Planning Statement

Change of Use from A1 Café to A3 Restaurant

Unit 1, The Qube, 101-107 Tottenham Court Road, Fitzrovia, London W1T 4TT

Migeca UK

January 2015

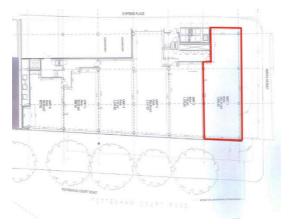


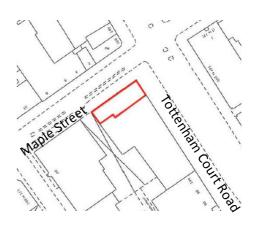
Introduction

- 1.0 This statement has been prepared by Pomery Planning Consultants on behalf of our clients Migeca UK (the applicant). The statement has been written in support of the applicant's application to change the use of the property, Unit 1 101-107 Tottenham Court Road from A1 use to A3 restaurant.
- 1.1 The existing use of the property is as a Café, however to date the previous occupiers Zee Café have operated an A1/A3 use. Whilst this proposal is for a change to A3 use, the amount of actual cooking of hot food is limited, however the proposed operators wish to offer a full table service, rather than a takeaway sandwich type offer.

The Site

2.0 Unit 1, 101-107 Tottenham Court Road is at the corner of Tottenham Court Road and Maple Street, Fitzrovia. The unit is part of a mixed-use development known as The Qube, which was erected in 2007. Unit 1 occupies the corner with Maple Street, having a small frontage onto Tottenham Court Road and a long frontage onto Maple Street. The building has commercial office uses above and the building extends to some 6 storeys.







The Proposal and Operator

3.0 The application is seeking an A3 use of the premises for a coffee and restaurant operator trading as "Ca'puccino", who are a high end Italian café/restaurant business with numerous outlets across Italy and UK outlets at Westfield (Shepherds Bush), Harrods, Terminal 2 Heathrow Airport and in Kings Road and Basil Street, London. The images below are of some of these outlets and they are provided to illustrate the quality of the company's existing premises.



Heathrow Airport



Kings Road, Chelsea

- 3.1 Ca'puccino offers a mixed menu of coffee, pastries and a selection of prepared meals, which are predominantly Italian style sandwich based products such as Panini, but also offer a small selection of pasta dishes and salads. The Breakfast menu offers a range of egg related meals, such as scrambled or boiled and eggs Benedict, which is offered with Italian meats.
- 3.2 Current menus for the London operations are attached to this statement at Appendix One.

 These menus vary for time to time with seasonal alterations, but the offer is much the same.
- 3.3 Previously, these premises were occupied by a café operator who has traded in what appeared to be a mixed A1/A3 use. Originally, the building was approved under a mixed-use consent, reference 2004/1021/P, which included offices and 6 retail A1 units fronting Tottenham Court Road. It is not known whether the previous use operated by Zee Café for Unit 6 obtained a change of use consent form A1 retail to A3 restaurant use as nothing appears on the Council's website. The premises were however used as a restaurant offering hot food on the premises. The photographs below illustrate the previous use, which, it is understood, prevailed without complaint.





3.4 For the avoidance of doubt, the applicant is now seeking to regularise an A3 use to allow full table service and the sale of limited hot food to be eaten on the premises.

Planning Policy

4.0 The key policy contained within the development plan, which will be of most relevance to this proposal, will be Policy DP12 of the Camden Development Policies 2010 - 2015.

POLICY

DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. We will consider:

- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located;
- the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
- the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
- d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
- e) noise and vibration generated either inside or outside of the site;
- f) fumes likely to be generated and the potential for effective and unobtrusive ventilation;
- g) the potential for crime and anti-social behaviour, including littering;

To manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address the following issues:

- h) hours of operation:
- i) noise/vibration, fumes and the siting of plant and machinery;
- j) the storage and disposal of refuse and customer litter;
- k) tables and chairs outside of premises;
- community safety;
- m) the expansion of the customer area into ancillary areas such as basements;
- n) the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2);
- the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding

Contributions to schemes to manage the off-site effects of a development, including for town centre management, will be sought in appropriate cases.

