Permission**

#### **Site, History and Proposal:**

- 1 This is the ground floor of a 3 storey building on Sheen Lane, outside designated shopping frontage, and last in use as offices (Class B1/A2). There are 4 flats on the upper floors. The offices comprise 102 sq.m. floor area. The entrance to the flats above is from Sheen Lane through a shared lobby with the offices. The building is flat roofed, mainly brick-built, but with the ground floor, and its large modern windows, projecting forward of the upper floors, but set 3.5m back from the neighbouring shop at the corner of St. Leonards Road. The forecourt in front is included within the property's demise. No.46 Sheen Lane to the south is of similar appearance to No.44 and is 2 floors of offices with a flat above.
- 2 The property backs onto a rear parking and servicing area, accessed from St. Leonards Road. No.44 has 4 car parking spaces immediately to the rear of the building. The rear area is shared with other Sheen Lane businesses and a warehouse at 1A St. Leonards Road. The site is within the Sheen Lane Conservation Area, an Area of Mixed Use and a Controlled Parking Zone.
- 3 There is no relevant planning history within the last 40 years. Prior to that:
  - 67/1983 - Change of use to a car showroom. Refused:
  - 66/2152 - Minor alterations to 1<sup>st</sup> floor to convert flats to offices. Approved.
  - 65/1780 - 3 storey building with ground floor offices and living accommodation on 2 floors above. Approved.
  - 65/421 - Alterations to layout to form 2 flats on 1<sup>st</sup> and 2<sup>nd</sup> floors in lieu of one flat and one office. Approved.
  - 11057 - Erect 3 storey building for offices, shopping and residential. Approved 1964.

#### **Proposal**

- 4 The current application is to change the use from offices to a Class A3 restaurant. 20 tables are marked indicatively on the plans, with several on a terrace outside the shopfront which would be re-built at an angle backwards from the existing position. The entrance to the restaurant would be through one of the panels in the proposed sliding glazed doors, which form a new shopfront. There would be a separate entrance to the flats through the lobby which would be re-built and lead through to the hall and stairway. The kitchen and staff facilities would be at the rear of the building. The dining area would be approximately 62 sq.m. internal with approximately 21 sq.m. on the terrace (total 83 sq.m). The 4 parking spaces at the rear would be retained for parking and servicing use by the restaurant. An extract duct is indicated running up the rear wall to project 500mm above the roof.

#### **Public and Other Representations:**

- 5 6 letters of objection have been received based on;
  - Late evening noise, nuisance and loss of residential amenity
  - Loss of privacy in residential across Sheen Lane;
  - Cooking smells;
  - Parking
  - sufficient restaurants in the area;
  - inadequate consultation;

## PLANNING COMMITTEE – 29 NOVEMBER 2007

- out of keeping with predominantly residential area;
- No late evening businesses in the area;
- destroys symmetry of building with No.46;
- loss of pedestrian space;
- additional street clutter;
- unsympathetic new shopfront;
- insufficient marketing of the offices;
- restaurant incompatible with conservation area status;

7 One non-planning letter of objection received;

High level of competition would damage the viability of existing businesses;

- 1 **Thames Water** recommends installation of a fat trap in line with best practice for the disposal of fats, oils and grease.

### **Professional Comments:**

#### Land use

- 2 The property is situated outside but on the edge of designated secondary shopping frontage. With the existing and neighbouring properties in commercial uses, a restaurant would be considered in keeping with the character of the area. The current use is considered predominantly B1 business, meaning it is subject to Policy EMP 4 which restricts changes out of employment use. The property has been marketed for office use (commercial agents' information suggests for a period between 6 months and a year) and has had very limited interest. The policy section have examined this, and consider that due to Sheen Lane's important shopping street function, and the closeness of the station and community facilities, that a restaurant use would be compatible with the retail and community function of the area. The objections based on the use being out of keeping with the area are not accepted, as it is within the Mixed Use Area, and the existing property, and those either side are all in commercial use.

#### Amenity

- 3 Notwithstanding the above, the proposal has to be considered with regard to impact on neighbour amenity. There are residential properties across Sheen Lane and in flats above the existing commercial premises. However, the likely noise levels generated would not be uncharacteristic of Sheen Lane, with its many non-residential uses. The outdoor terrace would increase vitality in the streetscene and that is generally welcomed in streets with a community and retail function. However, a condition is recommended to ensure closure at 11.00 p.m so that disturbance is controlled during normal sleeping hours. Regarding cooking smells, notwithstanding the rear ducting indicated, it is recommended that a condition is imposed to ensure that extract ducting is designed to minimise nuisance from smells whilst preventing visual obtrusion.

#### Physical alterations

- 4 The existing building appears to date from the 1960's and has no particular architectural merit and there are no objections to the contemporary design. The front of the building already steps back from the adjoining property at the corner of St Leonards Road and the upper floors step back from the ground floor meaning that a forward building line is not established in this group of buildings. There are therefore no objections to the stepping inwards of the new shopfront from its existing position. The symmetry with the ground floor frontage with No.46 Sheen Lane would be disrupted, but the architecture at ground level does not warrant any such protection.

