

Email: planning@camden.gov.uk
 Phone: 020 7974 4444
 Fax: 020 7974 1680

Development Management
 Camden Town Hall Extension
 Argyle Street
 London WC1H 8EQ

Application for a Lawful Development Certificate for an Existing use or operation
 or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of
 the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2010

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
 If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	<input type="text" value="Mr"/>	First name:	<input type="text" value="Dimitris"/>	Surname:	<input type="text" value="Gkatsos"/>		
Company name	<input type="text" value="Greek cuisine experience"/>						
Street address:	<input type="text" value="139 Whitfield Street"/>			Country Code	National Number	Extension Number	
	<input type="text"/>			Telephone number:	<input type="text" value="020 7387 6776"/>	<input type="text"/>	
	<input type="text"/>			Mobile number:	<input type="text" value="07887828380"/>	<input type="text"/>	
Town/City	<input type="text" value="London"/>			Fax number:	<input type="text"/>	<input type="text"/>	
County:	<input type="text"/>			Email address:	<input type="text" value="grce.ltd@gmail.com"/>		
Country:	<input type="text" value="United Kingdom"/>						
Postcode:	<input type="text" value="W1T 5EN"/>						
Are you an agent acting on behalf of the applicant?				<input type="radio"/> Yes <input checked="" type="radio"/> No			

2. Agent Name, Address and Contact Details

No Agent details were submitted for this application

3. Site Address Details

Full postal address of the site (including full postcode where available)			Description:	
House:	<input type="text" value="139"/>	Suffix:		<input type="text"/>
House name:	<input type="text" value="Olives Cafe"/>			
Street address:	<input type="text" value="Whitfield Street"/>			
	<input type="text"/>			
Town/City:	<input type="text" value="London"/>			
County:	<input type="text"/>			
Postcode:	<input type="text" value="W1T 5EN"/>			
Description of location or a grid reference (must be completed if postcode is not known):				
Easting:	<input type="text" value="529212"/>			
Northing:	<input type="text" value="182155"/>			

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: First name: Surname:

Reference:

Date (DD/MM/YYYY): (Must be pre-application submission)

Details of the pre-application advice received:

Pre-application Advice

Greek Cuisine Experience Ltd (company operating at the 'Green Door') has not received an official pre-application advice, however we consider relevant to communicate the fact that the current application is a result of a set of helpful pre-application discussions and pertinent advice offered by the Camden Council planning department. The pre-application discussion was held between Mr. Dimitris Gatsos and Mr. Iosif Nikiforos from the side of 'Green Door', located in 139 Whitfield Street, London, W1T 5EN and, Mr. John Nicholls, Planning Enforcement Officer.

The Pre-application discussion was focused on the use of the former business known as 'Olive cafe' in order to determine by means of evidence and witnesses if the venue has been operating as a A3 restaurant and cafe for a period longer than 10 years. The evidence is based on statements of different clients of the former 'Olive cafe', the menu of the 'Olive cafe' and the pre-existence of a kitchen smoke extraction exhaust, a professional kitchen and a dining area with tables and chairs for 32 customers to dine indoors.

As the final step of the pre-application based on advice of the council, we refer to the last email received:

19th May 2014, at 10:50, where Nicholls, John <John.Nicholls@camden.gov.uk> wrote:

Iosif,

I have now discussed the old Olive café menu and we consider that the menu demonstrates that primary cooking took place or was required to; to produce the food available.

Therefore, I would invite you to submit a certificate of lawfulness application to retain the use.

Kind regards

John Nicholls

Planning Enforcement Officer

Telephone: 020 7974 2843

5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land:

a) Owner b) Lessee c) Occupier d) Other

If No to a), b), or c), please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known):

Have they been informed of the application?

Yes No

If No, why have they not been informed?

6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

- An existing use
- An existing operation
- An existing use, operation or activity in breach of a condition

Being a use, operation or activity in effect on the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

Use Classes: Other:

8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

This lawful development certificate refers to the ground floor of 139 Whitfield Street, London, W1T 5EN.

The development found to be lawful at the ground floor of 139 Whitfield Street, London, W1T 5EN

is Use Class A3 - Restaurants and Cafes, which covers any use for the sale of food and drink for consumption on the premises, as described by The Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended)

9. Grounds For Application For A Lawful Development Certificate

Under what grounds is the certificate being sought:

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number:

Condition number:

Date:

Please state why a Lawful Development Certificate should be granted:

The argument by which it is considered that "Green Door", located at 139 Whitfield Street, should be granted with Lawful Development Certificate is the Use Class A3 as it has been continuous for in excess of 10 years.