- 4.1 Policy DP12 builds upon Core Strategy Policy CS7 and explains the Council's approach to both retail and food and drink establishments in the Borough. The Policy seeks to ensure that development of food premises do not cause harm to the function, character, vitality and viability of a centre or to the amenity of neighbours. The policy states that proposals for food related uses will be considered having regard to:-
 - The effect of non-retail on development on shopping provision and local character.
 - The cumulative impact of food, drink and entertainment uses.

- The effect on residential uses.
- Noise and vibration.
- · Fumes and appearance of ventilation uses.
- 4.2 In addition to the development plan, policy the Council has a number of other policy documents or SPDs, which provide further guidance on the main considerations of retail, food and drink development. These are examined below.

The Fitzrovia Action Area Plan

4.3 The plan recognises that food and drink establishments can contribute positively to the viability and vitality of mixed-use area. In addition, it is important to note that the APP advises:-

"The Central London Frontage on Tottenham Court Road and New Oxford Street is considered to offer some potential for new food, drink and entertainment uses, subject to compliance with all relevant development plan policy criteria".

4.4 Camden Planning Guidance CP5 Town Centres, Retail & Employment

The document sets out guidance in relation to the application of planning policies for retail, food and drink development and provides a range of information that is tailored to the particular town centre locations. The application site falls within the Central London Area, where specific policy advice in relation to the Central London Area is excluded from this document. Paragraph 3.2 of the document states:-

"If your application is in Camden's Central London Area please refer to our Revised Planning Guidance for Central London: Food, Drink and Entertainment, Specialist and Retail Uses, 2007.

4.5 Revised Planning Guidance for Central London Food Drink and Entertainment, Specialist and Retail Uses, (Oct 2007)

The document provides detailed guidance in respect of each of the six areas covered

within the Central London Area. The application site falls within Fitzrovia, and in relation to development involving food and drink proposals, the guidance advises:-

"The general trends relating to food, drink, and entertainment uses in the Central London Area as described in Section 6 and the proximity of Fitzrovia to the West End suggests that there could be pressure for additional food, drink, and entertainment uses here. To control the impact of food, drink, and entertainment uses, Commercial Frontages have been identified as shown on Map 7. There are significant amounts of residential development on the upper floors of many of these frontages. In these Commercial Frontages, planning permission for development of food, drink and entertainment uses may be granted normally to a maximum of 25% of total units in each Commercial Frontage (refer to UDP policies R3, R7 and B7, and Appendix C for calculation of the percentage of uses in Commercial Frontages). This is subject to assessment of the impacts of proposals (see Appendix D)."

4.6 The application site is not located on a Commercial Frontage, as defined by the document, but it is located on a Central London Frontage, which has separate policy guidance for the control of uses in this location. In relation to food and drink proposals in the Tottenham Court Road, Central London Frontage the document advises:-

"Additional food, drink and entertainment uses may be appropriate in this area provided they do not result in a harmful concentration. However to protect the main area of retail uses, planning permission will not be granted for development that results in normally more than 25% of shop units in each individual frontage shown on Map 16 being in food, drink and entertainment uses. This allows for some flexibility for limited growth of food, drink and entertainment uses. Along with these frontage controls, the Council will also seek to ensure that no potentially harmful concentrations of food, drink and entertainment uses occur in each frontage or adjacent frontages. In assessing applications in these locations, the Council will take into account the number of food, drink and entertainment uses in adjacent and opposite premises. To avoid the creation of clusters of food, drink and entertainment uses that could create a harmful impact, planning permission will not be granted for development which results in more than two of these uses being located consecutively in a frontage."