#### Highways and Parking

## **PLANNING COMMITTEE – 29 NOVEMBER 2007**

- 5 The four parking spaces at the rear of the property would be retained for the restaurant, and these would also be used for service vehicles. Servicing already takes place from the yard at the rear of 44-50 Sheen Lane, where there is also a designated turning area for the various businesses. This includes the Sheen Bed warehouse, and as it is likely that smaller transit sized vehicles would service the restaurant, there are not expected to be vehicular manoeuvring problems.
- 6 Although service vehicles would share the parking spaces with customers and staff, deliveries would typically be during weekday mornings, when the restaurant is likely to be quiet. The 4 spaces would be one below the maximum adopted car parking standard for restaurants, based on the dining area indicated, but many customers would live within walking distance and the most busy time is likely to be the evenings, when there would be further spare capacity in the nearby Sheen Centre car park.
- 7 The forecourt where the terrace is proposed, forms part of the property's demise, and so there would be no loss of public footway.

### **Conclusion**

- 8 The marketing evidence suggests there have been difficulties in marketing the property for offices, but in any case a change to restaurant use is considered compatible with the character of the street, supported by the Mixed Use Area designation and would help support the retail and community facilities of the area. An hours of opening condition can help control noise at anti-social times. Parking and servicing arrangements are considered satisfactory and extractor ducting details can be conditioned to protect against smells nuisance and visual intrusion.

I therefore recommend **PERMISSION**, subject to the following conditions and informatives:

### **Standard Conditions:**

- AT01 - Development commence within 3 years
- BD12 - Details materials to be approved
- DS04 - Access for disabled
- DV18A - Refuse arrangements
- DV17A - Dustbin enclosure
- DV30 - Refuse storage
- RS05 - Restriction air conditioning
- RS13A - Staff leaving premises.

### **Non-standard conditions:**

- NS01 - The parking spaces on the plans hereby approved shall be maintained permanently for parking and servicing, for the sole use by staff, customers, or those servicing the premises. REASON: To ensure the proposed use does not prejudice the free flow of traffic on the neighbouring highways, road safety and the amenity of the area.
- NS02 - Customers shall not be present on the premises during the following times: Monday to Saturday before 9.00 a.m. or after 11.00 p.m. and on Sundays before 10.30 a.m. and after 11.00 p.m. A notice to this effect shall be displayed prominently on the shopfront at all times. REASON: To ensure the proposed development does not prejudice the amenities of nearby occupiers, or the area generally.
- NS03 - Notwithstanding the details shown on the drawings hereby approved, details of extraction equipment and ducting shall be submitted to and approved by the Local Planning Authority prior to the premises opening for business. The equipment so approved shall be installed,

## PLANNING COMMITTEE – 29 NOVEMBER 2007

utilised and maintained in an efficient state whilst operating as a restaurant. REASON: To ensure the amenities of the area are not adversely affected by cooking smells and that the equipment and ducting are situated in a manner which is not obtrusive nor detrimental to the appearance of the surroundings and Conservation Area.

- NS04 - There shall be no deliveries, unloading or loading from or to the premises before 9.00 a.m. or after 7.00 p.m. Mondays to Saturdays or at any time on Sundays. REASON: To ensure that the use hereby permitted does not prejudice the amenities of nearby occupiers, or the area generally.

### **Standard Informatives:**

IE05A - Noise control - building sites

IE01A - Food hygiene

IH06C - Damage to public highway

IL10A - Building regulations

IL12 - Approved drawing numbers. Ordnance Survey, 123 SD 02, 1213 SD 03, 123 SD 04, 123 SK 01, 123 SK 02, 123 SK 03, 123 SK 04 received 23 July 2007.

IL16 - Policies and Proposals UDP 1<sup>st</sup> review -IMP 2, BLT 2, 11, 16, 21, 30, TRN 2, 4, 11, EMP 4, CCE18, TC 9.

IL19 - Reasons to approve. See conclusion above

### **Non Standard Informative:**

Thames Water advised that a properly maintained fat trap should be installed.

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**Site:**

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**DC Site Notice:** printed on 26.07.2007

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*Internal/External:*

**Consultee**

LBRUT Environment Policy And Design  
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Ref No	Description	Status	Date
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**Constraints:**

Professional Comments:

**Recommendation:**

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**I therefore recommend the following:**

- 1. REFUSAL
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Case Officer (Initials): AWZ

Dated: 13/11/07

**I agree the recommendation:**

Team Leader/Development Control Manager

Dated: .....

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Development Control Manager: .....