Prior to the deed of assignment dated 14th May 2013, by which Mr. Dimitris Gkatsos buys to Mr. Rukiye Dirik the goodwill, custom and connection of the business known as "Olive Cafe", located at the ground floor of 139 Whitfield Street, W1T 5EN London (refer to lease2013Greendoor.pdf), the use as a Use Class A3 of the formerly called "Olive Cafe" was known by Mr. Dimitris Gkatsos, Mr Rukiye Dirik, as well as the next door businesses and several customers of the restaurant.

The arguments and facts that corroborate that the business located at the ground floor of 139 Whitfield Street, W1T 5EN London, under different trading names, has been operating as a A3 licence restaurant for a period longer than 10 years are exposed as follow:

1 - 1989 assignment:

In an assignment dated the 17th March 1989, the business located at the ground floor of 139 Whitfield Street, W1T 5EN London, is sold under the trading name of Fiona's Cafe to Mr. Nevio Fei and Mr Sergio Gibeni, as a Sandwich Bar (refer to assignment1989.pdf)

2- 1994 invoice:

In an invoice dated the 8th June 1994, Mr. Nevio Fei and Mr Sergio Gibeni, as owners of the business located at the ground floor of 139 Whitfield Street, W1T 5EN London, known as "Fiona's Cafe", sell "the trade fixtures and fitting situate at Fiona's Sandwich Bar 139 Whitfield Street, W1 London, as listed in the schedule below...which we warrant to be our sole and unencumbered property"(refer to invoiceappliances1994.pdf)

The Schedule lists a whole set of cooking appliances such as:

- Extractor fan (needed when hot food is cooked at the venue)
- 1 small electric oven (which upper deck contains a cooker that is still at the business nowadays)
- 2 fridge/freezer + 1 fridge + 1 freezer (a large storage capacity to keep fresh food that does not correspond to a sandwich or internet cafe classified as A1)
- Bench seating + 2 tables and 8 chairs (that allows food to be served and consumed in-house)
- Many other cooking and eating tools such as counter/drinks cabinet, work tops/sink units, shelving, 1 microwave, 1 electric warning saucepan, 4 cutting boards and miscellaneous kitchen cutlery and equipment

Argument01: KITCHEN EQUIPMENT INVOICE

The invoice presented contains equipment that correspond to a business that can storage, cook and prepare food, serve food, and allow customers to eat sitting indoor which exceed the uses of an A1 sandwich or internet cafe.

The number and features of the listed equipment allows a use that, according to The Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended), is described as Use Class A3 - Restaurants and Cafes, which covers any use for the sale of food and drink for consumption on the premises.

3- 2002 assignment:

In the Lease agreement dated the 27th March 2002, Mr. Rukiye Dirik sold the business located at the ground floor of 139 Whitfield Street, W1T 5EN London, under the trading name of "Fiona's Cafe" or "the business", to Mr. Ibrahim Badrelin and Mr Sahar Mouratis (refer to lease2002_Fionas_cafe.pdf, lease2002_2.pdf and lease2002_3.pdf) The trading name "Fiona's cafe" was replaced by the trading name "Olive Cafe", which has been operating from 27th March 2002 until 14th May 2013 when the current owner of the business and applicant of this certificate Mr. Dimitris Gkatsos bought to Mr. Rukiye Dirik the goodwill, custom and connection of the business known as "Olive Cafe", located at the ground floor of 139 Whitfield Street, W1T 5EN London

(this information can be proof by the lease documents as well as through the accountancy company of the businesses since the aforementioned period of time. NN (Accountancy Service) Ltd at 35 Grafton Way, W1T 5DB London. Tel: 02073889825, nearchos120@yahoo.co.uk)

4- Evidence01: THE MENU "Olive Cafe menu", as send by email from the Olive cafe and physically collected from the restaurant for the advertisement posted by internet company at www.zomato.com/london/olive-cafe-euston/menu (refer to olivemenu.jpeg) shows that the food offer corresponds to a restaurant Use Class A3, as it includes:

- Full English breakfast (bacon, sausage, eggs that needs to be cooked and served in the premises)
- Hot snacks and omelettes (which need to be cooked and consumed in the premises)
- Pasta dishes (that need to be consumed sitting indoor)
- Big variety of hot sandwiches (that needs to be cooked)
- Lunch that includes Moussaka, Lamb doner and grilled halloumi (that require primary cooking and smoke extraction)

Argument 02: PREMISE EQUIPMENT

Prior to the deed of assignment dated 14th May 2013, by which Mr Dimitris Gkatsos buys to Mr Rukiye Dirik the goodwill, custom and connection of the business known as "Olive Cafe", located at the ground floor of 139 Whitfield Street, W1T 5EN London (refer to lease2013Greendoor.pdf), the use of a restaurant and cafe of the "Olive Cafe" was clearly reflected into the content and layout of a restaurant with primary cooking kitchen equipment, smoke extraction system and sitting capacity at the dining area (table and chairs).