Material Planning Considerations

- 5.0 A key material planning consideration in the determination of this type of proposal is the changes that took place to the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 (GPDO), which came into force on the 30th May 2013.
- 5.1 The changes to the Order in particular Class D, mean that development consisting of the material change of use of a building (up to 150m²) to a flexible use falling within Class A1, A2, A3 or B1, D1 or D2, use, is now permitted development for up to 2 years.
- 5.2 This change in national regulation means that policy consideration of change of use applications to A3 uses, must have regard to the fact that such development is now permitted, on at least a temporary basis. All the policy documents referred to above predate the changes to the (GPDO). These policies therefore, do not have regard to the fact that control on such uses has materially altered. For example, the firm application of a frontage policy requiring 75% retail uses in frontages, can no longer have the same weight, as the planning authority can no longer exercise its control over such uses. This substantial change to the regulation of town centre uses is of course a material consideration in any decision. In this case, the applicant is satisfied that the proposal will in fact be fully compliant with extant policy requirements relating to the protection of retail uses. However, even so, the weight that can now be given to such a policy has to be carefully considered alongside all other material planning considerations.
- 5.3 Whilst this proposal seeks an A3 restaurant use, the type of use proposed in this case, does not involve primary cooking activity. As such, the kitchen equipment does not require external extraction/ventilation. The details of the equipment to be installed have been submitted with the planning application. They include a Britannia Ventless recirculation unit, indication hob and wall mounted cooker/grill. No griddles or deep fryers are required. The menu will require the hob for warming and pasta cooking.
- 5.4 The applicant is content to accept planning conditions that would prevent deep frying, and the cooking of certain food items such as burgers, fish and chips etc.
- 5.5 The ventless hood will not require external venting and thus no nuisance from odour and noise will result.

5.7 In relation to the general impact on the area, and the considerations of policy criteria, the proposal is considered compliant. There are few A3 uses in this local area and thus no prospect of an unwelcome cumulative concentration of A3 uses. The section of frontage on to Tottenham Court Road on which this unit is located comprises nine shop units in total across the block. Of the nine retail units, there is currently one other A3 restaurant. Applying the formula set out in the various policy guidance documents, which requires 75% of the frontage in this location to be in A1 retail use, an approval will result in this particular frontage having a retail frontage of 77.8%, thus, there would be no conflict with policy. The calculation is expressed as: -

Total number of Units in frontage = 9, of which 7 are in A1 retail use and is 1, is in A3 use, plus the proposed A3 use, thus $2 \div 9 \times 100 = 22.2\%$ in A3 use and therefore 77.8% of the frontage remains in A1 retail use.

(Note. Some of the uses in the frontage are food related outlets, however they are sandwich bar type uses, which qualify as A1 retail. The policy documents specifically advise that the status of the uses are to be as lawful uses or uses with planning permission.)

In relation to neighbouring residential amenity, the use proposed requires no external extract equipment and therefore there will be no change to the plant requirements and no change to the noise levels presently experienced. There are no residential uses directly above the property and there are few residential occupiers in close proximity to the site. The previous use was very similar to that proposed, although that may not have been regularised, it is understood that no complaints have materialised.

- 5.8 The proposed use of the unit as a high quality restaurant is considered to compliment the existing mixed-use character of this location. It will also meet the recognised lack of full A3 uses in the Tottenham Court Road Frontage, as identified in the Fitzrovia AAP.
- 5.9 Overall, this proposal is considered compatible with the location and with planting policy thereby being unlikely to impact on retail provision, residential amenity or any other interest of acknowledged importance.