Dated: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
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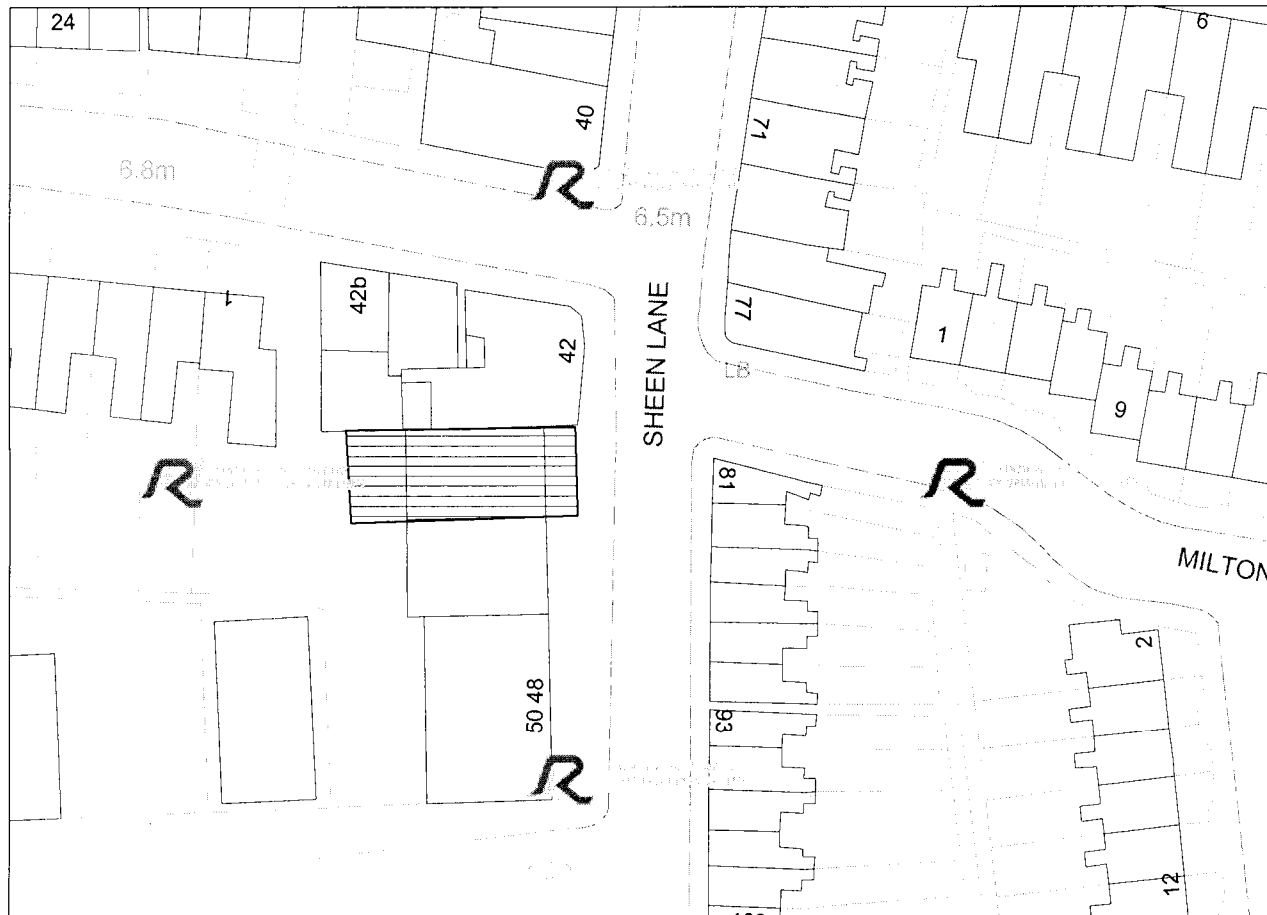
**ADDITIONAL NOTES CONTINUED FROM ABOVE:**

*Soundproofing condition*

**PLANNING COMMITTEE – 29 NOVEMBER 2007**

**07/2611/COU  
44 SHEEN LANE  
EAST SHEEN**

**EAST SHEEN WARD  
Contact Officer:  
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**Applicant:** Mr Akitokumbo Akiwumi for Mr Charles Freedman

**Application Received:** 23 July 2007

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## **PLANNING COMMITTEE – 29 NOVEMBER 2007**

of the area. An hours of opening condition can help control noise at anti-social times. Parking and servicing arrangements are considered satisfactory and extractor ducting details can be conditioned to protect against smells nuisance and visual intrusion.

### **Recommendation: Permission**

#### **Site, History and Proposal:**

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## PLANNING COMMITTEE – 29 NOVEMBER 2007

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- destroys symmetry of building with No.46;
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- additional street clutter;
- unsympathetic new shopfront;
- insufficient marketing of the offices;
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### **Professional Comments:**

#### Land use

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#### Highways and Parking

## **PLANNING COMMITTEE – 29 NOVEMBER 2007**

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### **Conclusion**

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## PLANNING COMMITTEE – 29 NOVEMBER 2007

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- NS04 - There shall be no deliveries, unloading or loading from or to the premises before 9.00 a.m. or after 7.00 p.m. Mondays to Saturdays or at any time on Sundays. REASON: To ensure that the use hereby permitted does not prejudice the amenities of nearby occupiers, or the area generally.

### **Standard Informatives:**

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