

C L I N C H D E S I G N

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10TH MAY 2013

STATEMENT TO SUPPORT EXISTING AND ESTABLISHED USE

130 CHARING CROSS ROAD – WC2H OLA

GROUND FLOOR - EXISTING USE A3 / A5

INTRODUCTION

1.1

This statement accompanies the application to support the Existing Use and Established Use of 130 Charing Cross Road London WC2H OLA.

The current existing and established use is Class – A3 / A5.

The property has been previously known as NUNU for over 8 years – A Chinese Restaurant prior to the 8 years of NUNU , for a period of a further 8 years – providing hot food to eat in as a restaurant or takeaway hot and cold food.

The Chinese restaurant at 130 Charing Cross Road WC2H OLA was known as KWIK FOOD LTD. Companies House Reg No - NL16880642 (now dissolved).

2.0

THE SITE AND ITS CONTEXT

The site is located on the ground floor of a five storey property at Charing Cross Road very close to Tottenham Court Road Tube Station. It is currently Cafe (A3 /A5) at ground floor. There are residential flats on the upper floors.

The site is located within the Denmark Street Conservation Area.

3.0

THE STATEMENT

EXISTING USE AND ESTABLISHED USE

The application has listed documents as follows to support the site case for Existing and Established use Class A3/A5.

3.0

THE STATEMENT

EXISTING USE AND ESTABLISHED USE – Cont

1. Premises License for Food – Granted Bt Camden Council

No: PREM/LIC/3279

Name: NUNU

Date: TBC

2. Sworn AFFIDAVIT By previous Lease Holders of NUNU -

130 Charing Cross Road London WC2H 0LA.

Sworn By: Ahmed Abdulliahi and Eslam Ghouneim.

Both lease holders state that they traded at the said address for over .

8 years – having taken over the lease from a Chinese Restaurant /

Fast Food take away food unit – known as:

KWIK FOOD LTD. Companies House Reg No - NL16880642 (now
Dissolved – Dates TBC).

The previous lease holders state that the Chinese Restaurant traded for
over 8 years.

We are currently awaiting the Freeholders – “CONSOLIDATED
DEVELOPMENTS LTD” – Acting Solicitor for The Freeholders –

Mishon De Reya

Summit House

12 Red Lion Square

London WC1R 4OD

To confirm the issue of previous leases for the site for KWIK FOOD LTD
and NUNU – both leases will confirm A3/A5 use for over 16 years. Prior to
the Current lease for NUNU as of 2013.

3. Previous lease: 130 Charing Cross Road London WC2H 0LA.

Lease holders : Ahmed Abdulliahi and Eslam Ghouneim.

Lease dates back to – 24th July 2008 – 5 years showing A3 use as per

Lease – executed by: “CONSOLIDATED

DEVELOPMENTS LTD” – Acting Solicitor for The Freeholders –

Mishon De Reya

Summit House

12 Red Lion Square

London WC1R 4OD

Also signed by all listed above in point 3.

It should be known that the lease specifically states that the premises
must trade within the parameters of A3.

4. Current lease for : **130 Charing Cross Road London WC2H OLA.**
 Name: "Sajway Lebanese Food LTD"
 Date: 1st February 2013
 It should be known that the lease specifically states that the premises must trade within the parameters of A3.
5. Existing Photographs of the Property and specifically the Existing Duct set within a Communal Light well at the rear of the property.
 Noted in the Sworn AFFIDAVIT that the existing Duct was already installed and used by the previous leaseholders of KWIK FOOD LTD – thus some 16 years ago.
5. A CAMDEN REFUSAL NOTICE FOR – **134 Charing Cross Road London WC2H OLA –**
 13th December 2012.
 Contact – Angela Ryan
 Within the said document – Camden Planners note that - 130 Charing Cross Road London WC2H OLA – **has A3 Use.**

THE STATEMENT SUMMARY

CLARE TAMPIN OF THE CAMDEN PLANNING ENFORCEMENT TEAM –
 IS CHALLENGING THE USE OF A3/A5 FOR THE SAID PROPERTY
 130 CHARRING CROSS ROAD.
 WE THUS - HAVE BEEN ASKED TO PROVIDE EVIDENCE OF THE EXISTING
 AND PRIOR ESTABLISHED USE.
 WE ARE THUS SUBMITTING AN APPLICATION FOR LPD ESTABLISHED USE.

Having discussed the said site 130 Charing Cross Road London WC2H OLA
 With Clare Tampin – Clare states that the reason for the query is that the
 Campden Enforcement Team have evidence that the said site had been
 trading as a News Agent known as Kiera News at some point and for some
 time in 2012 – the period of time Kiera News Agent traded was not given by
 Camden Enforcement.

Having explained to Clare Tampin that the site has a history of use Class
 A3/A5 – Clare Tampin – stated that that the onus is on the current lease
 holder to prove the Historical Use of A3/A5.

Clare Tampin has stated that the said site is in breach of A1 use – referring to
 the use for a period of time by Kiera News Agent.

I suggested that the site having a clear history of use as A3/A5 use – that
 Kiera News Agent had broken the lease use of A3/A5 and that Kiera New
 Agent should have been under investigation for breaching the A3/A5 use.

With reference to the above and in discussions with Clare Tampin – The Camden Planning Website has no Historical Class of use listed for the site Apart from being mentioned as A3 use in a Refusal Notice for 132 Charing Cross Road.

From the evidence to date via Historical leases and a sworn AFFIDAVIT It is clear that the site of Ground Floor - 130 Charing Cross Road London WC2H OLA – has established an existing use of A3/A5 for over 8 years with NUNU and 8 years with KWIK FOOD LTD (Chinese Restaurant and takeaway food)

It appears that at some point in 2013 – Kiera News Agent have broken the Use of A3/A5 in part – by trading in part Class A1 - although having researched the use of Kiera News (Photograph attached) it appears that the New Name – Kiera News – still traded under the Class use A3/A5 by supplying - Hot cooked Crepes – Hot cooked Waffles and in the photograph it appears to be supplying still Kebab cooked food.

We believe that the site has maintained its use and predominant use of A3/A5 for a lot longer than the intermediate use for a short period in 2012 by Kiera News, although Kiera New still sold “HOT COOKED FOOD”.

It appears that the Camden Planning Archive has no Class listing for the site, that the Camden Planning Enforcement Team has acted on a Photograph published on the Internet (The Camden Enforcement Team declined to offer – discuss or issue any evidence to support the breach of the Existing A3/A5 use).

With the evidence provided via Sworn Affidavit the Current Lease and Old Lease -

Both issued by The Freeholders “CONSOLIDATED DEVELOPMENTS LTD” (issued by solicitors acting for the freeholders stating that the site use and uses must trade within A3).

We have shown that the sites Existing and Established Use is in fact A3/A5. That Kiera News had broken the lease issued by “CONSOLIDATED DEVELOPMENTS LTD” – note only in part, as A3/A5 was maintained. Thus the site in question – Ground Floor, 130 Charing Cross Road London WC2H OLA Existing and Established Use is in fact A3/A5.