to start		
Olive marinate Marinated black Taggiasche olives DOP and green Nocellara Del Belice olives DOP	£	3,50
Selezione di pane A selection of our artisan Ligurian focaccia breads, including classic, cherry tomato and green olive	£	3,50
Insalata di fagioli e tonno Tuscan white bean salad with spring onions, tomatoes and line caught tuna with an olive oil, lemon and honey dressing	£	4,95
Insalata tricolore Salad of buffalo mozzarella, vine ripened cherry tomatoes and avocado	£	5,95
Bruschetta Toasted ciabatta drizzled with extra virgin olive oil, with a sprinkling of black salt and fresh basil, with your choice of: - roasted cherry tomatoes, grilled courgettes and goat's cheese	£	5,95
- 16 month aged Prosciutto di Parma DOP and cherry tomatoes Minestrone Genovese Traditional minestrone soup with	£	6,95 6,50
seasonal vegetables, fresh pesto Genovese and Ligurian focaccia	2	0,00
to follow		
Authentic Italian breads		
Piadina al Parma DOP Traditional Italian flatbread filled with 16 month aged Prosciutto di Parma DOP, buffalo mozzarella and baby leaf salad with a fresh basil dressing	£	7,95
Foccacia di Recco Traditional focaccia from the city of Recco, thin, delicate and crispy, filled with soft crescenza cheese and baked lightly		
in the oven. With your choice of: - grilled courgettes and fresh pesto Genovese thinks cloud Birden and holes began began been perfectly the second beautiful to the secon	£	8,95
- thinly sliced Piedmont baked ham - 16 month aged Prosciutto di Parma DOP	£	9,25 9,50
Focaccia con pollo e avocado Grilled chicken breast, avocado, vine ripened tomato, spring onion garlic mayonnaise and baby leaf salad on lightly toasted focaccia. Seasoned with black salt flakes	£	9,95
Signature dishes		
Frittata A three egg frittata made to order. Select from Piedmont baked ham and Fontina cheese with fresh chopped herbs or oven roasted vegetables and seasoned vine tomatoes	£	6,95
Uova in camicia Two poached eggs with homemade hollandaise sauce on toasted Ligurian focaccia. With your choice of:		
- lightly steamed spinach - thinly sliced Piedmont baked ham	£	,
- organic smoked salmon Burrata delle Murge Burrata is a fresh creamy cheese from the Puglia region made traditionally with mozzarella and cream. It has delicate texture with a soft centre. We serve it simply with a salad of mixed cherry tomatoes, fresh basil, extra virgin olive oil and aged balsamic vinegar	£	8,95 9,95
Pasta		
Bucatini al pomodoro Thick spaghetti with our classic tomato sauce and fresh basil	£	7,50
Trofie al pesto Trofie pasta with fresh basil pesto Genovese, toasted pine kernels and shaved Parmesan	£	8,25
Ravioli del Plin Typical small ravioli filled with minced beef, pork and herbs, tossed in a little butter and fresh sage	£	8,95
Fettuccine alla carbonara Fresh egg pasta with guanciale ham, cream, egg and fresh herbs	£	9,50
Linguine con gamberi Linguine with tiger prawns, fresh asparagus, garlic, white wine, chopped parsley and lemon	£	10,95
Salads Insalata di bufala Salad of mozzarella di bufala campana DOP, oven roasted cherry tomatoes, Taggiasche olives DOP, peppers and fresh	£	8,95
Insalata di prosciutto e caprino Salad of Piedmont baked ham, goat's cheese, fresh red currants, dried apples and Italian honey on balsamic dressed baby leaves	£	9,50
Insalata di pollo e avocado Salad of grilled chicken breast and sliced avocado on balsamic dressed baby gem lettuce hearts with fresh chervil, tarragon, parsley and shaved Parmesan	£	10,50
Insalata di tonno Salad of mixed baby leaves, pink tuna fillet in olive oil with hard boiled egg, crunchy green beans, Taggiasche black olives DOP and sweet cherry tomatoes	£	10,95
to accompany _		
Insalata di radicchio Balsamic dressed baby leaf salad with cherry tomatoes, thinly sliced radicchio and Taggiasche black olives DOP	£	3,50
Insalata di rucola e parmigiano Balsamic dressed rocket	£	3,50
Insalata di pomodoro e cipolla A salad of mixed cherry tomatoes with shallots, fresh herbs, extra virgin olive oil and black salt flakes	£	3,50
Polenta croccante Our signature handcut polenta chips with fresh rosemary and sea salt	£	3,95
Crocchette di patate Crispy Italian potato croquettes with fresh basil and sea salt	£	3,95

Classic panini

Our selection of panini, all made with premium Italian ingredients

Alessandria

Piedmont baked ham and Fontina cheese on Ligurian focaccia

£ 5,50

Napoli

Buffalo mozzarella, vine ripened tomatoes and fresh basil on basil ciabatta 🕖

£ 5,95

Udine

Organic smoked salmon, Italian soft cheese, fresh dill and baby leaf salad on ciabatta

£ 6,50

Genova

Grilled chicken breast, vine ripened tomatoes, baby gem lettuce and traditional pesto Genovese on ciabatta

£ 6,50

Trapani

Pink tuna fillet, hard boiled egg, spring onion mayonnaise and baby leaf salad

£ 6,50

Parm

16 month aged Prosciutto di Parma DOP, buffalo mozzarella, vine ripened tomatoes and fresh basil on ciabatta

£ 6,50

Classic panini are served with black Taggiasche olives DOP and green Nocellara Del Belice DOP olives.

