

Dear Sirs,

RE: CENTRALE DELI CAFÉ, 43 CHALK FARM ROAD, LONDON, NW1 8AJ

APPLICATION FOR PLANNING PERMISSION FOR CHANGE OF USE TO AN A1/A3 MIXED USE CLASS DELI CAFÉ/RESTAURANT WITH RESTRICTED COOKING

This firm is instructed on behalf of Bruno Dellapina to make an application for planning permission for the change of use of 43 Chalk Farm Road to an A1/A3 mixed use class, namely for the premises to be reclassified as a deli café/restaurant which serves food which has been heated up, but has not been cooked on the premises.

This statement provides justification of the proposal from a planning perspective. It is proposed to deal with the matter under several headings which will involve a brief description of the proposal and then the site as well as the planning history. We will follow this with a detailed policy assessment as well as a planning assessment and conclusions.

The Proposal

The proposal is to change the use of 43 Chalk Farm Road from its current classification as an A1 use to that of an A1-A3 mixed use (which has a restriction on cooking), namely to use as a deli café/restaurant which serves food to take away or to eat in the premises whilst seated at tables.

There are two main areas of the premises, namely the ground floor of the premises and a mezzanine area. The current total capacity given health and safety requirements and fire risk assessments is for 47 people.

It is proposed that the ground floor of the premises and the mezzanine area are retained but that the outdoor roof terrace is no longer for public use. It is intended that the deli café/restaurant continues to operate during the following hours: 10:00am – 10:30pm Monday to Thursday, 10:00am – 12:00am Friday and Saturday, and 10:00am – 10:00pm Sunday. A licence to serve alcohol has already been issued and guests are permitted to purchase alcohol at the premises, ancillary to food between the hours Monday – Thursday 12:00pm – 11:00pm, Friday and Saturday 12:00pm – 12:00am, Sunday 12:00pm -10:00pm. It should be pointed out that Centrale Deli Café aims to stop serving at 10:30pm despite being allowed to operate for the times stated above. There will be a total of 17 tables in the premises with the following limits as per the Fire Risk Assessment: on the ground floor – seating for 10 people, the lower ground floor seating for 25 people, and seating for 12 people on the upper floor. The toilets will remain in the same location.

It is envisaged that a significant number of customers who attend the deli café/restaurant will continue to be people who work and live in the locality.

There will be no smoking area. Any customer wishing to smoke will have to smoke outside the front door of the premises.

The Site

The application is to retain the existing ground floor of the premises and the mezzanine floor, but to remove the outdoor terrace area from public use.

The site itself is on the main Chalk Farm Road, in which within the immediate vicinity there are numerous A1, A2, A3 and A4 uses. The site has operated as a café for 4 years.

Permission has previously been refused for conversion to an A3 for a variety of reasons. This application does not duplicate any of the reasons for which previous applications have fallen foul.

Previous applications made in 1999 and 2000 were refused as proposals were made to extend the restaurant to two floors. The proposal in 2008 (along with 1999 and 2000) was refused as it contravened certain planning policies that were in force at the time.

The current proposal is for the premises to be a mixed A1-A3 use whereby customers can continue to purchase cold sandwiches and cold deli food for consumption off the premises or have the option of sitting in the premises and having a hot panini, or slice of pizza. The intention of the owner is not to have a full restaurant which serves three course meals etc. but rather to give customers the option to have limited hot food (which has been heated up in an electric oven but not actually cooked on the premises). The proposal to provide hot food is restricted to pizza, paninis and bread. There are no other options for hot food, (for instance heating up other meat for a sandwich – only warming paninis).

Within the local vicinity the following premises exist: Morrisons; a fancy dress shop 'Escapade'; a cycle surgery; an empty shop front, an A1 use Turkish cafe 'My Village' which also serves food and wine; a pawnbrokers; Bar Fly and crucially for this application a premises called the Monarch Pub. The Monarch Pub is situated next door to Centrale Deli Café and serves alcohol until the early hours of the morning. Recently, Centrale Deli Café has clearly been the victim in the case of mistaken identity in terms of noise complaints. Due to the close proximity of the Monarch Pub to Centrale Deli Café it has been suggested that the noise has been coming from Centrale Deli Café when in fact it has been coming from the patrons of the pub. As stated above Centrale Deli Café has removed the roof terrace from public use. There will be reduced (if any) noise coming from Centrale Deli Café in line with the operating hours we have and the clientele the premises attracts.