Description of the business premises as bought by Mr Dimitris Gkatsos the 14th May 2013:

- Kitchen

The kitchen as it was bought by Mr Dimitris Gkatsos contains the following equipment

o 1 Cooker with four heating plates

- o Electric shaker
- o Full set of cooking cutlery, dishes, chopping boards and knives.
- Smoke extraction

The premise counts with a smoke extraction system that connects two extraction ducts from the kitchen to flue up back of the building.

- Dining area

All the dining area of the premise was and is occupied by 8 tables and 32 chairs for serving and consuming food indoor.

In conclusion,

The equipment of the premise corresponds to a business that operates, as Use Class A3 - Restaurants and Cafes, which covers any use for the sale of food and drink for consumption on the premises.

(Please see attached 140210_Green door_ graphic report.pdf as to illustrate the aforementioned equipment.)

Customer statement 01:

Scott's Travels, travel agency located at 141-143 Whitfield street, W1T 5EW London, next door to the formerly called "Olive Cafe" located at 139 Whitfield Street, state that: "our neighbours next door, Green Door cafe (previously known as "Olive cafe") has been serving myself, staff and clients cooked breakfast and hot snacks such as hips and omelettes for the past 10 years"

(refer to Stateletter_Scott.jpeg)

Customer statement 02:

NN (Accountancy Service) Ltd located at 35 Grafton Way, W1T 5DB London, accountants of the business located at 139 Whitfield Street state that: "I hereby confirm that the premises at 139 Whitfield Street, London, W1T 5EN, currently known as Green Door and previously Olive Cafe has been serving myself and client's hot food and drinks, such as English breakfast, sandwiches and pasta, with primary cooking and consumption in premises as long ago as 2001" (refer to Stateletter_NN.jpeg)

Other reasons:

The business is already part of the character of the street, as it has been operating as a cafe restaurant for more than a decade in between Agra restaurant at 135-137 Whitfield Street and Lord Restaurant at 161 Whitfield Street. The "Green door" provides a good service to the community and contributes to the nicely balance mixture of a low-rise residential area with restaurant and cafes at Whitfield place.

Summation of arguments, evidence and customer statement

Since 1989 when the business was sold under the trading name of Fiona's Cafe to Mr. Nevio Fei and Mr. Sergio Gibeni, the use of the business turned Use Class A3 - Restaurants and Cafes at least as early as 1994, when according to the KITCHEN EQUIPMENT INVOICE , the contain corresponds to a business described as Use Class A3 - Restaurants and Cafes.

In 2002 "Fiona's Café" was renamed as "Olive café", which operated for 11 years as a Use Class A3, according to the following evidence and witnesses:

- THE MENU, evidencing a business with primary cooking premises were food was served and consume sitting indoor
- STATE LETTER of Scott's Travels, travel agency next door states that the business more than a decade the business has operated as a restaurant.
- STATE LETTER of NN (Accountancy Service) Ltd accountants of the business located at 139 Whitfield Street state for more than a decade the business has operated as a restaurant.
- EQUIPMENT. As the business as it was bought by Mr Dimitris Gkatsos in 2013 clearly reflected into the content and layout of a restaurant with primary cooking kitchen equipment, smoke extraction system and the sitting capacity of the dining area.

After exposing the chronological explanation of the use class of the premise and business by means of the evidence listed above, it is considered evident that the business located at the ground floor of 139 Whitfield Street, W1T 5EN London, under different trading names, has been operating as a Use Class A3 restaurant for a period longer than 10 years, and therefore, by means of the lawful development certificate,

The "green door" located at 130 Whitfield Street, London applies in order to retain the existing Use Class A3 - Restaurants and Cafes, which covers any use for the sale of food and drink for consumption on the premises, as described by The Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended)

10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed?

27/03/2002

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought:

Yes No

10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes No

11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent The applicant Other person

12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/ drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date:

21/06/2014

Warning:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.