Desserts at any time of day!

Please take a look at our counters for a full selection of our pastries and desserts

Dolce del giorno

Please ask your server for the dessert of the day

£ 4,95

Cremoso agli agrumi

Lemon marinated sponge with a light lemon mousse, topped with fruit filled jelly

£ 4,95

Tiramisù

Choose from the classic, with coffee marinated sponge, mascarpone cream and chocolate dusting, or our own signature strawberry version

£ 4,95

Torta Caprese al limone

Rich lemon sponge cake from the island of Capri, served with seasonal fruit and softly whipped cream

£ 5,50

Passione di pesca e mandorle

Layers of peach and almond mousse topped with a delicate peach jelly

£ 5,50

Torta pralinata

Milk chocolate praline mousse torte with seasonal fruit and softly whipped cream

£ 5,50

Crostatina alle mele

Warm apple and almond tart with vanilla ice cream and a jug of warm chocolate sauce

£ 5,75

Tortina di cioccolate e pere

Dark chocolate and pear brownie with a scoop of vanilla ice cream and a jug of warm chocolate sauce

£ 5,75

You can join us at any time of day!

All day menu from 9am | Breakfast until 12pm | Afternoon tea from 3pm | Aperitivo from 3pm | Children's menu all day
Please ask your server if you would like to take a look at any of our other menus



Good to know! Our unique house blend is 100% Arabica originating from Brazil, Colombia and India combining a perfect blend of acidity, body, taste and aromas. We roast our coffee beans using the Venetian method, roasting the beans from each region separately and then combining once cold.

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Classic coffees	single shot	double shot
Espresso	£ 2,10	£ 2,30
Espresso macchiato	£ 2,10	£ 2,30
Marocchino	£ 2,20	£ 2,40
Cappuccino	£ 2,70	£ 3,00
Latte	£ 2,70	£ 3,00
Caffè Americano		£ 2,75
Filter Coffee Individually made to order using organic 100% Arabica single of beans from the El Guaba Estate in the northern highlands of Per		£ 2,75
Napoletana (coffee pot) This coffee is made using a traditional brewing method from Naj the water boils, the entire three-part coffee maker is flipped over water to filter through the ground coffee beans, which gives a str balanced coffee. Made to order, allow 10 minutes to brew.	to allow the	£ 3,50
Moka (coffee pot)		£ 3,50

This coffee is made using a traditional Moka pot. The coffee is produced by passing hot pressurised steam through the ground coffee to emulate the strong and intense flavours of espresso. Made to order, allow 10 minutes to brew.

Enjoy the exceptional Napoletana and Moka coffees with complimentary cantuccini biscotti and a glass of still or sparkling mineral water.

House coffees

Caffè Bicerin da Torino Espresso, dark hot chocolate and steamed milk	£ 3,50
Caffè del Professore da Napoli Espresso and hazelenut cream with a whipped cream top	£ 3,50
Caffè al Tiramisù Espresso with a whipped tiramisu cream top and a Savoiardi biscuit	£ 3,50
Caffè al Cioccolato Espresso and hot chocolate with a whipped cream top	£ 3,50
Caffè alla Nocciola Espresso and hazelnut cream with a whipped cream top	£ 3,50
Caffè all'Amaretto di Saronno Espresso Amaretto di Saronno, with a coffee cream top (contains alcohol)	£ 3,50

Speciality iced coffees

Good to know! All our iced coffees are made with organic coffee beans from the northern highlands of Peru. They are filtered and brewed with iced mineral water over an 8 hour process to achieve a uniquely smooth flavour.