Centrale Deli Café provides local residents and customers with a unique option in the surrounding area to purchase breakfast, lunch or light dinner at various times of the day. Centrale Deli Café caters for a range of ages within the local community. The premises provides a positive impact in the area and has been relatively successful over the last four years in terms of attracting regular local clientele.

Planning History

We have dealt briefly with the planning history in paragraphs above and would again make the point that this change of use is to ensure that we are fully complying with all the necessary borough regulations.

Policy Assessment

This section seeks to assess the planning guidance and policies most relevant to the application proposal.

National Planning Policy Framework

The NPPF is a material consideration in reaching decisions on planning applications and sits alongside the local development plans and core strategy. In his foreword to the policy, the Minister states that planning must be a creative exercise in finding a way to enhance and improve the places in which we live our lives and not simply be about scrutiny.

The Government has made it clear in the NPPF that the presumption is in favour of “sustainable development” which is to be seen as the golden thread running through plan making and decision taking. With specific regard to decision taking, it means approving development proposals that accord with the development plan without delay and we hope to be able to demonstrate in this application that the proposals are in accordance with local plans.

Camden Town

The premises falls within the main part of Camden Town.

The core strategy (CS7) refers to the fact that the centre does not have a single character but broadly contains three parts – the commercial heart in the markets and around Camden Town tube station; the southern section which provides more traditional ‘high street’ shopping and serves a more local role; and Chalk Farm Road to the north with its mixed street frontage of restaurants, bars and specialist shops.

It is submitted that change of use would ensure that this policy is still complied with as the front of the premises will remain the same. As there is a restricted use on cooking food, it cannot, therefore, be said that it will be contributing to the saturation of restaurants in that area.

Granting the change of use would ensure that CS5 is followed notably “providing the infrastructure and facilities needed to support Camden’s population and those who work in and visit the borough”. This means that the loyal Camden clientele can still eat and drink at Centrale Deli Café, as well as the numerous people who work in the area who visit before work, or during their lunch hour.

The key aspects of Camden’s Development Policy to consider are DP30 and DP24. In line with DP30, by granting the change of use Camden will be adhering to its policy of seeking to ensure that the same shop window is retained, in line with the general characteristics of the area. In terms of DP24, it is not being proposed that Centrale Deli Café changes the layout of the premises, the front of the premises or indeed even the type of food that is served in the premises. In fact, due to the longevity of the café and the fact that there has not been any complaints in previous years, the premises will remain in line with Camden’s policy of “visually interesting frontages at street level”.

As previously mentioned, there has not been any complaints from local residents in the past. As nothing is being changed in terms of the premises (bar the roof terrace) it is submitted that the various factors that are usually considered in DP26 (visual

privacy and overlooking/ overshadowing and outlook/ sunlight, daylight and artificial light levels/ noise and vibration levels/ odour, fumes and dust/ microclimate/ the inclusion of appropriate attenuation measures) are not applicable in this case.

Conclusions

In all the circumstances as set out above, it is submitted that the proposed development will continue to positively contribute to Camden and Chalk Farm Road in particular. The proposed amendments to the roof terrace area will decrease any noise that our customers previously could have made.

The proposal for A1-A3 mixed use with restricted cooking ensures that the premises continues to operate in line with what is more commonly associated with a restaurant i.e. customers sitting down to eat, yet still ensures that the current customers have the option of availing of the deli and sandwich service. The capacity of 47 is relatively modest in comparison to other A3 uses on the same road, which supplements the argument that this is more of a deli/café than a large scale restaurant.

It is submitted in conclusion that there will be no negative impact upon the area taking into account the various Council planning policies and the deli café/restaurant would actually represent a benefit to the area by allowing the continuation of a premises which has currently operated successfully and without complaint for the last 4 years.

Finally, the ability to operate as an A1-A3 mixed use premises is crucial to the commercial viability of the business and its ability to continue to operate.