Iced coffee Cold brew coffee and mineral water poured over ice	£ 3,25
Iced latte Cold brew coffee and milk poured over ice	£ 3,50
Vanilla iced latte Cold brew coffee and milk poured over ice, topped with vanilla whipped cream	£ 3,75
The classic shakerato Espresso shaken with ice and Amaretto di Saronno (contains alcohol)	£ 3,95

Speciality tea

Pots of loose leaf tea £ 3,25 All our tea is loose leaf, handpicked and selected in Italy Select from: English breakfast · Imperial Earl Grey · Darjeeling · special gunpowder · mint · flowery orange pekoe · camomile · blood orange · wild berries · rooibos · apple and lemon

Pots of flowering tea £ 4,20 Our flowering green teas open slowly as they brew releasing their delicate flavours Select from: jasmine flowers · amaranth and lily flowers · lightly scented Italian spring flowers

Iced tea and infusions £ 4,20 Our iced tea is brewed to order and poured over ice Select from: $mint \cdot lemon \cdot peach \cdot orange \cdot$ sweet roses infusion · exotic fruit infusion

Fresh juices

All our juices are freshly pressed or squeezed to order

Sicilian orange	£ 4,50
Green apple	£ 4,50
Peach, raspberry and pear	£ 4,75
Blueberry, kiwi and green apple	£ 4,75
Blueberry, pear and Sicilian orange	£ 4.75

Milkshakes

Our indulgent milkshakes are freshly whipped to perfection, blending milk with three scoops of homemade ice cream

Chocolate	£ 4,75
Vanilla	£ 4,75
Strawberry	£ 4,75

Soft drinks and beer

Acqua Panna (still water) 500ml	£ 2,50
Acqua Sanpellegrino (sparkling water) 500ml	£ 2,50
Coca Cola and Diet Coke (bottle) 330ml	£ 2,70
Limonata d'Amalfi Our homemade Italian lemonade with Amalfi lemons and a hint of fresh basil	£ 2,70
Aranciata di Sicilia Our homemade Italian aranciata with Sicilian oranges and a hint of fresh mint	£ 2,70
Peroni Nastro Azzurro 330ml	£ 4,00

Hot chocolate

Classic hot chocolate

Classic whipped hot chocolate made the Italian way with or without cream

£ 3,50

Hazelnut hot chocolate

Our signature whipped hazelnut hot chocolate with or without cream

£ 3,75

House hot chocolate

£ 4,00

Birra Morreti 330ml

Whipped hazelnut hot chocolate topped with hazelnut cream and roasted hazelnuts £ 3,95

Italian wines

	175 ml	750 ml
Lambrusco Amabile Cantine Ceci A perfumed, sweet sparkling ruby red wine. Obtained from the finest Lambrusco grapes of the Emilia region (red)	£ 4,00	£ 15,00
Rosato DOC Bolgheri Tenuta Argentiera Well-balanced fragrances of red berries with hints of wild roses (rosè)	£ 5,50	£ 20,00
Rosso DOC Bolgheri Tenuta Argentiera Intense and fresh with flowery aromas of violets and balsamic combined with cherry, plum and blackberry (red)	£ 5,50	£ 20,00
Villa Sparina Gavi di Gavi Fragrance of flowers and fruit with hints of peach (white)	£ 5,95	£ 23,00
Villa Sparina Barbera Delicate nose, wide and deep with a note of black cherry, mint, pepper and vanilla (red)	£ 5,95	£ 23,00
Our wines are also available in 125ml glasses upon request.	125 ml	750 ml
Prosecco DOC Treviso Very fine and pleasant bubbles with generous notes of delicate fruit (sparkling)	£ 4,50	£ 18,00
Villa Sparina Brut Fine, delicate, fragrant and fresh to taste (sparkling)	£ 6,95	£ 32,00
Franciacorta Cuvèe Prestige Ca' del Bosco Classic, balanced, fresh and pleasantly acidic (sparkling)	£ 7,50	£ 39,00

ca_puccino

www.ca-puccino.com